

A Strategy for a Democratic Future: Constituent or Destituent Power?

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Abstract

This essay presents two strategies for a more democratic future. A debate is underway in continental philosophy between two different types of democratic activity or strategy. The first form of democratic activity, *constituent* power, is widely known for its attempts to confront existing government institutions and transform them in a variety of ways. A second form of political activity, however, labeled *destituent* power, proposes abandoning the constituent project of reforming government institutions in order to explore another form of politics entirely. The concept of destituent power arises in part out of a concern that it is increasingly difficult to reform governments through protest and assembly and other means, particularly in the wake of several military-style defeats of peaceful demonstrations and occupations around the world. Instead of focusing on reforming these institutions by contesting them, destituent power *destitutes* them by withdrawing from them and dispelling the notion that they represent us. Finally, destituent power specifically targets a neoliberal way of life and asks how we might live otherwise.

Keywords: Destituent Power; Constituent Power; Democracy; Agamben; Politics; Philosophy.

In the 1970s, neoliberal policies and ideas began to transform elected governments and daily life around the world.¹ This neoliberal transformation became the subject of a 1979 lecture course by Michel Foucault and amounted to what David Harvey called a “revolutionary turning-point in the world’s social and economic history.”² Today we are living in another potentially historic moment of transition as emerging populisms on both the left and the right resist the neoliberal policies of the last several decades

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1. This essay expands a section of a larger article on democracy and neoliberalism that appeared in 2018 in *Philosophy Today*. The section was extended in light of more recent events and scholarship. For further reference, see Travis Holloway, “Neoliberalism and the Future of Democracy,” *Philosophy Today* 62, 2 (Summer 2018): 627–50. I would like to thank Peg Birmingham and *Philosophy Today* for allowing a portion of the original essay to be expanded and reprinted, as well as Silvia Benso, Antonio Calcagno, and Nino Chiurazzi for including my work in this issue.

2. David Harvey, *A Brief History of Neoliberalism* (New York: Oxford University Press, 2005), 1.

and propose very different alternatives to them. This historic moment, argues Chantal Mouffe in her 2018 book on new populisms, can be accurately described as “the expression of [democratic and authoritarian] resistances against the post–democratic condition brought about by thirty years of neoliberal hegemony,” a hegemony which “has now entered into crisis.”³ What remains to be seen is whether a form of resistance to neoliberalism might emerge that would not be authoritarian or identitarian in nature, but democratic both in its political policies and in its way of life. This essay presents two possible strategies for a more democratic future.

Since at least 2013, a debate has been underway in continental philosophy between two different types of democratic power or strategy that have roots in Italian philosophy. The first kind of democratic activity involves what has traditionally been called *constituent* power, or a strategy that places demands upon the state or seeks a change in the policies of the government at hand through demonstrations in public space. Although many continental philosophers have developed theories of constituent power throughout the twentieth century, constituent power has often been associated with the work of Antonio Negri, who argued in his 1992 book *Insurgencies: Constituent Power and the Modern State* that “to speak of constituent power is to speak of democracy.”⁴

A *second* form of power or democratic strategy has emerged in recent years, however, that describes itself in opposition to constituent forms of power. This approach, labeled *destituent* power, was put forward in a public lecture by Giorgio Agamben in 2013, and by The Invisible Committee in their recent work *To Our Friends* (2014); it also marks a turn in Agamben’s philosophical work. At the basis of this concept lies a concern that efforts to reform current governments through constituent power will only end up strengthening antidemocratic institutions in the end, institutions which proponents believe can no longer be trusted to be representative of actual workers, deteriorating ecosystems, and so on. As an alternative strategy, Agamben and The Invisible Committee have argued for a form of power that they describe not as something “in opposition to” a state in need of reform, but as something *outside of, detached from, or withdrawn from* the state.

As it is well known, the first form of democratic power or strategy, *constituent power*, operates most often through political demonstration against or in opposition to the state. We can find various iterations of it in theoretical works by Antonio Negri, Jacques Rancière, or Hannah Arendt, who once

3. Chantal Mouffe, *For a Left Populism* (New York: Verso, 2018), 79.

4. Antonio Negri, *Insurgencies: Constituent Power and the Modern State*, trans. Boscaqli (Minneapolis: University of Minnesota Press, 1999), 1.

described a type of power found in the “multitude, appearing [. . .] in broad daylight” confronting the powers at hand.⁵ The defining characteristic of constituent power, explains Étienne Balibar, is that constituent demonstrations or insurrections always take place within a dialectic — “the dialectic of ‘constituent power’ and ‘constituted power,’ of insurrection and reconstitution.”⁶ The task of constituent power is therefore to “openly confront the lack of democracy in existing institutions and transform them,” and the “active citizen is the agent of this transformation”⁷. Thus, for philosophers like Jacques Rancière, the goal of protests is to “counteract” or “[challenge] government’s claims”; they are “contestations,” writes Judith Butler; they introduce what Pierre Rosanvallon calls “counter–democracy” in order to counter the representative system at hand in the hopes of reforming it.⁸ This strategy might involve, for example, striking to overturn a specific law or policy, attempting to reform a political party, or forming a new political party.

The role of *destituent* power, by contrast, as Agamben and The Invisible Committee have defined it, is not to challenge and reconstitute power, but to *destitute* it by withdrawing from it and practicing politics elsewhere. According to Agamben, this concept grew out of a concern that it is increasingly difficult and ineffective to criticize governments through public assembly and peaceful protest. It is worth noting that he outlines this concept in 2013 in the wake of the defeat of several occupations and participatory democratic movements around the world, and that it initially emerges in public lectures to activists in Athens and central France. Agamben suggests that it is no longer simply the case that the halls of our congresses are impenetrable and “postdemocratic” because they, the experts, always know better. Or that there is a real sense that little will change if another candidate or party is elected. It is that the streets and the squares of our democracies are militarized zones that make any meaningful democratic action nearly impossible.

For a majority of our populations, democratic revolt is inconceivable. Most cannot imagine how such a thing could ever begin to take place, and those who have dared to try have found themselves assailed by weapons

5. Hannah Arendt, *On Revolution* (New York: Penguin Books, 2006), 38.

6. Étienne Balibar, *Citizenship*, trans. Thomas Scott–Raiton (Cambridge: Polity, 2015), 117. See also Kropotkin, *Freedom of the press, criticism of the laws, freedom of meeting and association — all were extorted by force, by agitations that threatened to become rebellions. It was by establishing trade unions and practicing strike action despite the edicts of Parliament and the hangings of 1813, and by wrecking the factories hardly fifty years ago, that the English workers won the right to associate and to strike*, Peter Kropotkin, from “Representative Government,” in *Words of a Rebel*, trans. George Woodcock (Montréal: Black Rose Books, 1992), 123–4.

7. Balibar, *Citizenship*, 124.

8. Jaques Rancière, *The Hatred of Democracy*, trans. Steve Concoran (London: Verso Press, 2006), 62; Judith Butler, *Notes Toward a Performative Theory of Assembly* (Cambridge: Harvard University Press, 2015), 9.

of war. Agamben remarks that we are no longer living in a functioning, democratic society, but a “police state” in which the “police officer [. . .] acts so as to speak as a sovereign.”⁹ The primary agent in between taxpayers and their representatives — the police — prohibits peaceful demonstrations and assemblies, denies protest permits or reroutes them, utilizes military grade equipment, commits acts of violence against demonstrators, protects fraudulent banks and repossesses homes on their behalf, and surveils citizens. The role of this modern “police” force, as Jacques Rancière put it elsewhere, is to hide dissent, to prohibit a meaningful confrontation, to insist, “Move along! There’s nothing to see here!”¹⁰

Agamben focuses his 2013 remarks in Athens on what he says is “perhaps the most urgent political problem” of “strategy.” For him, this concerns a departure from the notion of democracy as constituent power and the consideration of a different strategy: the withdrawal or absence of the *dēmos*, or *ademy*, or what he comes to call destituent power. As Agamben outlines in his public lecture:

Starting with French revolution, the political tradition of modernity has conceived of radical changes in the form of a revolutionary process that acts as the *pouvoir constituant*, the “constituent power” of a new institutional order. I think that we have to abandon this paradigm and try to think something as a *puissance destituante*, a “purely destituent power,” that cannot be captured in the spiral of security.¹¹

The concept of destituent power immediately appears in a 2014 work by the anonymous, collective group The Invisible Committee, known for their 2007 work *The Coming Insurrection*. In the Committee’s 2014 work *To Our Friends*, they reverse their earlier position on constituent power in *The Coming Insurrection*, writing: “There’s no such thing as a democratic insurrection.”¹² “Misdirections of this kind encourage us to reconceive the idea of revolution as *pure destitution* instead,” which means “leaving the paradigm of government” behind.¹³ The title of the second chapter of *To Our Friends* underscores this idea further: “They Want to Oblige Us to Govern. We Won’t Yield to That Pressure.”

To describe the idea of destituent power in the simplest terms, as one

9. Giorgio Agamben, “For a Theory of Destituent Power” (public lecture organized by the Nicos Poulantzas Institute and SYRIZA Youth, Athens, Greece, november 16, 2013), accessible online at <http://www.chronosmag.eu>.

10. Jaques Rancière, *Ten Theses on Politics*, in *Dissensus: On Politics and Aesthetics*, trans. Steve Concoran, New York: Continuum, 2010, 37.

11. Agamben, “For a Theory of Destituent Power.”

12. The Invisible Committee, *To Our Friends*, trans. Robert Hurley (South Pasadena, CA: Semio-text(e), 2015), 53.

13. The Invisible Committee, *To Our Friends*, 74, 79.

person did at a recent 2017 G7 meeting in Italy, “we think the only solution is not to expect any more from these governments.”¹⁴ Or as Agamben puts it in his lecture, if our “revolutions and insurrections correspond to constituent power” then «[a] power that was only just overthrown [...] will rise again in another form, in the incessant, inevitable dialectic between constituent power and constituted power.”¹⁵ In destituent power, by contrast, constituted power “becomes undone, is rendered inoperative, liberated and suspended from its ‘economy’”¹⁶. What is needed for this, according to Agamben, is the absence or withdrawal of a *dēmos* rather than their insurrection; this, he says, “allows us to depose the fiction of a people that it pretends to represent.”¹⁷ This sort of destitution could be thought of as a “coming politics,” says Agamben, echoing Derrida’s democracy *à venir* or Jean–Luc Nancy’s democracy *survenir*.¹⁸

What is most important about destituent power for Agamben and The Invisible Committee, however, goes beyond politics and government. For them, destituent power permits the embodied, philosophical exploration of alternative forms of life with others. Both are acutely aware of Foucault’s insight into the neoliberal mutation of modern government, namely, that neoliberalism, as an extension and transformation of liberalism, ultimately functions through a way of life, and that our populations are managed by this way of life. Neoliberal policies oppose all forms of collectivization and socialization in contrast to the views of philosophers from Aristotle to Hannah Arendt, who once claimed that being deprived of meaningful political community would amount to being “deprived of things essential to a truly human life.”¹⁹ In place of community, neoliberals prescribe a way of life that is centered around the axioms of competition, individualism, and self–entrepreneurship.²⁰ Under neoliberalism, then, our desire for community is occluded by the fantasy of amassing our own self–capital. Taking a phrase directly from Foucault, The Invisible Committee remarks that this way of life has managed to make us all “entrepreneurs of the self.”

What Agamben and The Invisible Committee hope for, through withdrawal rather than insurrection, is for us to abandon neoliberal life for a

14. Marco Rizzo, Interview on *Democracy Now*, April 11, 2017, accessed April 11, 2017, <https://www.democracynow.org>.

15. Giorgio Agamben, “What is a Destituent Power?,” trans. Stephanie Wakefield, *Environment and Planning D: Society and Space* 32 (2014): 70.

16. Agamben, “What is Destituent Power?,” 69.

17. Agamben, “What is Destituent Power?,” 72.

18. Agamben, “What is Destituent Power?,” 74.

19. Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1998), 198–99, 58. See Aristotle, *Pol.*, 1.2, 3.6; *Eth. Nic.* 1.1–2.

20. Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France*, ed. Michel Senellart, trans. Graham Burchell (Basingstoke: Palgrave Macmillan, 2008), 144.

moment and consider a different form of life. “What is at stake [in destitution] is living itself,” writes Agamben; destitution “coincides completely and constitutively with . . . *living a life*.”²¹ Because life under neoliberalism entails “the obligation to maximize one’s one market value as the ultimate aim in life,” adds Judith Butler in a recent book on public assembly, new political movements must explore a life worth living.²² Agamben writes in an earlier essay, “The Friend,” that such a life must be shared among friends, and that what must be shared among friends is the bare fact that we are alive, that we exist. In *To Our Friends*, The Invisible Committee elaborates upon this idea further by suggesting that recent democratic movements ought to be interpreted precisely in this way — as not primarily attempting to reform their current governments through constituent power, but as freely exploring another form of life with others. They write:

The true content of Occupy Wall Street was not the demand [. . .] for better wages, decent housing, or a more generous social security, but *disgust with the life we’re forced to live*. Disgust with a life in which we’re all *alone*, alone facing the necessity for each one to make a living, house oneself, feed oneself, realize one’s potential, and attend to one’s health, *by oneself*. [. . .] the life in common that was attempted in Zuccotti Park, in tents, in the cold, in the rain, surrounded by police in the dreariest of Manhattan’s squares was definitely not a full rollout of the *vita nova* — it was just the point where the sadness of metropolitan existence began to be flagrant. At last it was possible to grasp our shared condition *together*, our equal reduction to the status of entrepreneurs of the self.²³

“The stake in all neoliberal analysis,” Foucault summarized, is “a *homo oeconomicus* as entrepreneur of himself, being for himself his own capital, being for himself his own producer, being for himself the source of his earnings.”²⁴ Instead of being “by nature a political animal,” one is taught to become, eidetically, a self-entrepreneur who builds their own capital by garnering likes on social media, for instance, or amassing a substantial following on Twitter, or competing on a reality TV show that reconstructs a life in which one’s friends are, in fact, competitors.²⁵ Of course, in the end, the human being has no *polis* to enter — only the shell of a state that is “under the supervision of the market.”²⁶

By contrast, Agamben likens destituent power to a feast or holiday (*la festa*),

21. Agamben, “What is a Destituent Power?,” 73, 74.

22. Butler, *Notes Toward a Performative Theory of Assembly*, 15.

23. The Invisible Committee, *To Our Friends*, 49.

24. Foucault, *The Birth of Biopolitics*, 226.

25. Aristotle, *Pol.*, 1.2, 3.6; *Eth. Nic.*, 1.1–2; Foucault, *The Birth of Biopolitics*, 219.

26. Foucault, *The Birth of Biopolitics*, 116.

“which, on the model of the Hebrew Shabbat, has been conceived essentially as a temporary suspension of productive activity, of *melacha*.”²⁷ The holiday or *fiesta*, of course, is not only marked by the pause of commerce and exchange; it is defined by friendship and community, or that which is greater than oneself. There is something about the holiday, as Pier Paolo Pasolini once wrote in his poem *Chiusa la festa* (“The Holiday Over”), which allows us to experience life itself; it allows us, in Pasolini’s words, to reach the limit of the “flimsy crust of our world” and expose “the naked universe.”²⁸

Agamben and The Invisible Committee are not the first, of course, to argue for this kind of strategy. It could be said that considerations of destituent power are found in 1980 in the late two chapters on the state in Deleuze and Guattari’s *A Thousand Plateaus*, in Deleuze’s unpublished 1979–1980 lecture course on the state, and in debates on alternative political communities throughout the 1980s and early 1990s, such as Jean–Luc Nancy’s *The Inoperative Community* (1986).²⁹ One might add to this list Clastres’s *Society Against the State* (1974), Spivak’s *In Other Worlds* (1987), or Derrida’s *Specters of Marx* (1993) and *Politics of Friendship* (1994) as works that explore destituent power. We could also add texts like Jean–Luc Nancy’s *The Possibility of a World* (2013) or *What’s These Worlds Coming To?* (2011), which consider the creation or “struction” of alternative political communities. In his recent work, *En quel temps vivons–nous?* (2017), Jacques Rancière mentions Paolo Virno’s political theory of “exodus” as a way of thinking about destituent power.³⁰

In addition to these philosophical works, one of the earliest examples of this kind of destituent withdrawal as a response to neoliberal government in particular can be found in the mostly rural, agrarian, indigenous and non–indigenous community in Chiapas, Mexico, which withdrew from Mexico, organized itself horizontally, and held the “First International *Encuentro* for Humanity and against Neoliberalism.” After Paul Volcker’s neoliberal strategy or the “Volcker Shock” drove Mexico into default from 1982 to 1984, Mexico could no longer pay back its debt due to the forced rise in interest rates on Wall Street–backed loans to the Mexican government. As a result, the Mexican government was forced to implement austerity and privatization programs

27. Agamben, “What is a destituent power?” 69.

28. Pier Paolo Pasolini, *Roman Poems*, trans. Lawrence Ferlinghetti and Francesca Valente (San Francisco: City Lights, 2005), 4–7.

29. See, for example, Gilles Deleuze and Felix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1987), 24: “The nomads invented a war machine in opposition to the State apparatus. History has never comprehended nomadism, the book has never comprehended the outside. [...] the war machine’s relation to an outside is not another ‘model’; it is an assemblage that makes thought itself nomadic.” Deleuze and Guattari later remark at length on the difference between the State apparatus and the war machine, which is “anonymous, collective, or third person” (Deleuze and Guattari, *A Thousand Plateaus*, 352).

30. Jaques Rancière, *En quel temps vivons–nous?* (Paris: La fabrique éditions, 2017), 23.

or “debt restructuring” schemes that transformed it into a neoliberal state.³¹ What made matters especially difficult in the 1980s for Mexican workers and farmers was compounded by the passage of the North American Free Trade Agreement, when crops like corn, for instance, were no longer worth much in Mexico. The Zapatistas were formed in the midst of the Mexican debt crisis in 1983, went public on the same day as the passage of NAFTA in 1994, and held the “First International *Encuentro* for Humanity and against Neoliberalism” in 1996. Their deliberate strategy of withdrawal from the neoliberal Mexican government and the formation of an alternative, democratic community is suggestive of a kind of destituent power in the wake of neoliberal government. However, recent movements in public squares or even destituent approaches to money and finance show us that the Zapatista community is far from being the only model of destituent power.

Conclusion

The basic question of this essay is this: In our attempt to find and employ a current strategy for a democratic future, should we theorize and organize around a constituent or destituent form of power? Should we seek to *reform* government through constituent demonstrations and activities or explore destituent alternatives in spaces where political life is still possible? Should we mobilize around popular protests and elections, or withdraw and dissolve the state’s legitimacy through lack — namely, the lack of a people who is said to constitute and legitimize it? In withdrawing and assembling elsewhere, could a number of people perhaps begin to imagine something beyond a form of life defined by competition, self-entrepreneurship, and isolation? Could they conceive of a form of politics that is not prescribed by “the market” or distant political representatives? Could another world, even in this limited sense, be possible?

As we have seen in this essay, advocates of destituent power describe themselves in opposition to constituent power. But perhaps destituent power and constituent power are not as mutually exclusive as they suggest. As Jacques Rancière suggested in an interview in 2017, voting to avoid the worst “is the kind of dilemma you can deal with in five minutes.”³² Likewise, in their 2017 book *Assembly*, Michael Hardt and Antonio Negri seek to combine recent destituent movements with constituent power, writing: “To this destituent endeavor needs to be added a constituent project” (elsewhere, Roberto Esposito has proposed adding an “instituent” power, or the power

31. Harvey, *A Brief History of Neoliberalism*, 29.

32. Jaques Rancière and Éric Aeschmann, “Mais pourquoi se disent-ils tous ‘anti-système?’ Entretien avec Jacques Rancière,” Interview published in *L’Obs*, March 12, 2017.

of institutions).³³ But while these two forms of democratic activity may not necessarily be mutually exclusive, it is at least important to recognize why proponents of destituent power maintain that their strategy is distinct from constituent power. Perhaps it is helpful to draw out this problematic in terms of what destituent power “can” and “cannot” do.

Destituent power cannot run a campaign that repoliticizes a country and wins an election, like the recent presidential campaign in Mexico. It cannot reform parties in the sense that Jeremy Corbyn or Bernie Sanders’ supporters hope to do. It refuses to create new political parties like Syriza in Greece or Podemos in Spain. It does not protest government in the hope that things will change. Nor does it propose a general strike with the idea that work will stop until demands are met or policies change. Destituent power cannot nationalize a bank or precious resources, for instance. It cannot pass laws that might reform the prison system or end the corrupt financing of elections. What destitution power can do, however, and what many recent philosophical reflections have focused on, has to do with something else, namely the era of *homo oeconomicus*, or the financialized and depoliticized subject under neoliberalism.

Destituent power knows that neoliberalism ultimately functions through everyday habits of self-entrepreneurship and competition, and that the population of the state is managed by this way of life. The renewed philosophical interest in destituent power therefore attempts to take flight from this way of life. It asks: Is there a “we” for whom a life of self-entrepreneurship, competition, and spectatorship could be replaced with a culture of sharing and political participation? It asks, in the words of Deleuze and Guattari: Would it be possible to flee the “chess game of the State” through “an anonymous, collective, or third-person function?”³⁴ The work of The Invisible Committee is especially interesting in this regard. In a neoliberal culture of self-entrepreneurship, they write anonymous, collective, and third-person texts. Their latest attempt to *withdraw* and write *to our friends* is an invitation to live differently with others. Despite having once called for protests against the state in an attempt to reform it, their text, *To Our Friends*, signals a new plan entirely. It refuses to govern a failed system and calls for a destituent politics of friendship. The book begins, tellingly, with the following epigraph: “There is no other world. There’s just another way to live.”³⁵

Another example of destituent power in action was when people began sharing free meals together within days of the birth of Occupy Wall Street in New York. This took place, remarkably, in a setting between Wall Street

33. Hardt and Negri, *Assembly*, 223.

34. Deleuze and Guattari, *A Thousand Plateaus*, 352. In many ways, *A Thousand Plateaus* is already a destituent response to Foucault’s lectures on the state.

35. The Invisible Committee, *To Our Friends*, 9.

and World Trade. Sharing food in this way became revolutionary. Eating together rather than alone, eating for free and without financial transaction, all of this became a way of seeing past the form of life into which we have been conditioned without knowing it. Having a coke with you, as Frank O'Hara might put it, became as if "in the warm New York 4 o'clock light we [were] drifting back and forth / between each other like a tree breathing through its spectacles // and the portrait show seem[ed] to have no faces in it at all."³⁶ Participants abandoned the neoliberal project of accumulating capital into their proper names; they shared time and goods as gifts, often anonymously.

Destituent power allows us not just to imagine that another world is possible. It offers us an experience of what this world might look like — not in the easy and distant realm of reason, but as something real, as something we can taste. It is, ultimately, a shared *aisthēsis* (*synaisthēsis*) among friends.³⁷ What is shared is the bare fact that we exist, that we are alive. And that the way we are being forced to live is an aberration that has prevented life itself. As destituent power explores a life outside of *homo oeconomicus*, it must be said that such a life would be distinct from Romantic *solitude* or the civil *disobedience* of Libertarians. Destituent power is not internal, but collective and exposed. It takes place when we gather for a holiday, participate in a festival, or pause for a meal with others. At least, the hope is that these experiences would help us to know a place of well-being and see the limits of a life of self-entrepreneurship and competition. Recent destituent movements have had a profound influence on electoral campaigns and young voters in particular. They have begun what some have called a new era of protest. In some places, they have made it possible for mainstream political candidates to speak about economic inequality and class struggle again. But this was never their intent. Destituent movements no longer expect any meaningful change from these governments or believe that they represent them. They are a search for a political future that begins with "knowing what a desirable form of life would be."³⁸ Because what is needed today, writes The Invisible Committee, is "a different idea of life."³⁹

36. Frank O'Hara, "Having a Coke with You," in *The Collected Poems of Frank O'Hara*, ed. Donald Allen, with an introduction by John Ashbery, Berkeley (University of California Press, 1995), 360.

37. See Aristotle's discussion of friendship as *synaisthēsis* or shared aesthetics at Aristotle, *Eth. Nic.* 1170a28–1171b35. See Giorgio Agamben's discussion of this passage in Giorgio Agamben, "The Friend," in *What is an Apparatus?*, trans. David Kishik and Stefan Pedatella (Stanford: Stanford University Press, 2009), 25–37.

38. The Invisible Committee, *To Our Friends*, 45, 49.

39. The Invisible Committee, *To Our Friends*, 52.