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Rescinding Rancière: An Investigation Into the Conservative Tendencies of a Leading Proponent of Radical Democracy, and a Reconstruction of the Participatory Democracy of Ancient Athens

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RESCINDING RANCIÈRE: AN INVESTIGATION INTO THE CONSERVATIVE TENDENCIES OF A LEADING PROPONENT OF RADICAL DEMOCRACY, AND A RECONSTRUCTION OF THE PARTICIPATORY DEMOCRACY OF ANCIENT ATHENS.

by

Tyler J Olsen

A master’s thesis submitted to the Graduate Faculty in Political Science in partial fulfillment of the requirements for the degree of Master of Arts, The City University of New York

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Tyler J Olsen

This manuscript has been read and accepted for the Graduate Faculty in Political Science in satisfaction of the thesis requirement for the degree of Master of Arts.

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Rescinding Rancière: an investigation into the conservative tendencies
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This thesis advances a critique of the political theory of Jacques Rancière, focusing on the
problems that arise as a result of its rigid form combined with its narrow content. I argue that
Rancière gets caught in a practice of immanent critique that merely presupposes bourgeois
abstract right; and that his ontological and pragmatic commitments prohibit him from projecting
a norm that would transcend the liberal order. I trace these ontological and pragmatic
commitments in detail by examining the intellectual milieu from which Rancière’s project
emerged, the post-foundational political philosophy of the 1980s, with particular attention given
to Claude Lefort. After demonstrating Rancière’s debt to that movement, I argue that he
transforms certain ontological presuppositions of the post-foundational perspective in ways that
are politically demobilizing. Specifically, he transforms the typical post-foundationalist thesis
that society is necessarily riven by conflict. Rather than focusing on the conflict as such, and
imagining how we could construct new political institutions (participatory or otherwise) that
would favor the oppressed and downtrodden, I argue that Rancière abstracts two principals away from the conflict and posits them as universal structures of any possible society. For Rancière, there is the principal of the strong (inequality, oligarchy), which animates every possible “police order.” There is also the principal of the weak (equality, emancipation), which is the pragmatic presupposition of every political action. Political actions are only those actions that presuppose equality and disrupt the inequality of the social order. The possibility that we might construct a society that is predominantly animated by equality is ruled out in advance by Rancière, stunting his perception of history and vastly constricting his emancipatory imagination. By hypostatizing the universality of the reign of oligarchy with his thesis of the necessity of (material/social) inequality, he occludes from view political and social institutions from both the past and the present that are not animated by an oligarchic impulse (e.g. the Athenian democracy, the democratic confederalism of contemporary Rojava, practices of municipal participatory budgeting, and radical agrarian reform achieved by movements for Food Sovereignty such as the Landless Rural Workers Movement in Brazil). On the other hand, by hypostatizing the universality of (immaterial/intellectual) equality, he occludes the processes through which persons in disadvantages positions are able to slowly build their capacities for achieving political equality. I argue that this dual hypostatization of both inequality and equality has politically demobilizing effects on Rancière’s readership. I offer a defense and reconstruction of one portion of Rancière’s theory, his conception of “singularity,” which I believe to be an important tool for understanding how political transformation occurs. After reconstructing his notion of singularity through an engagement with the phenomenological theory of “play” offered by Eugen Fink, I conclude this work with a critique of Rancière’s representation of the Athenian democracy. Drawing on the work of Cornelius Castoriadis, Josiah Ober, and Martin Oswald, I offer my own
representation of the Athenian democracy with a focus on the transformations of both political institutions and egalitarian norms. My goal is to encourage political action in the present that aims to move beyond liberal equality and to construct participatory institutions of radical democracy.
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Introduction

Jacques Rancière’s political thought offers a view of democratic politics that focuses on singular instances of disruptive-dissensual actions in which political actors: (1) presuppose the notion of universal equality; (2) disidentify from some particular identity category through which they are perceived; and (3) thereby effect a transformation of social reality through which they access a more privileged status (e.g. citizenship). Appealing to particular juridical inscriptions of “universal” equality in the founding documents of nation-states, such actors are able to bring the inequality of their situation into relief against the equality that they presuppose, thereby “staging the double relation of exclusion and inclusion” and demonstrating the dual signification of their status as equal under the law but unequal in fact (Rancière, 2014: 61). Such a demonstration — referred to by Rancière as dissensus, disagreement, politics, or democracy — can serve as a powerful vehicle for social change. This view of politics — which Rancière contrasts with what he refers to as “the police” — has become remarkably influential in a variety of scholarly contexts and has invigorated theorization of various political actions. From the Arab Spring,¹ the Zapatista movement,² and the Gezi Park uprising,³ to Black Lives Matter,⁴ Occupy Wall Street,⁵ queer politics,⁶ and the struggles of undocumented immigrants⁷ — to name just a few instances — Rancière’s categories of analysis have been deployed to theorize a variety of forms of political action. But there are certain problems with his categories of analysis that I hope to make clear.

² Todd May (2010).
³ Gözde Cöbek (2016).
First, what Rancière means by universal equality is ambiguous. Sometimes he refers to the universal equality of intelligence, a phrase he borrows from Joseph Jacotot, which refers to the ahistorical structure of human language: all humans possess language and are equal in the way that they comprehend meaning through hermeneutically appropriating the significance of arbitrary signs. At other times he refers to the contingently instituted inscriptions of equality in the founding texts of modern nation-states: in principle, citizens universally possess equal political rights. He tends towards the former (ahistorical universal structure) when articulating his theoretical form, most notably through his use/abuse of ancient exemplars. He tends towards the latter (historically constituted universal) when filling in the structure of his theoretical scaffolding with the empirical content of contemporary instances of politics, all of which seem to presuppose the form of equality that is contingently inscribed in the founding texts of modern nation-states.

Rancière’s notion of an ahistorical equality inherent in the very structure of human language is derived from his encounter with the texts of certain figures of the European Enlightenment and anachronistically imposed upon his representation of Athens and Rome. When representing the plebeians in *Disagreement* (1999), Rancière does not examine the extant record of the historical struggle between the plebeians and patricians (a struggle that lasted centuries and involved the ongoing construction of new institutions of governance through which the plebeians achieved a formal institutional place that was fixed in the political order). Instead, Rancière offers up Pierre-Simon Ballanche’s “rewriting of the tale told by Livy” (Rancière, 1999: 23). This “rewriting” was published in 1829 under the heading of a “General formula of the history of all peoples applied to the history of the Roman people” (ibid, italics added). Mimicking Ballanche and his “general formula,” Rancière establishes his own universal theory, and then applies it to ancient Athens, to ancient Rome, and to modern instances of political action. But these two
moments — the construction of a universal theory, followed by its application to particular cases — are occluded from view by the style of “rewriting” history that Rancière adopts from Ballanche. Indeed, the application of the theory to the particular case and the elaboration of the theory in general occur simultaneously in the rewriting of particular histories, lending a sense of deep historical sensitivity to a theory that is anything but.

This method asserts an astonishing uniformity in the form of political action from ancient Athens to the present. As Rancière puts it: “What makes an action political is not its object or the place where it is carried out, but solely its form” (Rancière, 1999: 32). This formalism inevitably leads to distortions of the empirical content examined, which is made to conform to the theoretical form that has been posited as an ahistorical universal. At least two negative effects follow. First, and most obviously, Rancière’s theoretical framework necessarily ignores the vast diversity of forms of protest, structures of governance, ways of life, and discourses of equality that have contributed to the myriad instances in which political action has successfully transformed the material conditions of human coexistence throughout history. Specifically, Rancière completely excludes the work of institutional transformation from the scope of his inquiry; and in fact positively denigrates such work as necessarily subject to the inegalitarian logic of the police order. Secondly, and perhaps more perniciously, given the fact that Rancière’s account of political action is cast in ahistorical terms, at the level of form it is rendered incredibly rigid; when this rigid form is filled in with empirical instances of politics that are overwhelmingly represented as mere appeals to the abstract right of the bourgeois state, that empirical content is itself hypostatized as a necessary, ahistorical universal, eliminating from view a path through which political action might transform the liberal world order in the direction of a more egalitarian configuration.
This framework traps Rancière and his acolytes within a form of immanent critique that presupposes bourgeois abstract right and merely seeks to extend its unmodified logic to places and relations that have not yet been touched by its wholesome goodness. By immanent critique, I simply mean the activity of criticizing empirical reality from the perspective of the dominant norms present in that reality, wherein the gap between the promises of the norm and the shortcomings of reality are highlighted. In this case, the notion of “universal” equality — as codified in particular forms in the founding texts and the juridical institutions of modern states — is taken as the concept that is marshaled in a critique of material conditions. The gap between the formal promises of equality and the concrete conditions that contradict those promises is thematized in the effort to ameliorate the violations of the formal equality guaranteed by law. This is certainly an effective form of political action that has achieved many important victories for all manner of political actors. Nonetheless, the rigidity of Rancière’s theoretical framework and the narrowness of its content prevent him from perceiving or imagining political action that would transform both the prevailing political institutions and the notion of equality that would subsequently be presupposed in practices of immanent critique. I aim to make this shortcoming in Rancière’s political theory quite visible, and to articulate a theoretical account of political action that assists in the task of perceiving and of imagining diverse forms of political action that are able to positively transform the concept of equality as it is constituted in founding texts, juridical institutions, and practices of governance.

I take my cue from Rancière’s paradigmatic instances of politics laid out in the opening pages of *Disagreement*. Both the demos of Athens and the plebeians of Rome transformed the ancient institutions of governance along more inclusive, participatory lines.\(^8\) In Athens, a variety

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\(^8\) Both the Athenian demos and the Roman plebeians — constituting major contingents of the military force of their societies — possessed a credible threat of violence against the dominant elites. As highlighted by Gündoğdu (2017),
of conceptions of equality came to be enacted concretely in specific institutions of government that prevented the oligarchs from imposing their will for 180 years (with two brief interruptions that were vigorously and successfully repelled by democratic action), thereby establishing the political freedom of the peasant-citizen for the first time in Athenian life. Political action that takes its cue from the Athenians would go much further than merely presupposing the prevailing form of equality in a given society. Indeed, such political action would positively transform both the meaning of equality and the formal mechanisms of authority through which that equality is given concrete institutional form. Nonetheless, while Rancière excludes discussion of such transformations in his treatment of both Athens and Rome, he is happy to use these cases as exemplary instances of political action in the construction of his theory. When the demos and the plebeians took their fateful political actions, the lasting achievement in each case was a transformation of the everyday functioning of governance along more democratic lines; and in both cases, this institutional transformation was an ongoing process. These institutional achievements are hidden from view in Rancière’s account.

Moreover, Rancière exhibits uninhibitedly contempt towards any speculation as to how contemporary institutions of governance might be reformed along more participatory lines. For instance, he describes participatory democratic theory as a “mongrel idea” caught in the tension between reform and revolution — an idea that assigns “to enduring democracy, as its site of exercise, the mere filling of spaces left empty by power” (Rancière, 1995: 60). Against this
“mongrel idea” of “enduring democracy,” Rancière suggests that the real “permanence” of democracy lies in its “mobility, its capacity to shift the sites and forms of participation” (1995: 60). That is to say, democracy is only permanent insofar as it is not permanent, insofar as it is not hemmed in by institutional forms that fix it to a place, a role, and a mode of practice.

But such institutionalization of democracy in the police order is precisely what was achieved in his paradigmatic instances of politics in Athens and Rome. Theorists and practitioners of participatory democracy rightly look to these ancient exemplars for inspiration in the imagining and construction of new political institutions. But given Rancière’s nomenclature, this “mongrel idea” of participatory democracy would merely refer to a better police order, one that seeks to fix some forms and sites of democratic participation. Thus Rancière dismisses the idea with the contemptuous tone that he misattributes to Hannah Arendt in another essay. Any talk of positively transforming the institutions of governance is discounted from the outset as mere policing. But why should we let differences in word choice block an entire field of research from view? Call it a mongrel idea, call it the police, call it whatever you like; just because it does not count as what Rancière refers to as “politics” does not mean that we should so disdainfully dismiss such alternative institutional possibilities out of hand. Participatory democratic theory, participatory economics, participatory budgeting, practices of worker self-management, alternative forms

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9 In his essay “Who is the Subject of the Rights of Man?” Rancière misidentifies Hannah Arendt’s irony as contempt: “The statement that ‘nobody wants to oppress them [stateless persons]’, its plainly contemptuous tone, is quite extraordinary. It is as if these people were guilty of not even being able to be oppressed, not even worthy of oppression” (Rancière, 2010: 72). Rancière here projects his general contempt for political theorists other than himself onto Hannah Arendt.


of property law and resource management,\textsuperscript{14} institutions of democratic confederalism,\textsuperscript{15} and movements for food sovereignty and agrarian reform\textsuperscript{16} are possible ways of thinking about transforming the form of equality as it is embodied in institutional structures and everyday practices of governance (or “policing”, if you prefer). There are myriad other possibilities that are not mentioned here. But a true adherent to Rancière’s theoretical framework would refuse to consider such institutional possibilities. Once you start talking about institutions, you are already talking about police, which is identified as necessarily oligarchical. For Rancière, the question of institutions is off the table.

Consider his discussion of an 1833 strike by the tailors of Paris. One component of the strike was the creation of a workshop that was managed by the workers themselves. But, according to Rancière, this should be taken “less as a germ of some ‘workers’ power’ to come than as an extension of the republican principle to a realm still foreign to it, namely the workshop. Perhaps after all there is no need for the workers to own their own factory and run it themselves in order to be equal. Perhaps it is enough for them to show, when appropriate, that they can do so” (Rancière, 1995: 49). Rancière goes on to insist that this instance of worker self-management should be seen merely as a temporary demonstration of a “capacity” rather than as the foundation of some sort of “counterpower susceptible of governing a future society” (ibid). While Rancière exhibits a suspicion towards the possibility of the institutionalization of worker self-management and worker ownership of the workplace, he displays an admiration for the prospect of an untransformed “republican principle” being extended to a new realm. In his identification of governance with the

\textsuperscript{14} Carol Gould (1980).
(in his view) necessarily oligarchical structure of society, even worker self-governance is seen as a dangerous possibility, as something that might be “susceptible” of establishing a new form of society. Better to stick with good old liberalism. At least then we know what to expect.

This theoretical reification of liberalism and the constriction of political practice to Rancière’s brand of immanent critique is translated concretely in political life as a kind of fatalism wherein political actors, insofar as they presuppose Rancière’s understanding of politics, succumb to a belief that liberal democracy cannot be radically transformed. As Rancière himself says of the emancipated person in *The Ignorant Schoolmaster*: “He knows what he can expect of the social order [i.e. inequality and oligarchy] and will not make a big to-do about it” (1991: 109). The emancipated person is the lucky fellow able to “scrupulously obey superiors that he knows are his equal” (ibid). For Rancière it seems to be enough that the oppressed know they are equal in intelligence to their oppressors; then they can happily obey. These comments appear in a section of text where Rancière argues that it is impossible to institutionalize the pedagogical method of Joseph Jacotot (a method that was in fact concretely practiced by Jacotot and his followers in their classrooms, and thus already institutionalized on a small scale).17 The practical presupposition of their pedagogical method — the universal equality of intelligence of all human beings — serves as the foundation of Rancière’s entire theoretical edifice. Though, Rancière insists that neither Jacotot’s method nor its practical presupposition are capable of being instituted.18 That is to say, Rancière asserts the necessity of the universal equality of intelligence, but also asserts that this equality is necessarily immaterial, that it cannot be embodied in durable institutions of education.

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17 For a detailed look at Jacotot’s method as it was practiced during the 19th century at various educational institutions across Europe, see John Tourrier’s *Intellectual Emancipation: A Treatise on Jacotot’s Method of Universal Instruction* (1830 [reprinted by Scholar’s Choice Publisher in 2015]).

18 See the final chapter of *The Ignorant Schoolmaster*, titled “The Emancipator and his Monkey” (Rancière 1991: 101-139).
or of governance. Accompanied by this conviction is Rancière’s steadfast refusal to consider institutional innovations that would move beyond the structures of liberal democracy and global capitalism, his derisive attitude toward any theorists who speak about the concrete possibilities of institutional transformation, and his insistence that all forms of governance are necessarily dominated by an inegalitarian impulse. Rancière’s faith in the necessary status of oligarchy and the necessarily immaterial status of equality do not inspire political action. To the contrary, they inspire fatalism and encourage a kind of surrender to the status quo. To the extent that Rancière’s conceptual distinctions are gaining wide purchase across academic disciplines, the emancipatory imagination is being considerably hemmed in within those fields of inquiry. Rancière’s followers, after all, know what to expect from the police order, and they “will not make a big to-do about it” (1991: 109).

In Chapter One I lay out the basic arc of Rancière’s political theory as it appears in Disagreement and Ten Theses on Politics. Withholding my critical evaluation of Rancière’s theory, I aim to accurately represent his notion of politics as the disruptive action of the part of those who have no part and to accurately reconstruct his notion of “the police” or “the police order.” ¹⁹ I develop an articulation of the police order in two analytically distinct moments: (1) the symbolically constituted web of significance that occurs as a result of the unique habits, practices, discourses, norms, and unconscious background assumptions of any given society; and (2) the institutional distribution of roles, functions, and modes of participation in the formal mechanisms of government, economy, and society. In reality, these two moments of the police order co-constitute each other and are only separable analytically. Perhaps in an effort to represent this situation, Rancière tends to collapse these moments into each other. However, by analytically

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¹⁹ Rancière uses these two terms interchangeably. See pp 28-40 of Disagreement (1999).
distinguishing between them, I believe that we are able to better understand the paradigmatic political experience of the Athenians, to which I will turn in the concluding chapter.

In Chapter Two I turn to an examination of the intellectual milieu within which Rancière’s work emerged — the post-foundational political philosophy of the 1980s — with an eye towards elaborating the common suppositions of this movement that made an appearance in Rancière’s work. Drawing on French post-structuralist philosophy, the thinkers described as post-foundational generally claim that in any given society there will necessarily be some contingently instituted foundational myth, fiction, or otherwise poetic ground that lends a sense of legitimacy to the necessarily contingent authority structure. Although that authority structure may appear as natural, necessary, or eternal to those residing within the society, and despite the fact that the contingent foundation functions as the universal legitimating horizon of social practices in a given society, *it is always a contingently instituted achievement that is subject to transformation.* Thus, the post-foundational position posits the necessary status of a necessarily contingent ground. Different theorists use different words to indicate this necessarily contingent ground: some use the term “the political” (Lefort, 1988); others refer to the “social imaginary” (Castoriadis, 1987); in *Disagreement* (1999) Rancière uses the term “the police” or “the police order.” The second common supposition of post-foundational theory that I explore is the notion that every society is necessarily marked by a foundational antagonism, conflict, or fissure. Although each theorist puts their own spin on this, the notion that there is no society that is unitary, that every society is riven with conflict, is a second supposition that Rancière takes up from the post-foundational perspective.

Perhaps at the center of the post-foundational movement in political philosophy is Claude Lefort. After providing a rough outline of the movement as a whole, I turn to a representation of
Lefort’s work in particular. I interpret Rancière’s political theory as a response to Lefort’s project in which Lefort’s central contentions are taken up, reconfigured, and redeployed by Rancière. Lefort focuses on the transformation of European societies from absolute monarchies to liberal democratic states, describing the latter as “a new symbolic constitution of the social,” as a new instance of “the political” (Lefort, 1988: 18). Whereas absolute monarchy posited the divine right of kings, the liberal democratic order posits the secular rights of the citizen, indicating a new way in which authority is structured, legitimated, and contested. This transformation in the notion of “right” marked a movement away from elite domination and towards democratic power. The liberal democratic constitution of society is unique in that it explicitly recognizes the antagonistic ground of society and institutes this social conflict through the procedure of elections, wherein the hegemonic struggle for political supremacy is routinely staged, and the place of power is regularly emptied and refilled by new actors. Undergirding this new form of society is a new “symbolic constitution of the social” that legitimates and orders it. Interestingly, this is the same phrase that Rancière will use some ten years later in his *Ten Theses on Politics*. But whereas Lefort uses it to describe “the political,” a term that is valorized in his theory, Rancière uses the notion of the symbolic constitution of the social to describe “the police,” a term that is identified with oligarchy and more or less denigrated throughout Rancière’s work.

Rancière criticizes the post-foundational theorists for what he perceives as the negative effects of their theoretical endeavors in the realm of practice. He believes that their political theories largely serve the purpose of legitimating the liberal-democratic state despite their intentions to criticize its shortcomings. With liberalism triumphantly heralding the end of history by the early 1990s, Rancière sought to elaborate a theory that would not be useful for legitimating state or corporate institutions. After exploring the reasons for Rancière’s “disagreement” with post-
foundational theory, I elaborate Rancière’s modification of three common post-foundational premises. Rancière presupposes (1) the necessity of a contingently instituted foundation that is (2) necessarily marked by an originary conflict, division, or fissure. And (3) he identifies democracy as the privileged form of human community that is genuinely political in the sense that it explicitly draws upon this foundational fissure in its self-representation. The most significant modification that Rancière makes to this framework is his articulation of (2), the necessary conflict or division at the basis of every social order. Whereas most of the post-foundationalist theorists focus on the conflict itself, Rancière abstracts two principles away from the two parties of the conflict. There is the principle of the weak (equality) and the principle of the strong (inequality). Both of these principles are asserted as necessary: there is the necessity of material inequality (the police order) and the necessity of immaterial/intellectual equality (the equality of intelligence). Although Rancière is keen on preventing the negative impact of theory on practice, I argue that Rancière’s dual hypostatization of social inequality and intellectual equality in fact has demobilizing effects on his audience; he thus commits the very errors for which he so harshly criticizes his colleagues in the world of post-foundational political philosophy.

In Chapter Three I attempt to articulate the wider implications of Rancière’s philosophical project and to counter his denial of the existence of an ontology in his own work. Given the detailed ontological suppositions of the post-foundational position — elaborated in Chapter Two — that Rancière takes up in his own way, his constant insistence that he does not presuppose any ontological framework must be accounted for. I explain the contradiction between Rancière’s theoretical activity and his meta-theoretical remarks by looking to his philosophical ambitions and the effect that he hopes his writings will achieve. I argue that Rancière aspires to lay a foundation to the social order that will help us move beyond the current liberal democratic configuration. By
positing the dual necessity of *social inequality* and *intellectual equality*, Rancière hopes to establish a productive tension between these two components of reality that would contribute to an increase in radical political action. Despite the fact that Rancière takes these strong ontological positions, because he hopes to empower common people to claim their equality in the face of inequality, he would like to undermine the authority of elite centers of knowledge, especially philosophy and the social sciences. Insofar as he speaks in the arena of philosophy, then, he is obliged to denounce its pretensions to knowledge, especially ontological knowledge. Although this strategy is insincere insofar as Rancière himself routinely articulates an ontology, he is principally concerned with the effects of his theory on practice, not with the consistency or rigor of his theoretical contributions. I do not believe that Rancière’s strategy is effective: it seems to me that inculcating the belief in the necessity of oligarchy would considerably constrict the political imagination; and it seems that the belief in intellectual equality without regard for the ways in which intellectual (and political) capacities are developed over time only serves to obscure the strategies through which equality can be achieved by those who find themselves in a disadvantaged position.

While I believe that Rancière’s theory has had a pernicious influence on scholarly efforts to confront the political challenges of the present for the reasons articulated in Chapter Two and Chapter Three, there is one aspect of his project that I find to be helpful: the notion of singularity. In Chapter Four I aim to reconstruct the notion of the singular that Rancière effectively articulates at the level of theoretical abstraction; and I proceed to expand on his conception by turning to the notion of "play" as articulated by Eugen Fink (2016). I hope to offer a theoretical account of political action that does not attempt to impose a universal form, but which instead incorporates the necessity to examine in detail each singular instance of politics, and which provides tools for
assisting in the imaginative process of projecting alternative possibilities of political life in our thoughts and in our actions.

In Chapter Five, the concluding chapter, I offer a critical analysis of Rancière’s representation of the Athenian democracy, and subsequently advance my own representation of the practices of the Athenians in a way that I hope assists our critical engagement with the present. Our contemporary political situation in the modern West has some curious parallels with the pre-democratic Athenian polis. In both situations the social order is dominated by elite actors who rely upon a mythical justification for their privileged status: the well-born Athenians had their noble lineage, their good breeding, and the virtue that those attributes assured them; the elites of the present have the narrative of meritocracy, which asserts that the best, the brightest, and the hardest workers are rewarded for their efforts, while the lazy, uninspired, and unintelligent wind up with their justly diminished material well-being, social status, and authority. In both situations the oligarchic organization of society was a gradually achieved victory over a monarchic world order. In both situations the vast majority of the population is granted certain formal guarantees of political equality despite the fact that they are subjected to harsh inequalities of well-being, status, and authority. In both situations this formal equality has been successfully leveraged by the downtrodden in struggles for an improved lot in life, increased political rights, and a greater role in politics. In the case of the Athenians, however, this process of claiming new rights and authority resulted in the construction of durable institutions of radical democracy through which the demos (the poor) dominated the governance of the polis for two centuries (until their autonomy was crushed by Macedonian imperialism). If modern societies are to make a similar transition and construct their own institutions of radical democracy, it seems to me that we have much to learn
from the experience of the Athenians, which was fortunately preserved for us in a plethora of historical sources.

Given the fact that we have much to learn from the Athenian democracy, it is very troubling to see the cavalier manner in which Rancière misrepresents the practices of the Athenians in his strange “rewriting” of history. While I do not think that it is appropriate to imagine that we can ever understand the Athenian democracy “as they understood it themselves”—i.e. I do not fail to see the error of the historicist position of the early twentieth century — I also believe that we should use the source material that we have in the effort to learn something from history. Although we necessarily look at the source material through our own particular lens, that lens should not completely dominate and order our perception of the past, as it does in Rancière’s work. Rancière imposes his pre-conceived theoretical framework on the ancient Athenians and closes his eyes to the evidence that is available. After examining in detail his fundamental distortions of this history, I offer a representation of the development of the Athenian democracy from out of the pre-democratic oligarchic order of archaic Athens. It is my hope that this presentation of the gradual development of the Athenian democracy will be of some use to political actors in the present. Given the similarities between our contemporary moment and the pre-democratic Athenian polis, it seems to me that this reconstruction is more than just an academic exercise and that it holds real value for grasping the emancipatory possibilities of the present.
Chapter 1: Rancière’s Notion of Dissensus

Throughout the 1990s Rancière presents his theory of politics through his engagement with the political philosophy of ancient Greece, drawing most heavily on Plato and Aristotle, but also citing Thucydides on occasion. It is worth noting that none of these figures were advocates of democracy as it was understood in their own time. In addition to being wealthy aristocrats (the social group traditionally opposed to the demos), they each had personal reasons for maintaining a critical stance vis-à-vis the Athenian democracy. Plato’s mentor, Socrates, was put to death by a democratic jury, earning that form of government Plato’s permanent ire, as evident throughout his dialogues. Plato passed on this animosity to his student, Aristotle, who was not an Athenian citizen, and who was thus deprived of certain privileges and rights within the polis community. Legend has it that Aristotle left Athens because he was worried that the polis (city-state) would sin against philosophy a second time and put him to death, as they had done to Socrates. Whether or not this is true, we can be sure that when Aristotle left Athens he became the tutor of Alexander the Great (who was still a child at the time), that he was rewarded handsomely for his services, and that his patrons in Macedon dealt the death blow to the Athenian democracy in 322 B.C. Nonetheless, Aristotle was certainly less critical of democracy than was his teacher, advancing a theoretical model of government that combined aristocratic and democratic elements. Thucydides, like Socrates and Plato, was an Athenian citizen. He was, however, expelled from the city through a formal ostracism after the demos judged him to be an incompetent general. It was the leisurely lifestyle afforded by his ostracism that freed him from an active life of politics and provided him the time to write down his History of the Peloponnesian War.

With that said, we certainly can learn much about Athenian democracy from these three figures at the origin of political theory (which, in Greek, literally means “looking at the polis”).
However, we must be careful to read these texts with a critical eye, as they stand at the origin not only of political theory, but of a millennia-long tradition of anti-democratic thought, as has been thoroughly documented by Jennifer Tolbert Roberts (1986). It is for this reason that Cornelius Castoriadis (1997) cautions us to read the Greek philosophers with a critical eye when trying to understand the Athenian democracy. While they do offer important insights, he insists that we should focus our attention on “the reality of the polis” as expressed in its laws and practices (Castoriadis: 1997: 89).

It does not seem that Rancière exercises this kind of caution in his presentation of Athenian democracy as an exemplar of this theory of politics. To the contrary, Rancière does not seem very much interested in the reality of the polis at all. Nonetheless, I now turn to a presentation of Rancière’s formal account of politics as articulated through his engagement with the ancient political theorists mentioned above. While there is much that is disagreeable about Rancière’s use and abuse of history, I withhold critical examination of his account of the Athenian polis until Chapter Five. In this chapter I aim only to outline the structure of Rancière’s theory of “disagreement” or “dissensus” without regard to its historical inaccuracies or theoretical shortcomings.

The Beginning of Politics

In the opening chapter of Disagreement, titled “The Beginning of Politics,” Rancière explains the way in which democracy was distinguished from all previous forms of power or rule (arkhê), principally drawing on Aristotle. He traces a movement from rule by birth (aristocracy), to rule by wealth or strength (oligarchy), and finally to rule by those who are otherwise without qualification to rule (democracy) (Rancière, 1999: 6-19). In the first two cases, the ruling class has a special qualification to rule; either they rule on the basis of their excellence as properly educated
citizens who embody the Greek virtues (aristocracy) or they rule on the basis of their wealth as powerful actors in the social structure (oligarchy). In both cases there is some seemingly natural order to the distribution of power relations; those who wield the *arkhê* feel that they have a special claim to that power, and those who yield to the powerful recognize their own place as subservient in the social order. In democracy, on the other hand, there is a break with this notion of a natural *arkhê*. In democracy, the demos — the poor of Athens, the peasants and artisans, the formerly subservient population that has no special qualification to rule — is able to participate in government.

In various other essays Rancière presents the same idea through an engagement with Plato’s presentation of the practice of sortition. For instance, in his *Ten Theses on Politics* Rancière discusses a passage from Plato’s *Laws* that elaborates seven distinct ways of claiming entitlement to the authority of the *arkhê*. The first five mark various moments in the movement from rule by birth/excellence to rule by wealth/strength. The remaining two are: the rule of the knowledgeable over the ignorant, which Plato presumably endorses; and finally, the “drawing of lots,” described by Plato as “the choice of God,” which Rancière insists indicates Plato’s ironic dismissal of the entitlement to authority by sortition (Rancière, 2010: 39). Beyond the unqualified inclusion of any adult male citizen in the democratic assembly, one of the principal features of Athenian democracy was the drawing of lots, meaning that many of the administrative and judicial functions of the state were filled by people who were selected at random, leaving the determination of who

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20 While Plato is certainly critical of the democracy and their practices, including the practice of sortition, his description of sortition as the choice of the gods likely refers to the divine origin of sortition in the Greek imaginary. Zeus, Poseidon, and Hades are assigned their respective domains (the sky, the sea, and the underworld) by drawing lots after achieving victory in their war with the Titans (*Iliad*: 15.190-210). See the conclusion of this work for closer analysis of this originary sortition.
would exercise the *arkhê* strictly to chance. The rulers, then, do not rule on the basis of a special qualification, but on the absence of any such basis. Democracy is

characterized by the drawing of lots, or the complete absence of any entitlement to govern... [it] is the specific situation in which it is the absence of entitlement that entitles one to exercise the *arkhê* (Rancière, 2010: 39).

The freedom of all citizens to participate in government, regardless of their qualifications, and the further proviso that certain offices will be filled by lot, highlights the fact that with democracy the traditional logic of the *arkhê* is entirely suspended. There is no specially designated group that exclusively participates in government, i.e., that exercises the *arkhê* — rather, all parts may partake, including the demos, the poor.

But Rancière is not interested in merely examining the context of Ancient Athens. While the term “democracy” emerged to indicate the fact that the demos were included in the logic of the *arkhê*, Rancière appropriates the concept of the demos in a way that allows it to be used as a means to understand democratic politics in any time or place. For Rancière, the demos is not a particular group of people (the Athenian poor) who demanded to participate in a particular system of government (the Athenian polis). Nor is it the general category of “the poor” at any time or place. Rather, it is a general principle of democratic politics, defined as an “abstract supplement in relation to any actual (ac)count of the parts of the population” (Rancière, 2010: 41). The parts of the population that have a qualification to exercise the *arkhê* are the parts that are accounted for. However, there is always a surplus, a remainder, a supplement that is unaccounted for. This “abstract supplement” is whatever part has not been counted in the logic of the *arkhê*. “Abstract” because it does not specify a definite social group that is intrinsic to its concept, but always points to a distinct assemblage of political actors in each concrete case. “Supplement” because it points
to that population that has been excluded from the official count, that portion that exceeds the logic of the *arkhê*.

The people (demos) exists only as a rupture with the logic of *arkhê*... The people is the supplement that disjoins the population from itself, by suspending all logics of legitimate domination... the people as such consists in an artifice that cuts through the logic that runs from the principle of birth to the principle of wealth. (Rancière, 2010: 41)

The demos is an empty signifier that points to the unrepresented surplus of the social in any particular case, to those specific elements of society who have no legitimate claim to power at any given time, *but who nonetheless actively engage in claiming the rights that they do not have*. It is the impoverished peasants and artisans struggling against the Athenian oligarchs. It is the Roman plebeians struggling against the patricians. It is the bourgeoisie of the French Revolution and the proletariat of nineteenth century Europe. It is the women struggling for suffrage, inclusion in the workplace, and independence from men over the past several centuries and up to the present. It is the transgender persons fighting against the recognitive violence through which they are categorized as pathological. It is the activists of the Black Lives Matter movement struggling against the systematic police violence and the racialized incarcerary state that takes account of black populations as expendable. For Rancière, the demos refers to any part of a population that is actively struggling against their exclusion from full participation as equals. In their struggle they thereby appear as a supplement to the order of things; they exist, but they exist outside of the realm of acceptability.

Democracy (which is synonymous with “politics” for Rancière) happens when the action of these supplemental beings demonstrates this fissure at the basis of the symbolic constitution of the social. Democracy happens when the demos asserts its claim to be included where it previously was not, to be heard and seen where it was previously ignored, to partake in that of which it has no part. It is only in this act of disrupting the settled order that the demos comes to exist “as an
entity” (Rancière, 1999: 11). Whereas the impoverished Athenians certainly were living their lives prior to the political act, Rancière contends that they only came to exist as a political entity when they staged their claim to equality. With this disruption, their existence was refigured. Rather than mere impoverished artisans and peasants, subservient to the wealthy nobles, they became a powerful political force that demanded an end to their exclusion from political authority; they became the demos, a new political subject. Thus, on Rancière’s account, democracy only occurs by contesting the way in which the community has been partitioned between the parts that have a part and the supplemental part that has no part. This contestation establishes a new political subject that is able to assert its claim to equality in the face of the inequality that had previously seemed natural.

For Rancière, then, there are two ways of counting the parts of any community. The first way only counts the “real parts,” those parts that are discursively accounted for in the symbolic constitution of the public sphere and institutionally accounted for in the formal distribution of roles, functions, and modes of partaking in the arkhê. This way of counting the parts of the community is what Rancière calls “the police.” The second way of counting, which Rancière calls “politics,” takes account of the part that counts for nothing in the prevailing social order (Rancière, 2010: 44). This notion of police is much broader than our usual picture of uniformed police officers, and this notion of politics is much more narrow than what we usually think of as political. We have a binary opposition between: on the one hand, the symbolic constitution of the social and the prevailing institutions of state, society, and economy that structure our lives as social animals in a common world; and, on the other hand, the disruption of this taken for granted configuration of social reality. This disruption of the police order — which Rancière refers to as politics,
democracy, disagreement, or dissensus — involves the political action of those who are somehow excluded from the police order.

The Police Order

There are two moments of Rancière's notion of the police: (1) the symbolically constituted web of significance that occurs as a result of the unique habits, practices, discourses, norms, and unconscious background assumptions of any given society; and (2) the institutional distribution of roles, functions, and modes of participation in the formal mechanisms of government, economy, and society. However, rather than discussing these two moments as two moments, Rancière lumps them together in his analysis, suggesting that they form a kind of interlocking set of factors that structure the ways in which we perceive and experience the world. The brunt of Rancière’s analysis focuses principally on the first moment. While Rancière tends to suppress an explicit thematization of the second moment, I will begin my presentation of his text with the institutions of state and economy. The police order includes the following elements:

- the set of procedures whereby the aggregation and consent of collectivities is achieved,
- the organization of powers, the distribution of places and roles, and the systems for legitimizing this distribution (Rancière, 1999: 28).

The police order here consists of a set of hierarchical roles in society that assigns individuals their proper place in the structure, with the assumption that these individuals will behave, speak, and think in a manner in accordance with the specifications of their particular role. Although this process of policing each part of the population into its place occurs in many sites — from the intimate relations of the household, to the authority structure of the workplace or the school, to the formal mechanisms of governance in liberal democratic states — for the moment, I will focus on the latter.
We can see this police process at work in the procedures of liberal democracies, where there are various roles laid out in advance that prescribe the possibilities of the persons who occupy those roles. The citizen-voters compile their preferences for elite politicians who each promise the voters a bill of goods. Once the victorious politicians gain power they are able to appoint a set of experts to the various bureaucratic functions of state. Those experts, along with the successful politicians, decide upon new policies, which in turn effect an alteration in the configuration of roles across the bureaucracies of state as well as the economy, thereby modifying the set of proper places within which any particular individual must adapt, whether as a manager, as a worker, as a consumer, etc. This interlocking set of roles — including those of politicians, experts, bureaucrats, managers, workers, and voters, among many others — establishes a consensus of how things are done, of the way that the distribution of social goods will unfold, of the kinds of rights and obligations due to each individual, and of the way that each individual will exist within this consensus.

[S]ociety here is made up of groups tied to specific modes of doing, to places in which these occupations are exercised, and to modes of being corresponding to these occupations and these places. In this matching of functions, places, and ways of being there is no place for any void. It is this exclusion of what ‘is not’ that constitutes the police-principle at the core of statist practices (Rancière, 2010: 44).

The police order leaves no room for any remainder or surplus — it leaves no space for the demos to appear. Everything has its proper place in the police order, and it is presumed that all parts have been counted; but Rancière suggests that there is always a remainder, that there is always a part that has been excluded from full participation in the consensus, a part that cannot partake because it has been partitioned off despite the guise of wholeness and of everything having its place. The political act, for Rancière, is the disruption of this comfortable, settled consensus by the demos, the part that has no part.
Importantly, the prevailing consensus of the police order is not identified with the “state-apparatus” by itself, as opposed to civil society (Rancière, 1999: 29). To the contrary, it includes the entire scope of corporate bureaucracies, state bureaucracies, civil society organizations, and, as mentioned above, the symbolic structures that undergird these institutions. The dominant discourses and conceptual categories that prevail in a given police order legitimate the configuration of institutional roles of state and society by pre-figuring the ways in which we are able to perceive individuals and groups. This is the sense in which Rancière uses the phrase “the aesthetics of politics,” evoking the Greek term *aisthesis*, which means “perception” or “sensation.” By focusing on perception, he brings our attention to the pre-reflective act of simply perceiving the world around us and acting in that world as it appears to us. However, rather than the intake of mere sense data that is subsequently processed by some universal cognitive capacity of the human mind, in its phenomenological unfolding every act of perception is always already structured according to a nexus of discursive categories, norms, assumptions, and background practices that establish a web of significance within which meaning, identity, and status are determined, thereby structuring, at a pre-perceptual level, the ways in which we perceive the world and those with whom we interact in the world. We see, hear, and talk from within a certain socially constituted framework that is necessary for experiencing anything at all. Rancière refers to this structuring of experience that occurs prior to any particular instance of perception as the “distribution [or partition] of the sensible” and the “symbolic constitution of the social” (Rancière, 2010: 44).

Politics, then, disrupts the symbolic constitution of the social and thereby effects a redistribution of the sensible. For Rancière, the presupposition of equality lies at the basis of every political action. By acting *as if* they were equal despite the reality of their exclusion political actors bring their concrete inequality into relief against their presupposed equality, demonstrating that
they have not been included in the count of the police order, thereby making themselves visible “as those of no account” (Rancière, 1999: 38). This action disrupts the normal functioning of power relations, and brings to appearance that which had been excluded; it creates a new political subject where there was none before. By asserting their equality, the new political subject disrupts the consensus of power relations and demands to reconfigure the organization of social roles and distribution of social goods.

To recap, the police order is constituted by two moments, the visibility that is achieved in the symbolic constitution of social reality, and the institutional legitimacy achieved in the configuration of bureaucratic roles of the state and the economy. Because the moment of symbolic visibility is what undergirds and legitimates the institutional roles that we inhabit, Rancière focuses his attention there, describing the symbolic constitution of the social as the “essence” of the police (Rancière, 2010: 44). This moment of the police establishes a partition of the sensible within which certain people are seen and heard while others are not. For Rancière, politics is focused on this first moment. Politics, “before all else, is an intervention in the visible and the sayable” (Dissensus, 45). Political action consists in disrupting the taken for granted consensus of sense perception by demonstrating the foundational fissure at the basis of the police order and insisting that those who are not included ought to be included. Against this political action, the police order always resists politics and “causes it to disappear continually, either by purely and simply denying it or by claiming political logic as its own” (Rancière, 2010: 45). Either the political actors are policed back behind the partition, or the police order absorbs the surplus into its logic, thereby broadening its horizons ever so slightly. When such absorption of political logic occurs, the political actors have achieved a place of visibility in the symbolic constitution of society; and they have also achieved some kind of formal legitimacy within the institutional spaces of state and economy.
Because Rancière focuses on the act of dissensus, whereby the demos demands recognition in the symbolic nexus of intelligibility, he does not provide a full account of how the demos is able to gain institutional legitimacy in the state and economy. Rancière’s account of the police elaborates two structural moments, symbolic space and formal institutions; but his account of politics only deals with the former. Thus the second moment of the police is inevitably left in place by Rancièrian politics.

What would it mean for the police order to cause politics to disappear by “claiming political logic as its own”? Despite the fact that Rancière indicates this as one of two possible outcomes of the encounter between politics and the police, he does not broach this question; nor is it necessary that he does broach it. No single theorist can cover all questions, not even all the questions that their own work raises. Nonetheless, the vigor with which he attacks those who do pursue this question is unnecessary and unproductive. Why does he continually deny the worthiness of exploring the various possibilities by which the police order might absorb the logic of politics and thereby be subjected to determinate institutional transformations? Why is any political theory that investigates the ways that institutions might be reconstituted so harshly dismissed? Why does Rancière continually police the possibilities of theory in the name of the singularity of politics? In the chapters that follow, I aim to demonstrate the problems that arise from Rancière’s relation to the question of institutional transformation, and to outline a way in which this question might be fruitfully pursued.
Chapter Two: Rancière and Post-Foundational Political Philosophy

Rancière’s work can be situated alongside a movement in political philosophy best described as “post-foundational,” including thinkers such as Claude Lefort, Cornelius Castoriadis, Jean-Luc Nancy, Philippe Lacoue-Labarthe, Chantal Mouffe, Ernesto Laclau, and Alain Badiou (Marchart, 2011). The post-foundational perspective tends to posit the ungroundable status of social reality, and thus the impossibility of identifying or establishing a final or natural foundation for knowledges, social practices, or institutions of state and civil society.  

Lefort articulates the sense of this ungroundability in an essay titled “The Permanence of the Theologico-Political?” We have lost the criteria of classical reason, refuse to distinguish between healthy and corrupt regimes, between legitimate and illegitimate authorities — a distinction based upon the idea of a human essence — and find it impossible to invoke the idea of the development of Mind — which would allow us to see the constitution of the modern state as both the completion of an itinerary and the meaning of the stages (progression, regression and digression) that go to make it up (1988: 220-221).

Moving beyond forms of thought that attribute a permanent essence to the human being or to human society, and beyond those that posit some kind of “cunning” or telos to history, post-foundational theory asserts the historical contingency of any given regime of power/knowledge; its lack of rootedness in an unchanging nature, a teleological schema, a divine revelation, or any sort of essentialist foundation whatsoever. Nonetheless, this does not result in a naïve relativism that would assert the equivalence of any contingently instituted form of society with any other. This so-called “relativist” position — or “anti-foundationalist” position, as Oliver Marchart (2007, 2011) puts it — would assert the necessary absence of any foundation at all. Post-foundationalists, on the other hand, explicitly acknowledge that there is a kind of foundation in any given time and place: in any society there is a foundational horizon of intelligibility, empirically embedded in

21 Throughout this work I will use the terms “foundation” and “ground” interchangeably, with no distinction in meaning between them.
social practices, institutions, and imaginaries, which serves to both constrain and open up the possibilities of social existence, and which is contingently instituted and subject to transformation.

For instance, the monarchical principle of early modern Europe and its *divine right of kings* was one such foundational horizon. But it was not merely a principle of government; it was “the principle of a general constitution of society” (Lefort, 1988: 97). With the onslaught of the modern democratic revolution over the course of the 18th and 19th centuries, that contingently instituted foundation was displaced by a new ground, articulated in terms of the *secular rights of Man*. The principle of *right* was no longer merged with the power of the king but was separated from his body and entwined with the figure of “the people,” an empty signifier that *potentially* refers to anyone and everyone in a given society. This transformation in the principle of right signified much more than simply a change in the form of government. The transition from absolute monarchy to liberal democracy implies a transformation in the basic forms of society, and thus a transformation in the relations that cohere between people, in the ways that truth is claimed and verified, and in the ways that authority is exercised, legitimated, and challenged. The democratic revolution brings forth a transformation in the way of life, in the regime of government, and in the entire paradigm or “episteme” of power/knowledge as articulated by Michel Foucault (1970). Post-foundational thought insists, then, that some empirical foundation or another is necessary. But each particular foundation that is instituted *as ground* in a given time and place is necessarily contingent, conventional, and susceptible to transformation. This is what Marchart refers to as “the necessary status of contingency” (2007: 7). While *the content* of some contingent foundation thus cannot be a true foundation (in the sense of being natural, necessary, or eternal), it nevertheless *functions as* foundation, as the universal legitimating-ordering horizon of human coexistence in the time and place in which it holds sway.
This necessary status of contingency that characterizes the post-foundational perspective closely tracks the “ontological difference” examined by Martin Heidegger (2010); that is, the difference between “being” (the ontological structures of any possible social reality) and “beings” (the ontic entities that empirically exist in a given time and place) (Marchart, 2007: 11-34). Transposed into the political register, Marchart articulates the ontological difference as the “political difference”: the difference between the necessary place of ground and the unique shape and sense manifested by some contingent ground, which is necessarily a politically instituted achievement. On the one hand, the necessary place of some politically instituted foundation is an ontological structure of social reality; in any possible society there must be a contingently instituted foundation of the social. On the other hand, that necessary place could be filled in by any number of empirical (i.e. “ontic”) foundational contents. By maintaining the difference between the ontological and the ontic, we can investigate the empirical existence of foundational principles that serve a truly universal function — such as the various formulations of the principle of right — without hypostatizing the contingent content of those ontic universals as necessary, ontological structures. This general schema of post-foundational thought thus posits the necessity of a necessarily contingent foundation, of a particular content raised to a universal legitimating-ordering status.

While this account implies a strong ontological claim, as presented here it remains purely at the level of form. I have left the content of the foundation completely unspecified, and only posited the idea that some foundation or another must prevail. But this schema of a pure, formal post-foundationalism is rarely, if ever, adhered to. Indeed, every thinker I have mentioned above offers some minimal determination of the ontic content of all contingent foundations. They each determine in advance any possible foundational content, thus hypostatizing that content by placing
it on the ontological side of the political difference. Though some of the post-foundational theorists are more explicit about their ontological presuppositions, all of them specify some content as ontological whether they use the language of ontology or not.

Understanding the contours of Rancière’s thought requires grasping the ontological presuppositions that are operative throughout his work. These presuppositions come more clearly into focus when they are contrasted with the presuppositions of other post-foundational thinkers with similar, but distinct, accounts of politics. By exploring Lefort’s version of post-foundational political philosophy — which orients the thought of many subsequent post-foundationalist thinkers, either negatively or positively, and which Rancière forcefully rejects — I aim to clarify some of Rancière’s ontological presuppositions.

Lefort’s Post-Foundationalism

The political difference has been articulated in a variety of inflections, but it has often been expressed as an investigation into “the political,” which, it is urgently claimed, must be “rethought and differentiated from politics in the ordinary sense” (Marchart, 2011: 130). The status of this distinction between politics and the political was vigorously debated throughout the 1980s, especially among French post-foundational theorists. Phrases such as the “retreat of the political” and the “return of the political” were dramatically deployed to emphasize the urgency of the question. In some cases the political was thematized as the ontological structure whereas politics was seen as the particular ontic content. In other cases one term was basically ignored while the other took center stage. As for Lefort, the political (le politique) names the ontological structure and the ontic content, the latter of which significantly varies from one form of society to the next. There is, then, always some particular instance of “the political” in any given society; but we can analytically use the same term to refer to those varied instances. Politics (la politique), on the other
hand, merely names a particular sub-system of our current society, which is distinct from other sub-systems — such as the spheres of economics, aesthetics, and religion. Politics indicates what we normally think of as political activity: the ordinary functioning of governments, legislatures, judiciaries, state bureaucracies of all kinds; and the actions of citizens or residents filing petitions, protesting, voting, etc. Politics is interesting to Lefort insofar as it tells us something about the constitution of the political in modernity, which is his principal object of inquiry. The fact that politics is “circumscribed within social life at a given time,” the fact that it has become a particular sub-system of society, “has in itself a political meaning, and a meaning which is not particular, but general” (Lefort, 1988: 11). That is to say, this mere fact that “politics” is understood as a particular domain of modern society tells us something general about the symbolic constitution of social division in the contemporary manifestation of “the political.”

Lefort uses this term, the political, to “refer to the principles that generate society or, more accurately, different forms of society” (Lefort, 1988: 217). Different forms of society — e.g., absolute monarchy and liberal democracy — are distinguished from one another by the foundational principles that are imbricated in a certain constitution of the social, a certain regime or “shaping [mise en forme] of human coexistence” (Lefort, 1988: 217). There is a specific style of instituting social form in any given society. This mise en form “implies both the notion of giving meaning [mise en sens] to social relations… and that of staging them [mise en scène]” (Lefort, 1988: 218-219). The form of social relations are given sense (meaning) through a vast web of norms, discursive categories, standards of veridiction, practices and habits of everyday life, and institutional roles. Thus “the social space unfolds as a space of intelligibility articulated in accordance with a specific mode of distinguishing between the real and the imaginary, the true and the false, the just and the unjust, the permissible and the forbidden, the normal and the
pathological” (Lefort, 1988: 11-12). These social relations and their space of intelligibility are staged “in that this space contains within it a quasi-representation of itself,” as being, for instance, monarchical or democratic (Lefort, 1988: 12). Each society is constituted through a certain symbolic configuration of the form and sense of social relations and by the staging of those social relations in a kind of social self-representation. It is this constituting configuration of form, sense, and stage that Lefort names “the political.”

As mentioned above, none of the post-foundational thinkers I will discuss adhere to the purely formal account of the political difference; none of them truly abandon all foundations. Rather, some content is always hypostatized as ontological structure. In Lefort’s case, he determines in advance that every society is structured by a foundational division or conflict between its parts. Drawing on his reading of Machiavelli — who advances an analysis “which discredits the notions of concord, stability and good government, and which sees social conflict, plebeian uprisings and the demand for liberty as the source of the grandeur of Rome” — Lefort sees social relations as necessarily structured by a central division between the weak and the powerful (Lefort, 1988: 147). This division could take many forms, and any given society may well be marked by multiple divisions. Yet, despite this “primal division which is constitutive of the space we call society… this space is organized as one… [and] as the same in all its multiple dimensions” (Lefort, 1988: 225). Society, which is necessarily riven with division and conflict, is also organized as a single society, as the same society in each of its parts, which “implies a reference to a place from which it can be seen, read and named” (Lefort, 1988: 225). This “external” place from which society could be perceived as a unity throughout its disparate parts is, for Lefort, the place of power, which “manifests society’s self-externality, and ensures that society can achieve a quasi-representation of itself” (Lefort, 1988: 225). This quasi-representation — the
**mise-en-scène** mentioned above — is “quasi” because it presents a unitary picture of a society that is necessarily divided. In manifesting society’s self-externality, power “gestures towards something outside” society despite being instituted within society, and thereby articulates itself as both internal and external to social reality (Lefort, 1988: 225). The political, then, is the way in which this foundational fissure is instituted in a given society by its particular mode of elaborating the form and sense of social relations, and by the way that those social relations are staged as unitary across their divisions through the necessary reference to a power that is both internal and external to the social.

To understand the specificity of our contemporary situation, Lefort believes that we must look to the absolute monarchies of Europe, grasp the manner in which the political manifested itself in determinate institutions, and then track the “mutation of the symbolic order” that led to modern democracy (Lefort, 1988: 16). In the absolute monarchies of Europe, social division was symbolically resolved by the fact that the legitimacy of the social hierarchy was anchored in the external justification of a divine order secured by the figure of the king. The king physically embodied the internal-external place of power with his “double body,” at once divine (through the grace granted him by God) and human (by his status as a mere mortal). The king’s body, serving as mediator between mortals and divinity, was the figure through which “the principle that generated the order of the kingdom” was staged (Lefort, 1988: 17).

His power pointed towards an unconditional, other-worldly pole, while at the same time he was, in his own person, the guarantor and representative of the unity of the kingdom. The kingdom itself was represented as a body, as a substantial unity, in such a way that the hierarchy of its members, the distinction between ranks and orders appeared to rest upon an unconditional basis (Lefort, 1988: 17).

The contingent, ontic form of social relations was thereby secured through an authority whose legitimacy was ontologically justified. Social divisions between those who possessed authority and those who obeyed could “be articulated as a result of a belief in the nature of things or in a
supernatural principle,” thereby stitching together the various segments of society into an organic unity (Lefort, 1988: 19). Whether grounded naturally or supernaturally, the justification for those social divisions was external to society, and thereby beyond the reach of inquiry. Such obliteration of the political difference between the ontological and the ontic implies a social form wherein the contingently instituted hierarchies appear (to those living in them) as necessary and eternal.

The transition in Western societies from absolute monarchy to liberal democracy establishes “a new symbolic constitution of the social” (Lefort, 1988: 18). Society is disincorporated or disincarnated: the king no longer gives bodily form to the inchoate flesh of the social. To the contrary, no figure or body is able to incarnate the people and bring about a unity that would eliminate social divisions. With the death of the king, the place of power is left empty, and the natural or supernatural basis of social relations evaporates. Thus, Lefort’s famous statement that modern democracy is characterized by two features: power is no longer embodied in the person of the monarch and instead becomes an “empty place” that nobody is able to permanently occupy or claim as their own (Lefort, 1988: 17); and “democracy is instituted and sustained by the dissolution of the markers of certainty” (Lefort, 1988: 19). The dissolution of the markers of certainty refers to the experience of “a fundamental indeterminacy as to the basis of power, law, and knowledge, and as to the basis of relations between self and other” (Lefort, 1988: 19). This lack of certainty induces us to search for some basis (of power, law, knowledges, and social relations) despite the fact that we cannot ever find any basis that would be free from doubt and finally settle the question. The notion of the empty place of power implies that the external place of power remains, but that nobody is able to occupy that place permanently by virtue of a divine or natural right to authority. With all natural and supernatural justifications to authority rendered illegitimate, the conflict at the basis of all societies is permitted to make its appearance
in this empty place where the king’s body is no more. Thus, “[t]his phenomenon implies an institutionalization of conflict” in the apparatuses of government and the ordinary functioning of politics (as a sub-system of society) through which “society apprehends itself in its unity” (Lefort, 1988:17). Whereas monarchical society occluded the conflict at the basis of “the political,” the democratic form of society institutionalizes that conflict and establishes the figure of conflict between competing groups, knowledges, discourses, and institutions as the quasi-representation of itself, thereby staging the form and sense of its social relations.

The democratic regime, in other words, acknowledges what Marchart refers to as the necessary status of contingency, which implies that the foundation of the social order is situated amidst “a plurality of hegemonic moves that seek to ground society without ever being entirely able to do so. Every foundation will therefore be a partial foundation within a field of competing foundational attempts” (Marchart, 2007: 7). Along with Aristotle, Machiavelli, Marx, Gramsci, Schmidt, Laclau, and Mouffe, Lefort sees antagonism, conflict, and division as a necessary feature of social reality. And he argues that the democratic form of society recognizes this necessity, thereby giving rise to hegemonic struggles between competing constitutional projects. The shifting or empty ground of social reality, enmeshed in antagonistic tensions between competing hegemonic efforts, is always already filled with a contingently instituted foundation. But no particular, empirical foundation that has been instituted is itself necessary, natural, or divine.

Given this general outline of post-foundational political philosophy, and specifically the thought of Claude Lefort, I now turn to Jacques Rancière and his contentious relations with post-foundational theory.
Rancière’s Disagreement with Post-Foundational Thought

As mentioned above, the status of the distinction between politics and the political was the theme of a spirited debate in French post-foundational thought during the 1980s. At the center of this debate was the Centre for Philosophical Research on the Political, founded by Jean-Luc Nancy and Philippe Lacoue-Labarthe, which hosted lectures by many French philosophers who were invited to discuss what was referred to as “the retreat of the political” (Marchart, 2011: 129). In January 1982, Lefort delivered his lecture at the Centre, which he began by stating his intention to “contribute to a revival of political philosophy.” This meant, for Lefort, re-examining the concept of “the political” (le politique) in contradistinction to “politics” (la politique) in an effort to grasp “the difference between forms of society” (Marchart, 2011: 130). Rancière delivered the very next talk of the Centre’s lecture series in February of 1982, exploring representations of workers in Marxist theory, but more or less eschewing the main themes of the Centre’s agenda. But as Rancière developed a more direct theorization of democracy in the late 1980s and into the 1990s, the themes discussed at the Centre’s lecture series were taken up in a determinate way.

In contrast to the opening sentence of Lefort’s Democracy and Political Theory, which restates Lefort’s intention to “contribute to a revival of political philosophy” (Lefort, 1988: 9), Rancière opens the preface to his Disagreement with the sarcastic question: “Is there such a thing as political philosophy?” (Rancière, 1999: vii). He admits that this question may seem “incongruous” given the fact that “theorizing about community and its purpose, about law and its foundation,” has been pursued since the outset of Western philosophy, and given the fact that “for a while now, political philosophy has been loudly trumpeting its return with a new lease on life” (Rancière, 1999: vii). Under the banner of the return of the political, political philosophy had been revamped for the political left with post-foundational theory, which sought to cut past the
shortcomings of both traditional Marxist theory and liberal political thought, whether in its classical articulation (e.g. Rawls) or in its “deliberative” mutations (e.g. Habermas). And although Rancière sets out to critique this post-foundational project, he does not fully reject some of its central premises. Instead, he takes on those premises and transforms them in a specific inflection that is uniquely his own.

For Rancière, the project of political philosophy is troubling because its “main aim seems to be to ensure communication between the great classic doctrines and the usual forms of state legitimization we know as liberal democracies” (Rancière, 1999: viii). In other words, the Western political philosophy of the 1980s and 1990s largely served the function of justifying and legitimating the reigning form of power, liberal democracy, which by the 1990s — given the collapse of the Soviet Union and the neoliberal reforms of the Chinese state — had wrapped itself in the teleological discourse of the “end of history” popularized in the Anglo-American sphere by Francis Fukuyama (1989). While Lefort and other post-foundationalists certainly did not participate in this kind of glorification of liberal democracy as the telos of history, much of Lefort’s work was aimed at contrasting the virtues of liberal democratic societies with the vices of totalitarian societies, which he identified as the pernicious outcome of certain mutations in the symbolic constitution of democratic society. This kind of principled defense of “Western societies” against the Soviet system and against “the spectacle provided by certain dictatorial regimes… in Latin America” and elsewhere (Lefort, 1988: 22) could be read as contributing to the hegemony and consolidation of the liberal democratic form of government and the ascendant forms of neoliberal rationality with which it was increasingly entwined. At the moment in history when liberal democracy was being heralded as the necessary destination of all rational societies, and when neoliberal reason was being violently imposed around the planet through the subservience
to the “Washington Consensus” of the very dictatorial regimes that Lefort describes as spectacular, perhaps such enthusiastic defense of the norms of “Western societies” may have been misplaced. This, in any case, seems to be Rancière’s contention. Lefort’s theory, in short — while incredibly helpful for understanding the symbolic constitution of Western liberal democracy and of the Soviet Union — could potentially have the ill effect on its readers of stimulating a complacency with the status quo that demobilizes dissent and radical forms of democratic action. Insofar as we believe that our society has institutionalized the “empty place” of power, it may seem that things are going well; or good enough, anyway. It is this performative aspect of political philosophy that most worried Rancière. Apart from the accuracy, rigor, or vision of its explicit content, what were the effects of political philosophy on the concrete political situation? Insofar as those effects served to bolster the hegemony of liberalism, Rancière found fault with the project as a whole.

His intervention in political philosophy, then, with its sarcastic tone and dismissive attitude, was intended to provoke its Western audience to political action and to shake off the will to consensus that seemed to be consuming the political landscape. His writings cannot be adequately understood apart from the context in which they were published, both in terms of the political situation of the late twentieth century, and in terms of the position of political philosophy in relation to that situation. As Samuel Chambers puts it, the conceptual distinctions that Rancière draws serve “particular ends within the specific political circumstances in which he publishes” (Chambers, 2011: 24; 2014: 73). Those circumstances are explicitly identified by Rancière in the first of his Ten Theses on Politics. He insists that his articulation of the specificity of politics must be distinguished carefully from the current and widespread propositions regarding the return of the political. The context of state consensus that has developed since the 1990s has brought with it a profusion of affirmations proclaiming the end of the illusion of the social and a return to a ‘pure’ form of politics… In practice, this celebration of pure politics relinquishes the virtue associated with the political good,
handing it over to governmental oligarchies enlightened by their experts (Rancière, 2010: 36).

Rancière wishes to contrast his perspective with the view of those political theorists who articulate a vision of “pure” politics under the banner of “the so-called return of the political or return to politics which nearly overwhelmed us in the 1980s in France” (Rancière, 2011: 2). Often in response to Lefort’s post-foundational, descriptive theory of liberal democracy (and its implicit normative endorsement of that form of society), and often drawing on Leo Strauss or Hannah Arendt’s account of the ancient polis, many theorists of “the political” tended to emphasize the opposition between the purity of “the political sphere of public action and speech and the realm of economical and social necessity” (Rancière, 2011: 3). Despite the fact that such theories were offered as ideals against which to criticize the present, Rancière insists that they played right into the hands of a neoliberal rationality that was being marshalled to depoliticize economic, domestic, and social injustices by pushing them to the “private” side of the public-private frontier, leaving the “public” bureaucracies and institutions of the neoliberal state — dominated by various experts and their technical knowledge — as the only places in which politics legitimately occurs. Rancière argued that political philosophy — even the radical leftist versions rooted in the post-foundational perspective — was unwittingly bolstering the neoliberal consensus at the so-called end of history. It is this perceived conjunction of the project of neoliberalism and the project of political philosophy that constitutes what Rancière refers to as the “polemical context of [his] argumentation” (Rancière, 2011: 2).

This notion of the “polemical context” brings us to the question of Rancière’s style. Chambers suggests that “to write polemically for Rancière means to write provocatively by way of succinct formulations.” (Chambers, 2014: 16). Rancière will make a claim that “simply seems impossible” at first glance; a claim that “contrasts and conflicts” with received wisdom in a given
field of theory and/or practice, thereby provoking the reader to rethink a specific context in new ways (Chambers, 2014: 16, 17). Reflecting on this notion that his argumentation is always oriented towards a particular situation, a particular “polemical context,” Rancière writes: “my theoretical operations are always aimed at reframing the configuration of a problem” (Rancière, 2011: 2). His polemical style, then, goes along with a strategic objective: to reframe the way in which a given problem is configured in public discourse and perception. Rancière’s practice of critique deploys a polemical style that seeks to provoke his readers, to shock them out of their accustomed habits of perceiving a particular situation or problem. This is the sense in which Rancière writes: “disagreement is not only an object of my theorization. It also is its method” (Rancière, 2011: 2). Rancière views his philosophical practice of writing as a dissensual tactic in the strategic effort to redistribute the prevailing categories of perception that organize our thinking about politics. Rancière sees the act of publishing his books as political action.

Whether or not we would agree with Rancière’s claim that his writing is itself a form of dissensus, this claim highlights Rancière’s concern with the performative aspect of political philosophy. It does not matter so much whether or not the theory is accurate in its representation of reality. It does not matter so much whether it offers a well fleshed-out vision of a new form of society, an alternative institutional structure, or a concrete path forward. What truly matters is the effect of a given text on social reality. Given the concrete context of triumphant liberal democracy and its neoliberal consensus, the ultimate concern of theoretical argumentation must be, for Rancière, to formulate polemical texts that provoke their readers to disrupt the continuing consolidation of this particular social order.

Now that the polemical context of Rancière’s work and the reasons for his disagreement with post-foundational theory have been adequately stated, I turn to a more substantive look at the
specific ways in which he has taken on certain premises of post-foundational thought and attempted to redistribute those categories of analysis.

Rancière’s Post-Foundationalism: Contingency, Equality, and the *Logos*

The principal contention of post-foundational thought is that every society is necessarily grounded in a necessarily contingent foundation. There is no natural or supernatural ground to social reality; each ground must therefore be *politically instituted*. The necessary place of some contingent ground is an ontological structure of any possible society. The contingently instituted ground achieved by some constellation of political forces is the ontic content which varies from one social order to the next. A particular foundation functions universally in the time and place in which it holds sway, but there is no particular foundation that necessarily holds sway in every time and place. This minimal ontology — which leaves all contingently instituted ontic foundations completely unqualified by any content that is placed on the ontological side of the political difference — is probably never adhered to by any post-foundational thinkers. A common deviation from this purely empty ontology of political difference is the contention that every social order is necessarily marked by a constitutive division, conflict, or antagonism. Whether drawing on Aristotle, Machiavelli, Hobbes, or Marx, these theorists identify “the political” as the conflictual basis of every possible social order. In Lefort, the virtue of the modern democratic form of society lies in the fact that it has institutionalized the conflictual essence of *the political as such* through its *mise en scène* of the empty place of power and democratic indeterminacy.

Rancière, on my view, takes up this specific ontological framework, articulated by Lefort, in a determinate way.22 That is to say, Rancière presupposes: (1) the necessity of a contingently

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22 I am aware that Rancière explicitly denies the existence of any ontology at work in his philosophy. For an analysis of the manifest contradiction between these meta-theoretical remarks offered by Rancière and the pervasive presence
instituted foundation that is (2) necessarily marked by an originary conflict, division, or fissure; and (3) he identifies democracy as the privileged form of human community that is genuinely political in the sense that it explicitly draws on the foundational fissure located on the ontological side of the political difference. It is the way in which he reframes the configuration of this ontology through his “disagreement” or “dissensus” with post-foundational thought that leads to the specificity of his perspective and, I will argue, to the ill effects of that perspective on political thought; and perhaps on political practice as well. In this section I will take up Rancière’s reconfiguration of (1), the necessary status of contingency.

As for the notion of contingency, Rancière is not especially effective at communicating his specific meaning of the term, wavering between two distinct formulations. The first formulation sounds like a straight-forward post-foundational account.

The foundation of politics is not in fact more a matter of convention than of nature: it is the lack of foundation, the sheer contingency of any social order. Politics exists simply because no social order is based on nature, no divine law regulates human society (Rancière, 1999: 16).

So far, so good: the standard post-foundational starting point. But his second formulation, which appears in the very same paragraph, identifies contingency with a particular form of equality:

This equality is simply the equality of anyone at all with anyone else: in other words, in the final analysis, the absence of arkhê, the sheer contingency of any social order (Rancière, 1999: 15).

Whereas Rancière does offer a quite detailed articulation of this notion of equality in various texts, he does not attempt to make clear what he means by identifying equality with contingency. This double ambiguity — between, on the one hand, Rancière’s two distinct formulations of contingency, and, on the other, his failure to articulate his second formulation with any degree of
clarity — has led to frustration or irritation on the part of many theorists who have engaged Rancière’s work. Before examining the relation between equality and contingency in this second formulation, I will first elaborate the conception of equality that Rancière is working with.

23 For Oliver Marchart, Rancière confuses the contingent with the “arbitrary,” the latter of which Marchart describes as a synonym for “accidental,” in the sense of being rooted in “pure chance or good luck” (Marchart, 2011: 137). He claims that this way of thinking contingency “smacks of an outmoded ‘anything goes’ version of post-modernism or anti-foundationalism” (Marchart, 2011: 137). A properly post-foundational account of contingency would insist, to the contrary, that there is a kind of necessity — in the sense of an overwhelming force — to the contingently instituted ground of a given social order. Not only is there a necessary place for the contingent ground; but that contingent ground functions as though it were itself necessary, it functions as a universal, transcendental ground. “In other words, the social world, although ungroundable in principle, is always partially grounded in reality” (Marchart, 2011: 137). Thus, we cannot deny the necessity of the situation, which constrains our possibilities of action through the mere momentum of the politically instituted contingent ground.

On the one hand, Marchart criticizes Rancière for confusing the contingent with the arbitrary. On the other hand, he claims that, for Rancière, equality serves as a “figure of contingency” for Rancière; and that Rancière derives or extracts his notion of equality from the groundlessness of the social order (Marchart, 2011: 136).

For, in the last instance, equality (as a non-political condition of both politics and police) is used by Rancière as a theoretical figure of contingency. It is thus [emphasis added, TJO] extracted from the mere fact that an ultimate ground of political and social order is not available (Marchart, 2011: 136).23 While Marchart provides textual evidence to support the claim that Rancière’s equality serves as a theoretical figure of contingency, he does not provide any evidence for the claim that Rancière extracts equality from contingency. Instead, Marchart simply moves from the first claim to the second with the insertion of an unfounded “thus.” At the end of this paragraph, Marchart has left the first claim behind and offers a reformulation of the second claim with the inclusion of a quotation from Rancière’s text: “Anyone is equal to anyone else, so the argument goes, because [emphasis added, TJO] ‘of the ultimate anarchy on which any hierarchy rests’ ([Rancière,] 1999: 16) – that is, because of the absence of a fundamental principle” (Marchart, 2011: 136). But again, Marchart does not justify this claim with textual evidence. He inserts this “because” between the two terms (equality because of contingency), uses a truncated quotation from Rancière to express one of the terms (contingency), and thereby imposes a causality that is absent in Rancière’s text. Thus a fundamental principle (the equality of intelligence), is derived — “so the argument goes,” i.e. Marchart’s argument, not Rancière’s — from the absence of a fundamental principle” (Marchart, 2011: 136). Neither the passage Marchart quotes nor the paragraphs in Rancière’s text suggest that Rancière extracts or derives equality from contingency. To the contrary, as I will try to make clear in the pages to come, both equality and contingency are derived by Rancière from the originary structure of the logos.

Jodi Dean criticizes Rancière’s account of contingency for its absence of an accompanying account of its relation to possibility and necessity, for its strange identification of contingency with equality, and for the way in which it seems more like a fantasy or delusion than anything else (Dean, 2011: 87-89). This third point strikes a note similar to Marchart’s, highlighting what seems to be a blindness to the necessity driving the dynamic of the present political context, thereby leading to a naïve optimism that is unable to effect change due to the fantasy that the current actualization of contingently instituted political forces could have been (and could just as easily be) otherwise.

What Rancière presents as contingency is a fantasy that holds out the possibility of ‘anything at all’ as a way of accommodating a situation without confronting the reality of the constraints in producing it, the determinations of socio-economic systems and practices... What possibilities does a given actualization abandon or even foreclose? Simply to say that such an actualization was contingent rather than necessary neglects the question and obscures the persistence of necessity under the fantasy of what could have happened.

The claim that the situation could have been different fails to provide leverage towards making the situation different (Dean, 2011: 88). Ultimately, this fantasy of contingency, instilled in the contemporary political consciousness, leads to the staging of impotent displays of political visibility — polemical scenes of dissensus or disagreement that provoke or shock in
He describes this “equality of anyone at all” (1999: 15) as “the ultimate equality on which any social order rests” (1999: 16), suggesting that it plays the role of a transcendental foundation that persists in every possible social order, thereby marking it on the ontological side of the political difference. Rancière variously refers to this form of equality as: the “original equality of the logos” (1999: 18); “the equality of any speaking being with any other speaking being” (1999: 30); the “apolitical structural vacuum of equality between anyone and everyone” (1999: 34); the “equality of intelligence, the absolute condition of all communication and any social order” (1999: 34); and “the equality of intelligence… the common bond of humankind, the necessary and sufficient condition for a society of men to exist” (Rancière, 1991: 73). This foundational equality of intelligence is not contingent upon some politically instituted social order. To the contrary, Rancière specifies it as a necessary component of every possible social order. Whereas Lefort marks an originary conflict that manifests in various forms on the ontological side of the political difference, Rancière does the same with his notion of the originary equality of the logos. But unlike Lefort, Rancière identifies his necessary content (the originary equality of the logos) with the necessary content implied by the minimal ontology of the post-foundational perspective (the sheer contingency of any social order). The meaning of this identification remains obscure; though it is somewhat clarified by the relation of these two terms to political action in Rancière’s text.

creative ways — that do not aim to take power and transform social reality, but instead seek the satisfaction and enjoyment attained “by appearing in one’s disagreement” (Dean, 2011: 93).

Contemporary protests in the United States, whether as marches, vigils, Facebook pages or internet petitions aim at visibility, awareness, being seen. They don’t aim at taking power. It’s as if instead of looking at our opponents and working out ways to defeat them, we get off on imagining them looking at us” (Dean, 2011: 93).

This may well be a characteristic of certain forms of contemporary dissensual politics, it may be the practical implication of Rancière’s theory as a whole, and it may be a concrete effect of Rancière’s theory on contemporary political action; but I do not believe that it adequately grasps Rancière’s understanding of contingency.
Rancière insists that his originary equality of the logos was the form of equality *effective in* the political activity of the Athenian democracy (Rancière, 1999: 15-16). This equality “takes effect as” the freedom of the demos; the freedom of the demos “presents philosophy with… the effect of” this equality (1999: 18, 15). Rancière’s transcendental equality causes freedom, and in fact appears concretely *as freedom* and thus *is freedom*. He puts it differently, generalizing from his rewriting of Athenian history to his understanding of politics as such:

Politics occurs because, or when, the natural order of the shepherd kings, the warlords, or property owners is interrupted by a freedom that crops up and makes real the ultimate equality on which any social order rests (1999: 16)

Freedom “makes real” Rancière’s equality of intelligence. Rancière’s notion of equality begins to sound like some kind of ontological substance that makes its ontic appearance in the form of political freedom. This notion of politics points to those situations in which this ultimate equality *is made real* by the free action of singular assemblages of people. In such instances, equality functions as a *presupposition of action* that people assume as a starting point rather than positing as a goal. When it makes a concrete appearance (*in* political activity and *as* freedom), this presupposition of equality “itself demonstrates the sheer contingency of the order, the equality of any speaking being with any other speaking being” (1999: 30). Although he does not offer much in the way of explanation as to how, why, or in what way this occurs, Rancière asserts that insofar as equality is presupposed by political actors and put into action, it has the *effect of* exposing the contingency of the social order despite the latter’s claim to (or appearance as) necessity or nature.

In addition to identifying contingency with equality, then, Rancière also suggests a causal relation: the perception of equality in action causes the perception of contingency. While the specific meaning of the identification of contingency with equality remains unclear, Rancière clearly believes that the perception of a relation between the two terms is achieved through political activity that *puts into action* the presupposition of the equality of anyone at all with anyone else.
However, it seems extremely doubtful that this idiosyncratic formulation of equality is consciously presupposed by all political actors in all times and places. Indeed, even if there is a presupposition of equality at work in every political action, the very notion of equality means different things to different people, as Rancière concedes by discussing three competing forms of equality (arithmetical equality, geometric equality, and Rancièrean linguistic equality) throughout his *Disagreement*. Moreover Rancière’s own account of language, which I will discuss below, makes the variability of meaning of any given word explicit, thus rendering impossible the notion that all political actors in all times and places could presuppose the same concept of equality. If Rancière’s originary equality of the logos is at work in every political action, it seems that it must be a pragmatic presupposition — discerned by the philosopher’s gaze — rather than a conscious presupposition on the part of political actors.

A second clue as to the meaning of the relation between equality and contingency comes in an article by Rancière (published in 2011) in which he responds to a variety of his critics, with particular attention to his post-foundational critics. Comparing his philosophical activity to dissensus — which he insists is not only the *object* of his writing but also its *method* — he says that in his work he attempts to disclose “the contingency or the poetic character of any *arkhê*” (Rancière, 2011: 15). In this passage Rancière substitutes the notion of contingency with the notion of poetic. A contingent *arkhê* is simply a poetic *arkhê*. His meaning of “poetic” is clarified through his discussion of what he calls a “poetics of knowledge.”

A poetics of knowledge can be viewed as a kind of ‘deconstructive practice’, to the extent that it tries to trace back an established knowledge — history, political science, sociology, and so on — to the poetic operations — description, narration, metaphorization, symbolization, and so on — that make its objects appear and give sense and relevance to its propositions. What is important to me is that this ‘reduction’ of scientific discourse to the poetical moment means its reduction to the equality of speaking beings (Rancière, 2011: 14).
All forms of authoritative or scientific knowledge, upon which social hierarchies are founded, were constructed through a series of narratives and discourses that managed to be presented as science, as tradition, or as otherwise true. Instead of being perceived as contingently constructed and politically instituted as truth, such knowledges end up appearing as necessary truths and function as taken for granted presuppositions. The purpose of a poetics of knowledge is to reveal the contingent linguistic or literary origins of those knowledges and to reveal the processes through which they were able to transcend that status. As Rancière puts it in his introduction to *The Names of History*, a poetics of knowledge is “a study of the set of literary procedures by which a discourse escapes literature, gives itself the status of a science, and signifies this status” (Rancière, 1994: 8). The contingent, literary origin of a knowledge that is regarded as scientific or otherwise true would be exposed in Rancière’s “deconstructive practice.” Contingency, for Rancière, points to the constitutive linguistic element of all knowledge and authority. If authority rests upon knowledge or tradition, and both knowledge and tradition rest upon the poetic operations of language, then the necessary ground of any society is language. But there is no necessary relation between words, the meanings that are attached to those words, and the objects or referents to which those words point. This ultimate contingency of the relation between words, concepts, and things is the very contingency that underlies every social order for Rancière.

Throughout *The Ignorant Schoolmaster* (1991) Rancière riffs on this connection between the contingency of the social order and the contingency of the relation between words, concepts, and things under the banner of “arbitrary” (see especially pp 58-71, and 78). In *On the Shores of Politics* (1995), he concisely explains the implications of this observation for his account of political life in a small section titled “Community and Society: The Paradox of Equality.” (80-84). Language, in itself, is devoid of meaning or sense: it is arbitrary. Thus, the person who speaks and
the person who listens must “invest [the words] with meaning at each use” (Rancière, 1995: 81). In each speech act, participants must actively construct the meaning of the words from out of the context of an entire life of experience and an entire world of significant interrelations between words, things, memories, projects, etc. The meanings of words do not inhere in the signs themselves. It is only insofar as every speech act is a hermeneutic appropriation — both on the part of the speaker and on the part of the listener — that meaning can be shared and communication can occur. For Rancière, this pragmatics of communication has two implications: (1) every speech act assumes an interlocutor whose intellectual agency must actively construct the meaning of the words, a meaning which cannot be deduced from a “pre-existing code or dictionary”; and (2), there is only one way to be “intelligent” (Rancière, 1995: 81-82). Thus all discourses of authority — which are contingently/poetically constructed and constituted as truth — are always contingently re-constructed each time they are comprehended as legitimate. Each act of re-construction implies the activity of an intelligence that is equal to any other, and which is capable of re-constructing those discourses of authority in a new way. Contingency and equality, then, if not exactly identical, are both constitutive features of human communication, which is always used in every operation of legitimating domination and of dismantling domination. For Rancière, every phrase is contingently/poetically constructed, and every human being is equal to the next in the capacity to re-construct the meaning of each phrase.

Contingency here takes on a meaning that is specific to human societies and human language. It has nothing to do, for instance, with the contingent existence of some particular animal species on the Galapagos Islands that could just as easily not have come to exist if some sequence of events had modified the evolutionary chain leading up to its current contingent configuration. Contingency, as it is deployed in Rancière’s texts, has only to do with human meaning and the
worlds that such meaning opens up. It is through the linguistic capacity of human beings that meaning, knowledge, authority, power, and hierarchies are constituted. It is also through this linguistic capacity that humans are able to appropriate the reigning meanings of social relations and to put those significations to new uses. This is what occurs in Rancière’s notion of politics, wherein the equality of speaking beings is put into action, is enacted, as the freedom of the people. Such action reveals the contingency of a given authority by demonstrating the contingency of the meaning of the discourse that grounds that authority; by showing, for instance, that “right” could signify newly, could be used as a justification for the power of the people rather than a justification for the power of the king.

This is the sense in which Rancière links the equality of intelligence with contingency. Both contingency and equality are tied together with the poetic or linguistic operations at the basis of every act of communication, every form of knowledge, and every social hierarchy or power structure. Because the meaning of any given word is an arbitrary, poetic construction that must be re-constructed in each instance by the linguistic capacity of each human being who perceives that word, the meaning of the word can be modified in each re-construction. Because authority rests upon a series of such modifiable poetic constructs (despite the fact that they have transcended their appearance as poetic in their signification as authoritative) it is always possible that the linguistic chains upon which authority rests could be unraveled by political action that enacts the originary equality of the logos and transforms the meaning of words, thereby undermining authority and asserting human freedom. In light of this poetic playfulness, Rancière’s description of political activity as “whatever shifts a body from the place assigned to it or changes a place’s destination” (Rancière, 1999: 30) takes on a richer significance. Political action would bring into play the meaning of authoritative discourses, thus reconfiguring the relations between words and things,
between knowledge and authority, between discourses that keep bodies in their place and the variable designations and destinations of those places and/or bodies. Such egalitarian reconfigurations would make the contingent/poetic foundations of authority explicit as such and would reconfigure certain linguistic chains that ground authority in a new way, in a way that shifts the configuration of roles, places, bodies, and ways of thinking, acting, and being in the world.

The equality of intelligence, for Rancière, is a necessary structure of human coexistence; but that originary equality has no necessary form of appearance. Thus, as the “sole principle” of politics, equality “is not peculiar to it [politics] and is in no way in itself political. All equality does is lend politics reality in the form of specific cases to inscribe, in the form of litigation, confirmation of the equality at the heart of the police order” (Rancière, 1999: 31-32). Insofar as structures of power go unchallenged and are left to signify their poetic foundations as though they were authoritative, the equal capacity of speaking beings reconstructs the authoritative discourses unchanged, and the hermeneutic appropriation of meaning only reproduces the truth of the social hierarchies, instilling a belief in their necessity. In this case, the ontological equality of the logos makes its ontic appearance as subservience. But when political actors hermeneutically appropriate the authoritative linguistic chains in disruptive ways that unsettle habituated patterns of thought and action, thereby revealing the poetic/contingent character of the reigning power structure, then Rancière’s ontological equality makes its ontic appearance as freedom.

If there is a necessary place for a contingent ground in any social order, for Rancière that sheerly contingent ground is necessarily the poetic operations of language that establish a set of discourses as a foundational fiction. That foundational fiction, established as true, and as an ordering-legitimating horizon of intelligibility for the organization of social hierarchies, privileges, and authority structures, is itself only possible on the basis of a capacity for language or
intelligence that is equally distributed among human beings. Despite Rancière’s apparent identification of equality with contingency — which has left his commentators puzzled — in the theoretical moves that he makes in the construction of his theory of politics, he does not in fact identify the two concepts. Rather, he derives both equality and contingency from language, the ultimate foundation of all contingent foundations and of all egalitarian political action that disrupts those foundations. The fact that he explicitly identifies equality with contingency at various points throughout his work obscures the fact that in the workings of his theory no such identification actually occurs. Rancière is either misleading his readers, unclear in his thinking, or the victim of systematic poor translations.

From Originary Conflict to Universal Logic

As I mentioned above, it seems to me that Rancière articulates a reconfiguration of Lefort’s post-foundational categories. Specifically, I argue that Rancière presupposes: (1) the necessity of a contingently instituted foundation that is (2) necessarily marked by an originary conflict, division, antagonism, or fissure; and (3) he identifies democracy as the privileged form of human community that is genuinely political because it thematizes the foundational fissure located on the ontological side of the political difference. In the previous section I discussed Rancière’s way of formulating the necessary place for a politically instituted, contingent foundation. In this section I will examine Rancière’s reconfiguration of the common post-foundational supposition of the necessity of an originary conflict, which Rancière has referred to as “the structural antagonism of a life in common” (Rancière & Panagia, 2000: 218).

Along with other post-foundationalists, Rancière’s account places this foundational fissure on the ontological side of the political difference. But Rancière has given this move a distinctive shape that is already visible in his articulation of the relation between contingency, equality, and
human language. The contingently-instituted, inegalitarian, foundational fiction represents one side of the originary antagonism; the egalitarian operations of appropriating meaning and disrupting the hierarchies of authority through political action represents the other side of the originary antagonism. Thus, rather than focusing on the conflict as such, Rancière, breaks apart the two parties that are inextricably linked in conflict (e.g. rich contra poor) and extracts from each an abstract principle that he then posits as the necessary ground of social reality: the iron law of oligarchy, and the universal equality of intelligences.

Rancière thus shifts his attention away from the originary conflict at the ground of society and instead focuses on the social organization of inequality and the conflictual status of equality. Equality, goes Rancière’s tale, cannot ever be instituted in social reality; it can only be presupposed in conflictual political action. Inequality, on the other hand, is the natural state of things. But by re-focusing on the conflict itself, rather than the two abstract principles that Rancière has extracted from that conflict, we could talk about instituting political mechanisms and social structures that would reduce the power of the wealthy/powerful in this originary conflict without deluding ourselves into thinking that it could ever be finally settled or resolved.

Indeed, this is the lesson of the Athenian democracy: because an unending conflict between the rich and the poor is smoldering beneath the surface of social relations, the poor designed institutions that would give them the upper hand in this structural conflict. Thus, when Rancière insists that the “better police” is the one “that all the breaking and entering perpetrated by egalitarian logic has most often jolted out of its [i.e. the police’s] “natural” logic” (1999: 31), if we focus on the originary status of the social conflict we must assume that such breaking and entering has instituted forms of governance, administration, education, production, etc. that favor the poor/vulnerable/oppressed in the necessary conflict of the social. Participatory budgeting, worker
ownership of the factory, critical pedagogy in the school, the food sovereignty of the Landless Rural Workers’ Movement, and the democratic confederalism of Rojava are all possible institutional forms that could help favor the interests of the oppressed in this originary conflict.

For Rancière, then, there is the logic of the strong (inequality) and there is the logic of the weak (equality); and these two logics are always coming into conflict as the weak seek to enact their egalitarian presupposition and the strong seek to enact their inegalitarian presupposition. Despite his meta-theoretical assertions that he avoids all ontology, Rancière consistently elaborates these two very firm ontological commitments throughout his entire theoretical oeuvre, whether dealing with political philosophy, historical commentary, or reflections on aesthetics.

Rancière illustrates the link between these two linguistic logics (which he sees as the constitutive elements of human logos) and the originary conflict of the social through an examination of Aristotle’s famous characterization of the human being as the creature that possesses logos — that is, the capacity to give an account, to speak, to deliberate, to reason. The human animal is essentially an animal with language. But Rancière notes that Aristotle is not satisfied with this simple generic definition, instead choosing to enumerate species of the genus: whereas the developed adult male has full possession and authority of the logos, “the slave is the one who participates in reason [logos] so far as to recognize it (aisthēsis) but not so as to possess it (hexis)” (Rancière, 1999: 17). Right inside the essential definition of the human being, which would seem to include all human beings, there is already an exclusion at work in the Aristotelian text. While all human beings have the capacity to understand and to give an account, Aristotle’s exclusion of the slave is effected by the account that is made of the slave’s capacity to give an

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24 Rancière does not mention the fact that Aristotle also excludes women from full linguistic endowment: “For the slave has no deliberative faculty at all; the woman has, but it is without authority, and the child has, but it is immature” (Politics: 1260a12-14).
account. The universality of language is split from within. For Rancière, this exclusion lies at the heart of all police orders, whose modus operandi is to police bodies into their place by excluding them from the right to assert their equality in speech. Political action thematizes this “fundamental conflict” between those who claim the right to command and those who are forced to submit (1999: 22) by naming the conflict between the police order and the equality of speaking beings. Rancière writes:

“the people” is the name, the form of subjectification, of this immemorial and perennial wrong through which the social order is symbolized by dooming the majority of speaking beings to the night of silence or to the animal noise of voices expressing pleasure or pain (Rancière, 1999: 22).

From out of the originary structure of the logos, then, there are two necessary “processes” (1999: 30, 34) or “logics” (1999: 28, 32-33) at work, which are set against each other in an interminable conflict. On the one hand, there is the poetic invention of an inegalitarian fiction (the account made of the capacity to give an account) that establishes the legitimacy of some hierarchical structure of society to the exclusion of some and the privilege of others. On the other hand, there is the simple fact that all humans have equal access to the logos despite the inegalitarian fiction that justifies exclusion.

While this logos-centric elaboration of the conflictual ground of the social is indeed a unique spin on the post-foundational perspective, there is one element that is a positive deviation from the comments of previous theorists: Rancière insists that the logic of inequality will always be the animating principle of the dominant institutions of every society. Whereas Lefort, Mouffe, Laclau, Balibar, and others insist that every society is marked by a fundamental antagonism, but leave the shape of that antagonism undetermined, Rancière insists that the wealthy necessarily dominate. The material reality of inequality comes up against the spiritual, intellectual, or immaterial reality of equality, thus providing a dynamic in which the oppressed must perpetually
struggle against a social system that is destined to oppress them. True, he does indicate that “[t]here is a worse and a better police,” and that “[o]ur situation is in every way preferable to that of the Scythian slaves” who had their eyes gouged out to prevent them from escaping their bondage (Rancière, 1999: 30). Nonetheless, despite the improvements in the police order, Rancière excludes the possibility that any police order might be predominantly animated by an egalitarian impulse. Rancière believes that there will always be a conflict between the wealthy and the poor, and the wealthy will always be on top. Thus, Rancière’s two “logics,” articulated independently from the notion of a conflict or antagonism (which is how they usually appear in his texts), can be stated like so: first, every social order is necessarily inegalitarian, tending towards oligarchy and domination by a privileged elite; second, all human beings are necessarily equal in intelligence. To be sure, he indeed posits the necessity of antagonism as well; but rather than examining the antagonism itself he focuses his attention on the two foundational “logics” that he abstracts away from this antagonism. The second logic — that of equality — has already been thoroughly elaborated in the previous section. I now turn to a closer examination of the first logic, the logic of inequality.

Echoing Robert Michel’s (1962) notion of the “iron law of oligarchy” — which insists upon the necessity of oligarchic rule in any complex society requiring organizations for its functioning, whether nominally referred to as a “democracy” or not — Rancière articulates his first foundation in a variety of manners. In *The Ignorant Schoolmaster* (1991) he refers to the “law of gravity” (76-80), which requires that “all bodies mindlessly hurl toward the center” (76). Just as stones hurl towards the center of the earth so too does the material of human bodies hurl mindlessly towards a centralizing power-structure that puts each body in its place, assigning it a corresponding role and way of being/thinking/doing. In *Hatred of Democracy* he puts it
differently: he insists that there is a “natural order” in the world, wherein societies tend towards rule by a wealthy elite, who, in turn, utilize force and scientific knowledge in the consolidation of their privileged status (2014: 46). They are thereby able to establish a certain “distribution of places and capabilities” that configures the institutions, roles, aptitudes, and ways of life available to the population (2014: 47). While these oligarchic forms of governance are politically instituted, contingent achievements, and thus only appear to be natural, Rancière is quite consistent in insisting upon the necessary place of some contingently instituted oligarchic order or another. In Disagreement (1999), Rancière refers to any such structure of sensible reality as “the police” (28-29), and insists that “the resistance of any police order” to democratic politics “is a matter of principle” (39). That is to say: there is no such thing as a police order that does not intrinsically work against democratic politics. Every police order, for Rancière, necessarily tends towards oligarchy and domination. Representative government is just one way in which this oligarchic police principle has been institutionalized (2014: 53). How oligarchy is institutionalized varies. But the fact that it is institutionalized does not. With this hypostatization of the iron law of oligarchy Rancière rules out in advance the possibility of a social order that is not predominantly animated by an oligarchic impulse, closing out the possibilities of institutional transformation in troubling ways.

But while the wealthy necessarily dominate, they must invent some fiction that justifies their privileged position and explains to the dominated the necessity of the arrangement of social relations, perhaps appealing to nature, nobility, divinity, or the telos of history. But in this poetic act of providing a foundation to the contingently instituted authority structure, they must pragmatically presuppose the equality of intelligence of those persons whom the poetic explication
categorizes as inferior. In order for them to understand the poetic fiction that justifies the authority structure, these supposed inferiors must have the equal linguistic capacity to make sense of the words used in the foundational fiction. “Equality must be posited if inequality is to be explained” (Rancière, 1995: 82). Thus the inequality of the social order is ultimately grounded in the equality of intelligence implied in the structure of the logos. But the converse is also true, on Rancière’s account:

What binds us together prior to all community, prior to any equality of intelligence, is the link that runs through all those points where the weight of things in us becomes consent, all those points where acquiescence comes to be loved as inequality and is reflected in the activities of comparing, setting up and explaining ranks… The social bond is maintained by this endless manufacture of acquiescence, which in schools is called explanation and in public assemblies and courts goes by the name of persuasion (Rancière, 1995: 83).

The condition of possibility for linguistic interaction (and its necessary equality of intelligence) is the material existence of a society. Language does not occur in isolation from the social bond, which, on Rancière’s account, is necessarily inegalitarian, and necessarily bound up with an inegalitarian fiction that polices bodies into their place. Prior to the equality of intelligence, then, we are held together by the discourse of inequality, which itself presupposes the equality of intelligence. Burrowed in the structure of language, then, is the universal necessity of the material inequality (of social bodies) and the immaterial equality (of intelligence).

This difficult relation between language, equality, and inequality is what Rancière refers to as the “paradox of equality” (1995: 80-84), which serves as the foundation for his vision of politics. Given this situation, Rancière insists that there are “but two ways of grasping hold of arbitrariness, the primary non-reason of things and of language: the egalitarian reason of the community of equals or the inegalitarian unreason of social bodies” (1995: 84). The community

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of equals gestures towards Rancière’s notion of dissensus, which: (1) does not set equality as a goal, but instead presupposes it as a starting point; and (2) acknowledges that “the community of equals can never achieve substantial form as a social institution” (Rancière, 1995: 85). This elusive community of equals indicates people who have perceived the inegalitarian fiction for what it is, and have interpreted it differently, have appropriated the words that bind the social order together and deployed them in ways that undermine the social bond. But as soon as they attempt to give equality some substantial form in concrete institutions of society and to create a new fiction of their own — one that would justify equality rather than inequality — Rancière insists that they necessarily betray their own cause.

No matter how many individuals become emancipated, society can never be emancipated. Equality may be the law of the community, but society inevitably remains in thrall to inequality… A community of equals can never become coextensive with a society of the unequal, but nor can either exist without the other. They are as mutually exclusive in their principles as they are mutually reinforcing in their existence (Rancière, 1995: 84).

I repeat: Rancière’s ontology comes down to the necessity of both material inequality (of the social bond) and immaterial equality (of intelligence). In a kind of repetition of his articulation of the relation between contingency, equality, and language, then, Rancière’s elaboration of the originary conflict results in the hypostatization of the two foundational logics that he derives from the structure of human language. Along with contingency, he thus marks both equality and inequality on the ontological side of the political difference.

In light of this ontology, Rancière’s seemingly “paradoxical” formulation of the political subject makes much more sense. Consider the formulation he provides in his attack on Hannah Arendt: “the Rights of Man are the rights of those who have not the rights that they have and have the rights that they have not” (Rancière, 2010: 75). This statement is merely a reassertion of the dual reality of both equality and inequality. The person who does not have the rights that they
have points to the material reality of the unequal distribution of social bodies, the merely formal rights that are not actualized in the oligarchic social order. The person who has the rights that they do not have points to the immaterial reality of the equality between speaking beings, the equality between anyone and everyone that is asserted in the face of that unequal social reality.

An important question here would be: how do we transform the durable institutions of the police order along egalitarian lines. Unfortunately, Rancière treats this question with scorn, and derisively attacks those who ask it.26

Most post-foundationists assert the necessity of a necessarily contingent foundation that is marked by antagonism or conflict. Rancière does the same, though he abstracts the logic of the police and the logic of politics away from that originary conflict and grounds both these logics, along with the necessarily contingent foundation of the social, in the structure of human language. As I discussed in Chapter One, Rancière views democracy (which he also refers to as politics, disagreement, and dissensus) as the privileged form of human community that thematizes the foundational fissure at the basis of the social order. Like Lefort, then, he gives priority to democracy as the genuinely political form of human community. Unlike Lefort however, he refuses to use the word “democracy” to name any formalized institutions of state, practices of governance, or ways of life. To the contrary, for Rancière democracy as a form of community can only be the fleeting inscriptions of equality that disrupt all that order.

Before examining Rancière’s notion of democracy in more detail, I first will evaluate Rancière’s meta-theoretical comments denying the presence of any ontological claims in his work.

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26 See the introduction of this work for an exploration of Rancière’s contemptuous dismissal of participatory democratic theory and his rejection of the possibility of worker ownership and management of the workplace.
Chapter Three: Rancière’s Philosophical Ambitions

As I mentioned above, it seems incredibly unlikely that every political actor in history has consciously presupposed Rancière’s idiosyncratic conception of equality. In fact, given Rancière’s view of language — which insists that each act of understanding is a hermeneutic appropriation that invests words with meaning from out of the context of an entire life of experience — it is flatly impossible for the same concept of equality to be consciously presupposed in every political action. If Rancière’s originary equality of the logos is presupposed in every political action, it must be a pragmatic presupposition rather than a conscious one. This pragmatic presupposition would be visible from the viewpoint of philosophy, but probably would not be present to the consciousness of political actors who had not read Rancière’s texts. This interpretation is supported by Rancière’s use of examples in which actors presuppose the form of equality that is inscribed in the police order, for instance in the founding documents of modern nation-states. This is the sense in which he insists that politics is necessarily entangled with the police, always acting “in the places and with the words that are common to both [the police order and to political action], even if it means reshaping those places and changing the status of those words” (Rancière, 1999: 33). In this formulation, rather than presupposing the ontological equality of intelligence, political actors presuppose some contingently constituted form of equality that is accepted as valid in the police order despite the latter’s generally oligarchic structure. Through such political action they would change the meaning of that word, along with the places, roles, and relations it names. However, although Rancière does indeed characterize his notion of dissensus in this way, he wavers between this formulation and a formulation that attributes to his exemplary figures of political action the presupposition of his ontological equality.
For instance, Rancière sometimes describes the revolutionary activities of 1830s France by reference to the proletarian appeal to the formal equality inscribed in the preamble to the French constitution, amounting to a kind of immanent critique. This is the shape that Rancière gives the story in *On the Shores of Politics* under the banner of the “syllogism of emancipation”: the proletarians thematized the gap between the immaterial promise of equality in the preamble and the material reality of inequality (Rancière, 1995: 45-52). The form of equality presupposed in this practice of immanent critique is explicitly specified as the equality that is contingently constituted in the discourses and founding documents of the police order of 19th century France.

However, in *Disagreement*, when he first presents the readers with the figure of Blanqui, the legendary revolutionary of 19th century France, he resorts to his ontological equality of the logos. When Blanqui is brought to trial in 1832, the magistrate asks him to name his profession so that it can be inscribed in the court records. Blanqui replies that he is a “proletarian.” When the magistrate objects to this response and asserts that this is not a profession, Blanqui declares “It is the profession of thirty million Frenchmen who live off their labor and who are deprived of political rights” (Rancière, 1999: 37). In reference to this declaration, Rancière claims: “What is subjectified is neither work nor destitution, but the simple counting of the uncounted, the difference between an inegalitarian distribution of social bodies and the equality of speaking beings” (1999: 38). While this neatly fits Rancière’s theoretical framework, wherein the equality of intelligence is lurking behind every speech act and waiting to encounter the police order in dissensual glory, on Rancière’s own account Blanqui does not reference the equality of intelligence. To the contrary, he contrasts the inegalitarian distribution of bodies in the police order with that very police order’s own promise to equality: the proletarians are “deprived of political rights” (ibid). It is the formally inscribed equality of citizens in respect to political rights that is
presupposed in Blanqui’s dissensual action, not Rancière’s ontological equality. Thus, Blanqui’s action does match up with Rancière’s characterization of politics as always entangled with the police and always borrowing the words and phrases that are already inscribed in the police order. Why, then, does Rancière attribute the equality of speaking beings to Blanqui in his ‘rewriting’ of Blanqui’s political action?

Perhaps we can disentangle the intentionality of the political actors Rancière portrays from the intentionality of the political theorist who Rancière in fact is. In this chapter I will argue that Rancière’s wavering between the necessary equality of speaking beings and the contingent inscriptions of equality in the police order is a function of his aspirations as a political theorist. Rancière’s description of the entanglement of political logic with police logic through the political appropriation of contingent inscriptions of equality within the police order reflects Rancière’s empirical observations in respect to political action. Political actors oftentimes criticize the systems of domination and authority on the basis of some standard of justice or equality that those very police orders purport to value. On the other hand, Rancière’s attribution of his own brand of ontological equality as the presupposition of political action reflects Rancière’s theoretical postulation that such equality is *pragmatically* presupposed in every act of dissensus regardless of the intentionality of the actor. When Rancière insists on attributing this ontological equality as a conscious presupposition of political action it reflects Rancière’s will to lay his own foundational fiction through his various ‘rewritings’ of exemplary moments of political action throughout history. The foundational fiction that Rancière aspires to instaurate through his theoretical writing is the dual reality of *material* inequality (of the social bond) and immaterial equality (of intelligence). That is to say, Rancière hopes that an engagement with his texts will leave his readers with the *faith* that (1) every social order is necessarily dominated by an inegalitarian, oligarchic
impulse, and that (2) the capacity to comprehend language and transform its meaning is necessarily distributed equally among all human beings.

Rancière’s Plato

To disentangle the relation between Rancière’s theoretical figures of political action and his activity as a political theorist, I return to a passage explored in the previous chapter, wherein Rancière articulates the relation between equality, freedom, and contingency in his ‘rewriting’ of Athenian history. In this passage, he indicates that the relation between these three terms is perceived from the perspective of philosophy: “what the empty freedom of the Athenians presents philosophy with is the effect of… the equality of anyone at all with anyone else: in other words… the sheer contingency of any social order” (Rancière, 1999: 15, italics added). He immediately follows up with an interpretation of Plato’s critique of democracy.

The author of the Gorgias pours all his scorn into proving that this particular equality [Rancière’s universal equality of intelligence] is nothing more than the arithmetic of the oligarchs, in other words, the inequality of desire…[the] endless craving for the always more: always more ports and ships, more merchandise and colonies, arsenals and fortifications (Rancière, 1999: 15-16).

But, despite Plato’s attacks on the excessive appetite of the Athenians, which enabled them to maintain an unjust empire and led them to ruin in the Peloponnesian war, Rancière points to Plato’s deeper concern, which lay in the fact that “any mere shoemaker or smithie can get up and have his say… The problem is not the always more but the anyone at all, the sudden revelation of the ultimate anarchy on which any hierarchy rests” (Rancière, 1999: 16). According to Rancière, the concrete enactment of this equality of anyone at all in the Athenian institutions of democratic governance brought about the “sudden revelation” of the contingency of the social order; it revealed that “anyone at all” could exercise the arkhê. But in this passage Rancière is explicit in speaking from the perspective of philosophy. It is not to the actors themselves, nor to the polis as
such that the originary equality of the logos is revealed as the cause of the Athenian’s freedom and simultaneously identified with contingency. To the contrary, on Rancière’s account, it was to the critical eye of Plato that this relation between equality, freedom, and contingency was revealed. Although he attributes his own formulation of the post-foundational perspective to Plato, Rancière is unable to point to any passage in which Plato actually articulates the enigmatic connection between equality, contingency, and freedom that Rancière defends.

Returning to another passage explored in the previous chapter, wherein Rancière substitutes the notion of contingency for the notion of poetics, his relation to Plato becomes even more complicated, and his understanding of his role as a philosopher becomes more apparent:

My practice of philosophy goes along with my idea of politics. It is an-archical, in the sense that it traces back the specificity of disciplines and discursive competences to the ‘egalitarian’ level of linguistic competence and poetic invention. This practice implies that I take philosophy as a specific battlefield, a field where the endeavor to disclose the arkhê of the arkhê simply leads to the contrary, that is, to disclosing the contingency or the poetic character of any arkhê. If much of my work has been elaborated as a rereading of Plato, it is because his work is the most elaborated form of this battlefield (Rancière, 2011: 15).

Although Rancière typically offers pure contempt for Plato’s “resolute hatred of democracy” (Rancière, 1999: 10),27 we here see a real sense of admiration for Plato’s ability to recognize the truth of the post-foundational perspective long before it was articulated by political philosophers in the twentieth century.

Although Rancière cannot identify any point in Plato’s text in which Rancière’s own idiosyncratic articulation of the relation between equality, freedom, and contingency is at work (despite attributing that very analysis to Plato’s pen), he is able to identify the most basic premise of the post-foundational perspective in Plato’s image of the noble lie. Though philosophy is the

27 For Rancière’s most sustained critique of Plato, see The Philosopher and His Poor (2004), pp 1-53.
activity that “promises to tell the truth about Truth,” Plato understands that this “can only be told as a myth,” that a “noble lie” would need to be fabricated as the foundation of any new social order (Rancière, 2011: 15).

If there is a privilege of philosophy, it lies in the frankness with which it tells us that the truth about Truth is a fiction and undoes the hierarchy just as it builds it. An egalitarian practice of philosophy, as I understand it, is a practice that enacts the aporia of foundation, which is the necessity of a poetical act to constitute an arkhê of the arkhê, an authority of the authority. I am aware that I am not the only person committed to this task (Rancière, 2011: 15).

Rancière sees philosophy as an activity that attempts to poetically construct a foundational fiction that will serve as the contingently instituted myth at the ground of the social order. He admires Plato’s frankness in acknowledging this fact through his image of the noble lie. He is committed to the project of enacting his own noble lie; but rather than constructing any old foundational fiction, Rancière aims to construct one that would enact the aporia of foundation, thus making the poetic, contingent, fictional status of the foundation visible in the very act of founding it. This kind of foundational fiction would undo hierarchy while simultaneously establishing it. Finally, Rancière acknowledges the fact that within the philosophical battlefield of competing foundational attempts, he is not the only person committed to the task of laying a foundational fiction that simultaneously establishes hierarchy and breaks it down. That is to say, there are other post-foundationalists working towards this very same objective.

Rancière’s (post)foundational fiction that would undo hierarchy while simultaneously establishing hierarchy consists of the dual necessity of a contingently constituted oligarchic order and the necessarily immaterial equality of intelligence. Insofar as this myth were accepted as true, it would assert the reality of the necessarily oligarchic hierarchy of the social order, as well as the unreality of that same oligarchy through the assertion of the reality of the equality of intelligence, thereby undoing the hierarchy and simultaneously building it. To this end, Rancière coins all
manner of slogans that reflect this mythological foundation; for instance, his ‘paradoxical’ formulation of the Rights of Man as “the rights of those who have not the rights that they have and have the rights that they have not” (Rancière, 2010: 75) is one of the most memorable phrases that reflects Rancière’s attempt to enact the aporia of foundation through theoretical sloganizing.

Given the fact that Rancière imagines his project as being very similar to Plato’s project, and the fact that Plato is one of his most common targets of attack, by exploring Rancière’s representation and critique of Plato, I hope to further clarify Rancière’s own philosophical endeavors. Rancière offers his most sustained interpretation of Plato and his noble lie in the first section of *The Philosopher and His Poor* (2004), originally published in 1983. Despite the fact that his analysis amounts to a fifty page diatribe against Plato’s project, he concludes with the same admiration that appears in the passage quoted above, praising Plato’s “extraordinary frankness” in expressing the necessity of establishing both knowledge and social order on a foundational fiction rather than on the firm soil of some sort of knowledge of society, science of science, or truth of Truth (Rancière, 2004: 52). This frankness distinguishes Plato from later thinkers who will obscure the necessity of a foundational fiction in their attempts to found a genuine (i.e. non-poetic) science of society or foundation of knowledge. Embedded in the image of the noble lie, Plato’s extraordinary frankness expresses “the paradox of [philosophy’s] very institution” (Rancière, 2004: 52). That is to say: despite its apparent concern with the truth of Truth, despite its claim that it is distinct from both the technical knowledge of the artisans and the poetic creation of the playwrights, philosophy — along with the mythical tales it spins — is only established as legitimate through those very fictions. Philosophy’s legitimacy is enacted through the images, narratives, metaphors, and otherwise fictional myths that it furnishes for itself. Once philosophy is established as legitimate, its fictions create the appearance of truth. First comes legitimacy,
through fiction; then comes truth, through the effects of that fiction on the social order. The technical knowledge of the artisans, on the other hand, is legitimate only insofar as it is able to consistently produce some material good for human civilization. That is to say, technical knowledge is legitimated by its effects, whereas philosophy is legitimated by itself, but produces determinate effects insofar as it is established as legitimate.

Plato’s project, then, consists in the effort to create a specific truth effect in the sphere of appearances; in the sphere of the *doxa* (prevailing public opinion) within which all politics and all human life necessarily unfolds. Rancière thus insists that Plato is not primarily concerned with the imposition of his truth or with the establishment of an inegalitarian order. Instead he aims to create a specific effect. Plato hopes that his foundational fiction will be “the fiction that chases the artisan from the realm of fiction… Its concern is less to lock others up than to protect itself from them, less to impose its truth than to safeguard its appearance. Nobility, we know, consists of that first and foremost” (Rancière, 2004: 52). On Rancière’s account, Plato seeks to police the sphere of appearance, to ensure that the overly passionate rabble rousers of the democratic assembly are not able to constitute foundational fictions that will end up structuring the configuration of the prevailing appearances in the sphere of *doxa*. Plato seeks, in short, to create an aristocracy of appearances, to preserve the capacity of configuring the space of sensible reality for the clear headed philosophical elite. To do this, he must establish the rigid division between philosophy on the one hand, and fiction, poetry, technical knowledge, and political rhetoric on the other. Thus the eminently rational philosophers, unmoved by the turbulence of the moment, will reserve for themselves the right to poetically produce the foundational fictions that have the effect of instituting certain form-giving principles that give shape to the social order.
Thus, while Rancière often charges Plato with the will to establish an inegalitarian, aristocratic social order that corrects the excesses of oligarchy without resorting to democracy, here we see that he charges Plato with something else entirely: Plato aims to police the domain of fiction so as to ensure that he and his cadre of philosophers possess a monopoly on the production of the foundational fictions that lay at the basis of all appearances in the realm of doxa or prevailing public opinion. Though the effect of his policing of the realm of fiction may well be to bring about an inegalitarian social order, his principal aim is, on this accounting, to police the realm of fiction. The construction of foundational myths “must be reserved” for the enlightened philosophers (Rancière, 2004: 17).

Perceiving a destructive dynamic in the interaction between the rich and the poor in the democratic assembly, Plato aimed to correct the problem with his foundational myth. This noble lie aimed to disqualify both the oligarchs and the democrats, both the rich and the poor, from the ability to contribute to the symbolic constitution of the social, thereby privileging the philosophers as uniquely qualified in this task. On this reading, Plato hoped to bring some stability to the realm of appearances through his philosophical interventions, which he believed would stop the vicious cycle between democracy, tyranny, and oligarchy.\(^{28}\)

Rancière perceives Plato’s myth-making strategy as adding a third party — the philosopher — to the troubling relation between the oligarchs and the democrats. Rancière traces the pernicious legacy of this strategy as follows: (1) the oligarchs tend to dominate the capacity to construct the symbolic constitution of the social through their foundational fictions (whether the

\(^{28}\) Though Plato and Aristotle both offered their own version of this notion of a vicious cycle between regime types, the historical record of the Athenian democracy boldly contradicts this allegedly natural process. It is true that other poleis (e.g. Megara) were subject to violent revolutions between oligarchies, popular mass-government, and tyrannies (Wallace, 2007); but it is important to remember that the citizens of the polis where the word “democracy” seems to have emerged (i.e. Athens) effectively ended this political instability for two centuries; that is, until the Macedonian conquest stripped the Athenians of their autonomy.
“nobility” of pre-Cleisthenic Athens or the “meritocracy” of the present); (2) the philosophers, with their distinctions between high and low, only tend to reinforce the reigning authority structure, with its divisions between nobles or experts on the one hand, and commoners or ignoramuses on the other; and (3) the common people, the rabble-rousers, the riff-raff, the working poor, the immigrants without papers, the sexual deviants — in short the demos of any given time or place — tend to be excluded from the privilege of contributing to the symbolic constitution of the social by way of the dynamic at work in the interplay between the power of the oligarchs and the legitimating myths offered by all stripes of philosophers, social scientists, sociologists, and otherwise academically distinguished elites. Plato, like Marx and Bourdieu, meant well. They intended to undercut the strength of the oligarchs. But in reserving for the intellectuals the privilege of symbolically constituting the space of social reality, they excluded the masses from this project and unwittingly provided the intellectual support needed by an economic elite intent on securing their material privilege in the social hierarchy.

Rancière sets out to undermine the project of all these intellectuals. But he does so by “paradoxically” attempting to lay his own foundational myth or fiction. It would have to be a fiction that both undermines the legitimacy of intellectuals to construct such fictions and that undermines the reigning fiction that is operative in the oligarchic structure of social reality. Thus, in a reversal of what he takes to be Plato’s objective of chasing out the common artisans, farmers, and working poor, Rancière seems to gesture towards their inclusion. He sees his practice of philosophy as “an-archical” and “egalitarian,” which means that he wants to lay a foundation that “undoes the hierarchy just as it build it” (Rancière, 2004: 14-15). That is to say, Rancière believes that his fiction endows the demos with the capacity to contribute to such fictional projects, and thereby to undermine the concrete institutional dominance of the oligarchs. It is through their
access to participation in the symbolic constitution the realm of *doxa* — of appearances, of the prevailing public opinion — that the demos will be able to fight the formally institutionalized oppression that they face at the hands of the oligarchs.

Recall that Rancière sees his work as an intervention into the specific “polemical context” of the hegemonic consolidation of a neoliberal rationality that is increasingly entwined with the liberal democratic form of government, is buttressed by the project of political philosophy and its return to pure politics, and is characterized by the technocratic will to consensus around a certain array of technical knowledge. The technocratic principle at the basis of neoliberal rationality is constituted by both *techne* and *kratos*, by technical knowledge on the one hand, and the power or force of legitimate authority on the other, which here takes the form of consensus. Unlike the technical knowledges of Plato’s time, which — with the exception of the *technai* of rhetoric and military strategy — were detached from the realm of political authority and were only seen as legitimate insofar as they produced useful effects, the technical knowledges that constitute the neoliberal consensus are legitimated precisely by a foundational fiction: the ultimate authority of scientific *knowledge* as against the ignorance of unscientific *opinions*. This *faith in science* has structured the hierarchies of authority and decision-making procedures throughout the twentieth century, thereby reserving for the experts the right to make decisions, and subjecting the non-experts to the mercy of the expert knowledge systems and decision-making procedures that embody the prevailing scientific consensus. While there was once a Keynesian technocratic consensus that benefitted from this foundational edifice, as the Western social order encountered a determinate crisis in the 1970s, one technocratic content was easily replaced with another, that of neoliberal rationality.
There have subsequently been serious efforts to inscribe this neoliberal rationality into the very structure of modern technocratic legitimacy through the poetic operations that can be collected under the banner of the discourse of the “end of history,” which invokes the Hegelian thesis to designate the neoliberal consensus as the destination of the rational progress of Civilization as such. But this end of history thesis is only superimposed on top of the long-sedimented and ossified fiction that establishes technical expertise as the ultimate authority in political life: namely, the blind faith in scientific knowledge and in the reality of the meritocracy.

Rancière thus seeks to undermine the fictional foundation undergirding the neoliberal project through the consolidation of a new foundational fiction within the hegemonic battlefield of the discipline of philosophy. The way in which he attempts to enact his egalitarian “aporia of foundation” appears in the way that he puts his own spin on the post-foundational contention that every social order is marked by a foundational conflict, antagonism, or fissure. As I have argued above, Rancière’s version of this post-foundational perspective takes the form of two ontological commitments, which I will elaborate here as theses in their relation to the fictional edifice of the technocratic meritocracy of the present. The equality thesis would undermine the technocratic faith in experts, while simultaneously empowering the non-experts. The oligarchy thesis would undermine the faith in meritocracy and enlist the passion of the egalitarian action against the inegalitarian neoliberal consensus of the contemporary police order. This, in any case, seems to be Rancière’s strategy — Rancière’s hope.

Rancière and Ontology: on Rancière’s Metatheoretical Remarks

Despite the fact that Rancière is explicit in his ambition to construct a poetic/contingent foundation for the social order, he also insists that he does not do ontology. Rancière criticizes those theorists who attempt to enact a poetically instituted foundation that would establish a natural
order, a teleological destiny, or an ‘end’ of history. He criticizes such projects for their excessively ontological framework; and he certainly cannot be accused of advancing the kind of ontology implicit in these sorts of philosophical endeavors. To the contrary, he aims to construct a foundation that inculcates an awareness of the necessary status of contingency throughout the social body by inculcating a belief in the iron law of oligarchy and the immateriality of equality. But these propositions are precisely ontological claims, despite Rancière’s assurances to the contrary. The neoliberal fiction of the end of history, the technocratic faith upon which it rests, and the post-foundational foundation that Rancière aims to construct all aim to inculcate belief in certain propositions about social reality, and they aim to inculcate the belief that these propositions are necessary and true. This implies that they all are committed to certain ontological presuppositions or claims. However, whenever it comes to expressing his project in terms of its ontological commitments Rancière consistently denies any entanglement with ontology. Directly after acknowledging that he is “not the only person committed to this task [of enacting the aporia of foundation],” he writes: “What is thus the specificity of my position? It is that I refuse to ontologize a principle of the aporia” (Rancière, 2011: 15). On the one hand, it seems that he would like to persuade us that he is more post-foundational than other post-foundationalists, that he is exemplary of the post-foundational perspective, that he simply does not do ontology. On the other hand, his claim is actually true: he does not ontologize a principle of the aporia; he ontologizes two principles of the aporia.

Nonetheless, he proceeds to discuss a variety of post-foundational or otherwise post-structural principles that are ‘ontologized’ by their authors, a crime that Rancière assures us he eschews. “Some thinkers put it as difference, at the risk of conjuring up the spectre of transcendence. Others identify it with the infinity or multiplicity of Being” (Rancière, 2011: 15).
At this moment in his text, he specifically has in mind Derrida, Hardt and Negri, and Badiou. In each case, Rancière insists that the effort to “ground the unbinding of authority in a law of Being as unbinding” can only be achieved at the cost of reinstating “the principle of authority” (Rancière, 2011: 15). Which is to say that these thinkers repeat Plato’s sin: they assert the ungroundability of the social order, and they assert the notion that the social order is always already unraveling its own legitimacy; but they do so while simultaneously presuming that philosophy has a privileged view on this matter, thereby re-carving the singular space for philosophy as the discipline that has a monopoly on founding the fiction that grounds the social order. Though the fiction they spin does attempt to “enact the aporia of foundation,” by speaking in the discourse of ontology (or even ‘hauntology’) they undermine their own efforts. Rather than rooting his foundational fiction in an ontological principle, then, Rancière claims:

I prefer not to set a principle of the aporia, not to put Equality as an arkhê but to put it just as a supposition that must be verified continuously — a verification or an enactment that opens specific stages of equality (Rancière, 2011: 15).

How can we make sense of Rancière’s meta-theoretical claim that he avoids asserting equality as an ontological principle in light of the fact that he consistently articulates both equality and inequality in terms that suggest precisely the contrary? I contend that Rancière’s explicit statements that assert he has no ontological premises can be explained in light of his focus on the intended effect of his writings on social reality. If the neoliberal consensus is ultimately upheld by the faith in scientific knowledge in conjunction with the belief in the reality of meritocracy — the dual-fiction that establishes technical expertise as the ultimate authority in political life, thereby legitimating the technocratic structure of contemporary society — and Rancière seeks to undermine that foundational fiction, in the battlefield of philosophy he must denounce all ontology. In the battlefield of social science, the technocratic foundation is constantly legitimated through the production of scientific knowledge and the valorization of that knowledge. In the battlefield of
philosophy, that same role is played by the figure of ontology. Thus, despite the fact that he must assert an ontology (without using that now “dirty” word), insofar as he seeks to enact a foundational fiction that would undermine the technocratic/meritocratic fiction that legitimates the neoliberal consensus, he must nevertheless denounce the discourse of ontology whenever the word crops up.

The article by Rancière that I have been citing was published as the introduction to Reading Rancière (2011), a collection of critical engagements with Rancière’s work. This essay amounts to a sixteen page defense of Rancière’s project against his critics, with special attention given to those critics who presuppose the post-foundational perspective. When, in the final three sentences of this 2011 article, Rancière “stress[es] in conclusion that the main point is not understanding what I wrote… [but] is moving forward together in the discussion of the issues we are facing today,” I take him at his word. Like the Plato of Rancière’s contempt/admiration, who tells us sweet little lies, noble or otherwise, Rancière too is insincere in his philosophical writings. To interpret Rancière without taking into account the performative aspect of his writing, without taking into account the fact that “disagreement” is not only the object of his theorization, but “is also its method” (2011: 2), could lead us to uncritically repeat his anti-ontological claims, which is the effect that he seems to be hoping for.

Consider Chambers, who cautions us to take into account the circumstances within which Rancière writes (Chambers, 2011: 24; 2014: 73) but does not take his own advice when considering Rancière’s meta-theoretical assertions that he does not do ontology. Indeed, Chambers consistently affirms Rancière’s denial of ontology, but is perfectly happy to simultaneously articulate the ontology at work in Rancière’s theory of politics. In Chamber’s book, The Lessons of Rancière, directly after declaring that “Rancière avoids all ontology,” and subsequently citing some texts
where Rancière himself affirms this meta-theoretical claim, Chambers immediately proceeds to define the “essential feature” of politics, on Rancière’s account, as follows: “Politics is doubled, always and already” (Chambers, 2014: 58, italics in original). With this curious insertion of “and” inside the well-known phrase “always already,” popularized by Martin Heidegger’s “fundamental ontology,” Chambers seems to presume that he has undone the ontological implications of the “always” and the “already” when formulated together. In any case, his assertion that politics is “always and already” doubled simply points to the notion, stated by Rancière repeatedly, that politics does not have any objects or places that is proper to it, but always must operate within the bounds of the contingently constituted police order, politicizing the objects, places, and inscriptions that are symbolically constituted by that very police order. Chambers thus focuses on the empirical version of Rancière’s articulation of equality, to the exclusion of Rancière’s second formulation of equality as rooted in the ontological structure of human language. While this description of political action is indeed more accurate than Rancière’s mythos of the originary equality of the logos, it nonetheless constitutes an ontological claim. It asserts the necessary form of all political action in all possible worlds.

If Rancière avoids ontology, why does Chambers characterize Rancière’s notion of politics in terms of its essence that is always already at work? If these kinds of statements do not constitute ontological claims, what, on Chambers’ account, would? Earlier in his text, shortly after declaring that “Rancière rejects all ontology” (Chambers, 2014: 17), Chambers explains what he means by this term. But before getting to Chambers’ understanding of ontology, I would like to note that in this passage, Chambers makes the weak claim that Rancière rejects all ontology, whereas the passage quoted above (from page 58) makes the strong claim that Rancière avoids all ontology. While Rancière most certainly rejects ontology in his meta-theoretical claims, he simply does not
avoid it in the content of his political theory. In any case, Chambers draws on William Connolly’s account to explain what he means by ontology:

In 1987 Connolly argued that it was impossible to conceptualize politics without calling on an underlying “social ontology.” He defined a social ontology as “a set of fundamental understandings about the relation of humans to themselves, to others, and to the world” (Connolly 1987: 9). One cannot theorize politics, cannot think politics rigorously, without that thinking linking up with — calling upon, just as it also works upon, in a back and forth movement between two registers — a set of ontological commitments (Chambers, 2014: 18).

Chambers explains that on Connolly’s account there are two possibilities: either the political theorist explicitly acknowledges the ontological presuppositions of their theory, or they suppress or conceal those ontological presuppositions. In either case, those presuppositions are at work; “ontology is ineluctable” (Chambers, 2014: 19). Rancière’s articulation of the necessarily poetic character of both the foundational fiction and the egalitarian operation of politics sounds precisely like an instance of Connolly’s notion of a social ontology. But Chambers doggedly insists that Rancière’s account does not have a social ontology.

As for these claims regarding the necessity of ontological commitments by theorists like Connolly, Chambers writes: “Rancière is not unaware of these sorts of arguments, as he makes clear in the second quotation above” (Chambers: 2014: 19). Chambers here refers to the second of two quotations that serve as epigraphs to a section of his book entitled “Ontology.” The quotation to which he refers comes from the 2011 article that I have been exploring for several pages:

The current trend has it that you cannot think politics unless you trace back its principles to an ontological principle… My assumption is that such a requirement leads to the dissolution of politics (Rancière, 2011: 12).

In the ellipsis above, which I have reproduced from Chamber’s text, Rancière cites the ontological principle of “Heideggerian difference” operative in Derrida’s work, the “Spinozist infinity of Being in Negri’s conception, the polarity of being and event in Badiou’s thought,” and the “re-articulation of the relationship between potency and act in Agamben’s theory, etc.” (Rancière,
I mention this not to suggest that Chambers is hiding something with his ellipsis, but just to underscore the fact that Rancière is specifically responding to his post-foundationalist/post-structuralist rivals and offering something like a critique of their tendency to “ontologize a principle of the aporia [of foundation],” which ultimately “leads to the dissolution of politics on behalf of some historico-ontological destinary process” (Rancière, 2011: 15, 12). Whereas the other post-foundational thinkers that Rancière critiques attempt to give a more rigorous account of politics by articulating its underlying ontological logic, “Rancière worries that in the hands of political ontologists, ontology takes on the role of politics and starts to do the latter’s work” (Chambers, 2014: 19).

But, rather than the theoretically postulated ontology actually doing the work of politics, the real problem that worries Rancière lies in the fact that these elaborate ontologies effect a belief in their readers that the work of politics does not need to be done because of the contradictions of the social order or the ontological structure of the situation, which is already bringing about the desired outcome through historical necessity.

This may take on different forms. Politics might be dissolved in the law of being, like the form that is torn up by the manifestation of its content. In Hardt and Negri’s Empire, the Multitudes are the real content of the empire that will explode it. Communism will win because it is the law of being: Being is Communism. Alternatively, all political wrong could appear as the consequence of an original wrong, so that only a God or an ontological revolution can save us (Rancière, 2011: 12).

The contingency at the basis of the post-foundational perspective is thus effaced in its performative effects on its audience. Though rooted in the post-foundational affirmation of the necessary status of contingency, such ontological accounts of politics do not construct a foundational myth that inculcates the belief in the necessary status of contingency. To the contrary, they elaborate a foundational fiction that has such a strong appearance of necessity that it undercuts the urgency of the situation, replacing radical action with a radical critique that is relegated to the sidelines of
history and condemned to bitter self-satisfaction in the ontological knowledge that the contradictions of social reality will soon bear the fruits of revolution, necessarily so.

This seems like a serious problem for post-foundational political philosophy. Insofar as Rancière hopes to lay a foundational fiction that actually enacts the *aporia* of foundation, thereby inculcating and reproducing the belief in the necessary status of contingency, he is wise to avoid constructing an ontological system that posits an historical teleology — either of the progressive (Hegelian) or regressive (Heideggerian) variety — thereby obviating the necessity of radical political action in the effort to transform the contingently instituted social order. Thus, Chambers sums up Rancière’s position in relation to ontology as follows:

Where Connolly sees the necessity of the ontopolitical to all interpretations of politics, Rancière sees a thoroughgoing resistance to ontology as a requirement of thinking the specificity of actual politics. What Connolly considers an honest and indispensable articulation of the ontological commitments that underwrite any politics, Rancière understands as the dissolving of politics into the ontological mixture (Chambers, 2014: 19).

But this seems like a serious overstatement. While it may well be true that the forms of ontology that Rancière criticizes do dissolve politics in the face of the ontological necessity of some destinary process, it is simply not the case that all ontology implies such a dissolution. Indeed, the minimal ontology of the post-foundational perspective — which specifies the necessity of a contingently instituted ground that is marked by a structural antagonism — is an ontology that does not imply the practical demobilization of political action. To the contrary, as Rancière himself believes (if my interpretation of his theoretical ambitions is accurate), if more people believed in the contingency of the social order, it seems that there would be a greater impetus to political action rather than less.

As Laclau puts it in *Emancipations*, if the post-foundational thesis — which he here articulates as the “historicist recasting of universalism” — became more widely accepted, the
egalitarian principles of the universal human rights at the basis of the modern social order would be reinforced and radicalized. The technocratic fiction — which provides a sense of necessity to a certain form of elite rule, and thereby limits the scope of possible political action by non-experts — has reduced the effectivity of the principle of the universalized human right to equality and liberty. But if this technocratic fiction were replaced with a properly post-foundational fiction that inculcated a belief in intellectual equality, then the structural limitation of political action by non-experts would be undermined by the egalitarian action of non-experts who resolved to take political action into their own hands. Whereas the belief in the necessity of some form of elite rule leads people to “consider their fate inevitable,” the belief in the contingency and transformability of the reality of elite rule would provoke people to “tolerate their fate with less patience,” leading to increased instances of radical emancipatory politics. (Laclau, 1996: 122). The belief that the foundation of the social order is a contingently instituted achievement — an ontological claim that Laclau explicitly acknowledges as such — should spur on the effort to institute new forms of social practice; should provoke people to respond to the injustices that are no longer naturalized as legitimate or necessary and experiment with new ways of constituting social reality and the political institutions that monopolize the legitimacy of governance.

It simply is not the case that all ontology is politically demobilizing. The post-foundational perspective, insofar as it reflects Plato’s “extraordinary frankness” without repeating his sin of chasing the artisans and farmers from the realm of fiction, would be sincere about its ontological commitments and unafraid of the ability of the “ignorant masses” to discern the radical implications for political practice implied by such a radical philosophical thesis. We should, in other words, presuppose the equality of ordinary people to: (1) understand the notion that the social order is contingently/poetically grounded; and (2) to do so without losing sight of the radical
implications of that position and the great responsibility it implies for each person to politically participate to the maximum of their potential.

It seems that Rancière refuses to presuppose the equality of his audience and thus exaggerates his critique of certain ontological positions by explicitly denouncing all ontological presuppositions or commitments despite the fact that they are pervasive throughout his work. Indeed, the post-foundational perspective, indebted to Heidegger’s “fundamental ontology” and its veritable slogan of the “always already,” is traversed by ontological claims and suppositions much more complex and subtle than the simple assertion of a natural or divine aristocratic order (e.g. as in pre-Cleisthenic Athens, and in feudal Europe), or the simple assertion of a telos in history (e.g. as seen in Hegel’s defense of the Prussian state, and as updated in Fukuyama’s defense of the neoliberal consensus).

As for Chambers’ relentless defense of Rancière, it applies not only to Rancière’s metatheoretical remarks regarding his alleged lack of ontology, but also to Rancière’s assertion that we must pay heed to the historical singularity of each instance of politics despite the fact that Rancière imposes a uniform model of dissensus on every instance of political action that he finds, brazenly ignoring the historical specificity of each “exemplary” instance he cites. Chambers writes:

Here I would stress that the steadfast nature of Rancière's refusal to ontologize politics points to a different, but absolutely crucial dimension of Rancière’s work: his fundamental commitment to historicity… The historicity of politics, we might say, is one other reason that politics cannot be traced back to a theory of being. If, then, Rancière always says no to ontology, this is because he always says yes to a certain priority of history, and he does so, in turn, because of the very happening of historical events. If we commit, as Rancière says we must, to the vigilance needed to witness those events, then our rejection of ontology requires a concomitant turn to history (Chambers, 2014: 21).

I whole-heartedly agree that we should turn our attention to history in the effort to make sense of the present and to imagine possibilities of emancipatory politics that are informed by the moments of both triumph and defeat that have been passed down in our historical consciousness. But this
does not require a rejection of ontology, as Rancière asserts and Chambers echoes. Certain sorts of ontological claims, however, ought to be avoided. Insofar as a given ontology inculcates a belief in the necessity inherent in the social order — as, for instance, in Rancière’s assertion of an iron law of oligarchy — it would seem to undermine an attentiveness to history. If we believe that every possible social order is necessarily oligarchical (as Rancière repeatedly asserts) we cannot perceive the myriad instances of social institutions that have instituted egalitarian principles throughout history; for instance, Rancière’s paradigmatic instance of politics elaborated at the outset of Disagreement is the Athenian democracy, a form of government and way of life that was remarkable in its stability, durability, and anti-oligarchical character. Rancière writes dozens of books and articles about this remarkable phenomenon; but his ontological presuppositions blind him to the historical singularity of Athens.

Just as Chambers is correct to say that Rancière rejects ontology, but incorrect to say that he avoids ontology, so too is he correct to say that Rancière “says we must” be vigilant in our attentiveness to the irreducible specificity of “the very happening” of each historical event, but incorrect to say that Rancière’s work is marked by a “fundamental commitment to historicity” (Chambers, 2014: 21). Rancière most certainly is not committed to the specificity of each historical event that he “rewrites” in the style of Ballanche’s universal history.29 There is again a kind of insincerity at work in Rancière’s text. There is a gap between what he tells his readers to do and what he himself actually does. He claims that it would be good for us to turn our attention to history and look to the singularity of each historical event, but in his writing he does not at all turn our attention to history; instead he inculcates the belief that history always turns out the same: every police order is oligarchical and every political action takes the identical form. For Rancière, there

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29 See the Introduction of this work for an account of Ballanche’s style of “rewriting” history that Rancière adopts.
is no significant distinction between the historical struggles of the demos of Athens, the Roman plebeians, the 19th century French proletariat, and the 20th century civil rights movement of the United States. They can all be equally subsumed under the formula of “dissensus” without giving attention to the limitations to action in each case or to the concrete institutions that each group explicitly aimed to construct and/or transform, which were either helpful or unhelpful in securing the gains of each movement. This imposition of a particular formulation of twentieth century political philosophy on every historical case examined does not exhibit an attentiveness to history; nor does it exhibit an avoidance of ontology. To the contrary, Rancière’s political theory amounts to an ontologization of politics that completely ignores all historical specificity in the name of a universal model of political action that names historical singularity without paying it any heed.

While this indictment of Rancière’s theoretical scaffolding sounds rather severe, it probably would not bother Rancière, who is insincere in his theoretical arguments about both ontology and history, concerned as he is with the effects of his theory on social reality rather than its veracity or sincerity. Charging his theory with inconsistencies is, in his view, irrelevant. I again quote Rancière’s concluding remarks from the 2011 article analyzed above: “Let me stress in conclusion that the important thing is not understanding what I wrote.” (Rancière, 2011: 16, italics in original). As for Chambers, he is either buying into Rancière’s foundational fiction — which is the effect Rancière hopes for — or he is attempting to help it along because he believes, along with Rancière, that it will have good effects on political life. In any case, before moving on to a closer analysis of Rancière’s theory, I first would like to demonstrate beyond any doubt that Rancière is in fact playing the game called “ontology.”

Recall that Rancière refers to his formulation of the equality of intelligence as “the absolute condition of all communication and any social order” (Rancière, 1999: 34), and as “the common
bond of humankind, the necessary and sufficient condition for a society of men to exist” (1991: 73). These sound precisely like ontological claims. But, the second passage quoted here — which appears in *The Ignorant Schoolmaster* — is immediately followed by a strange qualification. I quote the passage in full:

> The equality of intelligence is the common bond of humankind, the necessary and sufficient condition for a society of men to exist. “If men considered themselves equal, the constitution would soon be completed.” [*Journal de philosophie panécastique*, 5 (1838): 265] It is true that we don’t know that men are equal. We are saying that they *might* be. This is our opinion, and we are trying, along with those who think as we do, to verify it. But we know that this *might* is the very thing that makes a society of humans possible (1991: 73).

First Rancière makes a very strong ontological claim (“necessary and sufficient condition”). Then he qualifies that strong claim as a mere opinion that “*might* be” the case. He then qualifies this qualification by asserting a knowledge that “this *might* is the very thing that makes a society of humans possible.” This is a strange game of words, in which Rancière seems to be operating at the level of opinion and knowledge at the same time. This sounds eerily familiar to a certain Socrates, who we will find throughout the pages of Plato’s dialogues constantly affirming that he does not have knowledge of the good and that he only operates in the realm of *doxa* (opinion); this, despite the fact that he consistently produces the effect in Plato’s readers of the strongly held belief that Plato’s Socrates either has, or believes himself to have, some kind of knowledge of the good. Where does Plato (and his image of Socrates) stand in relation to knowledge of the good? That is a difficult question to be taken up in another essay at another time. But, likewise, where does Rancière (and his image of Jacotot) stand in relation to this axiomatic equality of intelligence that is a mere opinion, but an opinion that Rancière and his Jacotot *know* makes possible “a society of humans”?

A clue comes in the loose way that Rancière, throughout *The Ignorant Schoolmaster*, uses the notion of knowledge to indicate the phenomenological description of ordinary belief rather
than the epistemological standard of modern science or philosophy. For instance, in examining the experience of the belief in inequality, Rancière writes:

Consider the scholar who *knows* that feminine minds are inferior to masculine minds; he spends the essential part of his life conversing with someone who cannot understand him… So goes the belief in inequality… The professorial gown of Louvain counts little in Paris. And the Parisian artisan *knows* how inferior provincial artisans are to him; these in turn, know how backward peasants are (Rancière, 1991: 40).

When we believe something to be true, and take it as more than a mere opinion that could be wrong, this does not change the fact that it is just an opinion of which we are convinced, i.e. a conviction. But the fact that it is just an opinion does not change the fact that we believe that we *know something*. The experience of conviction is identical to the experience of knowledge. Insofar as knowledge is simply a conviction that is true, this makes perfect sense. Thus, when Rancière insists that he, and the others referred to with his “we,” *know* that their opinion makes a society of humans possible, he is not indicating a kind of scientific knowledge. Rather, the word “know” is used to indicate the fact that their conviction is *experienced as* knowledge. And insofar as this conviction is *presupposed as knowledge*, Rancière presumes that it will have certain emancipatory effects.

He explains that he has arrived at this conviction through the examination of certain “facts,” most notably the fact, documented by Jacotot, that his Flemish students learned French without any explications from Jacotot himself, who did not speak Flemish. Thus Rancière and the cadre of persons referred to with his “we” — which seems to include his devoted acolytes, his image of Jacotot, and his image of Jacotot’s acolytes as well — set out to explain the observed facts. Rancière writes:

Let’s limit ourselves to the facts: we have seen children and adults learn by themselves, without a master explicator, how to read, write, play music, and speak foreign languages. We believe these facts can be explained by the equality of intelligence. This is an opinion whose verification we pursue (Rancière, 1991: 45-46).
He proceeds to explain that it is quite impossible to explain these facts in the manner of the natural sciences, which “set themselves to reproducing the known effects by producing their supposed causes” (ibid). Unlike the physicists and chemists who are able to conduct their experiments in ideal conditions that attempt to control all variables aside from the presumed causal variable, which is isolated and tinkered with, social scientists and philosophers do not have the luxury of constructing controlled experiments. The facts that Rancière presents represent a certain set of effects, the cause of which cannot be identified with certainty. Any claims about ‘human nature’, ‘social ontology’, or ‘human intelligence’ that might be put forth in order to explain these facts can only ever be opinions, not truths.

A truth, for Rancière is “the name of a fact” (Rancière, 1991: 58). When Jacotot says “I taught what I didn’t know,” he is indicating a truth; he is naming a fact. “As for the reason for this fact, that is for the moment an opinion, and it may always remain so… What is essential is to avoid lying… not to believe that something has been explained to us when it has only been named” (Rancière, 1991: 58-59). In recounting Jacotot’s facts, Rancière insists on making a distinction between naming those facts (which were observed) and providing an explanation (which was not observed). But he makes this distinction only to insist that it is not a real distinction: an explanation that does not offer new facts (presented as the cause) is merely a renaming of the original facts. To illustrate, Rancière imagines a situation in which there are two children who come from the same family and are taught by the same teachers. One of them performs well in school, the other performs poorly (Rancière, 1991: 48-51). Thus “one’s intelligence is more developed than the other’s… Nothing prevents me from making a supposition about all this. I will not say that the one’s faculties are inferior to the others. I will only suppose that the two faculties haven’t been equally exercised” (Rancière, 1991: 50). This supposition is merely a renaming, but it is a renaming
that offers a presupposed explanation. The contrary supposition—that their faculties of intelligence are unequal in themselves—is also a mere renaming that provides a presupposed explanation. Either presupposition can be deployed in our actions and our research as we seek to verify and/or enact that presupposition. In this activity, we are renaming facts; we are describing truths.

With this opinion that is presupposed and used to name a fact, to point to a truth, “we are circling around the truth, from fact to fact, relation to relation, sentence to sentence” (Rancière, 1991: 58-59). This is what Rancière refers to as “the experience of veracity” (1991: 58). The truth is the set of facts that have been observed. In offering names for these facts we engage in the arbitrary practice of poetic creation and circle around this truth in our effort to understand it, name it, and communicate that understanding with others. In doing this we “tell the story of the fact. [We] have given it a name. But the name of a fact is not its cause, only, at best, its metaphor” (Rancière, 1991: 49). The key, for Rancière, is to be self-conscious that we are bringing these poetic pre-suppositions to the situation; that our presuppositions, which name the facts, are not truth, but mere opinion. But insofar as we presuppose some opinion as true, it functions as knowledge and guides our action. Thus, for Rancière, the “problem isn’t proving that all intelligence is equal. It’s seeing what can be done under that supposition” (1991: 46).

Unlike the natural sciences — which Rancière claims are always able to find new facts that explain the original facts — philosophy and the social sciences are always dabbling in the poetic act of naming the truth with presuppositions that explain the facts but cannot ever finally attain to the level of truth. Rancière suggests that all philosophers have always done the same: “Aristotle… was doing nothing different from Plato. Like him, he was stating his opinions, he was telling the story of his intellectual adventures; on the way he gathered a few truths” (Rancière, 1991: 59-60). Rancière claims he does not ontologize. He is so post-foundational that he only offers
presuppositions that cannot be demonstrated as true and are therefore to be taken as mere “names” or “opinions.” But, strangely enough, it turns out that Plato and Aristotle were doing precisely the same thing. They gathered together a few truths and offered poetic names, which were also presupposed opinions that provided explanatory power; but these opinions were themselves mere presuppositions that were verified. To be sure, Plato and Aristotle were quite clear on this count. As articulated by Cornelius Castoriadis, a post-foundational thinker who is not fearful of acknowledging his ontological presuppositions: “Since Plato, it has been known that every demonstration presupposes something which is not demonstrable… the foundational illusion has never been shared by the great philosophers: not by Plato, not by Aristotle, not by Kant, not by Hegel” (Castoriadis, 1991: 87). Castoriadis insists that the delusion of transcending the non-demonstrable presuppositions of thought first makes an appearance with modern epistemology, with Cartesian doubt (and its corollary certainty) serving as the exemplar of this delusion. From Aristotle up to the present, the study of these non-demonstrable presuppositions has gone under the banner of metaphysics or ontology.

*Rancière sees these facts and renames them.* Instead of referring to the non-demonstrable presuppositions at the basis of one’s action and thought as one’s “ontology” or “metaphysics” he offers the names “opinions” and “presuppositions.” But Rancière is not providing us with new facts that would present us with evidence that he is doing something different than metaphysicians and ontologizers of all stripes. To the contrary, after providing a new name for the activity of presupposing undemonstrable principles that offer provisional explanations for observable facts, he insists that Plato and Aristotle were engaging in exactly the same activity. *On his own account,* Rancière ontologizes just like Plato and Aristotle ontologized before him — he just offers a new name for an old game.
In the next Chapter, I attempt to critically reconstruct Rancière’s theoretical scaffolding in a manner that is helpful for understanding some of the institutional transformations that have occurred in historical struggles for equality and which might help inform strategies by which contemporary institutions could likewise be transformed.
Chapter Four: Reconstructing Dissensus through Play

In the previous chapter, I criticized Rancière for his failure to pay heed to the historical singularity of the Athenian democracy in his rewriting of the democratic tale. In the next chapter I offer an account of the emergence of the Athenian democracy that attempts to avoid Rancière’s mistake. In this chapter, I will offer a critical reconstruction of Rancière’s theory of dissensus with specific attention given to the notion of singularity. Although I believe that Rancière’s hypostatization of both the iron law of oligarchy and the immateriality of equality is unacceptable, and that these ontological presuppositions lead to his myopic treatment of his historical exemplars, I do believe that there is much to be salvaged from his theoretical model of dissensus. That is to say, I believe that Rancière’s articulation of the singularity of political action in the abstract is very rigorous. His failure lies in moving from the abstract notion of political singularity to the exploration of singular instances of politics in the concrete. Once his model of dissensus has been liberated from Rancière’s ontology and re-geared with a rich conception of “play” (which I will borrow from Eugen Fink) I believe that it can be helpful for understanding past instances of politics (so long as we are careful to pay heed to their singularity) and for imagining emancipatory paths forward. Moreover, by discarding the faith in oligarchy as a necessary structure of reality, our eyes are opened to myriad egalitarian social institutions that have been constructed throughout history and in the present, thus enriching our emancipatory imagination as we work towards an improved social condition. Thus, whereas much of this work has been a relentless critique of Rancière’s theoretical framework, this chapter takes the form of a defense of certain aspects of his theory that I think are worth salvaging.
The Structure of Dissensus and the Concept of Singularity

Some have criticized Rancière for what they perceive as his ruptural view of politics, which ignores the long process of historical struggle required for staging an effective dissensus, focusing instead on the fleeting event in which the demos constitutes itself and makes an appearance in its disagreement with the status quo. These critics often point to his use of the term “singular” in describing the moment of political action as an indication that Rancière’s notion of dissensus is more-or-less severed from an historical context of sustained struggle. For instance, Holloway Sparks writes:

Rosa Parks’s refusal to give up her bus seat to a white man has been cast as a vital disruption in the Jim Crow South and is often cast as singular, new, and democratically exemplary… To cast her refusal to move as singular and new… downplays the multiple and repeated acts of disruption and organizing in the decades prior that made Parks’s act and the Montgomery bus boycott thinkable, doable, and intelligible in that moment (2016: 432).

Rancière’s extremely rapid discussion of the Montgomery bus boycott in Hatred of Democracy (2014: 61) does not do justice to the long historical struggle from out of which Rosa Parks’s act was able to help effect a redistribution of the police order. Rather than delving into the historical specificity of that struggle (or considering its incompletion and extension into the present), Rancière cites it in passing as an example to make a general point: democratic politics consists of “cases of verification” in which “the universal” (i.e. equality) is polemically brought into play against the unequal particularity that has been imposed on a given group (2014: 62). When these cases of verification are described as always “singular” (Rancière, 2014: 96-97; 1999: 99, 123, 139), Rancière’s hasty treatment of a variety of instances of political action (with his focus on the singular moment of the recognition of a wrong) can seem to suggest a ruptural view of politics. However, this interpretation fails to take into account Rancière’s attunement to the long, slow, collective process of subjectivization required for successful democratic action, as evidenced in
his work in *Proletarian Nights* (2012). But, more importantly for my purposes here, this ruptural reading of Rancière fails to take into account the meaning of the singular in Rancière’s work. Rather than indicating an utterly novel “moment” or “event” of political action severed from historical context, the singular instance of political action is articulated as deeply linked to the specific history of a given social struggle and to an engagement with a particular police order.

The notion of the singular, rather than highlighting a fleeting temporal dimension, points to the fact that human beings and groups of human beings cannot be reduced to some ‘particularity’ or another, despite the fact that dominant discourses and legal codifications tend to do precisely that. As Rancière puts it in *Disagreement*, the notion of the singular is principally “distinguished from the particularization of right attributed to collectivities according to their identity” (1999: 139, my italics). The emancipatory potential of a singular assemblage of political actors (who make a claim to universal equality from out of their historical struggle) is contrasted with the cognitive violence of the particular identity categories that are imposed by the police order and which thereby police bodies into “their place.” At the level of theoretical abstraction Rancière’s account of the distinction between the singularity of political actors and the particular identity categories under which they are subsumed is helpful in comprehending certain dynamics of politics. But at the level of the singular cases of political action that he examines Rancière seems to show no sensitivity to the historical singularity of each instance of political action. To the contrary, in every case he identifies the same “logic” of the police order and the same “logic” of disensus, as discussed at length in previous chapters.

Every police order is necessarily animated by an inegalitarian, oligarchic impulse; and every instance of politics, animated by the democratic will to equality, exhibits the identical dissensual structure. The significant differences (and concrete similarities) between the struggles
of the Athenian demos, the Roman plebeians, the 19th century proletariat, and the US civil rights movement are eliminated from sight in Rancière’s account. What were the specific institutional blockages that each group faced? Who were the opponents of their projects? What were the explicitly stated goals that they aimed for? What transformations were concretely achieved in the prevailing hegemonic discourses and in the everyday practices of governance, law, and right? To what extent were the new institutions, discourses, and practices effective at maintaining the reconfiguration of the space of everyday life? These and other questions do not seem to concern Rancière as he scours the history books for examples that he can subsume under his categories of analysis in the effort to bolster their credibility. In his fidelity to his theory of politics Rancière cannot perceive (or refuses to examine) the historical novelty of his examples — examples which could help to inform both political theory and political practice if only the singular obstacles, achievements, and failures of each instance were borne in mind.

Every police order, for Rancière, necessarily tends towards oligarchy and domination. Politics, democracy, or dissensus, on the other hand, refers to acts of resistance to the police order, which “little by little” press back against the constant encroachment of the oligarchic structures of rule. “What democracy means is precisely this: the juridico-political forms of State constitutions and laws never rest upon one and the same logic” (Rancière, 2014: 54). On the one hand, we have the logic of the police order; on the other hand, we have the logic of democratic politics. These two spheres constantly come into conflict as the police order seeks to close the space for political action and political actors try to gain some degree of influence over the distribution of social roles, goods, places, and ways of being. Crucially, the gains made by political action are “perpetually reconquered by oligarchy” (Rancière, 2014: 54). Thus, political action may never come to a standstill or become complacent with a certain juridico-political institutional arrangement. Doing
so would leave political actors susceptible to the constant inertia of the police order to encroach upon previous gains. Rancière is therefore very hesitant to endorse any concrete paths of institutionalizing gains of political action, declaring that democracy, or “egalitarian society… is only ever the set of egalitarian relations that are traced here and now through singular and precarious acts… It is not based on any nature of things nor guaranteed by any institutional form” (Rancière, 2014: 96-97). Because democracy is constituted only by singular acts — perhaps a long string of singular acts over the course of an historical struggle, but singular acts nonetheless — the notion of democratic governance is a contradiction of terms. On Rancière’s account, democracy cannot be institutionally formalized.

Rancière suggests that in today’s society the tension between politics and the police plays out largely in terms of the distinction between the public sphere of government, law, and debate on the one hand, and the private sphere of the economy, the home, and the mere reproduction or metabolism of society, on the other. Political action here consists of the contestation of the depoliticized status of what has been pushed into the category of “private,” which, Rancière tells us, has historically taken two forms:

The recognition, as equals and as political subjects, of those that have been relegated by State law to the private life of inferior beings; and the recognition of the public character of types of spaces and relations that were left to the discretion of the power of wealth (Rancière, 2014: 55).

The first of these forms of political action involved the struggle for suffrage and eligibility for elected office on the part of those who were ineligible to enter the public sphere “because their work belonged to a master or a husband,” i.e. because women and slaves were denied suffrage (Rancière, 2014: 56). This form also involves the struggle against the tendency of the electoral system to represent economically dominant interests through electoral fraud, corrupt campaign finance structures, voter suppression laws, and the control of candidates by political parties. The
second form of political action here specified refers to “the struggles to assert the public character of spaces, relations, and institutions regarded as private” (Rancière, 2014: 56). For instance, the struggle of women to mark the domestic sphere of the household as a public matter—and thereby gain protections from domestic abuse, the right to enter the workplace as equals, and the right to gain control over their reproductive health — represents one sphere which continues to exist as a site of political action today. Another sphere is the struggle of workers to mark the relation between employer and employee as an issue of public concern, and not the mere contractual agreement between two private individuals. In both cases, the particularities prescribed to a given place, relation, and identity are denounced, the singularity of a specific struggle is acknowledged, and the public nature of the situation is declared. Political logic seeks to politicize those spheres that have been marked as private and to disrupt the static police hierarchy that subsumes singular persons and groups under particular categories of subordinance, subservience, or subjection. The singularity of any person or group always exceeds the particular category under which they are subsumed. Political actors demonstrate that excess by dis-identifying from the particular category, and thematizing themselves as supplemental to the categories of the police order; as uncountable in the current coordination of particular roles, places, and ways of being.

The police logic works towards an ever increasing depoliticization of all spheres of life, relying upon juridico-political institutions to drive a wedge between the public citizen and the private human. The logic of political action, in response to this division between the human being and the citizen, deploys another usage of the same juridical text, another staging of the duality between public man and private individual. It overturns the distribution of terms and places by playing man against citizen and citizen against man. As a political name, the citizen opposes the rule of the equality fixed in law and in principle to the inequalities that characterize ‘men’, that is to say, private individuals subjected to the powers of birth and wealth (Rancière, 2014: 59).
The political actor points to the juridical text that guarantees universal equality, and contrasts this guarantee with the clear inequality of their situation. For instance, Olympe de Gouges points out that if she is equally eligible to be executed then she is equally eligible to participate in the assemblies of revolutionary France, thereby making a new use of the juridical text. In this *appropriative citation* of the text she demonstrates the dual signification of her status: both *as* a woman, that is, as a person whose particular role in society implied a place and a way of being that was partitioned off from the public sphere, belonging to the mere particularity of domestic life; and, *as* a member of the French nation, and therefore as somebody entitled to the universal equality inscribed in the Declaration of the Rights of Man and Citizen. Straddling between these two positions, and not fully occupying either of them, her declaration demonstrates the fact that her bare life (allegedly belonging to the private, domestic sphere) is already political, is already a matter of public concern. Disidentifying from this coordination of categories, she *appears as* — i.e. she manifests as, becomes present as — a supplement to the police order, lacking a particular place that is recognizable as such.

Insofar as her existence appears *as supplemental* to the hierarchy of particular categories of the police order it necessarily appears *as singular*, i.e. as an unrecognizable supplement or surplus that does not fit into any ready-made category of particularity. Whereas recognition according to particular identities orders the world by subsuming each singular person, group, relation, and place under a corresponding category (and thus identifying them as instances of particular identities), the act of dis-identification breaks from this cognitive violence and *allows the singular to appear* in its claim to universal equality, thus blasting apart the categories of perception that had previously been pre-figuring the appearance of those singular persons and groups. The only way that this singularity can appear, according to Rancière, is through the
presupposition of universal equality enacted in actions of this structure, which bring into being new political subjects that straddle the difference between a false particularity and the promise of universal equality by writing a new name for themselves and dis-identifying from the name associated with the false particularity through which they were formerly recognized.\(^{30}\)

But insofar as such actions rely upon founding documents — upon making “another usage of the same juridical text” (2014: 59) — political action is considerably circumscribed in the ways that equality can be enacted. As suggested by Marx in On the Jewish Question (1992) the formal equality codified in the founding documents of the bourgeois state is hemmed in by the particular configuration of economic, political, and juridical institutions, which are dedicated to the valorization of private property and the negative liberty that serves the interests of those who are best situated to dominate these institutions. Rancière’s solution to this problem is his appeal to the ahistorical structure of the logos as the source of the egalitarian imperative presupposed in all instances of political action, which he posits as a pre-political, ontological axiom derived from the structure of human language (1991: 73; 1995: 80-84; 1999: 16-19, 33-37; 2014: 48-49).

Aside from his ambition to lay his foundational fiction, I believe that Rancière’s desire to avoid discussion of possible paths of institutionalization encourages him to justify his presupposition of equality by recourse to the universal structure of the logos. In order to avoid the reification of some institutional form or another, Rancière situates the axiom of equality outside of any particular police order; this axiom is the universal, pre-political principle implicit in the

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\(^{30}\) By inscribing a “new name,” these political actors are not inscribing a new particular identity category. A name such as the “demos” or the “proletariat” does not identify a class with some commonality that is abstracted away from their differences. To the contrary, it is a contentious name that is used to signify differently at different moments when different actors take it up. Though the police order may juridically codify this name as though it were a particular identity category (and then initiate a new round of recognitive violence), insofar as it is a name, it refers to the singular concrete assemblage of persons making a claim. The primary function of a name is thus referential, rather than identificatory.
structure of human communication, which necessarily exceeds the bounds of any particularity. However, while this universal equality is conceptualized as pre-political, in practice, political actors appeal to the entrenched norms of the particular social order in which they find themselves, as Rancière’s contemporary examples bear out. Rancière is here caught in the tension between: (1) the imperative to establish the presupposition of equality outside the bounds of the bourgeois state in order to avoid the reification of democracy; and (2) the historical fact that what he calls dissensus tends to rely upon a certain regime of equality as codified in the juridical texts and institutions of liberal nation-states. Without exploring the implications of this tension, he wanders between these two justifications for equality in his analysis. He relies upon the former (equality as the ahistorical universal) when establishing his theoretical framework. This allows him to situate his theory beyond the particularity of any specific police order and supports his decision to avoid discussions regarding the potential processes of institutionalization. However, he relies upon the latter (the bourgeois regime of human rights) with all of his contemporary examples, thereby linking the content of his theory to a particular regime of equality and limiting the possibilities of dissensus.

By evading the question of new possibilities of institutionalization, while meanwhile meandering between this tension unawares, therefore, Rancière commits the mistake that he most seeks to avoid: he reifies the legal institutions of the bourgeois state, whose modalities of equality are implicated in the content of his analysis even if he avoids them in the formal structures that he lays out at the theoretical level. Rancière’s concept of universal equality is theoretically rigid due to his ontological presupposition regarding the logos, which is an unchanging axiom beyond the vicissitudes of particularity; and it is rigid as bourgeois equality because his examples overwhelmingly refer to that modality of equality. This framework articulates the ways in which singular constellations of actors struggling for equality can break through the particular identity
categories under which they have been subsumed. Such political acts enable the singularity of these political formations to be mediated by the fixed universal (the reified equality of a particular juridical tradition) and thereby to effect a transformation of the distribution of particular roles, places, and ways of being. However, this framework does not account for the possibility that the universal itself could to be mediated by those singular actors. The reified universal can be extended to new political subjects, but it is not itself transformed by those political subjects; it is not “brought into play” by dissensus. This amounts to a practice of immanent critique wherein the concept of equality is able to encompass ever more empirical subjects and thereby offer them the protections of bourgeois right; but the concept of equality is not itself modified by these singular acts of dissensus.

While Rancière’s concerns regarding the dangers of reification of democratic politics are well-founded, the omission of any discussion of institutionalization beyond the mantra that “[d]emocracy is not a type of constitution, nor a form of society” (Rancière, 2014: 46), seems to fall short in important ways. By explicitly theorizing the ‘universal equality’ presupposed in contemporary political action as the universal equality that is contingently instituted in the particularity of the liberal nation-state, I believe that we are better equipped to think more clearly about ways in which political action might more effectively transform our police order into a ‘better police.’ The contingent universality that functions as the universal organizing principle for the police order of the present is the universal equality of so-called universal human rights. Just as the divine right of kings once served this universal function in what is called ‘Western Civilization,’ now the secular rights of the human operate in this role — that is, as the language in terms of which political disputes unfold, as the presupposition implicit in all political action, as
that which ‘goes without saying,’ so to speak, when considering the relation between the logic of the police and the logic of politics.

The notion that contemporary political action presupposes a contingent regime of universal equality is much more amenable to the post-foundational position than Rancière’s appeal to the ahistorical structure of logos. With this in mind, I now turn to a key passage in Rancière’s Hatred of Democracy that I will reinterpret with Eugen Fink’s conception of “play.” This passage is situated in response to Rancière’s insistence that the police order is constantly encroaching on the space of democratic appearance, ceaselessly consolidating the authority of oligarchic rule through the entrenched forms of governance. While this characterization of the notion of the police does indeed seem like a fair representation of the past forty years of liberal democracy under the guidance of neoliberal governmentality, Rancière casts his description in ahistorical, universal terms. Thus, insofar as Rancière is attempting to use his writing to intervene into the contemporary political environment in which he writes, he does respond appropriately to that environment. Nonetheless, by speaking in the language of abstract universality, he falsifies all other political situations and obscures the existence of past and present forms of egalitarian institutions of governance. Nonetheless, because of the encroachment of the police order and its impulse to privatization, Rancière insists:

The democratic process must therefore constantly bring the universal into play in a polemical form. The democratic process is the process of a perpetual bringing into play, of invention of forms of subjectivization, and of cases of verification that counteract the perpetual privatization of public life (2014, 62).

In this brief passage, we can see the full scope of dissensual democratic politics laid out on three distinct levels: the universal, the particular, and the singular. In the first sentence, Rancière determines the meaning of dissensus as the imperative to “constantly bring the universal into play in a polemical form.” The second sentence restates the same determination, rephrasing the notion
of a constant bringing into play of the universal, but further elaborating the meaning of “in a polemical form” by splitting it into its two component parts, thereby revealing the three levels of Rancière’s account of political action:


At the level of the universal, if we assume that the universal is an ahistorical structure embedded in the logos (which never changes but instead holds fast), it could not be brought into play in the sense of being transformed, shaken up, or reconfigured. An ahistorical universal does not become; it simply is. Instead, I have proposed that we consider this first level of political action as the contingently instituted universal, the functional universal, the particular reification of universal equality in the empirically given police order — its abstract juridical codifications, as well as its concrete institutional forms, procedures, and mechanisms of adjudication. The acknowledgment of the contingency of the instituted form of equality should encourage the effort to positively transform those forms or ‘modalities’ of equality; to bring them into play.

So, at the first level of dissensus, the level of the universal, we must perpetually bring into play the contingently instituted formulation of universal equality. At the second level, we have the process of subjectivization, which implies dis-identification from a particular political identity and the assertion of the miscount in the police order. Finally, at the third level we have the singular cases of verification: the concrete instances of action in the here-now wherein the political subject exhibits itself as supplemental and inscribes the difference between the particularity under which it is falsely subsumed and the singularity of the miscount by inscribing a new name for itself onto the body of the common language of the police order.

These always singular cases of verification are strung together in a long-term collective process of dis-identification and re-inscription of a new name which disrupts the consolidated
coordination of particular identity categories and their corresponding roles, places, and ways of doing, thinking, and being. While Rancière’s contemporary examples do tend to modify this coordination of particularities in ways that improve the standing of some people, in his manner of presenting them, they do not actually modify the distribution of the sensible at the level of the contingently instituted universal. This seems like an important task for politics in the twenty-first century. In order to move beyond the destructive tendencies of the liberal world order, political action must transform the meaning of universal equality by depositing the marks of their singular iterations of dissensus into the discourses, juridical codifications, and institutional structures of the police order. I now turn to Eugen Fink to help expand on the notion of play that is underdeveloped in Rancière’s framework. I take as my queue for this interpretation, Rancière’s contention that politics occurs when political actors stage a counterworld within the space of the police order and allow the contact between the counterworld and the actual world to transform reality.

The Structure of Play

Eugen Fink helps to articulate the structure of playful political action in his *Play as Symbol of the World* (2016). He makes the case that the phenomenological structure of play — rather than merely being useful in understanding phenomena such as games, playfulness, flirting, jokes, and the like — illuminates human existence *in general*. He quotes Heraclitus: “The course of the world is a playing child, moving pieces on a board — a king’s power belongs to the child” (Fink, 2016: 30). The playing child serves as the metaphor through which the world as a whole can be grasped: the *course of* the world is a playing child. The course of the world: the processes through which truths are established and epistemic paradigms entrenched, through which contingent universals are instituted and police orders consolidated, through which some people are granted a place of visibility and comfort while others are marginalized and their struggles rendered invisible; and the
processes through which those same truths, paradigms, contingent universals, and police orders are transformed by the **appearance of** resistance, dissensus, strife, or catastrophe. All these processes are a child playing. Fink quotes Nietzsche, who goes so far as to say that play is the *only* phenomenon that “exhibits the coming-to-be and passing away, [the] structuring and destroying” of the world of human existence (Fink, 2016: 30). What, then, does play — this ordinary activity with which we are all familiar — exhibit in its phenomenological structure that enables us to adequately grasp the movement, flux, or becoming of human life as such?

Fink describes the play of the child as constructed upon a fundamental fissure in reality: between “actuality” and “appearance” (Fink, 2016, 70-79). Actuality is the “actual-world” that we can see and touch without having to imagine anything new or different. The appearance is the “play-world” that the children construct together in their game. When children “make-believe” that they are enmeshed in a world that is non-actual, they enact that non-actuality within the realm of the actual and thereby *make their belief appear* in the singular here-now of their game. In this sense, the children, from out of their shared understanding of the game, enact the **appearance** of a play-world inside the **actuality** of the actual-world. But this does not mean that the play-world is “contained” by the actual-world. To the contrary, the play-world *exceeds* the bounds of the actual-world despite its apparent existence inside it: the playing of the game supplements actuality. In play, the non-actual appears. Fink clarifies this fissure in reality — the appearance of the play-world inside (and as a supplement to) the actual-world — by exploring the notion of “world” in Heideggerian phenomenology.

By world Heidegger does not mean the context-free natural world of the physical sciences, the world of so-called “brute facts.” Rather, with world he refers to the totality of meaningful involvements entangled in a given situation that are tacitly understood as a result of one’s
socialization into the set of routines, practices, habits, norms, and beliefs of a particular sociality in its particular historical moment (Heidegger, 2010: 81-87). In short, the world is both the distribution of the sensible of a given police order and the way in which this distribution of roles, places, and ways of being is taken up by some person.

When we properly understand an entity in the world — e.g. a hammer — we understand it by way of its entwinement in the totality of significance implicit in the situation as a whole. The hammer is thus an “innerworldly being” in the sense that it only is a hammer insofar as it is in the world — and insofar as it is grasped as a hammer it is understood not as an isolated object, but is instead an integral part of a whole scene and of the activity unfolding therein: namely, of grasping the hammer in your hand and getting to work. The hammer, as an innerworldly being, is enmeshed within the totality of significance that obtains between: (1) all the innerworldly beings in the situation or scene (nails, shingles, boards, the entire construction site, etc.); (2) the other humans (both present and absent) who are somehow linked to this scene; (3) the human being whose world is constituted by this totality of significance that prevails in the actualization of the work; (4) the spatial configuration of the scene itself; and (5) the temporal relations of past and future that penetrate every aspect of this singular scene unfolding in the present.

Fink explains that the hammer, as a tool for the construction project, is an artifact, an “artificial thing” produced by humans and embedded in the actuality of the world. There are other innerworldly beings in the world that are “natural things” such as sticks and stones, which are distinguished from the artifacts created by humans. While we can distinguish between natural things and artificial things, “both are things within a common and encompassing actuality” (Fink, 2016: 24). This is the actuality of the “actual-world” with all its entrenched institutional structures and the material necessities of existence which we all must secure in one way or another. The
world of the child at play, and the constellation of playthings (whose meaningful relations contribute to the construction of the play-world) are non-actual. Its objects cannot be categorized along with the natural things and artificial things of actuality — they exist in a different world.

A plaything is characterized by its non-actual character insofar as it appears in the context of the game being played; yet, every plaything is also an actual thing when it is not involved in a game, when it does not appear in a playworld.

A plaything can be an artificially produced thing; however, it need not be. Even a piece of wood or a broken-off branch can serve as a “doll.” The hammer, which is a human meaning that has been impressed onto a piece of wood and iron, belongs, like the wood, the iron, and the human being himself, to one and the same dimension of the actual. The plaything is different (Fink, 2016: 24).

The hammer is a material artifact in which has been embedded the socially constituted meanings and functions linked to a variety of activities (e.g. building a house, living in the house once it is built, etc.). It can only be seen as a hammer insofar as we tacitly understand these meanings at the moment of perception. Similarly, the plaything is imbued with the socially constituted meanings that have arisen in the play-world, in the game of make-believe. The child uses the branch (or the hammer, for that matter) as a doll in the playworld that has temporarily appeared. And in that playworld, the doll-figure — whether it is an “actual” doll or a stick being used as a doll — “is a child, and the girl is its mother” (Fink, 2016: 24). To an outside observer, the doll-figure does not appear as a child; to the contrary, it is perceived as the actual thing that the child has appropriated from out of the actual-world and imbued with new meaning from out of their play-world. But the child is not completely deceived by this playful appearance of the plaything.

Rather, she simultaneously knows about the doll-figure [as an actual thing] and its significance in play [as a plaything]. The playing child lives in two dimensions. The plaything’s character of being a plaything, that is, its essence, lies in its magical character: it is a thing within simple actuality and at the same time has another, mysterious “reality” (Fink, 2016: 24).
In play, the *actual* position of the child, and the *actual* being of the doll-figure (the doll, branch, hammer, or whatever actual object *appears as a child* in the play-world), are held in suspense. The child *appears as* the mother, and the doll-figure *appears as* the child; though the actual roles that have been transgressed are not entirely lost from sight. This imaginative act of play posits a new world within the context of the actual world; it reveals the being of non-being in the imaginary world of make-believe that the movement of play *makes appear*. Thus, the plaything is not only an innerworldly thing in the playworld, and simultaneously and separately an innerworldly thing in the actual world; the very fact that it exists in both worlds, that it *is* both appearance and actuality, allows Fink to designate the plaything as an “intraworldly” thing, as a thing that straddles two distinct realities, a thing that exists between two worlds. The plaything, the game in which it appears, and the people who play exist in an *intraworldly* modality of reality: reality has fissured, and they have a foot on each side. Grasping the intraworldly plaything — both with their hands and with their understanding — the roles, places, and activities appropriate to both the play-world and the actual-world become visible. But what about Heidegger’s hammer? What does it make visible and invisible?

The human being, for Heidegger, is neither separable from the world nor from the innerworldly beings in the world. Indeed, in a certain sense, that person *is their world*. When I am kneeling on the roof of a house driving a nail through a shingle and into the wood, my activity is constituted by the fusion of the innerworldly beings with which I work and the relations in which they, myself, and certain other people are somehow entangled in the unfolding (or actualization) of this project. In such a state of heedful absorption in the work, the hammer is certainly not experienced as some external actuality. To the contrary, when the hammer is at its best, at its most “hammerly,” it is not noticed at all. “[I]t withdraws, so to speak, in its character of handiness in
order to be really handy” (Heidegger, 2010: 70). In the act of hammering, I am not aware of the actuality of the hammer that I grasp in my hand, but am instead heedful of my project — constructing the roof — which is not yet fully actualized. It is only when the hammer breaks that I notice its actuality, which suddenly *stands out*; and then, focusing on this *failed actuality*, I work to fix it. When heedfully absorbed in work, insofar as innerworldly beings do not appear *as broken*, they do not appear *at all*. These integral parts of actuality, of the actual-world, go unnoticed: I just get to work without giving them a thought.

But when work is going smoothly in this heedful absorption in the task at hand, not only does the hammer withdraw into the working; Heidegger suggests that the self also withdraws. I forget myself *as a self* and become one with the task I am performing — it’s business as usual, the daily routine. “In order to be able to ‘really’ get to work, ‘lost’ in the world of tools and to handle them, the self must forget itself” (Heidegger, 2010: 337). In the spaces of everyday life, so long as everything is running smoothly (and I am not distracted by matters unrelated to the work) I notice neither the innerworldly beings that are handy to my activity nor the difference between myself and the place/scene in which I am working. Absorbed in the actuality of working, of actualizing a new roof, I do not notice much. At one with my place and my work, I just move my body according to the rhythm of the task and do what needs to be done, rendering the difference between the “subject” and the “object” invisible in my utter absorption *in actuality*. To be sure, this kind of complete heedful absorption in the task does not occur at all times; but it seems accurate to say that to varying degrees myriad components of a given situation become imperceptible to us as we focus on the activity with which we are engaged, particularly as that activity becomes more routine.

But just as the singular experience of a person can lead to a total absorption in their activity, in which case the actuality of the actual becomes invisible, so too the view that we take up in
relation to the social totality and “our place” in it relative to all the other places can become invisible when everything is working smoothly. When everybody seems to be in their place and things are running according to the consensual coordination of particular categories of people; when each singular person seems to be doing what ‘one’ does and ought to do given the role and place they have been ascribed; when each singular group of persons is wholly absorbed in the work allotted to the particular part of the social body to which they are destined; when actuality is so present to us that it becomes invisible — if such a harmonious synthesis of particularities could ever actually occur, this would be a situation in which nothing appeared. However, just as the hammer stands out or “appears” at the moment it breaks, this harmonious synthesis of particularities appears as broken from the standpoint of the marginalized and oppressed. The “harmony” of places, roles, and bodies that polices them into a heedful absorption in their work cannot but present itself to them as broken, enabling them to notice something that others do not see: namely, that they do not actually “have a place” in this harmonious actuality that has policed them into their place; that they do not have a part in the social totality in which all parts have been accounted.

The goal of political action then, would be to make this broken actuality appear to those for whom actuality has become invisible, to demand the acknowledgment of a wrong, and to force the transformation of the actual. The transformation of the actual-world is effected by way of a dual-appearance: first, the actual world which has become invisible is made to appear in its brokenness; second, the play-world, which is not yet actual, is posited as though it were actual, and brought to appearance in the midst of the broken actuality where everybody “knows their place” and keeps quiet. The play between these two appearances is what occurs in the political

31 See Terri Elliot’s “Making Strange What Had Appeared Familiar” (1994) for a close analysis of this analogy.
manifestation or demonstration of an actual wrong and an un-realized right. Neither the wrong nor the right had been generally visible prior to the demonstration. If the demonstration is successful, the wrong becomes un-real, and some content of the non-actual right posited in the play-world of the manifestation is actualized in a concrete transformation of the institutions that police each singular person or group into “their place” of false particularity. Of course, the police order is never good enough, and the existence of a wrong in some form or another can never be presumed to have been finally overcome. But we must pursue a better social order. The question that remains is: what kind of play-world or counter-world should we project in our political actions? In addition to the broken hammer, what should we bring to appearance? Should these playful counter-worlds be limited to the materials of bourgeois right, or should we project more radical imaginaries — imaginaries that maybe start with the bourgeois promise of equality, but which are able to make-believe that new modalities of equality exist, and to make that belief appear.

In light of Fink’s account of play, I contend that a more radical notion of dissensus would treat the contingently instituted form of universal equality as a plaything, an intraworldly being that straddles two worlds. In the counter-world opened up through singular instances of dissensus that disidentify from particular identity categories, the presupposition of equality (as an intraworldly plaything) would itself be transformed. In the bourgeois liberal state, universal equality remains tied to a regime of property rights that systematically privileges the wealthy, who are better positioned to dominate the marketplace and defend their equal rights through costly and time-consuming litigation that they delegate to teams of well-paid attorneys. Insofar as this form of equality is presupposed in political action, certain emancipatory gains are certainly possible; but the inertia of the police order towards the privatization of all spheres to which Rancière refers is baked into this particular form of universal equality. By treating the universal equality of our
presupposition as a plaything, as something that should itself be transformed (rather than as an ontological structure), we may be able to modify the contingently instituted form of universal equality in ways that are less amenable to the encroachments of private power. The rigidity of Rancière’s theory does not allow him to consider this possibility, tying him into a form of immanent critique that does not modify the bourgeois values that are presupposed, and destining him to a fatalism that hypostatizes the problems of modern oligarchical social organization as eternal structures of human sociality. He is thereby blinded to the emancipatory potential of social institutions that presuppose a more radical and inclusive form of equality than the dominant institutions of the current police order would allow. Both in the present and throughout history there are myriad instances of social arrangements that durably institutionalize emancipatory projects in ways that should stimulate our emancipatory imagination. In the next section, I examine one such instance: the democracy of ancient Athens.
Chapter Five: The Emergence of Athenian Democracy and Rancière’s Abuse of History

At the outset of Disagreement, in the chapter entitled “The Beginning of Politics,” Rancière insists that in order for “the political community to be more than a contract between those exchanging goods and services, the reigning equality needs to be radically different from that according to which merchandise is exchanged and wrongs redressed” (Rancière, 1999: 5). He proceeds to describe this latter form of equality as the “arithmetical equality” of economic exchange, which he contrasts to the “geometric equality” of proportion and the “impossible equality” of speaking beings. Thus there are many ways to understand equality; and insofar as a particular form of equality is enacted as “reigning” it leads to a distinct form of political community, suggesting the existence of a hegemonic struggle to institute the reign of competing forms of equality.

This relation between the form of equality and the form of political community would seem to contradict Rancière’s insistence that equality cannot be embodied in durable social institutions. However, he quickly associates arithmetical equality and geometric equality with inegalitarian rule by elites. They thus appear as euphemisms for elite domination and are not true forms of equality at all. But Rancière insists that the third form of equality — this “impossible equality” (Rancière, 1999: 10) — cannot, in principle, take material shape in any social institution. This equality is in fact his logos-centric equality of speaking beings; it “is simply the equality of anyone at all with anyone else… the original equality of the logos” (Rancière, 1999: 15, 18). As long as this third form of equality is not the reigning form of equality, as long as the form of equality that is reigning is a mere euphemism for elite control, Rancière’s ontological schema of the dual necessity of immaterial equality and material inequality holds firm.
But in that case, why bother talking about the possibility of a “reigning equality” that would be “radically different” from arithmetical equality? What would it even mean for a form of equality to be “reigning” if it could not be instituted?

Throughout the rest of “The Beginning of Politics” Rancière explores what this might mean through a discussion of the ancient Athenian democracy. Attributing this “impossible equality” to the Athenian demos (the common people, both peasants and artisans), Rancière declares that in their egalitarian political activity the demos were “merely the reign of a lack of position” (Rancière, 1999: 14, my italics). This is indeed a strange kind of “reigning.” Rather than examining the legally codified positions of the Athenian democracy that were occupied by the demos, the formal positions through which they secured their reign for roughly two centuries, Rancière declares that the demos had no position in the Athenian polis; and that this lack of position reigned in their egalitarian actions. While this proposition is in remarkable contradiction with the well documented historical record, it does conform to Rancière’s ontological presuppositions. By keeping those presuppositions in mind, we can begin to make sense of what Rancière might mean by a radical form of equality that could reign without being instituted. He must mean to say that there will always be a durable, inegalitarian form of “equality” that is reigning (in the sense of being embodied in the dominant institutions of society); and, simultaneously, that political action refers to the momentary “reigning” of the genuinely egalitarian form of equality (which cannot be actualized in social or political institutions). This is a creative way of re-stating Rancière’s theoretical position; but it is not clear how it might help us learn something from the experience of Athenian democracy.

In what follows, I will argue that Rancière’s representation of the Athenian democracy blinds his analysis to the novelty of the Athenian experience, which he reduces to a few abstract
principles in the form of slogans. While exploring this Rancièrian reduction, I will attempt to provide a more substantial representation of some of the key democratic institutions of Athens, with particular attention to the ways in which the Athenian demos appropriated oligarchic institutions for their own (democratic) purposes. I believe that a genuine encounter with the radical democracy of 5th and 4th century Athens ought to broaden our vision of what is possible and help shake off the fatalism and apathy that consume our political culture, resigned as it is to the belief in the inevitability of oligarchic domination, backroom deals, and politics as usual.

Rancière’s Competing Forms of Equality

As mentioned above, in the context of the Athenian polis Rancière identifies three competing forms of equality. Drawing on Aristotle’s analysis in book three of the Politics, he matches up each form of equality with: (1) a particular part of the population, (2) the value or attribute (axia) characteristic of that part or class, and (3) the form of government that this nexus of equality, value, and social class tends to yield (Rancière, 1999: 6-7). There is the arithmetical equality of commercial exchange, associated with the wealth of the few (oligoi), which establishes oligarchy. There is the geometric equality of harmony, proportion, and rank, associated with the virtue or excellence (arête) of the well-born nobles (aristoi), which establishes aristocracy. And, finally, there is the “impossible equality… of anyone at all with anyone else” (Rancière, 1999: 10, 15), associated with the freedom (eleutheria) of the people (demos), which establishes democracy.

Taken on their own, each of these attributes [wealth, virtue, and freedom] yields a particular regime threatened by the sedition of the others: the oligarchy of the rich, the aristocracy of the good, or the democracy of the people (Rancière, 1999: 6).

This analysis suggests that insofar as one of these values (axiai) comes to dominate the social order (by being politically instituted through the contingent action of concrete persons), a particular regime of governance is yielded: oligarchy, aristocracy, or democracy. In each case, the instituted
regime is not permanently guaranteed, but is “threatened by the sedition” of the parts of society identified with the other axiai and with their corresponding forms of equality. To relate this to Marchart’s account of post-foundational thought, each of the three parts of society is locked into a permanent hegemonic struggle for political dominance, but can only hope to achieve “a partial foundation within a field of competing foundational attempts” (Marchart, 2007: 7). We could also think of this picture in terms of Lefort’s notion of different forms of society, each of which are animated by distinct form-giving principles, which in this case, would amount to the three distinct forms of equality and their corresponding axial. While this Ranciérian rehearsal of an Aristotelian analysis clearly clashes with Rancière’s theoretical framework — which insists that democracy is not a regime, that it cannot be instituted — Rancière has not yet completed his reduction.

As for these three forms of equality: whereas Rancière borrows the notions of arithmetical equality and geometrical equality from the political philosophy of Plato and Aristotle, the equality that he attributes to the Athenian demos (whether articulated as impossible equality, as the equality of anyone at all, or as the equality of speaking beings) is nowhere to be found in the extant historical record of ancient Athens. To the contrary, this form of equality springs straight from the political theory of Jacques Rancière. It is an anachronistic imposition on the ancient Athenians from the vista of twentieth century post-foundational philosophy. Moreover, Rancière remarkably abstains from considering any historical records not penned by critics of democracy (Plato, Aristotle, and Thucydides seem to be his only sources); and he offers such a selective citation of those sources that the actual phenomenon of Greek democracy is rendered almost imperceptible.

Despite his apparent contempt for political philosophy, and his insistence that he does not write political theory, Rancière’s work (especially from the 1990s and on) reads like a rather formal account of political theory that is completely uninterested in examining the historical specificity
of its examples, all of which are subsumed under a common form. After all, for Rancière, “[w]hat makes an action political is not its object or the place where it is carried out, but solely its form” (Rancière, 1999: 32). Contrary to his meta-theoretical comments which proclaim his lack of a formal theory, his disinterest in philosophy, and his attention to the historical singularity of each instance of politics, in Disagreement Rancière does not seem at all interested in disengaging with the “classics” of Western philosophy, nor with the project of uncovering a counter-history of the Athenian democrats that would rub against the canon of “great thinkers” who have criticized democracy since ancient times. Indeed, his narrow reading of ancient democracy engages exclusively with the anti-democratic tradition of Western political theory.32

Although Rancière neglects the historical singularity of Athens while simultaneously praising the notion of the singular in the abstract, he cannot be accused of ignoring the historical specificity of at least one epoch: that of the 19th century French proletariat. In his Proletarian Nights — the fruit of many years of archival research — Rancière spends over 400 pages advancing a counter-history of the 19th century proletariat that runs against the official Marxist accounts of working class struggles. Through his engagement with that archive and his engagement with the modern philosophical cannon, Rancière slowly develops his own idiosyncratic perspective on politics over the course of the 1970s and 80s. Eventually he advances a more systematized version of that perspective in works that are more readily identifiable as political theory, including Disagreement, On the Shores of Politics, and Ten Theses on Politics, which were all published in the 1990s. In these works Rancière advances a formalized theory of politics (that he has already developed in his previous work) through a “retelling” of the history of

32 For a compelling account of our anti-democratic tradition, see Jennifer Tolbert’s (1986) Athens on Trial: the Antidemocratic Tradition in Western Thought.
ancient Athens and Rome. His motivations for doing so seems to have been to intervene into the field of political theory and to disrupt certain Arendtian and Straussian interpretations of “the classics” as they were being represented by various philosophers under the banner of the “return of the political.” While this intervention may or may not have had positive impacts on the trajectory of the field of political philosophy, it certainly distorts the actual practices of the ancient Athenians and obstructs the possibility of a fruitful encounter with the past that might inform the problems of the present.

I repeat: the form of equality that Rancière attributes to the Athenian demos appears neither in the analyses of the great critics of democracy (whose commentary Rancière exclusively relies upon in his discussion of Athens), nor in the poetry of figures such as Solon and Hesiod (who both criticized the harsh treatment of the poor in pre-democratic times), nor in the speeches of the great rhetoricians of democratic Athens (who were ardent defenders of Athenian democracy). Rancière acknowledges as much when he brazenly declares:

The “Ancients” circle in on this equality quite precisely while avoiding naming it, because freedom for them was defined in relation to a most specific contrary, slavery. The slave is the one who has the capacity to understand a logos without having the capacity of the logos. He is the specific transition from animality to humanity that Aristotle defines most precisely as participating in the linguistic community by way of comprehension but not understanding... the slave is the one who participates in reason so far as to recognize it (aisthēsis) but not so as to possess it (hexis) (Rancière, 1999: 17).

First, Rancière acknowledges that the “Ancients” (i.e. the ancient political theorists) did not ever mention the form of equality that he attributes to their political action. Then he transitions to a discussion of Aristotle’s account of language, which he uses to support his interpretation of the originary status of both equality and division within the universal structure of the logos.

33 See the Introduction of this work for a discussion of Rancière’s practice of “retelling” history.
34 See Chapter Two of this work for an account of Rancière’s intervention in post-foundational political theory.
What Rancière fails to mention in his extraction of this passage from the context within which it is meaningful is that Aristotle does not define the slave as such in this manner. To the contrary, Rancière’s description of the slave is applied by Aristotle to the slave “by nature,” which he very clearly and explicitly contrasts with the slave “by convention.” The slave “by nature” is defined (in the passage that Rancière cites) as a person who does not have full possession of their faculties of reasoning (Aristotle, Politics: 1254b20-24). We might think here that persons who are considered to be mentally disabled in some way or another would be “natural” slaves — a troubling proposition indeed. Aristotle explains that the relationship between the slave by nature and their master is one of friendship; whereas the relationship between the slave by convention and their master is one of force (Aristotle, Politics: 1255b12-15). All this is lost to Rancière, who willfully distorts Aristotle’s meaning in his context-free citation.

Though, to our modern ears Aristotle’s careful distinction may well sound like a disgusting splitting of hairs in which a positive justification of slavery is advanced. Whether slavery is imposed indiscriminately on those who have been conquered, on those who are of a certain ethnicity or race, or on those who are judged to be lacking in what is considered to be normal mental capacities, it is equally reprehensible. The myriad abuses perpetrated against those considered to be mad, as documented by Michel Foucault (2006), serves as a great warning to any Aristotelian notions of natural slavery, whether rooted in a relationship of so-called “friendship” with the master or otherwise. In any case, Aristotle’s account of natural slavery has likely been used to justify slavery of all sorts. His text is particularly amenable to this use when the discussion of the slave by nature is detached from its context in relation to the slave by convention, as occurs repeatedly, for instance, in Rancière’s work.
But consider the fact that in Aristotle’s own time the notion of a slave “by nature” was an utter absurdity, a contradiction. *Every slave was a slave by convention, whose relation to the master was one of force, not friendship.* As Cornelius Castoriadis puts it:

> It is unthinkable, for a classical Greek, that slavery might be justified, given that he learns to read and to write with the *Iliad,*35 where one knows from the start that the most noble characters one encounters in this epic are going to be reduced to slavery… Aristotle was the first to try, at the end of the fourth century, to provide a “justification” for slavery. The classical conception of slavery is admirably expressed in the famous fragment from Heraclitus, of which one usually cites only the first few words: War is the father of all things, it is war that has shown (*edeixe*, has revealed a preexisting nature) who are gods and who are men, it is war that has created (*epoiese*, has made of them) freemen and slaves [Heraclitus, fragment 53] (Castoriadis, 1997: 97).

In the Hellenic world, slaves were slaves only by virtue of the physical coercion (principally: war) through which they were forced into bondage. There was no such thing as natural slavery. All slaves were slaves by convention. Moreover, Aristotle’s justification for natural slavery was advanced alongside a condemnation of all slavery by convention (that is, *all slavery that existed*).

While this may allow us to interpret Aristotle’s apparent splitting of hairs as a critique of the brutal practices of his present, more importantly for my purposes here, it reveals Rancière’s inattention to the historical record that he purports to be examining in its singularity. It reveals as a purely philosophical invention, without correspondence to the empirical reality of Athenian society, the central citation through which Rancière posits the originary equality of the logos as the site of the foundational fissure between the genuine parts of the community and the part of those who have no part. Just as the latest interpretations of language advanced by various philosophers in the present do not conform to prevailing public opinion, Aristotle’s theoretical commentary on language and slavery did not correspond to the prevailing opinions of Athenians.

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35 This conception of slavery would have held true also for those who did not learn to read and write, including the slaves themselves; for the Homeric epics, along with the poetry of Hesiod, was memorized and sung aloud throughout various practices of everyday life, serving as the taken for granted background understanding that nourished the transformations in the Greek imaginary for centuries.
Aristotle was writing his *Politics* in the last decade of the classical Athenian democracy, just before it was conquered by his patrons in Macedon along with the rest of Hellenic world. Regardless of the purposes for which Aristotle’s justification of “natural” slavery was subsequently put to use, it was certainly not an opinion that prevailed in the time of the Athenian democracy. When considering the philosophical texts of Plato and Aristotle, we cannot attribute their speculative suppositions to the democratic polis. It wasn’t for nothing that Socrates was sentenced to death by the Athenian demos.

It is for this reason that Castoriadis cautions: “when we are reflecting on Greek politics, our sources cannot be the philosophers of the fourth century, and in any case, certainly not Plato, who was imbued with an ineradicable hatred of the democracy and of the demos” (Castoriadis, 1997: 88). He concedes that Plato does offer occasional glimpses of the reality of the democracy (e.g. as in his representation of the norms of the assembly in the *Protagoras* and the *Gorgias*); but he insists that we should focus on “the reality of the polis” (Castoriadis, 1997: 88-89). This reality is expressed in its laws, many of which were carved into stone, prominently displayed in the agora, and preserved for the present; and in its practices, for instance as in the speeches of the rhetoricians in the law courts, many of which have been preserved in written form. Another source that Castoriadis mentions is the account offered by the historians, including Herodotus and Thucydides. But he suggests that these sources must also be considered with suspicion, but not nearly as much as the philosophers of the fourth century, especially Plato. Aristotle, although a philosopher and a critic of democracy, is not so summarily dismissed by Castoriadis. Unlike Plato, he was not a well-born Athenian whose mentor had been put to death by a democratic jury. In addition to being less critical of democracy than Plato, Aristotle’s work expresses a blend of, on the one hand, empirical inquiry that strives to describe reality accurately, and, on the other hand, theoretical reflection that
posits normative suppositions and prescriptions. On the one hand we have the assiduous researcher of *The Constitution of the Athenians* who seeks to document both the history of the development of the polis, and the everyday practices of Athenians in the fourth century.\(^{36}\) In this respect Aristotle performs the role of the historian. On the other hand we have the ambitious political philosopher of *The Politics*. In this respect Aristotle performs the role of the theoretician. In the former, we should examine his historical documentation as a more reliable measure of the everyday practices of the Athenian polis, but compare it with other historical records, including the written laws and the speeches of rhetoricians that have been preserved. In the latter, we should examine his theoretical opinions as the reflections of a lifetime of philosophical examination embedded within a rich field of empirical observations. When examining *The Politics*, in other words, we must be careful to distinguish between empirical statements of fact and normative or speculative statements of theory. Rancière does not generally treat the text with this kind of interpretive caution.

Recall that Rancière has highlighted three forms of equality and associated each of them with a distinct part of the community and its characteristic value or attribute. He pulls two of these (geometric and arithmetic equality) from the political theory of Plato and Aristotle, and he imposes the third (the originary equality of the logos) from the political theory of the twentieth century. However, returning to Aristotle’s text — this time citing an empirical statement of historical fact that appears both in *The Politics* and in *The Constitution of the Athenians* — Rancière suggests that although we can speak of three parts of the Athenian polis, there were really only two parts: the wealthy and the poor, which were locked in an interminable antagonism. Rancière quotes Aristotle: “almost everywhere the well-born and the well-off are coextensive” (Rancière, 1999:

\(^{36}\) Although it is likely that *The Constitution of the Athenians* was not written by Aristotle, but by one of his students, it clearly embodies the empirical inquiry that served as the foundation for Aristotle’s theoretical speculations in *The Politics*, which likely consisted of notes that Aristotle’s students took while listening to Aristotle lecture. In any event, I will refer to both texts as though they were written by Aristotle.
What passes as aristocracy is a mere guise for domination by the wealthy few — a legitimating foil for an oligarchic regime that is aristocratic/virtuous in name only. Rancière subsequently attributes the geometric equality of the aristocratic lie to the political philosophy of Plato and Aristotle, who he describes as attempting to (theoretically) correct the excesses of oligarchy without recourse to a democratic regime of governance. We are left, then, with the duality of oligarchy’s wealth (with its arithmetical equality) and democracy’s freedom (with its impossible equality).

Rancière writes that the “law of the oligarchy is effectively that “arithmetical” equality should command without hindrance, that wealth should be immediately identical with domination” (1999: 8). Although he articulates it as a universal law or logic of oligarchy, Rancière is here indicating the situation of archaic Athens prior to the reforms of Solon that were implemented in 594 B.C. Specifically, he is referring to the fact that the men who were well-born and well-off controlled most of the land of Attica, that these same men occupied the archai (offices or magistracies of the polis), and that their political authority allowed them to enforce laws that ensured they would dominate the low-born and poor (the demos) among the inhabitants of Attica (Aristotle, Constitutions of Athens: 2.1 – 4.5). The demos were dependent upon the good will of these powerful men and were forced to pay their local oligarch a sixth of their harvest each year. Most significantly, when poor harvests prevented them paying the local oligarch his share, they would owe a debt, which was secured with the collateral of their person. When they were unable to pay their debt, they were forced into various forms of bondage or slavery, sometimes becoming the property of the local oligarch. In such situations, the oligarch could keep them on his estate, forcing them to work his lands; or he could sell them to another oligarch, whether within Attica or...
in some other place (Hansen, 1991: 27-29). Though Rancière does not explore these historical details — instead deciding to express the empirical reality of archaic Athens as the abstract “law of the oligarchy” — his description of the freedom of the demos, which interrupts the oligarchic framework, makes it clear that he refers to this authority structure that prevailed (or “reigned”) prior to the reforms of Solon.

In contrast to the oligarchic order, which is rooted in the wealth of the oligarchs that “derives exclusively from the arithmetic of exchange” (Rancière, 1999: 7), the Athenian democracy was rooted in the freedom of the demos.

[T]he freedom of the demos is not a determinable property but a pure facticity: behind “autochthony,” the myth of origins revindicated by the demos of Athens, the brute fact that makes democracy a scandalous theoretical object impinges (ibid, my italics).

Whereas the wealth of the oligoi is directly determined by the arithmetical equality of exchange, Rancière argues that the freedom of the demos is not any property that is similarly determinable; instead it is a “pure facticity,” a “brute fact.” The reforms of Solon, a purely contingent achievement through which “enslavement for debt was abolished” (ibid), led to the appearance of a freedom in Athens that “came along and set a limit on the calculations of commercial equality” (Rancière, 1999: 8). The condition of indebtedness could no longer be directly translated into the condition of slavery. The “brute fact” of the abolition of enslavement for debt signified an equality between the well-born and the low-born: they were both equally free. “The simple impossibility of the oligoi’s reducing their debtors to slavery was transformed into the appearance of a freedom

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37 The actual contours of the demotic dependence upon and subservience to the aristoi is disputed. The meaning of the term “hektemeroi,” which is used by Aristotle to name those who found themselves so subjected, contains a reference to the notion of “one sixth.”

38 Although Julie Rose translates this phrase as “pure invention” (Rancière, 1999: 7), Devin Zane Shaw points out that the original French phrase is “pure facticité” (2016: 79, note 23). Thus, “pure facticity” is more appropriate translation, and makes more sense in relation to the discussion of the “brute fact” of being born in Athens after the reforms of Solon, which appears in the very same sentence.
that was to be the positive property of the people as a part of the community” (Rancière, 1999: 8). The brute fact of the abolition of enslavement for debt, the pure facticity of freedom, was transformed into a new form of radical politics in which those who had no positive qualification to rule claimed their right to rule strictly on the basis that they were equally free. Previously, mere freedom was not enough to qualify a person to occupy one of the official positions (archai) of government. To the contrary, freedom simply distinguished a person from the mere slave. And good birth or great wealth — which grounded the right to participate in governance — distinguished a person from those who were merely free. But now those who held no positive qualification, those who were merely “free like the rest” (Rancière, 1999: 8), claimed their right to occupy the offices of government on the basis of this common property. But the question remains: how did this situation come about?

**Democratic Equality as the Reign of a Lack of Position?**

Rancière indicates that some attribute the “promotion of the people and their freedom” to the action of good legislators, “Solon providing the archetype,” while others attribute it to the rivalry between nobles who appealed to the demos for support in their power-plays (Rancière, 1999: 7). Each of these dynamics certainly played a role in the development of Athenian democracy. But Rancière dismisses them both because “[e]ach of these explanations already supposes a certain idea of politics” (1999: 7-8). He does not indicate the idea of politics that each of these explanations presuppose, nor does he consider the possibility that each are only a small part of a centuries-long process; he simply dismisses them. “Rather than opt for one or the other, it would be better to pause to consider what lies behind them: the original nexus of fact and law and the peculiar connection this nexus established between two key terms in politics, equality and liberty” (Rancière, 1999: 8). This “original nexus” is elaborated on the following page as “the
original nexus of *blaberon* [wrong] and *adikon* [injustice]” (Rancière, 1999: 9). By continually proclaiming the wrong (*blaberon*) done against them in the language of injustice (*adikon*), the poor enacted the presupposition of equality that was implicit in their call for justice against the oligarchs, eventually provoking situations in which that equality took shape as political liberty, thereby putting a check on the arithmetical equality of exchange and bringing about the reign of the impossible equality of anyone at all.

This is all very vague; and Rancière does not seem interested in clarifying how the reign of his impossible equality came about. But whether or not it is “better to pause to consider… [this] original nexus of fact and law” (Rancière, 1999: 8), Rancière’s dismissal of the importance of Solon’s reforms is bewildering, especially given the fact that he himself cites Solon’s abolition of enslavement for debt as the “brute fact” that was transformed into “the appearance of a freedom that was the positive property of the people as a part of the community” (Rancière, 1999: 7). In any case, Rancière describes the democratic reign of the demos as

> the reign of a lack of position, the effectivity of the initial disjunction that bears the empty name of freedom, the improper property, entitlement to dispute… The party of the poor embodies nothing other than politics itself as the setting-up of a part of those who have no part” (Rancière, 1999: 14).

Freedom is an “empty name” for Rancière simply because it is a common property that does not specify the demos in its concept; it refers to any citizen of the polis, including the peasants and artisans, as well as the well-born and well-off. This empty name can refer to any citizen at all. Thus, insofar as the demos claims freedom as their own particular qualification, it is an “improper property.” This *universal* property of all citizens of Athens is claimed as the *particular* property that entitles the demos “to dispute” the configuration of the governance structure. The freedom of the demos is leveraged in their struggle with the rich, thereby setting them up as the part of the polis that has no part but is nonetheless a part.
He puts the same point differently in other writings when he elaborates a principle of sortition, whereby “the ‘drawing of lots’ presents the paradox of a ‘qualification without qualification’, of one that spells the absence of arkhê” (Rancière, 2010: 59). As opposed to this Rancièrean principle of sortition, the practice of sortition that was instituted in the Athenian democracy was a formal procedure by which the positions of governance — including the seats on the council (boule), the magistracies (the archai), and the juries of the people’s courts (dikasteria) — were filled by selecting Athenian citizens (both rich and poor) by lot. Far from spelling an “absence of arkhê,” sortition was a mechanism of populating the various arkhai of the Athenian polis.39 Whereas the lottery was used to populate the council and the magistracies once per year, ensuring annual cycling of new citizens into the official offices of the government, the people’s court deployed the process of sortition roughly 200 days per year (every day of the year that was not specified as a religious celebration).

In The Constitution of the Athenians Aristotle elaborates in minute detail the daily procedure of sortition used to assign jurors to the people’s courts in the 4th century B.C. Sortition was used to select: the total list of jurors who would populate the court sessions for the day (Aristotle: 63.2-64.5); the division of that list of jurors into the various sessions that would occur (ibid: 65.1-65.4); the magistrate who would act as the chair of each of those sessions (ibid: 66.1); and those jurors in each session who would serve the functions of operating the water-clock, counting the votes, and paying the jurors at the end of the day (ibid: 66.2-66.3). The process of sortition itself resembled a kind of game within which formal roles were assigned by lot so as to “prevent

39 Rancière uses the word “arkhê” to refer to the poetic/contingent ground of a particular police order. The notion of the arkhê thus refers to a more or less oligarchic distribution of roles, capacities, and ways of being. However, in the context of Aristotle’s description of the Athenian polis, the term refers to the various magistracies (archai) of government and to the boule as a whole. The same term is used to refer to these positions of authority in oligarchic regimes as well. Thus, the notion of arkhê here refers to the positions of authority in the structure of governance whether that structure be democratic or oligarchic.
malpractice” that might occur if the same person always performed the same function (ibid: 64.2). There were a series of tubes through which balls and cubes that were both color-coded and inscribed with various letters would pass. The process of selecting, first the cubes, and then the balls, determined which citizens from the list of those present would be chosen for the day’s court sessions (ibid: 64.3-65.1). At the end of the process, each citizen selected would be given a color-coded staff corresponding to the particular courtroom to which they had been assigned. Aristotle explains the function of the staff:

If he [one of the jurors] goes into a different court [than the one he had been assigned], the color of the staff gives him away, for a color is painted on the lintel of the entrance of each court. He takes his staff and goes into the court whose color corresponds to his staff and whose letter is the same as that on his ball, and when he enters he receives an official token from the man selected by lot to distribute them (ibid: 65.1-65.2).

Mogens Herman Hansen suggests that this intricate system of sortition likely could have been completed in a bit over one hour, though the time would vary depending upon how many jurors were required for the day (1991: 199). Hansen marvels at the fact that “more than 2000 citizens, on some 200 days of every year, spent at least an hour of their time playing this game” (ibid). In addition to this daily ritual, Hansen mentions that “everywhere in the Athenian constitution we come across traces of equally complicated and time-consuming procedures” (ibid), which points to the fact that Athenians (both rich and poor, both well-born and low-born) were very much invested in participating in the daily affairs of governance.

I describe these details of the Athenian institution of sortition (as practiced in the fourth century B.C.) not because I believe that in the present moment we should attempt to duplicate that system, but to underscore the fact that sortition was not some abstract principle (that would match up nicely with Rancière’s slogan of the “impossible” equality of “anyone at all”); to the contrary, it was a concrete institution that was implemented for specific purposes. First, it ensured that every adult male citizen (i.e. not anyone at all) had an equal chance to participate in the juries. Second,
given the fact that “no one knew in advance how the day’s jury panel would be manned, nor what
cases a given panel would find itself judging,” it drastically undermined the possibility of a jury
being bribed (Hansen, 1991: 198). As mentioned above, sortition was also used to assign citizens
to the magistracies (archai) — which carried out the decisions of the assembly (ekklesia) and
performed administrative duties in the court — and to assign citizens to the council (boule) — the
representative body that prepared the agenda for the assembly and provided preliminary
recommendations on various questions of policy that the assembly would ultimately decide. While
the magistracies and the positions on the council were assigned by lot for a one year term, thus
increasing the danger of bribery in those positions, that danger was reduced by the preliminary
examination and subsequent review of each citizen assigned to the council or to the magistracies
(both of which were performed by a jury of the people’s court). In the preliminary examination,
each citizen selected had to undergo a verification of their qualifications for office at the beginning
of the term. At the end of their term they had to undergo a review of their accounts, which likely
undermined the incidences of corruption through bribery. In addition to the initial examination and
the final review, the magistrates and members of the council could also be recalled at any time if
charges were brought against them. Thus, the institution of sortition was indeed limited by other
mechanisms which could disqualify those selected by lot. This whole system of selecting citizens
for government service aimed to undermine the possibility that the system of governance could be
dominated by either an economic elite (who would bribe officials or permanently install

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40 These qualifications did not include any form of technical competence. Rather, the examination was mostly used to
verify the formal qualifications for office: the candidate had to be male, a citizen, over the age of thirty, could not
have ever served in the same office previously, and could not have been found guilty “of any crime normally punished
with atimia [“dishonor,” which here means the revocation of political rights]” (Hansen, 1991: 218-219). However,
the jury could also reject a citizen who did possess the formal qualifications if they determined he was “unworthy to
hold office,” which typically implies that the candidate had oligarchic sympathies (Hansen, 1991: 219). Although it
was rare for a citizen to be rejected for office because of their lack of qualifications, Rancière’s assertion that there
were no requisite qualifications for exercising the archai is simply false.
themselves in office) or a political elite (i.e. a small group, whether rich or poor, who had learned how to dominate the system of governance through long experience in its offices). The concrete practice of sortition played no small role in this innovative system of governance that was materially instituted in the everyday life of the Athenian polis.

Nonetheless, Rancière repeatedly reduces democracy to sortition, and reduces sortition to an abstraction in his formalistic account of politics. Recall that for Rancière, “[w]hat makes an action political is… solely its form” (Rancière, 1999: 32). Thus he is forced to subsume the practice of sortition under his abstract form of dissensus. The third of his Ten Theses on Politics, for instance, interprets sortition as “a specific break with the logic of the arkhē” (Rancière, 2010: 38). He examines a passage in Plato’s Laws in which Plato elaborates seven different qualifications for participating in one of the archai of a polis. The first five qualifications mark various moments in the movement from rule by birth/virtue to rule by wealth/strength. The sixth qualification, which Plato presumably endorses, is rule by knowledge. And the seventh qualification, described by Plato as “the choice of God,” is “the drawing of lots” (Rancière, 2010: 39). Ignoring the incredibly detailed account of sortition offered by Aristotle and verified in the preserved speeches of various rhetoricians, Rancière reduces sortition to an abstraction with which he defines both democracy and politics, which seem to be complete synonyms on his account. Rancière’s principle of sortition is: “the paradox of a qualification that is an absence of a qualification… Democracy is the specific situation in which it is the absence of entitlement that entitles one to exercise the arkhē” (Rancière, 2010: 39). From this basis he can easily link up with his idiosyncratic formulation of the “impossible” equality of the Athenians as the equality of anybody at all with anybody else. Rather than discussing the practices of sortition, which embodied

41 Insofar as every arkhē is necessarily oligarchic, as Rancière presupposes, Rancière must assert that democracy and its practice of sortition are a break with the logic of the arkhē.
the equality of the Athenian demos in durable institutions, Rancière abstracts a principle of sortition away from these concrete institutions and associates it with an “impossible” equality that he insists can never take substantial form in any social institution. It is a wonder that Rancière even bothers with a discussion of Athenian democracy if he comes to it with a predetermined conception of politics that precludes the possibility of paying heed to the singularity of the Athenian experience.

In this third thesis Rancière links his principle of sortition to two other principles, which he had introduced in the very first paragraph of his Ten Theses: the “political relationship” persists (a) between equals who (b) partake in ruling and being ruled in turn (Rancière, 2010: 35). Rancière lifts both of these principles from Aristotle’s analyses in The Politics and then closes out this densely packed first paragraph by insisting: “[e]verything about politics is contained in this specific relationship” (2010: 35). What Rancière proceeds to ignore for the remainder of his Ten Theses is the meaning of this specific relationship that apparently contains “everything about politics.” Whereas Aristotle focuses on the concrete institutions through which the notion of ruling and being ruled (between equals) takes shape in various forms of government, examining them in detail, Rancière immediately abstracts away from such institutional forms and articulates a few axiomatic principles that suppress any view of the way in which politics actually unfolded in the Greek world. An essential element of Aristotle’s explanation of these two principles is conspicuously absent in Rancière’s account: these principles of politics apply both to oligarchies and to democracies. Aristotle’s reflections on the “political relationship” are aimed at the polis as such, and his comments are rigorously rooted in a vast survey of the various forms of government that empirically existed across the Mediterranean world. Rancière’s theoretical cherry-picking detaches Aristotle’s comments from this rich historical context and misses a fundamental fact of
the democratic action of the Athenians: the demos appropriated the practices of sortition and of ruling and being ruled in turn (between equals) from the institutions of the oligarchy that they overthrew, but transformed the meaning of those practices through the construction of new institutions that instaurated the demos as the dominant force in political life.

In the Constitution of the Athenians Aristotle outlines the gradual development of the Athenian polis from a monarchy, to an oligarchy, and finally to a democracy. In the earliest days of archaic Athens there was a single king, selected from among the well-born men of Attica, who ruled for life (Aristotle: 3.1-3.2). This monarchy was gradually replaced by an oligarchic form of government: the king was forced to share power with other well-born men as new magistracies of authority (archai) were introduced over time (ibid: 3.2-3.5); eventually, the length of each ruler’s term in a given magistracy was reduced, first to ten years (ibid: 3.1), and finally to a length of one year (ibid: 3.4). Aristotle elaborates the shape of the oligarchic political institutions that existed in Athens prior to the reforms of Solon:

There was a Boule [council] of 401 members, selected by lot from the citizen body. All those over thirty years old cast lots for this and the other offices, and nobody could hold the same office twice until all those eligible had held it; then the allotment started again from the beginning (ibid: 4.3).

Though the poorest were excluded — only those wealthy enough to furnish their own military armor were considered citizens (ibid: 4.2) — the institutions of the oligarchic polis already resembled the contours of the democratic institutions to come. Moreover, the three principles that Rancière plucks from Plato and Aristotle (sortition, ruling between equals, and ruling and being ruled in turn) were already at work in the Athenian oligarchy. It was the oligarchic political

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42 Pierre Lévêque suggests that the territories of Attica were “unified under a single kind (basileus) by the thirteenth century” (1968: 175), whereas Philip Brook Manville highlights the fact that it is difficult to pin down with certainty and that estimates by historians and archeologists have placed the unification of Athens anywhere between the thirteenth and sixth centuries B.C. (1990: 55).
institutions of Athens and the aristocratic values of archaic Greece that were appropriated and transformed in the construction of a new form of political power by the demos of Athens. In order to adequately understand the transformation of the oligarchic order effected by the Athenian demos I turn now to the aristocratic imaginary of archaic Athens as expressed in the epic poetry of Homer.

The Aristocratic Imaginary of the Homeric Epics

The Homeric epics portray events that are estimated to have occurred around the end of the 13th century B.C., shortly before the kingdoms of Mycenaean Greece unraveled as a result of several waves of invading populations from the north. Although historians generally agree that the Homeric texts refer to a genuine historical event, the details of the account are not considered to be a reliable guide to the Trojan War and the journey back home. Moreover, they appear to have been composed in roughly the form that they are preserved to this day around the eighth century B.C., and represent the consolidation of a variety of sources into a unified narrative which has come down to us under the name of Homer. Thus, while the events of the Homeric epics tell us something about the world of Mycenaean Greece, they probably tell us more about the reality of the Hellenic world during the eighth to seventh centuries (Raaflaub & Wallace: 24). The Homeric epics reveal a glimpse into the social imaginary that animated the practices and institutions of archaic Greece, the period running from roughly the eighth century until the Greek victory over the Persian invasions in the early fifth century.

The epics were commonly sung by bards, who would perform the poems for an audience in commemoration of the heritage of the ancestors and gods to whom the Greeks paid homage. These bards sang the glory and honor of ancient heroes for their aristocratic patrons, who saw in the image of the Homeric heroes the dramatization of their ideals of aristocratic nobility. Thus, the events of the poems can be read both as an insight into the ways in which the nobility projected its
own self-image and the ways in which the relations between the nobility and the demos were imagined during the eighth and seventh centuries B.C. The Homeric epics are composed for a Pan-Hellenic audience, thus providing a unified sense of cultural belonging to the various poleis (plural of polis, or “city-state”) throughout the Greek world during this period and into the classical age to follow. I will use the phrase “Homeric society” to refer to the dramatized reality as it appears in the Homeric epics, but without attributing that dramatized reality to the thirteenth century, when the events of the texts seem to have occurred. To the contrary, the dramatized reality of “Homeric society” represents, for my purposes, a window into the social imaginary (the symbolic constitution of the social, to use Rancière’s phrase) of eighth to seventh century Greece. I will focus in on three elements of this social imaginary that served as key footholds in the construction of democratic practices and institutions: the dramatic staging of various clashes between unequals in which those of an inferior station in life claimed their rights against their superiors; the importance of the practice of sortition, both in the relation between gods and in the relation between humans; and the pervasive presence of the demotic assembly. I specify this archaic assembly as “demotic” because it is predominantly populated by the demos, who always constitute the largest part of the population; but they do not hold the power to decide, as in the democratic assembly of fifth and fourth century Athens.

The oligarchic government of pre-Solonian Athens was animated by the aristocratic values dramatized in the Homeric epics, which valorized the arête (virtue, excellence) of the nobles (aristoi), who strove to distinguish themselves both in their deeds and in their words (Iliad: 9.443). Through acts of heroism in battle the Homeric warriors demonstrated their physical prowess, their ability to devise and execute strategies with cunning, and their courage in the face of danger. Through their excellent use of speech, they demonstrated their ability to persuade others and move
them to action. While the heroes always sought to distinguish themselves in relation to each other, and thereby exhibited a form of self-love, the greatest way to distinguish oneself as excellent was through sacrificing oneself for the good of the community as a whole (Jaeger, 1939: 12-13). Such self-love as self-sacrifice is exhibited in exemplary form by Achilles when he insists on avenging his comrade’s death despite the certain knowledge that he will die if he does. He would rather die on the field of battle and attain eternal glory than sail safely back to his home and enjoy the comforts of a quiet life of luxury and earthly power (Iliad: 15.70ff). In Volume I of his Paideia, Werner Jaeger describes this will to glory as follows: “The hero’s whole life and effort are a race for the first prize, an unceasing strife for supremacy over his peers” (Jaeger, 1939: 7). Through heroic deeds and eloquent words, the Homeric heroes seek constantly to be recognized for their arête by their peers. In the context of the oligarchic polis this “heroic strife” (Jaeger, 1939: 8) is translated as a set of practices in which no single nobleman is permitted to dominate the political institutions as a despot over slaves; rather, all the nobles, recognizing the honor of each other, take turns occupying offices of government and seek to influence official decisions through the excellence of their persuasive speech.

While this Homeric imaginary suggests a kind of equality between nobles, the extent to which that equality was already extended to the common people often goes unrecognized. Rancière, for instance, focuses on the scenes in Homer in which the division between the nobles and the demos is most pronounced, ignoring all instances to the contrary. In his Ten Theses, he discusses two passages from the Iliad to support his interpretation. First is a passage from the beginning of Book II in which Odysseus violently silences those among the demos who offer dissent. The incident occurs in the midst of a moment of crisis, when a strange scheme of king Agamemnon (the leader of the Greek military expedition) has gone badly. In an early morning
meeting of the royal council (boule), Agamemnon explains to the kings and nobles that he has received a message from Zeus, who guarantees victory if they march on the Trojans that very day. In order to spur on the soldiers to battle, Agamemnon plans to call all the men to a public assembly (agora) and to stage a false disagreement between himself and the various kings, in the hope that the soldiers will take the side of their own particular leaders. Agamemnon is to invite the men to sail home, despite the shame that would accompany returning home without victory after nine long years of battle; the kings of the various poleis, on the other hand, are to speak out against Agamemnon and urge the men to stay and fight (Iliad: 2.48-75). The scheme does not go as planned: “Agamemnon’s words went straight to the heart of every man in the crowd except those who had attended the council [boule]… They raised a mighty roar and made a dash for the ships” (Iliad: 2.142-152). Before the various kings have a chance to urge their men to stay and fight, they make haste to leave, rush to their ships, and frantically begin preparing for the homeward journey.

In this moment of crisis, when the entire Greek army is ready to abandon the war effort in “this unpredestined dash for home” (Iliad: 2.155-156), Athena rushes down from Olympus and urges Odysseus to stop them. Odysseus springs into action, running among the men, urging them to stay and fight:

When he came upon anyone of royal birth or high rank [all of whom had been present for the discussion of the boule], he went up to him and made courteous attempts to restrain him… With the rank and file [demou] he had a different way. When he caught any of them giving tongue, he struck the offender with his staff and rated him severely. ‘You there,’ he said, ‘sit still and wait for orders from your officers, who are better men than you, coward and weakling that you are, counting for nothing in battle or debate. We cannot all be kings here; and mob rule is a bad thing. Let there be one commander only, one King, set over us by Zeus the Son of Cronos of the Crooked Ways’ (Iliad: 2.188-206, italics added).

After Odysseus had brought the men back to order, and they had again gathered at the meeting place of the assembly, there was one man among them, Thersites, “who refused to hold his tongue,” and spoke out bitterly against king Agamemnon (Iliad: 2.211-244). Odysseus scolds Thersites
harshly, threatens to strip him naked and beat him severely if he again catches him “playing the fool like this,” and proceeds to beat him bloody across the back and shoulders with the staff of Agamemnon (Iliad: 2.244-270).

The relationship between the common soldiers and the well-born leaders is certainly not democratic. This incident reveals a sharp division between the well-born and the demos: in this moment of crisis, Odysseus beats those among the demos who attempt to flee, and he violently silences Tersites when he openly speaks out against king Agamemnon in the assembly. When the well-born hero, Achilles, had spoken similarly the previous day, criticizing Agamemnon’s greed and cowardice in a public meeting of the assembly, he was not subject to such abuse. To the contrary, when Achilles stomps off to his camp in anger, threatening to abandon the war, Agamemnon responds with an elaborate apology and a vast gift offering, which Achilles’ stubbornly refuses, causing many Greek men (nobles and commoners alike) to perish in the war without the help of Achilles and his men. There is a clear sense of equality between the well-born that does not extend to the demos, which is on full display in the scene in which Tersites is silenced and beaten. But despite this oppressive treatment, Raaflaub and Wallace point out that “Tersites speaks, has done so often, is skilled in speaking, and is not shouted down by the masses” (2007: 29-30). This much is evident from Homer’s description of the man:

This was the irrepressible Tersites, who, when he felt inclined to bait his royal masters, was never at a loss for some vulgar quip, empty and scurrilous indeed, but well calculated to amuse the troops...Nobody loathed the man more heartily than Achilles and Odysseus, who were his favorite butts (Iliad: 2.212-222).

Despite the fact that Tersites is regularly permitted to express his dissent in the assembly (much to the amusement of the demos), in his second thesis Rancière cites Odysseus’ harsh treatment of Tersites at this exceptional moment (without any discussion of the context in which it occurs), and concludes that the demos is the part of the social body that, “as the Homeric hero tells us, and
in no uncertain terms, has only one thing to do: stay silent and submit” (Rancière, 2010: 38). Although Odysseus does indeed say something like this at this particular juncture, the impassioned words of an angry aristocrat at a moment of crisis do not reflect the political reality of Homeric society. At best, they reflect the desires of an elite class that wished the demos did not matter as much as they did. Indeed, by the time of the eighth and seventh century — the social imaginary of which is expressed in the Homeric epics — the traditional (aristocratic) authority of the oligarchs across the Hellenic world was slowly coming undone as an increasingly agitated peasantry decried the injustices of the nobles and claimed their rights to political power.

Nonetheless, in his fourth thesis Rancière returns to this scene, formalizing his context-free citation into an abstract definition:

If they insist on speaking out, [Odysseus] will strike anyone belonging to the demos — to the undifferentiated collection of the ‘unaccounted for’ (anarithmoi) — in the back with his sceptre. This is not a deduction but a definition. To be of the demos is to be outside of the count, to have no speech to be heard (Rancière, 2010: 40).

Contrary to Rancière’s assertion, this constitutes neither a deduction nor a definition; rather, it is merely a description of Odysseus’ actions in one moment out of the roughly twenty year sequence that constitutes the events of the Iliad and the Odyssey. The definition comes from Rancière’s political theory, not from the ancient text that he scours for phrases that cohere with his idea when plucked from their context. Following this “definition,” he immediately proceeds to his second example from the Iliad. Polydamas, who belongs to the demos, is the brother of the noble warrior, Hector. In Book XII, Polydamas offers advice to Hector, but prefaces it with a complaint, which Rancière cites:

In this passage Polydamas complains to Hector for having disregarded his opinion. With you, he says, ‘if one belongs to the demos one has no right to speak’ [Iliad: 12.212-213]. Only he is not a villain like Thersites; he is Hector’s brother. The term ‘demos’ does not designate a socially inferior category. The one who belongs to the demos, who speaks when he is not to speak, is the one who partakes in what he has no part in (Rancière, 2010: 40).
Rancière completely excludes any discussion of the fact that Polydamas is permitted to speak, speaks his mind often, and, through his speech, frequently influences the strategy of the Trojan warriors led by Hector. Indeed, just a few pages earlier in the text this is precisely what occurs: Polydamas offers advice that “seemed excellent to Hector,” and the Trojans adopted his proposed tactics (Iliad: 12.60-110). However, Rancière is on firmer ground with this example because he does not deny that the demos are heard; instead, he suggests that they participate in public speech despite the fact that they have no formally guaranteed right to do so. It is true that the demos of the Homeric epics were excluded from positions of authority and that they could be violently silenced by aristocrats. Thus when they participate in public deliberations in the assembly they are indeed acting as if they were equals despite their inequality. They are laying claim to an equality that does not exist without their transgressive acts. In this sense, the Homeric demos of the eighth to seventh century oligarchic imaginary more accurately matches up with Rancière’s “definition” than does the demos of the fifth and fourth century democracy in Athens. The demos of the democracy have a right to speak and occupy formal positions of authority. The demos of the oligarchy, on the other hand, must transgress formal rules and roles in order to assert their equality.

But as the cases of both Thersites and Polydamas reveal, these kinds of transgressive acts are a routine feature of the political life portrayed in the Homeric texts. Indeed, both Thersites and Polydamas are regular participants in public deliberations despite their lower social status; and their contributions to the public discussions have consequences. Nonetheless, seeking to establish the exclusion of the demos from the right to speak and be heard, Rancière ignores all those instances in Homer that do not conform to his thesis. In so doing, he takes the words of a few aristocrats at face value and closes his eyes to the myriad instances in which there already exists, in the social imaginary of archaic Greece, the germ of the democratic institutions to come.
Rancière’s commitment to his formal account of democracy precludes the possibility of observing the process through which democratic institutions slowly emerged over the course of many centuries as the dems gradually built on the presuppositions of thought and action expressed in the *Iliad* and the *Odyssey*.

Raaflaub and Wallace (2007), in contrast, document the moments (throughout the *Iliad* and the *Odyssey*) in which those belonging to the dems are positively valued, are seen as equals in warfare, and have a right (and even an obligation) to speak in the assembly. In respect to the latter, they cite the second book of the *Odyssey*, in which the dems are remonstrated by Mentor for their failure to speak up against the ignoble actions of Penelope’s well-born suitors in the assembly called by Telemachus (Raaflaub & Wallace, 2007: 30). Far from a group defined by their exclusion from public life, the dems, as the largest part of the population, is actively included in the communal decision-making process through the pervasive presence of the assembly in Homer’s works.

The assembly is a constant feature of Homeric society, embedded in its structures and customs, and formalized to a considerable degree. An assembly is called whenever debate of a public issue (*demion*, Od. 2.32, 44) is called for, in a polis or other social group (such as an army or warrior band). Leaders spend considerable time in the agora and in council (Raaflaub & Wallace, 2007: 28).

While this early assembly (*agora*) is certainly not the seat of power, the nobles do not make decisions unilaterally, but instead seek to make decisions that are perceived as legitimate. Thus the importance of possessing *arête* in speech is an essential attribute of the aristocratic leaders, whose legitimacy depends upon their ability to consult with the dems, to take the demotic perspective into consideration, and to persuade the dems that their (the nobles’) decision is a good one. The Homeric assembly served the function of “witnessing, approving, and legitimizing communal actions and decisions regarding such matters as the distribution of booty, “foreign policy,” and the resolution of conflicts” (Raaflaub & Wallace, 2007: 29).
This is a long way from the democratic assembly \((ekklesia)\) attested to in the history of Athenian political life; but it indicates the necessity of elites to represent their actions as though they are in the interests of the demos. This consultative and legitimizing role of the demos did not necessarily lead to participatory democratic institutions; there is not an inevitable evolutionary path to democracy. To the contrary, it took the concerted action of the Athenian demos over the course of many centuries to transform their oligarchic order into a democratic one. A parallel can be drawn between the oligarchic order that prefigured the Athenian democracy and our contemporary political situation, in which elite politicians compete for the approval of the mass population through the formalized mechanism of elections and the televised spectacle of debate and dissent. The determinate practices and institutions through which the mass of the population serves the function of legitimating certain elite actors presents a certain window of opportunity. Those institutions and practices could be leveraged in the continual transformation of the society along more democratic lines; they could also be taken for granted and gradually eroded by the machinations of elite actors who are well-positioned to take advantage of the widespread apathy, cynicism, and fatalism of the citizen body.

Returning to Rancière’s reductions, between his two citations of Homer, Rancière elaborates his principle of sortition through a citation of book III of Plato’s \(Laws\), as I have discussed above. After describing six entitlements to authority — constituting various moves from authority by birth/arête, to authority by strength/wealth, and finally, authority by knowledge — the “Athenian” of Plato’s dialogue mentions sortition as a seventh possible entitlement:

And we persuade a man to cast lots, by explaining that this, the seventh title to authority, enjoys the favor of the gods and is blessed by fortune. We tell him that the fairest arrangement is for him to exercise authority if he wins, but to be subject to it if he loses \((Laws: 690c-d)\).
Whereas Rancière suggests that Plato’s characterization of the practice of sortition as the choice of the gods is merely an ironic comment indicating a pure dismissal of democratic institutions (Rancière, 2010: 39), it more likely reflects the divine origin of the practice of sortition in the Greek imaginary. The right of Zeus, Poseidon, and Hades to absolute authority in each of their respective dominions (the heavens, the sea, and the underworld) was not established through any qualification of birth, wealth, or knowledge. To the contrary, it was determined by sortition. After achieving victory over the Titans in a violent struggle for power, Zeus, Poseidon, and Hades divvied up the spoils by drawing lots. As Cornelius Castoriadis puts it, this mythical event represents “the first known political drawing of lots... If Zeus is master of the universe, it is by chance: he drew the heavens.” (Castoriadis, 1996: 120). But whereas the heavens, the sea, and the underworld are each ruled exclusively by Zeus, Poseidon, and Hades, respectively, in the *Iliad* Poseidon declares that “the earth was left common to all of us, and high Olympus too” (*Iliad*: 15.210). This originary drawing of lots is cited by an enraged Poseidon when Zeus sends a messenger warning Poseidon to abandon the field of battle. The messenger mentions that Zeus is “by far the stronger god” and is Poseidon’s “senior by birth” (*Iliad*: 15.180-183). Despite these two entitlements that Zeus claims for his authority (of which it seems Poseidon ought to be aware) the messenger says that Poseidon is not deterred “from claiming equality with him [Zeus], of whom the other gods all stand in dread” (ibid, italics added).

Much like the sharp-tongued Thersites (who publically speaks up against the nobles, despite the latters’ claim to authority on the basis of their *arête*), and the experienced Polydamas (who speaks up with wise council for his noble brother when he sees fit), Poseidon is not deterred from claiming equality with his brother Zeus, notwithstanding Zeus’s alleged entitlement to authority by both birth and strength. In his anger, Poseidon cites that fateful drawing of lots that
gran

ted each of the three brothers their respective domains while leaving the earth and Olympus
common to them all. Poseidon is incensed by the arrogance of his brother, “with whom Fate has
decreed that I should share the world on equal terms” (*Iliad*: 15.210-211). Despite his reservations
and resentment, Poseidon does withdraw from the field of battle, but bids the messenger to warn
Zeus that if he allows the Trojans to claim victory over the Greeks, there will be an “unbridgeable
breach” between the two Olympian gods (*Iliad*: 212-219). Zeus relents, and the Greeks do indeed
claim victory over the Trojans through the clever ploy of the Trojan horse proposed by Odysseus.

The practice of sortition appears earlier on in the text, at the moment when Odysseus was
attempting to persuade Achilles to accept Agamemnon’s apology (and his generous gift) in order
to end their quarrel. This quarrel between Achilles (the greatest warrior of all the Greeks) and
Agamemnon (the leader of the entire Greek military force) drives the narrative of the whole epic
poem. Similar to Poseidon’s anger with Zeus for his transgressions against the equality of the gods
in the common domain of the earth, Achilles is infuriated at the unequal treatment he receives from
Agamemnon, who has stolen from Achilles the beautiful daughter of Briseis, whom the troops and
Agamemnon himself had seen fit to award to Achilles as his prize of honor after the sacking of a
city. The woman signifies the honor that is bestowed to Achilles for his courage and prowess in
combat. She is the physical manifestation of his honor, the latter of which is thereby visible for all
to see. When she is taken away from him, it is thus a great affront to Achilles’ honor. Agamemnon
takes her from Achilles to show him who is more powerful, and to teach the other nobles not to
imagine themselves to be his equal (*Iliad*: 1.184-188). In response to this dishonor, Achilles has
prepared his men to withdraw from the battle and sail for home, in the hopes that the Greeks will

43 Of course, it is disturbing to hear that the women of conquered cities are divvied up as spoils of war; but this is the
world of Homeric Greece, a reality recognized for all its misery by certain women in the narrative (see, for instance,
suffer great losses and acutely come to feel his absence. In an effort to keep Achilles and his men in the fight with the Trojans, Agamemnon sends Odysseus, Ajax, and Phoenix to persuade Achilles to stay, to offer him a vast gift of various riches, and to offer to return the beautiful daughter of Briseis to Achilles and thereby to restore his honor. When Odysseus explains the terms of this generous apology, Achilles refuses to accept it. He declares:

I left a rich home there [on the “deep soil of Phthia”] when I had the misfortune to come here; and now I shall enrich it further by what I bring back, the gold, the red copper, the girdled women, and the grey iron that fell to me by lot — everything in fact, but the prize of honour that was given me and insultingly withdrawn by one and the same man, his majesty King Agamemnon of Atreus (Iliad: 360-370, italics added).

On the one hand, we can see here the importance of honor for the Homeric heroes, who each strive to distinguish themselves in relation to each other and to be honored with prizes that serve as the physical manifestation of their honor. On the other hand, we see that sortition has made its way into the practices of the Greek military. Thus the spoils are divvied up according to two principles. First, the majority of the spoils are divided equally, by lot, between all the men, regardless of their courage, rank, or effort in battle. Second, certain honorary prizes (such as the daughters of the nobility in the conquered poleis) are granted to those leaders who have demonstrated the greatest courage and prowess among all. As Raaflaub and Wallace put it, “[a]part from honorary gifts for the leaders, all soldiers… receive equal shares [of the spoils]” (2007: 28).

The divine mechanism of sortition is embedded in the very core of the ancient Greek imaginary, linking the mythical origin of the reign of the Olympian gods to the everyday practices of Homeric society and positing a sense of equality among gods of unequal status on the one hand, and among humans of unequal status on the other. It was the originary sortition between the Olympians that laid the foundation for Poseidon to claim his equality in the face of Zeus’s dual claim to superiority (by birth and by strength). This equality between unequals serves as the basis for the “heroic strife” that unfolds between the nobles, who do recognize the superiority of certain
men (e.g. Agamemnon), but who nonetheless are not afraid of claiming their equality against affronts to their hard-earned honor (e.g. as in the case of Achilles’ quarrel with Agamemnon). In addition to grounding a sense of equality among the nobles, the divine practice of sortition is also instituted in the everyday practices of the military as a whole, serving as the means of divvying up the spoils of war equally, between nobles and commoners alike. The equality between unequals attested to in the relation between Poseidon and Zeus as well as in the relation between Achilles and Agamemnon thereby makes an institutionalized appearance in the relation between the demos and the nobility. Moreover, the speech of Thersites and Polydamas iterates this equality between unequals in the demotic assembly (as in the case of Thersites) and in the determination of military strategy (as in the case of Polydamas). These models of equality between unequals within the Homeric text are deeply embedded in the consciousness of the Greek civilization. The great achievement of the Athenians is to have transformed these archaic forms of equality and sortition into durable institutions of governance that sustained the power of the demos for nearly two centuries. However, the demotic elements of the Greek social imaginary cannot be fully accounted for without an examination of Hesiod’s poetry, which gives direct expression to the discontent of the peasantry in eighth and seventh century Greece without being reflected through the scorn or disapproval of figures such as Odysseus and Hector.

The Emergence of Nomos and the Invention of Justice (Dikê)

In his Constitution of the Athenians, Aristotle indicates a long period of social strife between the wealthy and the poor that preceded the gradual emergence of democratic institutions. Far from a situation that was unique to the Athenian polis, intense social strife that arose from vast material and symbolic inequalities was widespread throughout the Greek world in the eighth and seventh centuries B.C. Hesiod, a bard poet roughly contemporary with Homer, though perhaps
composing his poetry shortly after the Homeric epics, gave expression to the widespread discontent among the class of impoverished peasants across the Hellenic world. While addressing a Pan-Hellenic audience, he was from Boeotia, the region adjacent with Attica’s northern frontier. Though he spoke of situations specific to his locale, the problems he raised were reflective of social conditions across Greece. The major source of wealth at this time was agriculturally productive land, which was dominated by wealthy families who justified their privilege through their arête inherited through their noble family lineage, their good breeding, and their participation (both in speech and in action) in the oligarchic governments and in military campaigns. Unlike Homer, Hesiod does not glorify the aristocratic imaginary that legitimates the oligarchic rule by the aristoi. To the contrary, his poetry represents a systematic critique of the oligarchic order from the perspective of the hard-working, middling peasantry. He decries the injustices committed by his brother, Perses, who fraudulently brings Hesiod to court in an effort to deprive him of his inheritance; and he criticizes the oligarchic rulers who serve as judges, whom his brother has bribed to ensure that his fraud will succeed.

Whereas the “heroic strife” of the nobles predominates in the Homeric epics, Hesiod begins his Works and Days with a discussion of two distinct forms of strife. There is the strife of violence, warfare, and coercion, which amounts to a critical representation of the heroic strife in Homer (W&D: 26-28). And there is the strife of hard work, which eschews the path of violence, setting peasant against peasant and artisan against artisan in a friendly competition to increase one’s wealth without taking from others through violence, bribery, or clever words (W&D: 33-57). Both the good strife and the violent strife are personified as deities; but the good one was born first, and Zeus “set her into the Earth’s roots” where she is able to inspire even shiftless and lazy people to hard work (W&D: 29-32). This elder strife, embedded deep into the earth’s roots, is the strife of
those who till the soil; those who work hard in their efforts to produce a bountiful harvest. Through persistent labor the peasant is able to escape the constant threat of starvation and, eventually, amass a small amount of wealth, which brings “honor and glory” (W&D: 358). This is a drastically different picture from that painted in Homer. The heroes of the Iliad obtained their honor and glory through the violent conquest of other poleis and the excellent use of persuasive speech in the deliberations of the royal council and the demotic (not democratic) assembly. It was through these same means that they amassed their wealth, divvying up the spoils of war by lot among all the victorious soldiers, and by honorary gifts to the nobles. Hesiod, to the contrary, links honor and glory to the wealth that is attained through hard work and hard work only. He explicitly admonishes the attainment of wealth through violence and artful oratory, and warns his audience that those who attain wealth through such means will be punished by the gods: “If a man lays hold of wealth by main force, or if he pirates it with his tongue… the gods whittle him down just like that, shrink his household, and he doesn’t stay rich for long” (W&D: 367-372). Such persons act foolishly, “as if they’d never heard of angry gods” (W&D: 291). The person who attains wealth through violence or skillful oratory does not stay wealthy, and thus does not achieve lasting honor and glory. For Hesiod, arête is attained through the hard work that brings wealth; it is not attained through clever words or heroic deeds.

He pleads with his brother to pursue wealth by acting justly and working hard, not by deploying violence or unjustly cheating Hesiod out of his inheritance through deceitful words and strategic bribes (W&D: 42-57, 246-260). In addition to imploring his brother to reform his unjust ways, he admonishes the nobles who stand as judges, repeatedly calling them “bribe-eating lords” (W&D: 55, 257, 303). Hesiod serves up a fable for the nobles, who he declares will need no explanation to understand its meaning:
It's what the hawk said high in the clouds
As he carried off a speckle-throated nightingale
Skewered on his talons. She complained something pitiful,
And he made this high and mighty speech to her:
“No sense in your crying. You’re in the grip of real strength now,
And you’ll go where I take you, songbird or not.
I’ll make a meal of you if I want, or I might let you go.
Only a fool struggles against his superiors
He not only gets beat, but humiliated as well” (W&D: 236-244).

The nobles act like hawks who freely devour those weaker than them for the simple reason that they are stronger, devoid of any sense of justice. Later in the poem, addressing his brother, Hesiod contrasts the nomos (law/custom/norm) of human beings with the ways of the animals:

Perses, you take all this to heart. Listen
To what’s right, and forget about violence.
The Son of Kronos [Zeus] has laid down the law [nomon] for humans.
Fish and beasts and birds of prey feed on
Each other, since there’s no justice among them.
But to men he gave justice, and that works out
All to the good (W&D: 316-322).

The wild beasts, living without justice, are destined to a form of life in which the stronger devour the weaker. Human beings, however, have a way of life distinct from the beasts because Zeus has endowed them with a sense of justice, which enables them to do good by each other. The unjust activities of the corrupt, bribe-eating lords and Hesiod’s lazy brother go against the human nomos that is safe-guarded by Zeus and known by all human beings.

The novelty of this formulation cannot be overstated. Hesiod’s conceptions of both justice (dikê) and nomos appear as fundamental deviations from the epic tradition (Jaeger, 1939: 68-76; Wood, 1988: 166-168; Oswald, 1969: 21, 63-67). Whereas the Homeric epics dramatized an idealized self-image of the opulent nobles, Hesiod’s poetry bears witness to the emergence of norms independent from the traditional aristocratic virtues; norms against which the actions of the wealthy few could be measured and criticized. In archaic Greece, the notion of justice (dikê) as an
absolute measure of righteous action independent from the practices of contingently instituted authority figures was first introduced into the extant record through the poetry of Hesiod (Jaeger, 1939: 62). Hesiod makes a deity of Dikê, the daughter of Zeus, who sits beside his throne and tells him the injustices of the wicked, whom Zeus will duly punish if the earthly judges are unwilling to do justice to the goddess Dikê. Rather than serving the function of universalizing the values of the ruling elite (as did the Homeric epics), Hesiod’s poetry raises a battle-cry against those privileged few in the name of a justice that is “dragged through the streets by corrupt judges who swallow bribes and pervert their verdicts” (W&D: 256-257). If the poleis (city-states) of the earth end up dominated by such practices, Hesiod declares that families will fall apart, people will start wars for no reason, and the people of earth will praise “the wrongdoer, the man who is violence incarnate” (W&D: 210-223). In such a situation the gods will abandon the earth; not only the goddess Dikê and the strife of the soil, but shame too will flee the earth, “and horrible suffering will be left for mortal men, and no defense against evil” (W&D: 233-234). This poetry, expressing a radical critique of the oligarchic order, attests to the presence of widespread discontent with the practices of the day. This discontent and its expression in Hesiod’s poetic critique of archaic Greek society will provide impetus for the democratic transformations to come.

But despite Hesiod’s nomination of the value of justice to an absolute position over and above the corrupt practices of the local lords, he also roots that transcendent justice immanently within the nomos of the community. Just as the good strife of hard work is rooted in the soil of the earth, so too is the nomos of divine justice embedded within the human community. Though the human nomos comes from Zeus, it has life in humankind through the justice that Zeus gave them. This formulation is echoed by Protagoras — the teacher of Pericles and the pedagogue of democracy — in his mythos of the origins of politics as recorded by Plato: Zeus gave “justice and
a sense of shame” to humankind; and unlike the division of labor implemented with respect to the various technical skills such as pottery, carpentry, masonry, farming, etc., he distributed justice and shame to all human beings, thus granting all the ability to participate in politics (Protagoras: 322c-323a). Thus the source of justice is divine — it transcends the ruling authority — but it is embedded immanently in the nomos that humans recognize as their own. It is a law that is both above and below the ruling elite, giving an impetus to claims against oligarchic injustice advanced by the humble peasantry and artisans, ultimately leading to the transformation of the structure of authority in the polis. But the translation of nomos simply as “law” misses its fundamental meaning in relation to the increasingly oppressive oligarchies of the eighth and seventh centuries B.C.

Martin Oswald argues that the concept of nomos makes its first appearance in the extant record with Hesiod’s work (1969: 21). While nomos was eventually used to indicate the laws or public statutes of the polis, at this early date the word designated “an order of living, a way of life” (ibid). The nomos of a community is the taken for granted norms that are generally accepted as valid and tacitly presupposed in habits, practices, and beliefs of everyday life. In the context of Hesiod’s dramatization of the human nomos marked by divine justice, which is contrasted with the brutality of the animal world, “the point is that [nomos] constitutes a norm followed by any human being who does not want to degenerate into an animal” (ibid). As opposed to this notion of nomos, which was a very expansive concept, the narrow notion of thesmos signified what we normally think of as “law” or “public statute.” When Hesiod was composing his poetry, the unjust rule of the oligarchs (which he compares to the beastly violence of the hawk) took the form of unwritten thesmoi. These statutes were not codified in written form; they were inscribed in the memories of the rulers, who were free to conveniently remember only those clauses that served their interests or the interests of whomever they favored in a dispute, whether a friend, relative, or
somebody who had paid them a bribe. The justice of nomos both transcended the arbitrary thesmoi of the elite rulers and also rose up from below, emerging from the broad nexus of everyday habits, norms, and practices of the dominated peasants and artisans.

The notion of thesmos generally signified a regulation of human behavior imposed “by powers outside and apart from the human agent who is expected to obey them” (Oswald, 1969: 15). The notion of nomos also implied an obligation to follow certain norms of behavior, but that obligation “is motivated less by the authority of the agent who imposed it than by the fact that it is regarded and accepted as valid by those who live under it” (Oswald, 1969: 55). To his contemporary audience, Hesiod’s invocation of the human nomos (that is both infused with divine justice and is commonly accepted by all human beings in his milieu) signifies a sharp criticism of the arbitrary, unjust thesmoi that were imposed upon the impoverished peasants from the external authority of the oligarchs. However, Hesiod does not indicate that thesmos as such should be eliminated, nor that the common peasants should seize authority of government. Indeed, neither in the Works and Days nor in his Theogony “does Hesiod make any claim to be equal to elite leaders or challenge their position in society” (Raaflaub & Wallace, 2007: 33). To the contrary, he demands that the nobles should rule justly and that the poor should labor justly. He calls for the thesmoi of the polis to be brought into harmony with the nomos that was seen as common to all human beings, thereby binding the thesmoi to the imperatives of justice and bringing about a state of eunomia (good nomos) for the polis as a whole.

In relation to Rancière’s conceptualization of the police order, nomos and thesmos, in their usage in Hesiod’s lifetime, roughly match up with the two moments of the police I discussed in chapter one: (1) nomos refers to certain elements of the symbolic constitution of the social, that is, the symbolically constituted web of significance that occurs as a result of the unique habits,
practices, discourses, norms, and unconscious background assumptions of society; and (2) thèsmos refers to something like the institutional distribution of roles, functions, and modes of participation in the formal mechanisms of government, economy, and society. This is a very loose approximation, and there are two important differences that I will highlight. First, recall that Rancière’s account of politics articulates the ways in which political actors are able to disrupt the symbolic constitution of the social but remains silent on the question of transforming the formal institutions of state and society. Hesiod, in contrast, explicitly calls for the transformation of the oligarchic thèsmoi by appeal to demotic (not democratic) nomoi. Hesiod calls for political action that transforms the formal thèsmoi of the government in accord with values that are immanent to the symbolic constitution of the social but excluded from expression in the institutions of governance. Whereas Rancière sees politics as the interruption of the first moment of the police order, Hesiod calls for the transformation of the second moment from the perspective of the first moment. Rancière would probably refer to the reforms proposed by Hesiod as mere policing because Hesiod affirms the role of the peasant as laborer and the role of the noble as ruler. Indeed, Hesiod was no democrat — a concept that had not yet been born when he composed his poems — despite the demotic richness of his account.

Second, whereas the symbolic constitution of the social appears in Rancière as necessarily oligarchic in nature and as necessarily monolithic, without surplus or supplement, the human nomos attested to by Hesiod is anti-oligarchic to the core and appears as a set of values in explicit conflict with the heroic strife of aristocratic arête expressed in Homer. These two sets of values were intricately woven into the everyday existence of seventh century Greece, the setting within which the series of reforms leading to the Athenian democracy began. Although nomos means something like Rancière’s notion of the symbolic constitution of the social, in Hesiod’s time the
term constituted the expression of just one part of that social imaginary, the complement to the heroic strife of the aristocratic *arête*. The symbolic constitution of archaic Greece was itself composed of competing values; both the demotic values of the demos (and their claims to justice) and the aristocratic values of the wealthy nobles (and their claims to honor). That is to say, the claims to justice by the demos do not appear as uncounted by or excluded from the social imaginary. To the contrary, they were well accounted for in the social imaginary, but were excluded from expression in the formal institutions of authority.

Perhaps this supports Rancière’s assertion that the police order “is characterized by the absence of void and of supplement” (Rancière, 2010: 44); if the claim to justice by the demos was already included in the social imaginary, and the demos were indeed assigned a place (a place that was affirmed by Hesiod in his calls for better *thesmoi*) then there seems to be no supplement to the police order. But this interpretation fails to take into account the fundamental conflict between the two moments of Rancière’s police order that characterized the widespread discontent of the demos in eighth and seventh century B.C., as expressed in the critique of the *thesmoi* from the perspective of the demotic *nomoi*. Moreover, the Greek social imaginary was manifestly contrary to Rancière’s picture of a seamless whole characterized as a monolithic order to the exclusion of disturbance, surplus, and excess. While this picture could perhaps characterize the monotheistic and monarchical police order out of which modern oligarchical nation-states emerged over the past several centuries, it certainly does not characterize the polytheism of the Greek world, with its conflicts between imperfect gods and its portrayal of the follies of hubristic demigods and nobles. To the contrary, already in the aristocratic imaginary of Homer we see the visceral presence of the disruptive equality of unequals at every level of hierarchy — from the relations between the gods, to the relations between kings, to the relations between the nobility and the demos. The critique of
the bribe-eating lords offered by Hesiod only built on that Homeric logic. The symbolic constitution of archaic Greece was fundamentally conflictual, marked by the heroic strife imagined by the oligarchs, the earthen strife imagined by the peasants, and the demotic strife between the demos and the unjust *thesmoi* of the nobility.

Insofar as we presuppose Rancière’s categories of analysis, then, the Athenian democracy emerged when the demotic element of the symbolic constitution of the social was leveraged in the concrete transformation of the formal institutions of governance. It was the tension between the two moments of Rancière’s notion of the police order that effected a productive transformation of both of those moments: equality came to mean more than it once did in the social imaginary by way of its embodiment in new institutions and practices of everyday governance. Remarkably, this transformation of the *thesmoi* from the perspective of the demotic *nomoi* left a permanent trace in the extant record of the Greek civilization. Around the time of the Athenian revolution of 507/8 B.C., which implemented the radical Cleisthenic reforms and founded the democracy, the word *nomos* abruptly replaces the word *thesmos* to signify “public statute” (Oswald, 1969: 1-11). Thus the fundamental critique of the arbitrary oligarchic *thesmoi* (a critique that had been circulating throughout the peasant and artisan underclass for centuries) finally materialized both in the institutions of governance and in one of the central words used to name those institutions. By the time the word has assumed its significance as “public statute,” because the notion of *nomos* is no longer articulated as a demotic critique of oligarchic *thesmoi*, which it has sublated, it loses its partisan character in everyday speech, and is used by democrats, oligarchs, tyrants, rhetoricians, and aristocratic philosophers alike to refer to the public statutes of government.

The significance of this new role for *nomos* lies in the direction from which *nomos* (as distinct from *thesmos*) approaches the notion of public statute.
We see that the two terms approach the notion of a statute from opposite directions. *Thesmos* envisages it as being imposed upon a people by a lawgiver legislating for it, while *nomos* looks upon a statute as the expression of what the people as a whole regard as a valid and binding norm (Oswald, 1969: 55).

When Plato is writing his *Laws* (*Nomos*) in the fourth century, the notion of *nomos* already signifies both its broad meaning as the way of life that is accepted as normative within a given milieu, and its narrow meaning as public statute (i.e. it signifies both moments of Rancière’s concept of the police). But the fact that it abruptly attains this latter meaning around the time of the founding of Athens’ radical democracy that implemented the Cleisthenic reforms suggests that the meaning of *public statute* itself underwent a transformation at this moment. Rather than some externally imposed obligation to which the people must adhere, public statutes henceforth were understood as emanating from the citizen body, who constituted their statutes in harmony with the *nomoi* that prevailed in the habits, practices, beliefs, and values of the people.

**From Written Laws to the Democratic Revolution**

The widespread social discontent of the eighth and seventh centuries, of which Hesiod’s poetry is an expression, helped give rise to the reign of tyrants in many of the poleis throughout the Hellenic world by the seventh and sixth centuries. Certain nobles enlisted the support of the poor, and, with their backing, were able to overthrow the oligarchic governments and secure their personal reign over the polis. Although many of those belonging to the demos did not have formal military experience, the sheer numbers of poor artisans and peasants was enough to tip the scales in the favor of a populist-minded nobleman who sought to establish his personal rule. Such men were referred to as tyrants, but the notion of tyranny did not yet have the negative connotations with which it is associated today. It merely indicated that the polis was ruled by a single person. However, tyranny was distinct from the earlier monarchies that had been gradually displaced by oligarchies (as outlined in the case of Athens in Aristotle’s text). Unlike those monarchies, the
tyrannies that emerged during the seventh and sixth centuries were generally oriented towards benefitting the material position of the most impoverished members of the polis, upon whose continuing support the tyrant depended in order to secure his reign.

But there were other paths out of these trying conditions. Wallace discusses at least two alternatives to tyranny that emerged in response to the social crises of archaic Greece: in some cases, as in Sparta, constitutional reforms ameliorated the social strife, lending some form of equality between those constituting the demos and those constituting the nobility, thereby preventing the growth and effectivity of radical demands and actions; in other cases, as in Megara, the demos seized power for themselves and constructed radical forms of mass-government (2007: 53-57). These latter were often subject to constant subversion by traditional oligarchs who resented their harsh treatment, leading to the cycles of violent revolutions between forms of government decried by both Plato and Aristotle. In any case, by the end of the sixth century B.C. the threat of popular demotic action loomed large in the horizon of the nobility, and the specter of tyranny was haunting the Hellenic world. Although Aristotle’s students documented the historical development of 157 poleis in Greece, including the ways in which they dealt with the social crises of the eighth through sixth centuries, we unfortunately are left with only The Constitution of the Athenians, to which I now return.

In the case of the Athenians, the clash between the rich and poor was particularly intense because the eupatridai (the “sons of good fathers,” i.e. the well-born) of Attica had been much more extravagant than in other Greek poleis throughout the seventh century (Wallace, 2007: 49-51), subjecting the demos to extreme conditions of dependence and poverty. As Aristotle puts it: “The Constitution was in all respects oligarchic, in particular in that the poor, together with their wives and children, were the slaves of the rich” (Aristotle, The Constitution of the Athenians: 2.2-
2.4). The domination of the poor under the yoke of the oligarchs became increasingly intolerable, and the struggle between the two classes constantly threatened to break out into full on civil war. A common revolutionary demand by the most radical of the demos was the call for *isomoiria* (equal division of the land). Given the fact that the power of the nobility was ultimately rooted in their domination of large portions of the most fertile land, this was a form of equality that they simply could not tolerate. This form of equality had to be prevented from being instituted at all costs. When one of the nobility, Cylon, attempted to seize power in order to set himself up as tyrant, the *eupatridai* decided to ameliorate the situation by formally codifying the *thesmoi* into a written law code that would institutionalize equality before the law regardless of birth, lending a sense of objectivity to the administration of justice and offering a form of equality that they hoped would hold off the radical demand for *isomoiria*.

Recall Hesiod’s call for *eunomia* (good nomos, i.e. good, just order throughout the polis), which specified the bribe-eating nobles as a major factor in the degeneration of the polis. Hesiod insisted that the nobles who served as the magistrates should judge justly without regard to whomever happened to be subject to a particular judgment. As mentioned above, the corrupt nobles had the advantage of relying upon their memory in the execution of law, both in mundane matters of administration and in matters brought before them in court. Indeed, the laws were not written down, “but were enshrined in the memories of the magistrates, who had to operate them so as to give judgment in lawsuits between citizens” (Hansen, 1991: 28). As the laws were not inscribed in any public record, the nobles were free to remember only those clauses that served the interests of those whom they favored. They were likewise free to interpret the clauses they chose

\[^{44}\text{See Wood (1988) for a thorough discussion of the meaning of “slavery” in archaic and classical Greece. On her account, the notion refers to a variety of relations of dependence and not merely to chattel slavery, as we understand the word today.}\]
to remember however they saw fit, and to issue penalties according to their interest or the interest of their friends and family, according to the size of the bribe they had received, or simply according to their whim. This situation was widely resented and criticized by those belonging to the demos, whose poverty and dependence upon the nobility was due in no small part to the corruption of the bribe-eating nobility that Hesiod so sharply criticized. With the example of tyrannies and popular governments around the Greek world, many among the demos were prepared to take action to assert the equality between themselves and their corrupt overlords. They were eager to enact the equality of unequals, much like Poseidon, Achilles, Thersites, and Polydamas had done in their mythic transgressions. Along with these models of transgressive egalitarian action, the implicit equality in Hesiod’s conception of justice imbued the demos with a deeply egalitarian ethos; and the example of other poleis fortified their resolve to act. At the end of the seventh century, those belonging to the demos of Attika were self-confident in their ability to claim their equality and effectively transform their situation, they were convinced of the justice of their cause, and they were growing increasingly radical in their demands, as exemplified in the demand for isomoiria, equal division of the land.

In this context, when Cylon attempted to establish himself as tyrant, the nobility responded by killing Cylon and his supporters and then assigning Drakon as an extraordinary archon in 621 B.C. to codify the laws of the polis in what seems to be an effort to hold off the radical egalitarian demands of the demos by offering them some minimal form of equality (equality before the law). Most of the laws inscribed during the archonship of Drakon were not new laws; rather, the laws enshrined in aristocratic memory were formally codified to undermine the impartiality of their application in particular cases. It seems that Drakon’s innovation was the harshness of punishment

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45 See Jaeger (1939: 104) for a discussion of the implicit equality in Hesiod’s notion of justice.
for all infractions. From minor theft, to murder, to treason, all persons found guilty by a judge (who was still selected from among the nobility) were sentenced to the same punishment: death. Thus Drakon’s name has been preserved in the adjective “draconian” for the harshness of the penalties that he laid down. Despite that fact, the written codification of law under the archonship of Drakon was an important step for the cause of equality in the Athenian polis. No longer could the bribe-eating nobles issue impartial judgments determined by their personal relationships to the plaintiff and the prosecutor. However, Drakon’s law code did not at all ameliorate the social conditions of poverty and dependence on the eupatridai under which the demos existed. Nonetheless, with one form of equality firmly achieved, the confidence and egalitarian ethos of the demos only grew. With the lack of any real change to the situation of drastic social inequality, their impatience likewise grew.

The next generation saw the increase of social strife. Aristotle reports: “When the strife was severe, and the opposition [of the demos to the nobility] of long standing, both sides agreed to give power to Solon as mediator, and entrusted the polis to him” (Aristotle, The Constitution of the Athenians: 5.2-5.5). Solon nullified most of Drakon’s laws and sought to achieve a middle ground between the wealthy and the poor, refusing to implement a redistribution of land as demanded under the banner of isomoiria, but also laying the bulk of the blame on the avaricious eupatridai, cancelling all debts, and outlawing the practice of using one’s person as collateral on future loans. These reforms, referred to as the “shaking off of burdens” (ibid: 6.2), significantly reduced the dependence of the demos on local elites, and somewhat improved their material condition; but they did not enact a democratic government. To the contrary, in the context of a radically politicized population, his reforms aimed to prevent civil war by undermining the ability of the eupatridai to rule unjustly and improving the lot of the poor in terms of material well-being.
Solon, in short, aimed to achieve something like the *eunomia* that Hesiod posited as a kind of harmony between the various parts of the polis: the nobility should rule justly; and the peasants and artisans should labor justly.

Although Solon’s agrarian reforms were significant, I will focus my discussion on two changes enacted by Solon that contributed greatly to the growth of a democratic imaginary from out of the demotic political action that had grown increasingly radical in its demands. First, Solon introduced the people’s court, granting all Athenians some place in the administration of the polis. And second, he made the qualification for holding magistracies explicitly based on one’s wealth, eliminating the noble lie of good birth as a justification for holding authority. While the wealthy maintained control over the major magistracies of the polis, their authority was explicitly conventional. Moreover, by introducing the people’s court as the final arbiter in all decisions, any decision by a magistrate could be appealed to the court, which was composed of both wealthy and impoverished citizens who were selected by lot for each session (ibid: 9.1-2). Because there were many more poor citizens than wealthy citizens, and jury selection was determined by lot, this institution was dominated by the poor (the demos), allotting them a significant share of governmental power where they had previously been excluded altogether. Aristotle indicates that the introduction of this body was commonly held to be the single most important innovation that led to the historical emergence of the democracy (ibid).

Solon also implemented a variety of other laws, pertaining to weights and measures, to the spending of public funds, to the waging of war, etc. But in all cases, the laws that he implemented were not “drafted simply or clearly… inevitably [leading] to disputes; hence the courts [had] to decide everything public and private” (ibid) While many believed that Solon kept his laws vague in order to ensure that they would require interpretation by the democratic juries more often,
Aristotle speculates that the “obscurity [of Solon’s laws] arises rather from the impossibility of including the best solution for every instance in a general provision” (ibid). This notion of the impossibility of implementing a general law uniformly in all particular political situations to which it must be applied is one of the principle insights of both Plato and Aristotle in their examination of politics. While the law may set out general guidelines based on universal principles, it is impossible for the law to anticipate, in advance, the circumstances and conditions which must be navigated in each particular case. In the people’s court of Athens, the demos was thus required to “fill up the gaps which the law is obliged to leave” (Aristotle, The Politics: 1286a37). While the introduction of the people’s court put important limitations on the authority of the wealthy, and the mechanism of sortition drastically reduced the possibility of a jury being bribed, it also gave the demos direct experience participating in the administration of justice in a formal capacity in the polis. It thereby increased their confidence in their own competence, and verified the fact that they were equal to the eupatridai, despite their differences in birth.

In addition to the creation of the people’s courts, the introduction of a wealth qualification for occupying the positions of the archai and the boule was also significant in the growth of a democratic imaginary. Although this does not seem like a particularly democratic reform, it is significant because it explicitly identified the wealth of the eupatridai as the basis of their authority, completely eclipsing any appeal to their alleged arête, which was claimed to be inherited from their noble heritage and good breeding. The notion that arête was the property of the well-born few was replaced by a notion of arête rooted in the justice of the polis as a whole, with each part of the population doing their part, and thereby achieving eunomia throughout the polis.

46 For the same insight in Plato see, for instance: The Statesman, 294b-c. For other instances of the same point in Aristotle, see: The Politics 1269a10-12, 1282b2-6.
Although the poor could not participate in the archai or the boule, they could perform their civic excellence through participation in the people’s courts.

By the middle of the sixth century B.C., many of Solon’s reforms had been institutionally consolidated, sedimented into the habits and practices of everyday life, and explicitly affirmed in the discourses and beliefs of Athenians. Though, while it seems that Solon had aimed to prevent the emergence of tyranny and to preserve the old order while giving in to some of the demands of the demos, in 561, some thirty years after Solon’s archonship, Pisistratus installed himself as a popular tyrant in the territory of Attika. Although he secured authority for himself through the force of arms, he maintained a formal adherence to most of the laws of Solon throughout his reign. A genuine champion of the demos and generally well-favored by most of the nobility, Pisistratus “ran the polis moderately, and constitutionally rather than as a tyrant” (Aristotle, The Constitution of the Athenians: 16.2) Building on the Solonian “shaking off of burdens” he further improved the lot of the peasants working the poorest plots of land by providing them with loans to plant olive trees, thereby enabling them to improve the economic viability of their rocky soil, which did not yield a large harvest of grains, but which could sustain olive orchards that produced oil for trade. Perhaps most importantly, Pisistratus nurtured a strong sense of civic identity for the entire polis through the construction of monuments, temples, and other public works projects, and through his regular sponsorship of public festivals that provided free food and entertainment to all members of the polis (Manville, 1990: 166-170).

Josiah Ober (1999) explains the situation as follows: because the peasantry had become much more economically independent, and because Athenian identity had been fortified through public works and public festivals, “the ordinary Athenian male had come a long way from the status of politically passive client [of the local eupatridai]. He saw himself as a citizen rather than
as a subject, and at least some part of his loyalty was owed to the abstraction “Athens”” (Ober, 1999: 38).

When Pisistratus died a peaceful death in his old age, the tyranny was inherited by his two sons, who were not up to the task of pleasing all the parts of the polis. When one son was murdered, the other became increasingly paranoid and oppressive, turning the majority of the population — of both the nobility and the demos — against the tyranny. In 510 B.C. the Spartans, “urged on by multiple oracles from Delphic Apollo, decided to liberate Athens from the rule of the Peisistratid tyrant” (Ober, 1999: 36).\footnote{Josiah Ober (1999) reconstructs the events that followed with particular attentiveness to the only two sources available to us that were written in relative temporal proximity to them: Aristotle’s Constitution of the Athenians and Herodotus’ Histories. I mostly follow Ober’s account here.} After the Spartans had deposed the tyranny and exiled the tyrant and his family, they withdrew their military force; but they nonetheless retained an interest in the further development of the Athenian polis, perhaps hoping to craft it into a client polis. “In the aftermath of the “liberation,” King Cleomenes, the dominant figure in late-sixth-century Sparta, encouraged attempts by Isagoras and other Athenian aristocrats to establish a government that would exclude most Athenians from active political participation” (Ober, 1999: 36-37). Perhaps because Isagoras did not immediately attempt to carry out this plan, and because he was closely associated with the force that had expelled the paranoid tyrant, Isagoras was growing in popularity among the citizens of Athens in the power vacuum that followed the ouster of the Pisistratid tyranny.

In this situation, Ober contends that the Solonian institutions (which had largely been left formally intact throughout the half century of tyranny) can be assumed to have still pertained. But it seems likely that there was a kind of guarded re-constitution of these institutions alongside a vigorous struggle between elite actors to assert themselves as the new tyrant. Both the institutions
of the Solonian order and the practices of tyrannical rule were probably placed into doubt as elite and demotic actors grappled their way forward in an uncertain situation filled with both desirable and disastrous possibilities.

When Isagoras was elected as head archon in 508 B.C., his primary competitor, Cleisthenes, enlisted the support of the demos in what could appear as a standard attempt to set himself up as tyrant. Whether or not he was attempting to establish a tyranny, the reforms attributed to his name ended up founding the Athenian democracy. Ober suggests as a “reasonable guess” that Cleisthenes proposed his reforms in a session of the assembly in a move that garnered the support of the demos and set the wheels of the democratic revolution in motion. The assembly would have been a relatively powerless institution in which the demos did not generally have the right to speak despite their right to vote. Although the demos would have been the largest voting block, the assembly did not have prerogative authority, which still resided with the archai and the boule. This Solonian assembly would have been much like the assembly as envisioned in the Homeric epics, wherein it was used as a way for elites to legitimate their policies and include some degree of demotic consultation in the formulation of those policies. In Ober’s imagined situation, he suggests that the reforms were ratified in the assembly and had perhaps even begun to be implemented. Though, whether or not they were implemented, it does seem likely that the ideas were publically known, and that the eupatridai saw them as a clear threat to their authority. Although they did not constitute a redistribution of land under the banner of isomoiria, they did constitute a drastic redistribution of political authority. Whether the idea sprung from the mind of Cleisthenes or from a collaboration between various Athenians is not at all clear, nor is it a particularly important question for my purposes. In either case, though the reforms that bear his name would inaugurate the Athenian democracy, Cleisthenes was not a typical lawgiver. Rather
than being granted the authority to make laws by the entire polis, his reforms were implemented with the support of the revolutionary violence that ousted Isagoras and slaughtered his supporters. This violence was not led by Cleisthenes, who had been sent into exile by Isagoras; nor does it seem to have been led by any elite actors at all (Ober, 1999: 42-45).

During the archonship of Isagoras, reacting to the radical proposals of the Cleisthenic position (that had perhaps been ratified in the assembly), Isagoras sent word of these developments to the Spartans, who responded by sending a herald to Athens to announce that Cleisthenes and several others must be exiled from the city. In Cleisthenes’ absence, the situation for Isagoras did not improve. He requested that the Spartans expel more families, which they were happy to do. According to Herodotus (5.72.1) “a total of 700 families were driven out” of the polis (Ober, 1999: 39). Isagoras and the Spartans then ordered the dissolution of the boule as the first step in the endeavor to establish a properly oligarchic order. When the boule refused to dissolve, thereby negating the uncertain authority of the nascent ruler, word spread quickly around the Athenian polis that Isagoras was attempting to dissolve the laws and institutions of Solon, which had been valorized and rehearsed throughout the duration of the Pisistratid tyranny despite the fact that they had no real authority during that period. Given the buzz around the Cleisthenic reforms and the recent expulsion of a large portion of the citizen body, this violation of the Solonian thesmai and the resolve of the boule in the face of Isagoras’ transgression triggered a riot against Isagoras and his Spartan allies, who quickly fled to the acropolis when they realized that they were outnumbered. The ranks of the popular riot swelled over the course of the day as word spread further into the countryside. Unprepared for a protracted siege the Spartans surrendered after only three days, were allowed to return to Sparta, and snuck Isagoras out with them. The angry Athenians proceeded to slaughter those who were left, a group of Athenian eupatridai who had

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supported Isagoras in his endeavors. They recalled Cleisthenes and the rest of the Athenians who had been expelled from the city by the Spartans, and they implemented the Cleisthenic reforms. At some point during the implementation of these radical reforms, the Athenians began referring to their public statutes — whether the statutes of previous generations (e.g. those of Solon), or their new, democratic statutes — as nomoi instead of thesmoi.

To speak in the language of Rancière’s schema of the various “parts” of society, when democracy appeared through the violent revolution that instituted the radical reforms that bear Cleisthenes’s name in 508 or 507 BC, the part that had no part asserted its claim to being counted as a part of the political community. This new democratic regime involved an intricate re-structuring of the institutions of everyday governance in ways that prevented the oligarchic part of society from directly translating their economic advantage into political domination. In addition to establishing a new political configuration of the territory that undermined the clientelistic relations between local oligarchs and peasants, the democratic assembly became the ultimate locus of authority, and the various functions of governance — including magistracies and juriesjudges — were filled by citizens (both rich and poor) chosen by lot. This configuration of institutions prevented the oligarchs from politically dominating the Athenian poor for nearly two centuries. It is not at all clear, then, why Rancière chooses to describe the form of equality operative in Athens as “impossible” when it was actualized quite concretely. By characterizing this form of equality as impossible, Rancière supports his thesis that democratic equality cannot be institutionalized as such; that the democratic community “has no material substance”; that it “occurs, but has no place” (Rancière, 1995: 82). But this does not at all take seriously the historical specificity of the Athenian democracy. Rancière’s thesis here takes priority to historical analysis. Although I criticize Rancière for ignoring the singularity of the Athenian democracy in his eagerness to advance a
general theory of democracy, I do not believe that it is impossible to draw any general conclusions from an encounter with the experience of the ancient Athenians. I just believe that conclusions should be drawn from an investigation into the history, rather than presupposed in advance of that investigation. There are two general conclusions that I would like to draw from my examination of the Athenian democracy.

First, the instauration of the democracy — which inaugurated the reign of _nomos_ over _thesmos_ — can be represented as the transformation of the second moment of Rancière’s notion of police (formal institutions of governance) by the imperatives already present in the first moment of his notion of the police (the symbolic constitution of the social). That is to say, the growth of a democratic imaginary in the Greek world had its roots deep in the mythic tradition passed down by Homer and Hesiod, was stimulated by the emergence of social crises from the eighth through the sixth century, and finally manifested concretely in the formal institutions of the polis through the revolution that made new forms of equality appear in the space of the present. Rather than a dissensual interruption in the symbolic constitution of the social, as Rancière would have it, the emergence of democracy was a disruption and reorganization of the formal organization of governance. It was the institutional manifestation (contingently achieved through concrete political action) of certain demotic elements of the symbolic constitution of the social.

Secondly, we must not look for the key to democracy in some finally perfected set of political institutions. To the contrary, the continuous and everlasting process of inventing and reinventing democratic institutions and practices is itself the essence of the Athenian democracy. For this reason I have not focused so much on the final shape of the institutions of democracy than on the ways in which they were prefigured by practices and myths in archaic Greece, and on the processes through which they gradually emerged in the Athenian polis. However, this constant
creative practice of reinventing the institutions of their democracy is quite distinct from Rancière’s notion that the real “permanence” of democracy lies in its “mobility, its capacity to shift the sites and forms of participation” (Rancière, 1995: 60). Rancière advances this idea against what he refers to as the “mongrel idea” of participatory democratic theory, the latter of which seeks to imagine ways to modify the institutions of everyday governance along more participatory lines. In the very same breath that Rancière derisively rejects this entire field of research and simultaneously insists that the real permanence of democracy lies in its mobility of forms and sites, he also rejects the notion that the workers should own and manage the workplace. His rejection of these ideas and practices seems to stem from his fear that endorsing any particular institutions would inculcate a belief that those particular institutions are the final answer to the question of democracy, thereby closing out other possibilities, other forms and sites of participation.

However, the example of the Athenians suggests that human beings are capable of constructing participatory institutions of democracy without imagining that the question of democracy is settled. Indeed, the Athenians did not sustain a vibrant democracy simply by finding the “right institutions” and then sticking with them. To the contrary, as evidenced in the thirteen changes documented in Aristotle’s Constitution of the Athenians, the Athenians exhibited an enduring will to constitute their political institutions newly, and along increasingly democratic lines. As Cornelius Castoriadis puts it: “institutions were being created or renewed almost constantly through what Aristotle calls the thirteen metabolai or changes of regime” (1996: 121). Against the continuous onslaught of charges that the Athenian democracy was unstable, Castoriadis sees its continual motion (which is quite distinct from instability!) as its greatest virtue: “precisely what is both characteristic of Athens and precious because of what it offers us is its continued explicit self-institution, namely, the creation, for the first time in recorded history, of a
strong historicity” (Castoriadis, 1996: 121). Whereas previous social formations were marked by a tendency to extend into the future that which is and that which has been — i.e. the sedimented tradition of the present — the Athenians embodied a boldness of will in which they took stock of their debt to and entanglement with their historically inherited tradition and (nonetheless) confidently transformed their political institutions, art forms, architectural styles, and ways of life. (Castoriadis, 1996: 122). The very materiality of the social space as well as the symbolic constitution of the social was subject to a conscious, explicit, tinkering; a playful modification of the past in the continued self-institution of the demos.

This leads us to [an] important conclusion: democracy is not an institutional model, it is not even a “regime” in the traditional sense of the term. Democracy is the self-institution of the collectivity by the collectivity, and it is this self-institution as movement. Certainly, this movement is based on and is facilitated by determinate institutions, but also by the knowledge, spread out among the collectivity, that our laws have been made by us and that we can change them (ibid).

On the one hand, the power of the demos was rooted in their awareness that the political institutions and practices of the polis had been forged through a historical chain of popular constitutive moments, and that the resultant “constitution” of the polis was always open to further modification despite its sedimentation into its current shape and style: the explicit sense of a strong historicity in which the idea of movement and transformation is positively embraced. On the other hand, this consciousness of movement (as well as the movement itself) is “facilitated by determinate institutions,” including the assembly, the people’s court, pay for government service, and the practice of sortition.

There are really three elements at work here: (1) the constant self-institution as movement (of the demos); (2) the explicit consciousness (and positive endorsement) of this movement, including remembrance of past constitutive moments (which constitute present practices) and the openness towards possibility, towards the future, towards popular constitutive moments still to
come that are unanticipatable in principle; and (3) the determinate institutions and practices (constituted through the Athenian history of self-institution) that facilitate the ongoing possibility of such democratic movement or motion (metabole). Although it is true that democracy is not itself an institutional model, it requires the ongoing construction of institutions of governance that enable the enactment of equality and facilitate the transformation of the meaning of equality. There is neither a single institutional model nor a single form of equality that could ever define democracy once and for all. Insofar as “the people” wield political power autonomously — and are thus able to transform the public statutes and institutions of governance according to the nomoi that symbolically constitute the social — the forms of equality and the forms of democratic participation cannot be determined in advance. Nonetheless, we can say in advance that democracy requires some concrete institutions of governance and some concrete forms of equality, even if we cannot know for certain what shape those might take in any given instance. Just as the post-foundational position asserts the necessary place of a contingent ground that cannot be known in advance for any society, I assert the necessity of some contingently achieved institutions of participatory governance and some contingently achieved forms of equality for the existence of anything we could accurately refer to as democracy. The egalitarian institutions and practices will vary from one democratic society to another, but without them democracy has no place.

The story of Athenian democracy begins with the mythic instances of egalitarian transgressions of the social order and the egalitarian mechanism of sortition. These primordial forms of equality at the core of the Greek imaginary nourished the thirteen metaboloi documented in Aristotle’s text. From the ancient monarchy, to the pre-Solonic oligarchy with its institutions of sortition and turn-based rule, to the introduction of the people’s court, the growth of a sense of common Athenian identity, and the Cleisthenic revolution, these originary egalitarian suppositions
nourished the transformation of political institutions and social relations, and were themselves transformed by their very enactment. That is to say, the meaning of equality itself underwent changes in these important constitutive moments, inaugurating new forms of equality in the concrete practices of the Athenians.

Prior to the written law-code of Drakon, the form of equality operative in the polis was an elite equality among the oligarchs, who imagined themselves through the “heroic strife” staged in the Homeric epics. However, facing the radical demand for isomoiria (equality in the division of land), the oligarchs were compelled to enact a new form of equality that they hoped would hold off those demands: equality before the law. This reform, however, did not stem the radical demands for equality as isomoiria. To the contrary, given the concrete gains of the written law-code and the continued servitude of the demos, their demands only increased. After many years of protracted conflict between the demos and the eupatridai, Solon was appointed to mediate the conflict and draft new laws that would appease the demands of the poor and prevent the emergence of a tyranny or of a popularly dominated government. With the Solonian reforms, the demos achieved the cancelation of all debts, the elimination of certain predatory practices of lending, and the democratic dominance of the court system through the mechanism of sortition. Although these reforms were implemented through an undemocratic process wherein an elite poet and politician (Solon) represented the interests of the polis (as opposed to a democratic process that would include the demos in the decision-making process itself), the process of popular struggle that initiated the reform could itself be seen as a form of non-institutional demos-kratia (people-power).48 Moreover, the new practices of the Solonian courts inculcated a strong sense of equality

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48 It seems that Rancière would only recognize these non-institutional forms of political action as genuinely democratic; however, insofar as the Athenians used physical violence, Rancière may discount such actions as the mere “revolt” of non-political animals, the expression of pain rather than the articulation of a wrong. See Gündoğdu (2017).
between the demos and the *eupatridai* that sublated the simple equality before the law achieved by Drakon’s law-code. Not only was any peasant equal *before the law* to any other Athenian; now they were also equal to any other citizen in the *execution of law*. Furthermore, because the demos dominated the court system by their sheer numbers, they were given a taste of formally institutionalized people-power. After Athenian identity was further consolidated through the policies of the populist-minded Pisistratus, the demos responded swiftly when Isagoras attempted to deny the Cleisthenic reforms and dissolve the Solonian institutions. They implemented their radical reforms, and founded the democracy, establishing two new forms of equality: *isonomia* (equality to participate in the creation of law) and *isegoria* (equality of any Athenian to speak in the law courts and the assembly).

From the achievement of equality before the law (Drakon’s law-code), to equality in the execution of law (Solon’s reforms of the court system), to the equality of participation in the formation of law (the radical Cleisthenic reforms) we can see a continuous transformation of the institutions of governance and the forms of equality presupposed in the political activities of the Athenians. There was no impossible equality of the logos, as Rancière would have it; to the contrary, there is a constant transformation of the very concept of equality as it is embedded in the everyday practices of ordinary governance. Moreover, the democracy of the Athenians was certainly not the simple reign of a lack of position, as Rancière asserts in his retelling of history through the filter of his theory. Instead, the demos occupied more and more formal positions of governance as they increasingly assumed greater responsibility in the formulation and administration of law, which was seen as emerging immanently from the habits, practices, and beliefs of the Athenian citizens themselves. Rather than a system of governance arbitrarily ordered according to the external *thesmoi* of the wealthy few, the democratic *nomoi* were decided
according to the principles of isonomia and isegoria. Although the radical demand for isomoiria was never achieved, the ongoing transformations of equality and the institutions and practices through which they are embodied exemplifies the meaning of democratic autonomia, i.e., the continuous, conscious self-constitution of the people and their nomos. This strong sense of autonomia cannot occur without the ongoing construction of durable, formal institutions through which the demos are able to exercise their power.

In our contemporary political situation, we have certain forms of equality that are deeply embedded in the social imaginary, encoded in the juridical texts of nation-states, and formally guaranteed to all citizens as rights. These so-called universal human rights are a determinate transformation of the divine right of kings that was operative in the absolute monarchies of early modern Europe. The transformation from monarchy to liberal democratic representative systems is an important step towards forms of people-power wherein the collective is autonomous in the construction of its nomoi and the institutions and practices through which those nomoi have force. In a way, our situation is very similar to that of the pre-Solonian Athenians. The Drakonian oligarchy guaranteed formal equality before the law to all Athenians, but ensured that the offices of governance were occupied by the well-born and well-off eupatridai, while the assembly was used merely as a venue for competing elites to attempt to legitimize their preferred policy choices by presenting them to the demos in a positive light. Much like the present situation, the vast majority of the population had no real voice in the administration of government and drastic social inequalities were on the rise.

Two notable differences between our situation and that of pre-Solonian Athens are: (1) the formal codification of equality before the law was a recent achievement for the Athenians, whereas it is more or less taken for granted in the context of the contemporary United States; (2) the spectre
of tyranny and demotic political action was pervasive, lending a sense of power to the actions of the demos and a sense of vulnerability to the oligarchic governments. Contrary to this restive spirit, the present institutions of state and economy seem to be much more firmly entrenched as inevitable and necessary. Despite recent discontent with the status quo — as seen in the context of the United States, for instance, with the Tea Party, the Occupy Movement, and Black Lives Matter, as well as with the popularity of Bernie Sanders and the election of Donald Trump — there is very little criticism of the fundamental forms of participation and equality that are operative in our institutions of state and economy. To the contrary, new policies and new politicians are demanded, but the basic structure of liberal democracy generally goes uninterrogated. There is a pervasive critique of the content of our political system, not of its form. Whereas the Athenians saw their laws and institutions as contingent achievements that they themselves had constituted, achievements that should be replaced if better ones could be developed, the form of government of the present all too often takes on the appearance as the best possible way to organize authority, leaving the task of filling the spaces of power through elections as the sole legitimate task of politics. In order to move further towards the notion of people-power (demo-kratia), of democracy, we should find inspiration in the autonomia of the Athenians and courageously construct new participatory democratic institutions that will enable us to enact new forms of equality that transcend the mere immanence of bourgeois right.
References:


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