



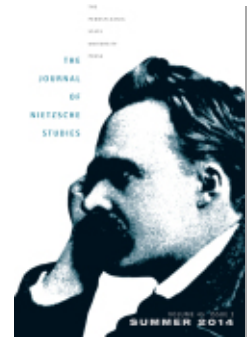
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Prospects for a Democratic *Agon*: *Why We Can Still Be Nietzscheans*

Lawrence J. Hatab

In recent years, a number of writers have attempted to appropriate Nietzsche's thought, or significant elements of it, for democratic politics.¹ Needless to say, such projects are surprising, since Nietzsche was a notorious opponent of democracy and liberalism. In a nutshell, these projects have suggested that Nietzsche's emancipatory critique of Western foundationalism, essentialism, and rationalism can help correct supposed blind spots and exclusions haunting modern political ideals born out of the Enlightenment. Nietzsche's celebration of perspectivism, the openness of identity, and agonistic dynamism can prepare a vision of democratic life that is more vibrant, inclusive, creative, and life-affirming than that of modern political theories grounded in the rational subject.

Of course such ventures have met criticism, especially from those who resist the embrace of Nietzsche in much of Continental thought. Jürgen Habermas has been in the forefront of this resistance in Germany.² And a recent collection of essays from France, *Why We Are Not Nietzscheans*,³ has reproached so-called French Nietzscheans such as Derrida, Foucault, and Deleuze for not owning up to the political dangers of Nietzsche's thought. Writers such as Descombes, Ferry, and Renaut have aimed to retrieve a political conception of the subject, particularly as it pertains to the question of human rights. Their charge is that embracing Nietzsche's vitalism, immoralism, and/or elitism is either not relevant to actual political conditions or blind to the authoritarian impulses in Nietzsche's texts.⁴ In America, a new book by Fredrick Appel, *Nietzsche Contra Democracy*, presents a cogent criticism of attempts to employ Nietzsche for democratic purposes, particularly with respect to agonistics. In this essay I want to focus on Appels challenge and attempt to reiterate the viability of a Nietzschean agonistics for democratic politics.⁵

I.

Appel aims to challenge: 1) “progressive” readings of Nietzsche that want to align his thought with democratic egalitarian ideals; and 2) postmodern readings that appropriate a Nietzschean openness on behalf of a radical conception of democracy (*NCD*, pp.2–4). Appel asks an important question: Why bend and twist Nietzsche to fit democratic ideals when there are other thinkers and movements in contemporary thought that can support democratic openness without Nietzsche’s problematic aristocratic baggage? (*NCD*, p.5). He maintains that Nietzsche’s thought is radically aristocratic throughout and it cannot be selectively employed for democratic purposes (*NCD*, pp.5–6). He also assumes that there is an egalitarian consensus in contemporary political philosophy: that all human beings are of equal moral worth, and they equally “bear” basic rights that need defending and promoting (*NCD*, pp.7–8).⁶ He insists that Nietzsche is anti-democratic to the core, and that we cannot succeed in preserving democratic ideals by selective interpretations or by sanitizing Nietzsche with a reading of his elitism as an apolitical call for self-creation. Nietzsche does have a value for democracy, but only as a fundamental challenge on behalf of rank and domination that forces us to defend democracy more pointedly and articulately *against* such a challenge (*NCD*, pp.7–8).

The seven chapters of Appel’s book provide a vivid and fair reading of Nietzsche’s texts that exhibit a forceful call for aristocraticism based on rank, domination, and exploitation, which should be an embarrassing obstacle to embracing Nietzsche in the service of egalitarian political movements. Appel’s position, however, depends upon an unnuanced reading of Nietzsche’s motifs of domination and power, which is at least a risky proposition with a thinker as elusive and complicated as Nietzsche. The genealogical narrative of master and slave morality need not be read as a call for domination of the weak by the strong, but as an unmasking of the power plays of the weak and as an ambiguous blending of master and slave forces in cultural production, taken as a “spiritualization” of erstwhile natural forces of power.⁷ While we might never be sure of the meaning of Nietzsche’s rich and elusive texts, this should not blind us to the seeming aristocraticism in much of Nietzsche’s writings. We should admit that such elitism is alive in the texts, and in this respect Appel is right. Yet the complexity of the texts should alert us against both easy dismissals and selective embraces of Nietzsche when it comes to the question of democracy. My take has been that Nietzsche indeed is anti-egalitarian but that egalitarianism may not be the *sine qua non* of democratic politics, and that many elements of democratic practice and performance are more Nietzschean than he suspected (or we have suspected). More on this shortly.

II.

Appel gives particular attention to a Nietzschean sense of agonistics that has been taken up by postmodern thinkers as applicable to democracy. He grants that an agonistic element can be very valuable for life and for democratic politics (*NCD*, p.162ff.), but he correctly notices a problem rarely faced in postmodern appropriations of Nietzsche: an *agon*, for Nietzsche, is a selective activity restricted to an elite and not extended to the public as a whole (*NCD*, p.140), which surely clashes with democratic provisions.

We can begin to address the complex question of agonistics by attending to an early text of Nietzsche's that is often cited in scholarly discussions, *Homer's Contest* (*KSA* 1, pp.783–92). In this text, Nietzsche maintains that civilization is not something separate from nature but a modulation of more vicious natural drives into less destructive forms. In the light of Hesiod's distinction between a good and bad Eris, Nietzsche distinguishes between a brutal drive to annihilate and a modified drive to defeat in a competition, what the Greeks called an *agon*. The proliferation of contests in ancient Greece represented both a sublimation of cruel instincts and a setting for the production of excellence, since talent unfolds in a struggle with a competitor (*KSA* 1, p.787). Nietzsche praises the Greeks for not succumbing to an Orphic life-denial or an ideal of harmony in the face of life's conflicts. Moreover, their sublimation of violence into cultural contests prevented the Greeks from regressing into "the abyss of a horrible savagery of hatred and lust for destruction" (*KSA* 1, p.791). And an agonistic spirit insured a proliferation of excellence by undermining the stagnation that stems from unchecked control and the "domination by one" (*KSA* 1, p.789).⁸

Nietzsche recognized the political purposes of the *agon* (*KSA* 1, p.789), but he clearly took it to be an aristocratic activity, in which the few talented types would compete for cultural and political status. He did not seem to recognize a connection between an agonistic spirit and the emergence and practice of Greek democracy. The philosophical development of a questioning spirit and challenges to traditional warrants helped nurture practices of open debate and public contests of speeches that came to characterize democratic procedures.⁹

How can we begin to apply the notion of agonistics to politics in general and democracy in particular? First of all, contestation and competition can be seen as fundamental to self-development and as an intrinsically social phenomenon. Agonistics helps us articulate the social and political ramifications of Nietzsche's concept of will to power. As Nietzsche put it in an 1887 note, "will to power can manifest itself only against resistances; it seeks that which resists it" (*KSA* 12, p.424). Power, therefore, is not simply an individual possession or a goal of action; it is more a global, interactive conception. For Nietzsche, every advance in life is an overcoming of some obstacle or counterforce, so that conflict is a mutual co-constitution of contending forces.

Opposition generates development. The human self is not formed in some internal sphere and then secondarily exposed to external relations and conflicts. The self is constituted in and through what it opposes and what opposes it; in other words, the self is formed through agonistic relations. Therefore, any annulment of one's Other would be an annulment of one's self in this sense. Competition can be understood as a shared activity for the sake of fostering high achievement and self-development, and therefore as an intrinsically social activity.¹⁰

In the light of Nietzsche's appropriation of the two forms of Eris, it is necessary to distinguish between agonistic conflict and sheer violence. A radical agonistics rules out violence, because violence is actually an impulse to *eliminate* conflict by annihilating or incapacitating an opponent, bringing the agon to an end.¹¹ In a later work Nietzsche discusses the "spiritualization of hostility (*Feindschaft*)," wherein one must affirm both the presence and the power of one's opponents as implicated in one's own posture (*TI* "Morality as Antinature," 3). And in this passage Nietzsche specifically applies such a notion to the political realm. What this implies is that the category of the social need not be confined to something like peace or harmony. Agonistic relations, therefore, do not connote a deterioration of a social disposition and can thus be extended to political relations.

How can democracy in general terms be understood as an agonistic activity? Allow me to quote from my previous work.

Political judgments are not preordained or dictated; outcomes depend upon a contest of speeches where one view *wins* and other views *lose* in a tabulation of votes; since the results are binding and backed by the coercive power of the government, democratic elections and procedures establish temporary control and subordination—which, however, can always be altered or reversed because of the succession of periodic political contests. . . . Democratic elections allow for, and depend upon, peaceful exchanges and transitions of power. . . . [L]anguage is the weapon in democratic contests. The binding results, however, produce tangible effects of gain and loss that make political exchanges more than just talk or a game. . . . The urgency of such political contests is that losers must yield to, and live under, the policies of the winner; we notice, therefore, specific configurations of power, of *domination and submission* in democratic politics.¹²

Here we can shape an answer to the question of why agonistics is suitable or desirable for democratic life. But in the wake of Appel's discussion, two other questions must be addressed: 1) What would a Nietzschean conception of agonistics contribute to democracy that would be distinctive? Distinctive, because, as Appel points out, one can locate agonistic elements in thinkers such as Mill and Aristotle (*NCD*, p.162ff); and 2) Can a Nietzschean agon be extended beyond an elite preserve and still be in the orbit of Nietzsche's thought?

III.

Before exploring these questions and confronting Nietzsche's attitude toward democracy, it is important to set the stage by considering the matter of institutions, without which political philosophy could very likely not get off the ground. Modern societies, at least, cannot function without institutions and the coercive force of law. Appel, like many interpreters, construes Nietzsche's "political" thought as advancing more an "aesthetic" activity than institutional governance (*NCD*, p.160ff). Supposedly Nietzsche envisions an elite who compete with each other for creative results in isolation from the mass public; indeed the elite simply use the masses as material for their creative work, without regard for the fate or welfare of the general citizenry. Appel maintains that such a political aesthetics is problematic because it is incompatible with the maintenance of stable institutions. And Nietzsche is also supposed to eschew the rule of law in favor of the hubris of self-policing (*NCD*, p.165). If this were true, one would be hard pressed to find Nietzsche relevant for any political philosophy, much less a democratic one.

It is a mistake, however, to read Nietzsche in simple terms as being against institutions and the rule of law on behalf of self-creation. First of all, even Nietzsche's early celebration of the Dionysian should not be taken as an anti- or extra-political gesture. In *BT* 21, Nietzsche insists that the Apollonian has coequal status with the Dionysian, and the former is specifically connected with the political order, which is needed to temper the Dionysian impulse toward "ecstatic brooding" and "orgiastic self-annihilation."

Those who read Nietzsche as resisting "normalization" and "discipline" (this includes most postmodern readings and Appel's as well¹³), are not on very firm ground either. For one thing, Nietzschean creative freedom is selective and most people should be ruled by normative orders, because universal unrestricted freedom would cause havoc.¹⁴ Moreover, even selective creative freedom is not an abandonment of order and constraint. Creativity breaks free of existing structures, but only to establish new ones. Shaping new forms requires formative powers prepared by disciplined skills and activated by refined instruments of production. Accordingly, creativity is a kind of "dancing in chains" (*WS* 140).¹⁵ Creative freedom, then, is not an abandonment of constraint, but a disruption of structure that still needs structure to prepare and execute departures from the norm.

Those who take Nietzsche to be diagnosing social institutions as descendants of slave morality should take note of *GM* II,11, where Nietzsche offers some interesting reflections on justice and law. He indicates that the global economy of nature is surely not a function of justice; yet workable conceptions of justice and injustice are established by the historical force of human law. Nietzsche does *not* indict such forces as slavish infirmities. Legal arrangements are "exceptional conditions" that modulate natural forces of power in

social directions, and that are not an elimination of conflict but an instrument in channeling the continuing conflict of different power complexes. Surprisingly, Nietzsche attributes the historical emergence of law not to reactive resentment but to active, worldly forces that check and redirect the “senseless raging of revenge,” and that are able to reconfigure offenses as more “impersonal” violations of legal provisions rather than sheer personal injuries. Here Nietzsche analyzes the law in a way analogous to his account of the Greek *agon* and its healthy sublimation of natural impulses for destruction. A legal system is a life-promoting cultural force that refashions natural energies in less savage and more productive directions.

Finally, those who read Nietzsche as an anti-institutional transgressor and creator should heed *TI* (“Skirmishes of an Untimely Man,” 39), where Nietzsche clearly diagnoses a repudiation of institutions as a form of decadence. Because of our modern faith in a foundational individual freedom, we no longer have the instincts for forming and sustaining the traditions and modes of authority that healthy institutions require.

The whole of the West no longer possesses the instincts out of which institutions grow, out of which a *future* grows: perhaps nothing antagonizes its “modern spirit” so much. One lives for the day, one lives very fast, one lives very irresponsibly: precisely this is called “freedom.” That which makes an institution an institution is despised, hated, repudiated: one fears the danger of a new slavery the moment the word “authority” is even spoken out loud. That is how far decadence has advanced in the value-instincts of our politicians, of our political parties: *instinctively* they prefer what disintegrates, what hastens the end.

In the light of these remarks, a Nietzschean emphasis on power and agonistics offers significant advantages for political philosophy. In some respects we are freed from the modern project of “justifying” the force of social institutions because of a stipulated freedom from constraint in the “state of nature.” With a primal conception of power(s), we can retrieve an Aristotelian take on social institutions as fitting and productive of human existence. Forces of law need not be seen as alien to the self, but as modulations of a ubiquitous array of forces *within which* human beings can locate relative spheres of freedom. And an agonistic conception of political activity need not be taken as a corruption or degradation of an idealized order of political principles or social virtues. Our own tradition of the separation of powers and an adversarial legal system can be taken as a baseline conception of the nature, function, and proper operation of government offices and judicial practice. The founders of the Constitution inherited from Montesquieu the idea that a division of powers is the best check on tyranny. In other words, tyranny is avoided not by some project of harmony, but by multiplying the number of power sites in a government and affirming their competition through mutual self-

assertion and mistrust.¹⁶ Our common law tradition is agonistic in both conception and practice. Most procedural rules are built around the idea of coequal competition in open court before a jury who will decide the outcome, where the judge in most respects plays the role of an impartial referee. And the presumption of innocence is fundamentally meant to contest the government's power to prosecute and punish.¹⁷ I think that both notions of separation of powers and legal adversarialism are compatible with Nietzsche's analysis of the law noted previously—that a legal order is not a means of preventing struggle, but “a means in the struggle between power-complexes” (*GM* II,11).

IV.

Appel concedes that a political *agon* can be healthy and prevent the establishment of entrenched, permanent hierarchies (*NCD*, p.162). But he poses an important question, which is in the spirit of French neo-liberal critics of Nietzschean politics: Might not a radical *agon* all the way down in political life “debunk” important democratic “verities” such as universal suffrage, equal respect, and human rights? This is indeed a pressing question that many postmodern writers have not addressed adequately. Yet Appel, like many critics of postmodernism, simply assumes the truth and necessity of these traditional democratic notions, without much articulation of how agonistics threatens these notions, and without any defense of the viability of these notions in the wake of Nietzschean genealogical criticisms. Such criticisms have been effectively advanced by Foucauldian appropriations of Nietzsche that reveal how modern “reason” cannot help being caught up in what it presumes to overcome—namely regimes of power—and consequently cannot help producing exclusionary effects and constraints that belie the modern rhetoric of emancipation.¹⁸

Nietzsche's genealogical critique of liberal democratic ideals, I think, is important and still relevant for political philosophy. The question at hand turns on two possibilities: Does the critique presume a refutation of these ideals or does it open up the possibility of redescribing these ideals in quasi-Nietzschean terms? Appel presumes the former possibility, I take up the latter, while agreeing that most postmodern appropriations of Nietzsche have not done much to address either possibility. We cannot assume the truth of universal suffrage, equality, and human rights by ignoring Nietzsche's trenchant attacks. My strategy has been to redescribe democratic ideals in the light of Nietzschean suspicions of their traditional warrants. Universal suffrage, equality, respect, and political rights can be defended by way of a postmodern *via negativa* that simply rules out grounds for exclusion rather than postulates conditions that warrant inclusion. Nietzschean perspectivism,

metaphysical suspicion, and agonistics simply destabilize politics and prevent even ostensibly democratic propensities from instigating exclusions or closed conceptions of political practice. In what follows I will briefly address two questions: How can a Nietzschean agonistics be extended to the body politic so as to be viably democratic? How can agonistics redescribe respect and political rights without the baggage of traditional egalitarianism so forcefully assailed by Nietzsche?

V.

Appel does indicate that his appraisal of political Nietzscheanism is not meant to discredit Nietzsche but to invite democrats to face Nietzsche's challenge and defend democratic ideals (*NCD*, p.167). He admits that Nietzsche forces us to ask: Why equality? Equality of what? (*NCD*, p.169). We cannot dismiss Nietzsche's aristocraticism as irrelevant, uninteresting, or trivial (*NCD*, p.170). The strategy of my work has been to take up this challenge, not by reiterating or renewing defenses of egalitarianism but by trying to show that democracy need not be committed to traditional egalitarian rhetoric and so can approach a Nietzschean comfort with social stratification in ways that Nietzsche did not expect or think through.

Appel is right in calling to account selective appropriations of Nietzsche by postmodern democrats who ignore or sidestep his elitism. Few writers who celebrate difference and democratic openness in Nietzsche's name have embraced his affirmation of excellence. There is difference and then there is difference. Excellence is a form of difference that implies gradations and judgments concerning superior and inferior, better and worse performances. Many have embraced a Nietzschean openness to difference on behalf of a generalized liberation of diverse life styles and modes of self-creation.¹⁹ Such a generalized emancipation, however, would repulse Nietzsche. He was interested in fostering special individuals and high achievements. I wonder whether certain postmodern celebrations of difference conceal a kind of egalitarianism in their avoidance or suppression of Nietzsche's clear comfort with social stratification. And it is important, in my view, to sustain a sense of excellence that is vital for both democratic politics and cultural production.²⁰ Excellence and democracy are compatible as long as excellence is understood in a contextual and performative sense, rather than a substantive sense of permanent, pervasive, or essential superiority.

I argue for a meritocratic sense of apportioned justice modeled on Aristotle's conception of justice in the *Politics* (1280a10–15).²¹ What is usually missed in Aristotle's formulation is that sometimes it is just to treat people unequally, if they are unequal in a certain attribute relevant to a certain context. For

example, it is just to deny children the right to vote since they do not have the maturity to engage in political practice. Similarly, we can grant praise, status, even privilege to certain performances in social and political life as long as they exhibit appropriate levels of distinction that fit the circumstances. We can still be “democratic” in opening opportunity to all to prove themselves, without assuming fixed or protected locations of excellence. Yet we can be “aristocratic” in apportioning appropriate judgments of superiority and inferiority, depending on the context, and thus we can avoid what Nietzsche took to be the most insidious feature of egalitarianism, resentment in the face of excellence. We can also borrow from Nietzsche’s denial of a substantial self on behalf of a pluralized sphere of actions (see *BGE* 19–21) in order to keep the contextual apportionment of excellence open both between and within selves, so as not to slip into any essentialist aristocratic confidences about superior selves *per se*.²²

What is helpful to democratic political philosophy in appropriating a Nietzschean comfort with stratification is that we are no longer bedeviled by puzzles surrounding so-called “democratic elitism.” Whenever democratic practice has exhibited unequal distributions of power, authority, function, or influence, it has seemed to be incompatible with democratic ideals because equality has usually been the baseline principle defining democratic life. But as long as opportunities are open in a democratic society, a meritocratic, contextual apportionment of different roles and performances need not seem undemocratic. Such phenomena as representative government, executive and judicial powers, opinion leaders, and expertise can be understood as appropriate arrangements in political practice. One way to ascertain this is to realize that the only way to guarantee purely egalitarian practices would be to have all political decisions produced by direct tally of all citizens, or to have political offices distributed by lot. Any reservations about such prospects will open space for a nonoxymoronic conception of democratic elitism.²³

VI.

Democratic politics can avoid many of the difficulties attached to egalitarian assumptions by trading the notion of “equal respect” for “agonistic respect.”²⁴ I believe that the latter notion can capture all of the practical features of egalitarianism without the theoretical puzzles concerning how and in what sense human beings are “equal.” Nietzsche had a strong case that traditional egalitarian ideals were animated and prepared by transcendent warrants that are no longer philosophically viable. He thought that such a critique would doom democracy and open the way for an aristocracy of artist-tyrants, whose selective *agon* would create cultural and political values that

would guide humanity and be liberated from metaphysical fictions. Any democratic appropriation of Nietzsche must face the question of how and whether the *agon* can be extended to the body politic and still be viably democratic and Nietzschean in significant senses.

My contention is that Nietzsche's aristocratic, artistic *agon* applied to politics is either unworkable or itself susceptible to a Nietzschean suspicion (or both). We need a distinction between: 1) the aristocracy-democracy encounter in the *cultural* sphere pertaining to matters of creativity and normalcy, excellence and mediocrity; and 2) the aristocracy-democracy encounter in the *political* sphere pertaining to the formation of institutions, actual political practices, the justification of coercion, and the extent of sovereignty. I maintain that Nietzsche's aristocraticism is defensible regarding the first encounter but not so regarding the second encounter. How would a Nietzschean political elite be identified? How would their "rule" be set up? What would their rule entail? What would be their function? How would their creative genius and production apply to normal political matters of governance such as economic policies, criminal justice, national defense, the everyday needs of citizens, and so on? More pointedly, the kind of closure and unchecked power implied in political authoritarianism seems to run afoul of the nonfoundational openness of Nietzsche's own perspectivism and agonism.

Perhaps one could argue for a coexistence of a Nietzschean cultural elite and a democratic egalitarian politics. Some of Nietzsche's own remarks suggest as much (see *HAH* I,438 and *KSA* 10, p.244). One passage seems to imply that a fortified democratic egalitarianism would spur even higher forms of creativity (*BGE* 242), which would be consistent with Nietzsche's overall agonistics, in the sense that part of creativity is a resistance to, and dissatisfaction with, the established norm. Nietzschean cultural creators could simply coexist with a democratic polity, even be given some honor, yet not be given unchecked political power. A restricted *agon* might be appropriate for the arts, let's say, but context is everything. The context of political practices and milieus is such that artistic genius seems out of place.

Such an interpretive outcome might be satisfying, but I would not want to establish it by *separating* the cultural and political spheres, as some would be happy to do in order to either preserve democratic ideals from Nietzsche's critique or rescue Nietzsche from reprobation by sidestepping his frightful political remarks or decoding them as simply metaphors for self-creation. I think that Nietzsche's attack on democracy ought to be challenged, but not by reasserting democratic traditions, but by showing that much of Nietzsche's cultural and philosophical outlook is compatible with, even constitutive of, much of democratic politics. So the distinction between cultural and political spheres allows us to challenge some of Nietzsche's political vision; but *overlaps* between the spheres show that Nietzsche's authoritarianism is weakened by his own philosophical orientation, and that democratic political life

can exhibit certain creative, nonegalitarian, and agonistic elements to a degree that may warrant calling it Nietzschean enough to support a democratic appropriation of Nietzsche (thus answering Appel's challenge).

VII.

Assuming that politics should not be restricted and reserved for an elite, but open to the participation of all citizens, can we retain a sense of respect and political rights in appropriating Nietzsche for democracy? I think so. In fact, Nietzschean conceptions of agonistics and nonfoundational openness can go a long way toward articulating and defending democratic practices without the problems attaching to traditional principles of equality.

If political respect implies inclusiveness and an open regard for the rightful participation of others, an agonistic model of politics can underwrite respect without the need for substantive conceptions of equality or even something like "equal regard." I have already mentioned that agonistics can be seen as a fundamentally social phenomenon. Since the self is formed in and through tensional relations with others, then any annulment of my Other would be an annulment of myself. Radical agonistics, then, discounts the idea of sheer autonomy and self-constitution. Such a tensional sociality can much more readily affirm the place of the Other in social relations than can modern models of subject-based freedom.

Moreover, the structure of an *agon* conceived as a contest can readily underwrite political principles of fairness. Not only do I need an Other to prompt my own achievement, but the significance of any "victory" I might achieve demands an able opponent. As in athletics, defeating an incapable or incapacitated competitor winds up being meaningless. So I should not only will the presence of others in an *agon*, I should also want that they be able adversaries, that they have opportunities and capacities to succeed in the contest. And I should be able to honor the winner of a fair contest. Such is the logic of competition that contains a host of normative features, which might even include active provisions for helping people in political contests become more able participants.²⁵ In addition, agonistic respect need not be associated with something like positive regard or equal worth, a dissociation that can go further in facing up to actual political conditions and problematic connotations that can attach to liberal dispositions. Again allow me to quote my previous work.

Democratic respect forbids exclusion, it demands inclusion; but respect for the Other *as* other can avoid a vapid sense of "tolerance," a sloppy "relativism," or a misplaced spirit of "neutrality." Agonistic respect allows us to simultaneously affirm our beliefs and affirm our opponents as worthy com-

petitors in public discourse. Here we can speak of respect without ignoring the fact that politics involves perpetual disagreement, and we have an adequate answer to the question “Why should I respect a view that I do not agree with?” In this way beliefs about what is best (*aristos*) can be coordinated with an openness to other beliefs and a willingness to accept the outcome of an open competition among the full citizenry (*demos*). Democratic respect, therefore, is a dialogical mixture of affirmation and negation, a political bearing that entails giving all beliefs a hearing, refusing any belief an ultimate warrant, and perceiving one’s own viewpoint as agonistically implicated with opposing viewpoints. In sum, we can combine 1) the historical tendency of democratic movements to promote free expression, pluralism, and liberation from traditional constraints, and 2) a Nietzschean perspectivism and agonistic respect, to arrive at a postmodern model of democracy that provides both a nonfoundational openness and an atmosphere of civil political discourse.²⁶

An agonistic politics construed as competitive fairness can sustain a robust conception of political rights, not as something “natural” possessed by an original self, but as an epiphenomenal, procedural notion conferred upon citizens in order to sustain viable political practice. Constraints on speech, association, access, and so on, simply insure lopsided political contests. We can avoid metaphysical models of rights and construe them as simply social and political phenomena: social in the sense of entailing reciprocal recognition and obligation; political in the sense of being guaranteed and enforced by the state. We can even defend so-called positive rights, such as a right to an adequate education, as requisite for fair competition in political discourse.

Rights themselves can be understood as agonistic in that a right-holder has a claim *against* some treatment by others or *for* some provision that might be *denied* by others. In this way rights can be construed as balancing power relations in social milieus, as a partial recession of one’s own power on behalf of the power of others—which in fact is precisely how Nietzsche in an early work described fairness and rights (*D* 112). And, as is well known, the array of rights often issues conflicts of different and differing rights, and political life must engage in the ongoing balancing act of negotiating these tensions, a negotiation facilitated by precisely *not* defining rights as discrete entities inviolably possessed by an originating self.

Beyond political rights, a broader conception of rights, often designated as human rights as distinct from political practice, can also be defended by way of the kind of nonfoundational, negative sense of selfhood inspired by Nietzsche. For Nietzsche, the self is a temporal openness infused with tragic limits, rather than some metaphysical essence, stable substance, or eternal entity. A *via negativa* can be utilized to account for rights as stemming not from what we *are* but from what we are *not*. So much of abusive or exclusionary treatment is animated by confident designations and reductions as to “natures” having to do with race, gender, class, role, character, and so on.

Nonfoundational challenges to “identity” may seem unsettling, but if we consider how identities figure in injustices, a good deal of work can be done to reconfigure rights as based in resistance. It is difficult to find some positive condition that can justify rights and do so without excluding or suppressing some other conditions. But a look at human history and experience can more readily understand rights and freedom as emerging out of the irrepressible tendency of human beings to resist and deny the adequacy of external attributions as to what or who they “are.” It may be sufficient to defend rights simply in terms of the human capacity to say *No*.

VIII.

Appel insists that a radical agonistics is a significant threat to democratic ideals and principles. Although he does little to develop how and why this may be so, the charge raises important questions facing postmodern, and particularly Nietzschean, approaches to democratic politics. In my work I have tried to face this question, admit the difficulty, and suggest a “tragic” model of democratic openness, to borrow from Nietzsche’s interest in tragedy.²⁷ Many democratic theorists insist that politics must be grounded in secure principles, which themselves are incontestable, so as to rule out anti-democratic voices from having their day and possibly undermining democratic procedures or results. A radically agonistic, open conception of democracy that simply invites any and all parties to compete for favor seems utterly decisionist, with no justification beyond its contingent enactment. But from a historical perspective, despite metaphysical pretenses in some quarters, democratic foundings have in fact emerged out of the “abyss” of conventions and decisional moments.²⁸ And with the prospect of a constitutional convention in our system, it is evident from a performative standpoint that any results *are* actually possible in a democracy, even anti-democratic outcomes (not likely, but surely possible). The “tragedy” is that democracy could die at its own hands. Foundationalists would call such an outcome contradictory, but a tragic conception would see it as a possibility intrinsic to the openness of democratic practice.

Can there be more than a simply negative register in such a tragic conception? I think so. Just as, for Nietzsche, the tragic allows us to be sensitized and energized for the fragile meanings of existence, thus enhancing life, a tragic politics could wean us from false comforts in foundations and open us to the urgent finite conditions of political life in an enhanced way. And even if one conceded the existence of foundational self-evident political principles, would the force of such principles by themselves necessarily be able to prevent non-democratic outcomes? If not, the force of such principles

would be restricted to the solace of intellectual rectitude that can comfort theorists while the walls are coming down. The nonexistence of foundational guarantees surely does not prevent one from living and fighting for democratic ideals. What is to be said of someone who, in the absence of a guarantee, would hesitate to act or be obstructed from acting or see action as tainted or less than authentic? Nietzsche would take this as weakness. The most profound element in Nietzsche's conceptions of will to power, agonistics, and eternal recurrence, in my view, can be put in the following way. For Nietzsche, to act in the world is always to act in the midst of otherness, of resistances or obstacles. Hence to dream of action without otherness is to annul action. To affirm one's Other as necessarily constitutive of oneself is not only to affirm the full field of action (which is the sense of eternal recurrence), but also to affirm action *as* action, that is to say, a real move in life amidst real resistances, as opposed to the fantasy of self-sufficient, fully free, uncontested occurrences born in Western conceptions of divine perfection and continued in various philosophical models of demonstrative certainty and theoretical governance. The irony of a tragically open, agonistic politics is that it need not "infect" political life but in fact *spur* it toward the existential environment of its enactment. And as radically open, an agonistic politics has the virtue of precluding the silencing of any voice, something especially important when even purportedly democratic dispositions are comfortable with exclusions (frustrated by citizens who will not come around to being impartial enough, rational enough, secular enough, deliberative enough, communal enough, virtuous enough, and so on), thereby becoming susceptible to the most ironic and insidious form of tyranny done in democracy's name.

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ABBREVIATIONS

- BGE* *Beyond Good and Evil*, in *Basic Writings of Nietzsche*, ed. and trans. Walter Kaufmann (New York: Random House, 1966).
- BT* *The Birth of Tragedy*, in *Basic Writings*.
- D* *Daybreak*, trans. R.J. Hollingdale (Cambridge: Cambridge University Press, 1982).
- GS* *The Gay Science*, trans. Walter Kaufmann (New York: Random House, 1974).
- GM* *On the Genealogy of Morals*, in *Basic Writings*.
- HAH* *Human, All Too Human*, trans. R.J. Hollingdale (Cambridge: Cambridge University Press, 1986).

- KSA* *Sämtliche Werke: Kritische Studienausgabe*, ed. G. Colli and M. Montinari (Berlin: Walter de Gruyter, 1967).
- NCD* *Nietzsche Contra Democracy* by Fredrick Appel (Ithaca, NY: Cornell University Press, 1999).
- TI* *Twilight of the Idols*, in *The Portable Nietzsche*, ed. and trans. Walter Kaufmann (New York: Viking Press, 1954).
- WS* *The Wanderer and His Shadow*, Part II of *HAA*.
- Z* *Thus Spoke Zarathustra*, in *The Portable Nietzsche*.

1. In addition to my own book, *A Nietzschean Defense of Democracy: An Experiment in Postmodern Politics* (Chicago: Open Court, 1995), significant works include Mark Warren, *Nietzsche and Political Thought* (Cambridge, MA: MIT Press, 1988), William E. Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox* (Ithaca, NY: Cornell University Press, 1991), Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca, NY: Cornell University Press, 1993), and David Owen, *Nietzsche, Politics, and Modernity* (London: Sage, 1995).

2. See Habermas, *The Philosophical Discourse of Modernity*, trans. Frederick G. Lawrence (Cambridge, MA: MIT Press, 1987).

3. *Why We Are Not Nietzscheans*, ed. Luc Ferry and Alain Renaut, trans. Robert de Loaiza (Chicago: University of Chicago Press, 1997).

4. For an excellent overview of the issues involving the French reception of Nietzsche, see Alan D. Schrift, *Nietzsche's French Legacy: A Genealogy of Poststructuralism* (New York: Routledge, 1995).

5. Part of my motivation for writing this essay stems from a bit of frustration. Appel touches on all the relevant texts in this story, except for mine. And my book, I think, goes further than any other in owning up to and trying to address the questions raised in Appel's study.

6. Appel's book does not advance such a defense, however.

7. See my discussion in *A Nietzschean Defense of Democracy*, pp.42–51. Appel questions the spiritualization thesis that aims to undercut the need for rank and domination in modern life by saying that the thesis can hold for *Zivilisation* but not *Kultur*, which for Nietzsche is never high enough and demands rank (*NCD*, p.150). Maybe so, but this seems to me to be a convenient distinction that is not fleshed out enough and that might not hold up. And it is not sufficient to undermine more complex and ambiguous readings of Nietzsche's genealogy.

8. Translations from *KSA* are my own.

9. For a discussion of the connections between Greek democracy and contests, see Jean-Pierre Vernant, *Myth and Society in Ancient Greece*, trans. Janet Lloyd (Sussex: Harvester Press, 1980), pp.19–44. On the open atmosphere of uncertainty and interrogation see Cornelius Castoriadis, "The Greek *Polis* and the Creation of Democracy," in *Philosophy, Politics, Autonomy: Essays in Political Philosophy*, ed. David Ames Curtis (New York: Oxford University Press, 1991), chap. 5.

10. It is interesting to note that the etymology of the word "compete" is "to seek together."

11. In many respects, Nietzsche associates power with a fulfilling sense of achievement and actualization rather than the force of violence. In fact, an impulse to hurt people is a sign of lacking power and frustration over this lack (*GS* 13), or dissatisfaction over blocked development (*GS* 290). And it is a surplus of power that permits something like forgiveness, mercy, and the forgetting of injuries (*GM* I,10 and II,10).

12. *A Nietzschean Defense of Democracy*, p.63.

13. See *NCD*, p.163.

14. See Z I, "On the Way of the Creator"; *TI*, "Skirmishes of an Untimely Man," 33; *KSA* 11, p.277.

15. See also *HAH* I, 155 and 221; *GS* 295; *BGE* 188.

16. See James Madison's analysis in *The Federalist* #51. See also Morton White, *Philosophy, The Federalist, and the Constitution* (New York: Oxford University Press, 1987), especially 200–203.

17. See my analysis in *A Nietzschean Defense of Democracy*, 89–91.

18. The thinker who has gone the furthest in defending and articulating the viability of modern ethical and political ideals in the wake of the postmodern challenge is Habermas, whose program is nevertheless still susceptible to a Nietzsche-inspired suspicion at certain levels, particularly in the matter of ideal speech conditions.

19. See, for example, William Connolly, *Identity/Difference*.

20. An important figure in this regard is Leo Strauss, who tries to reconcile liberal democracy with classical elitism. See especially *Natural Right and History* (Chicago: University of Chicago Press, 1953). For an insightful analysis, see Robb A. McDaniel, "The Nature of Inequality: Uncovering the Modern in Leo Strauss's Idealist Ethics," *Political Theory*, Vol.26, No.3 (June 1998), 317–345.

21. See *A Nietzschean Defense of Democracy*, 111–19.

22. Maudemarie Clark, while expressing sympathy with much of my analysis, thinks it is wrong to limit assessments to contingent performances rather than "selves." First of all, she indicates that Nietzsche was committed to a notion of higher selves per se, and she herself thinks that a unified conception of virtue is important and reflects a Nietzschean predilection for "superior persons." See "Nietzsche's Antidemocratic Rhetoric," *The Southern Journal of Philosophy*, Vol. 37 Supplement (1999), 119–41. I still think that any summary conception of selves buckles under the weight of Nietzsche's dynamism, and I do not yet see what would be lost by limiting virtue talk to performances rather than persons. If one really believes in superior persons, then not aligning with some form of aristocracy seems to me to be a failure of nerve.

23. An interesting current example is the effect of the Internet on publication. It is possible now for any and all texts to be published on the Web. Such an ocean of materials, much of it junk, reinforces the "elitist" role of editing that traditional publishing houses have provided for readers.

24. Connolly has coined this term. See *Identity/Difference*.

25. See my extended discussion in *A Nietzschean Defense of Democracy*, 119–22.

26. *A Nietzschean Defense of Democracy*, 69–70.

27. See *A Nietzschean Defense of Democracy*, 220–22.

28. In this sense Arendt and Derrida have taken the American Declaration of Independence as a performative utterance rather than a constative utterance; in other words the Declaration as a sheer creative act as contrasted with its appeal to "self-evident truths." For a discussion, see Honig, *Political Theory and the Displacement of Politics*, pp.104–5.