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Democratic Theory When Democracy Is Fugitive

Ali Aslam, David McIvor, and Joel Alden Schlosser

► **Abstract:** Urgent alarms now warn of the erosion of democratic norms and the decline of democratic institutions. These antidemocratic trends have prompted some democratic theorists to reject the seeming inevitability of democratic forms of government and instead to consider democracy as a fugitive phenomenon. Fugitive democracy, as we argue below, is a theory composed of two parts. First, it includes a robust, normative ideal of democracy and, second, a clear-eyed vision of the historical defeats and generic difficulties attendant to that ideal. This article considers how democratic theorists might respond to the challenges posed by fugitive democracy and the implications of such an understanding for future research in democratic theory.

► **Keywords:** democracy, fugitivity, Hannah Arendt, Sheldon Wolin, social movements

After the end of the end of history, after the intoxicating claims of democratic inevitability have morphed into painful hangovers, and after the successive democratic waves have broken and receded from the shore, perhaps democratic theory is ready to face squarely the possibility that its subject of concern is less stable, predictable, and potent as was so recently assumed. Democratic theorists and political scientists have raised increasingly urgent alarm bells about the global state of democracy in recent years (e.g., Bartels 2015; Brown 2015; Connolly 2018; Gilens and Page 2014; Levitsky and Ziblatt 2018; Mounk 2018; Runciman 2018; Snyder 2018; Wolin 2008), especially in the face of illiberal trends and authoritarian retrenchments (Zakaria 2007). In established democratic countries democratic norms have eroded and democratic institutions have become sclerotic and unresponsive (Lee and McCarty 2019). Modern constitutional state-centered democracy, in the words of the democratic theorist Larry Bartels, is in a global “recession” (2015).

Taken together, these antidemocratic trends have undermined assumptions that democratic transitions are somehow inevitable or



immune to reversal. However, they have not yet shaken a deeper assumption about the nature of democracy and, hence, the responsibilities of democratic theory. Namely, theorists of both democracy's rise and decline largely accept a limited or truncated version of democracy associated with liberal norms and minimalist participatory institutions (Bartels 2008; Dahl 2000; Schattschneider 1975). Democracy is identified with – or defined down to – competitive elections, representative institutions, the party system, and constitutional protections. And while these protections provide important space for democratic, participatory processes and practices, they do not reach very deeply into contemporary mass societies and, because of this, are continually threatened by an overall decline in democratic aspirations, affects, and ideals. Moreover – and more insidiously – the protections provided by the constitutional state itself can serve to truncate democratic imagination and innovation.

However, perhaps it is an opportune moment to rethink the nature of democracy itself and, thereby, to rethink the role of the democratic theorist. In particular, we argue below that democracy be reconceptualized as a “fugitive” experience or moment. Beginning with the work of Sheldon Wolin and Hannah Arendt, we state the central premises of fugitive democracy (Section I) before exploring the nuanced uses of fugitivity in contemporary political theory (Section II) and the implications that these uses have for democratic theory (Section III). Fugitive democracy can be a valuable starting point for democratic theory because it both identifies a robust normative standard for democracy while simultaneously pointing to obstacles for its realization. Moreover, the nuances of fugitivity position the concept between an orientation toward democratic renewal and desires for flight and refusal. Exploring the nuances of fugitivity can reconfigure the research agenda for democratic theory in four specific ways: by (1) challenging the existing idea of the democratic subject, (2) linking contemporary democratic theory to post- and anti-colonial theorists, (3) emphasizing the heterogeneity within the very concept of the “demos,” and (4) orienting democratic theory less toward descriptive accounts of democracy and more toward experimental visions and methodologies aimed at re-generating democracy.

Two Fugitive Voices in Contemporary Democratic Theory: Wolin and Arendt

The declining efficacy of democratic institutions and norms in recent years has, once again, elicited repeated bouts of alarmism. Yet these accounts, despite some variance in their anxieties, each share a common

presumption – namely, that democracy is a *known entity*, composed of a specific set of institutions, practices, norms, and commonly held beliefs (Diamond 2008). Or, to use another common metaphor, democracy is a *public creature* animated by constitutional and institutional forces. After all, democracy can only die if it once lived, democratic liberty can be endangered only if it was once protected, and democratic norms can only be threatened if they were somewhere normal and broadly normative.

The idea of democracy as a “fugitive” phenomenon draws different conclusions about the state of democracy because it begins from radically different presuppositions. For instance, Sheldon Wolin has argued that democracy ought to be reconceptualized as “something other than a form of government” (1994a: 23; 1994b: 30). Democracy, for Wolin, is best viewed as a “rebellious moment” through which people temporarily obtain a “political mode of existence” by virtue of their participation in public deliberations and decision making (1994a: 23–24). Democracy, then, “is not about where the political is located but how it is experienced” (1994a: 18). By this measure, institutionalization can mark the attenuation of democracy as much as its realization. With institutions comes the development of hierarchies, organized interests, and a reliance on technical expertise, which serve to sublimate demands for broader participation into virtues of “loyalty, obedience, and law-abidingness” (1994a: 13). For Wolin, then, the democratization already assumed by theorists of democracy’s decline was little more than the organized process by which the “labor, wealth, and psyches of citizens” have been extracted, exploited, or distracted (1994a: 13). In other words, democracy is about the possibility of political experience – the expression of power (*kratos*) by the people (*demos*) – and institutions typically serve to foreclose opportunities for the expansion and generalization of this experience (Ober 2017).

Democracy is fugitive because of external and internal obstacles to its realization. Externally, elites jockey to contain, control, manipulate, or dissipate popular energies for political participation. Internally, democratic moments are threatened by the heterogeneity that results from human freedom. The capacity to participate in solidaristic moments of political experience necessarily indicates the possibility of refusing such participation – “Yes, we can” is shadowed always by “I’d prefer not to.” Fugitive democratic moments, in which political experience and practices are reconstituted, thereby form a discontinuous tradition ranging from the abolitionist movement to the populist and agrarian revolts of the nineteenth century to the civil rights movement of the twentieth century and to countless other efforts large and small to wrest some semblance of democratic control over public life. Fugitive democratic moments can appear at any time, even if such appearances are by definition against

the odds. By this account, democracy is less stable, settled, or predictable than many theorists assume, and in fact the aspiration toward a settled form for democracy is among the threats to its continual regeneration.

Wolin's emphasis on democracy as a fugitive experience echoes the ideas of Hannah Arendt, who similarly argued that moments of collective action are both historically rare and increasingly threatened in an age of organization. For Arendt, popular bodies of direct government spring up "spontaneously" when existing institutions fail or are swept away. This revolutionary "tradition," however – like Wolin's account of fugitive democracy – does not form a continuous whole (Arendt [1963] 1990). Instead, moments in which the political is experienced reflect "a stubborn, persistent reminder of how, when circumstances were propitious, men and women could create the spaces of freedom" (Baehr 2000: xlii). Importantly, Arendt links action directly to freedom; as she puts it, "to be free and to act are the same thing" (Arendt [1961] 2006: 152), and action in turn implies both equality and plurality (Arendt [1958] 1998). Similar to Wolin, then, Arendt rejects the liberal democratic presumption that equality and liberty are in tension with one another, along with the idea that institutionalization or centralization are necessary elements of the attainment or preservation of political experience.

Both Wolin and Arendt have been criticized for their stark – if not romantic – theories of democracy and the political. Fugitive or "council" democracy seems to protect a pure or pristine version of democracy from the supposedly sullyng forces of institutionalization and organization (McIvor 2016b). However, both Wolin and Arendt see the outcast nature of political experience as a regrettable and even tragic outcome; "council" democracy represents a "lost treasure," in the words of Arendt, and Wolin has called fugitivity the great "trouble" with democracy (Arendt [1963] 1990; Hedges and Wolin 2014). Nevertheless, for either theorist to accept institutionalist or representative accounts of democracy would be to forsake the core of the democratic experience – namely, the desire for participation in the activities of freedom: expression, discussion, and decision on matters of public or common concern. In other words, fugitive democracy is not an ideal as such; instead, it is the light cast by repeated historical failures and the generic difficulties that *attend* the ideal of democracy. Fugitive democracy holds fast to the promise of democracy – namely, that power can be both mutually inclusive and widely shared – and as such it provides witness to the ways in which this ideal has been compromised, lost, suppressed, or bargained away.

By the light of mainstream democratic theory, the account of fugitive democracy may seem anachronistic and unrealistic, a version of Benjamin Constant's "liberty of the ancients" as opposed to the "liberty

of the moderns” ([1819] 1988). However, by the diminishing light of contemporary liberal democracy, fugitive democracy may be an idea whose time has come. Fugitive democracy lays out a clear understanding of democracy – political experience, obtained through moments of solidaristic collective action – that looks less like the liberties of the ancients than the embodiment of an ancient desire for liberty, as germane to our era as to any other. For Arendt, demands for participation in the activities of freedom reflect the principle of natality ([1958] 1998). For Wolin, however, fugitive democracy speaks to the capacity for political “renewal,” the “simple fact” that “ordinary individuals are capable of creating new cultural patterns of commonality at any moment” (Wolin 1994a: 24).

The idea of fugitive democracy might serve to reconfigure the research agenda for democratic theorists, but Wolin’s “simple fact” is far from simple in an age of democratic decline, pessimism, and impasse. In the next section we develop a more nuanced understanding of fugitive democracy as being positioned between *renewal* and *flight*.

Fugitive Democracy

Wolin and Arendt articulate the fugitive strand in democratic theory; recent decolonial work on fugitivity illuminates new pathways for democratizing fugitivity. A significant contribution of postcolonial theory to democratic theory has been to highlight the violent histories of enslavement and settler colonialism and to reveal how the rhetoric and ideals of democracy have often been pretexts or justifications for domination, not freedom or equality. Moreover, colonial legacies still inform the logics of political practice and of political theory. Fugitive democracy, as we see it, has to learn from and lean upon the critiques of anticolonial theorists while simultaneously refusing to forsake the ideal of democracy.

Fugitive democracy, then, requires an awareness of the ways in which values inherent to the pursuit of democracy have served as weapons of domination as much as tools of liberation. For instance, as Glen Sean Coulthard has argued, the politics of recognition – which has proliferated in liberal democratic regimes as means of addressing the challenges of pluralism – recenters the state authorities responsible for violent extermination or assimilation of indigenous subjects in settler-states (Coulthard 2014). From the perspective of this history and the present-day marginalization of indigenous persons and communities, Coulthard argues that the assumed equality underlying the reciprocity of recognition exists in name only. For Coulthard, the best mode of response to histories of marginalization and oppression is a resurgent politics of recognition that sets

itself defiantly against settler colonial states and focuses on building up resources and resilience within indigenous communities.

For many theorists, then, there is deep distrust of the language of democracy, as it has so often functioned as a Trojan horse presented as a benevolent gift only to reveal itself as a front for destruction. For good reason, modern state-centered constitutional democracy has sent people running (cf. Tully 1995). As a result, political theorists have begun increasingly to theorize from the perspective of those who have been excluded from both democratic regimes and democratic imaginaries. For example, Neil Roberts has recently argued for a concept of freedom as “marronage” or escape (2015). He has argued that the experience of slaves – who understood freedom as “flight” – have largely been ignored by the tradition of democratic theory, which has in large part taken its conception of freedom from the experience of slave *owners*. As Roberts demonstrates, fugitivity for escaping slaves was primarily understood spatially: flight away from the plantation, as membership in a semiautonomous “maroon” community of free and run-away Blacks, or in the desires for independent homelands articulated by Marcus Garvey and others. This spatial concept of fugitivity reflects a key difference from Wolin’s description of fugitive democracy, which he describes as episodic moments when citizens rediscover or forge common concerns. Wolin’s language is infused with metaphors of settlement and even of agriculture. The politics of what he calls “tending” involves mutual care and attentiveness that he distinguishes from the “intending politics” of the managerial state (1989: 82–99). However, Wolin’s uncritical use of agricultural metaphors reflects a broader silence in his work on the questions of settler colonialism and white supremacy. When Wolin claims that fugitive democracy represents a source of democratic renewal, he is more accurately referring to the settler democracy observed by Tocqueville, which was predicated on structural exclusions and racialized violence.

A third example of fugitivity that opposes democracy – and politics more generally – comes with the work of Fred Moten and Stefano Harney. Moten’s refusal of “politics” in favor of what he calls “Black sociality” is motivated by his belief that in both theory and practice the history of Western political development has been anti-Black; for this reason, he asserts, this history is irreparable (2017, 2018a, 2018b). Instead of a democratic politics of repair for the living legacies of anti-Blackness, Moten argues for interstitial zones of refuge and lines of flight away from these sources of harm through the recognition of an already-existing abundance of creativity and sociality among Black communities. These “undercommons” (Harney and Moten 2017) or zones of Black sociality are constituted through practices of mutual care and assembly that contrast with the

possessive individualism at the center of a liberal-capitalist order that devalues Black life. Moten refuses politics without apology in order to keep politics from contaminating sociality. As Moten and Harney write, “We are anti-politically romantic about existing social life. We aren’t responsible for politics” (2017: 20).

The long silence within democratic theory on the achievement of democratic freedom through practices of domination explains why many theorists reject the language of democracy and why they see fugitivity in terms of flight, resistance, or refuge. Theorists conceive of fugitivity either temporally or spatially, depending on whether they believe that modern state-centered democracies were ever genuinely democratic in the sense that diverse citizens could come together for common purposes to exercise power together. This assessment usually splits on the question of whether theorists acknowledge the origins of modern democratic states as settler societies. For those who do not, fugitive democratic actions can renew or revitalize the democratic core of those societies by expanding the polity to include those groups previously denied full citizenship and rights. Theorists who conceive of fugitivity temporally remain committed to democracy as an aspiration within established states, while those who theorize fugitivity in spatial terms prioritize flight and escape because they are wary of an injurious history overseen by those states that pre-dates and continues beyond the point when recognition was extended to dominated populations.

The fugitivity of Coulthard, Roberts, and Moten calls into question who is a political subject and what political subjectivity looks like. Yet even explicitly antipolitical flight like Moten’s has implications for theorizing democracy. For instance, Lia Haro and Romand Coles argue that the practices of communities along the route of the Underground Railroad show how fugitivity is simultaneously a flight from danger and a movement toward new possibilities (Haro and Coles forthcoming). Surveying the history of these communities, Haro and Coles bridge the split between spatial and temporal conceptions of fugitivity by making strategic use of refuge to mobilize the kind of grassroots efforts that Wolin sees as a source of renewal. The sanctuary communities that Haro and Coles examine are also examples of a spatial fugitivity or sociality – lines of flight leading to independent, free Black communities – that Moten draws upon, but here they seek out and are dependent upon broader forms of association that represent a transformative democratic politics aiming to reconstitute the polity rather than simply refusing it or surviving in its shadows. By narrating the histories of these communities, Haro and Coles practice democratic theory by the light of fugitivity. Such accounts testify to and call into being desires for experiences of collective

belonging sometimes glimpsed in flight, in moments of democratic renewal, and occasionally in events that singularly fuse the spatial and temporal dimensions of fugitivity to span flight and renewal.

Democratic Theory by the Light of Fugitivity

Taking democracy's fugitive status seriously has implications not just for understanding what democracy *is* but also for the activity of theorizing about democracy – the *how* of democratic theory. No longer aiming for stable, settled, or secure objects, democratic theory must become nimbler, able to move between the high and the low like the landscape painter Machiavelli describes at the beginning of *The Prince* (Euben 2003: 105). Or, in the contemporary language of Robert Merton's theory of the middle range (1968), democratic theory must attend to moments when the people were able to do things – episodes of collective formation, power, and expression – while also elaborating broader claims as to what desires, virtues, habits, and memories could regenerate democratic moments. This approach to democratic theory has implications for its philosophical anthropology, how it reckons with its colonial past, its inherent tension as a project of establishing commonality amidst difference, and its dual commitments to theory and practice. Thus, four key research implications follow.

1. *The democratic subject.* Democratic theory must acknowledge that moments of the political often stem from a refusal of democratic subjectivity rather than an embrace of it. Anarchists, communists, socialists, and other radicals abjure the language of democracy for a variety of reasons, yet despite their antidemocratic rhetoric, these movements often illuminate new pathways for democratic politics (cf. Gibson-Graham 2006 and Polleta 2004 on anarchism and anticapitalism; Aslam 2017 and Malleson 2014 on Occupy). Coulthard's language of refusal, for example, challenges the structures and logics of the state in the name of collective self-affirmation, a kind of democratic narcissism necessary in the face of de-democratizing institutions (Coulthard 2014). Misinterpellated subjects refuse conventional democratic subjectivity but prefigure emancipated political subjects capable of self-rule (Martel 2018). While emerging from what Arendt would consider "social" claims, these movements can take political shape and, in turn, influence the political imaginations of the next generation of citizens and activists. From the perspective of democratic theory, they can unsettle sedimented assumptions about the means and meaning of democratic subjectivity. Unlike postfoundational democratic theorists who might see fluid dispositions and unstable

subjectivities beneath these various movements (e.g., Crook 1991; Marchart 2007; Mouffe 2000; White 2009; Wingenbach 2011), fugitive democrats remain guided by a philosophical anthropology that maintains the importance of political experience for human life – that the human being is a *zoon politikon* – and look to moments when these experiences have been reinvigorated and regenerated.

2. *The empire of democracy.* Shadowed by its colonial and imperial history, democratic theory must confront how democracy has sanctioned and sponsored projects of domination and oppression since its inception. This has long been the history of democracy. Herodotus notes that at the moment of the ancient Athenians' greatest democratic strength, they immediately invaded their neighbors (Herodotus 5.78). Democracy can function as an object of political aspiration, yet too often democracy has become a rallying cry for imperial and colonial projects. As noted above, democracy's intertwining with empire has led many potential allies of democrats to refuse the label and, thus, potential cooperation. While "freedom as marronage" rejects democratic politics, it also contains radical visions of alternative politics that might proceed on more democratic terms (cf. Kelley 2002). The language of #BlackLivesMatter provides another example, with its insistence on bodily autonomy becoming a first step in any project of political reparation (Carruthers 2019; Lebron 2017; Taylor 2016). Democratic theory needs to reckon with how an insistence on a certain form of democracy (i.e., modern constitutional state-centered democracy) forecloses broader solidarity as well as theorization of democratic futures. Democratic theory needs to acknowledge the misuse of democracy, both past and present, *in order* for democracy to be more available and desirable as a project worth undertaking.

3. *The heterogeneity of peoples.* Democracy begins from a claim about the people; the people exercise power and a capacity to do things in a democratic regime. Taking the fugitivity of democracy seriously requires democratic theorists to acknowledge not just the exclusions every concept of "the people" entails (a well-worn path of criticism) but also to affirm the possibility of unity within difference. In other words, democratic theorists have too often operated under a Rousseauian fantasy of what Benjamin Barber (1984) calls "strong democracy." This has opened democratic theory to justifiable criticisms about the overlooked exclusions of democratic formations (e.g., Beltran 2010; Young 2002). Fugitive democracy, however, begins with the sobering reality: the *weakness* of democracy and, in Wendy Brown's language, the "undoing" of the *demos* (Brown 2015). With this starting point, democratic theory must shift accordingly: theorists can no longer presume a "people" but must instead examine how heterogeneous peoples can find projects of solidarity that

temporarily suspend normal heterogeneity and dissociation (cf. Wolin 1993). In the language of Robert Putnam, democratic theory must attend to how peoples “bridge” as well as “bond” (2001; cf. Warren 2001). In an era when democracy is once again under direct siege, bridges among the islands of freedom, although rare and ephemeral, are the crucial substance of democratic life (Boyte 2004; Connolly 2008).

4. *Experimental theory and practice.* Fugitive democracy also requires a shift toward more experimental modes of theorizing as well as inhabiting and constructing institutional spaces. Without a vibrant object of study, democratic theorists find themselves bound to intervene (Coles 2016). Like anthropologists watching the extinction of an indigenous language, democratic theorists need to act lest democracy as an aspirational ideal recede from the face of the earth. Rather than describing the generic difficulties of democracy, theorizing outside the fray like a detached philosopher, democratic theorists must identify the particular moments of democratic flourishing past and amplify these to encourage stronger and more robust democratic experimentation in the present. On the one hand, fugitive democracy might begin with “phronetic” approaches that marry focused empirical study with theoretical reflection (Flyvbjerg 1998, 2001) or participant action research from within insurgent groups (Dyrness 2011) but push these farther by elaborating and generalizing the democratic possibilities latent within these projects. On the other hand, fugitive democrats might also constellate otherwise isolated moments of democratic insurgency, such as plebeian uprisings (Breugh 2014; Grattan 2016), innovative democratic practices like participatory budgeting (Wright 2010), the solidarity of immigrant workers (Apostolidis 2010), and broad-based coalitions seeking to empower all participants (Bretherton 2015; Stout 2010). Experimental theorizing operates best in a reciprocal dynamic with institutional experimentation – both the reworking of extant institutions and the creation of new ones – that integrates empirical and theoretical research on democratic life.

Conclusion

The adoption of “fugitivity” as a starting point for democratic theory can reinvigorate democratic aspirations in an increasingly undemocratic age. While Wolin’s concept of fugitive democracy has been criticized for sacrificing too much of what makes democracy work – such as representative institutions or constitutional checks and balances – fugitivity can provide a more realistic and critical perspective on those assumed prerequisites (Vick 2015). Whether institutions serve democratization or threaten it is

clarified by a fugitive approach to democracy because such an approach takes seriously the idea that institutions should serve to reinforce popular power rather than to attenuate or weaken this power – something they rarely, if ever, actually do. By taking the nuances and edges of fugitivity seriously, democratic theorists are better positioned to see democracy as less of a known or settled object and more as a recurrent aspiration that has been – nearly perpetually – on the run. Doing so can clarify democratic ideals and hopes while simultaneously providing witness to the internal and external obstacles to the realization of these hopes. To follow this trajectory, democratic theorists will need to sacrifice certain habits of “systems building,” but in doing so the vocation of democratic theory can reconnect to one of the original meanings of *theoria* as a form of traveling (Coles 2004; Euben 2008). Theorists who follow the uneven and treacherous pathways of fugitive democratic moments can track the losses and defeats to which democratic power is always vulnerable while simultaneously speaking to stubborn possibilities for democratic regeneration (McIvor 2016a).

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