

The Disenfranchisement Complaint

Colin Ross Kielty  
Yorba Linda, CA

BA, University of California, Santa Barbara, 2006  
MA, University of Chicago, 2009

A Dissertation (or Thesis) presented to the Graduate Faculty of the University of Virginia in  
Candidacy for the Degree of Doctor of Philosophy

Department of Politics  
University of Virginia

September, 2018

Professor Stephen K. White  
Professor Lawrie Balfour  
Professor Jennifer Rubenstein  
Professor Rachel Wahl

## Introduction: Disenfranchisement in the Democratic Imagination

On August 9, 2014, Michael Brown was shot dead in Ferguson, Missouri. His killing, the neglect of his bullet-ridden body, and the behavior of the Ferguson police department—at once evasive and repressive—all contributed to a subsequent protest movement that achieved mass scale and national attention. But as that movement gained momentum, the domain of grievances that it articulated widened. Not only did citizens of Ferguson and the surrounding areas voice complaints about Brown’s slaying itself. Nor did they focus exclusively on the police response to their protests, immortalized in images of camouflaged phalanxes of officers and snipers perched atop armored tactical vehicles.<sup>1</sup> In addition to complaints about these things, protesters expanded the range of relevant issues to include the general experience of simply being a citizen in Ferguson. Specifically, they complained that part of their experience was the condition of being *disenfranchised*. As Ferguson Democratic committeewoman Patricia Bynes described the source of her community’s disaffection, “the African-American community [in Ferguson] has been disenfranchised for a very long time.”<sup>2</sup> Russell Gunn, a former state representative whose district included part of Ferguson, described community sentiment thusly: “Some people feel so disenfranchised, they wonder what good [getting politically involved] is going to do.”<sup>3</sup> And

---

<sup>1</sup> A particularly iconic image containing all of these things led the *New York Times*’ initial coverage of the protest, just days after Brown’s slaying. See Julie Bosman and Erik Eckholm, “Anonymity in Police Shooting Fuels Anger in Missouri,” *New York Times*, August 13, 2014.

<sup>2</sup> See Bynes’s *NPR* interview with Robert Siegel, “Between Ferguson’s Police and Population, A Racial Divide,” *All Things Considered*, August 14, 2014.

<sup>3</sup> Nick Timiraos and Dante Chinni, “Why Is Ferguson’s City Leadership Not Racially Representative?,” *The Wall Street Journal*, Aug 25, 2014.

several commentators, such as *The Root*'s Charles D. Ellison, stressed that the township's black residents were both "struggling and disenfranchised" well before Brown's killing.<sup>4</sup>

The complaint has not been confined to Ferguson. It was echoed in the wake of the Baltimore Uprising ignited by the killing of Freddie Gray, and it has also surfaced in Anglophone media coverage of social conditions in Paris's outlying banlieues.<sup>5</sup> The language of disenfranchisement has even been deployed as an analytic for understanding the grievances of the diffuse menagerie of movements organized under the banner of "Occupy." New York Times writers Jeff Zeleny and Megan Thee-Brenan describe Occupy Wall Street as animated by "a sense that the poor and middle class have been disenfranchised."<sup>6</sup> And Andrew Sullivan brings Europe's anti-austerity protests into the same fold, writing: "The theme that connects them all is disenfranchisement, the sense that the world is shifting deeply and inexorably beyond our ability to control it through our democratic institutions."<sup>7</sup>

Each invocation of disenfranchisement here differs, as the anarchy of everyday language doesn't accommodate the tidiness of analytical precision and coherence. But shared among all of these invocations is an at least partially conscious choice of rhetorical equipment, one that leverages the taut polysemy that holds literal and metaphorical senses of disenfranchisement together to explain—partially, but still effectively—what is going wrong. Citizens are shut out of

---

<sup>4</sup> Ellison, "Ferguson's White City Leadership Must Change," *The Root*, August 18, 2014.

<sup>5</sup> See Charles Blow, "Violence in Baltimore," *New York Times*, April 29, 2015. American media coverage spurred by both the Charlie Hebdo and the November 2015 Paris attacks also employed this language. See Liz Alderman, "After Terrorist Attacks, Many French Muslims Wonder: What Now?," *New York Times*, January 10, 2015; and Walied Shater, "To Stop Radicalization, the French Need More Fraternité," *New York Times*, November 19, 2015.

<sup>6</sup> Jeff Zeleny and Megan Thee-Brenan, "New Poll Finds a Deep Distrust of Government," *New York Times*, October 25, 2011.

<sup>7</sup> Andrew Sullivan, "How I Learned to Love the Goddamn Hippies," *Newsweek*, October 22, 2011.

important spheres of public life, but not just that. They are also pushed around with far too much impunity, but not just that either. They are also disempowered, deprived of the voice, the say, the input and—crucially—the involvement that democratic citizenship ought to entail. The disenfranchisement complaint highlights and foregrounds this kind of disempowerment. And, with the appeal to explicitly democratic language—a language that, outside of a background of democratic desires and aspirations, would make little sense at all—it takes on a similarly democratic cast. Disenfranchisement is not just powerlessness in general. Iris Young, to this point, describes “powerlessness” as one of the five faces of oppression. Young means to capture with the term a “mediated” condition wherein some citizens not only cannot participate in making the decisions that affect their lives, but also have no authority or standing to challenge the orders and command issues by others who are similarly shut out of decision-making.<sup>8</sup> But it is not the putative power to issue orders or commands that stands as Young’s corresponding expectation or ideal. Instead, it is the normative goal of *participation*, a goal with its own democratic pedigree. But how would one describe the *lack* of participation, its undermining, diminution, or failure? Exclusion perhaps.<sup>9</sup> But one can be ostensibly included and still feel that one’s participation is thin, inconsequential, even meaningless. What language is available then? Powerlessness and disempowerment are apt descriptors of a kind of injustice. Participation is useful way of naming an important political good. But these vocabularies are incomplete.

---

<sup>8</sup> See Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), Chapter 2.

<sup>9</sup> Young elsewhere differentiates between “external” and “internal” forms of exclusion to capture this issue in part. But, as Chapter 1 will argue, the language of exclusion as such has constitutive difficulties in capturing what goes wrong in cases of disenfranchisement. See Young, *Inclusion and Democracy* (New York: Oxford University Press, 2000), Chapter 2.

The core idea of this dissertation is that disenfranchisement offers a more complete, prescient and powerful vocabulary for describing contemporary injustice. It picks out—if not uniquely, then most directly, forcefully, acutely—the condition of having no voice; of being systematically ignored; of lacking any real say in the political and social life that one shares with others; of being shunted into a citizenship that is all subject, no author. In short disenfranchisement highlights and vivifies, even as its utterance contests, the disempowerment that leaves citizens vulnerable, if not helpless, and unfree.

Political theorists are typically quick to acknowledge these issues. But they can be just as quick to shift to other kinds of complaints—exclusion, oppression, and especially domination—to express what is *really* wrong in a given instance, and to articulate in more general terms the forms of injustice should preoccupy our normative imagination. Indeed, while disenfranchisements and its cognates pop up in academic contexts as a way to capture a condition of normative injury (in addition to disenfranchisement's appearance in the press and in the streets), this usage is no less off-hand and no more analytically precise than it is elsewhere.

Democratic theory's unwillingness to disaggregate disenfranchisement from other species of injustice—and our more general tendency to default away from its analytical use as the intellectual stakes are raised—is in large part a result of a lack of appreciation of, if not skepticism towards, the corresponding ideal of enfranchisement. Enfranchisement is typically associated with the right and effective opportunity to vote alone, such that one is enfranchised when one has a specifically electoral say in things. But the kind of empowerment that the idea of enfranchisement carries with it—a secure, meaningful and symmetric form of empowerment, one that is necessarily shared with others and only exercisable for common purposes, but is all the more powerful for it—is deeper and wider than the institutional franchise alone. Indeed, we

can find this distinctively democratic kind of empowerment absent in a whole range of contexts: not just strictly electoral ones, but also when politics is conducted through talk, in the practices through which we decide what deserves public attention in the first place, and within the practices through which public memory that underpins our background understandings of the world is constructed and shaped. All of these areas represent not only domains of social or political life, but also ways of exercising power over those who move within them. Citizens can be enfranchised—secure in a form of involvement that is both equal to that of other citizens and meaningfully efficacious on its own—in each of them. They can be *disenfranchised* in each in turn.

An underlying idea of this dissertation is that the disenfranchisement complaint and the enfranchisement ideal are two sides of the same coin. The work together to structure an imaginative and critical frame for both interpreting the meaning of democracy and interrogating particular social, political and economic arrangements. It is because citizens can have the enfranchisement expectation—whether in a strong sense that things should be arranged in a particular way, or in the aspirational sense that they ideally might be—that the disenfranchisement complaint has bite. Without such expectations and aspirations, it wouldn't be clear why disenfranchisement matters, or what citizens could mean by complaining about it. At the same time, however, the negative face of disenfranchisement is in important ways *primary*. This negative face represents the perspective of injustice, attuning us to what goes wrong in political life, to what citizens wrongly suffer. It gives priority—both analytical and practical—to its urgency and the task of remedy.

The rest of this introduction provides, first (I), a fuller picture of the significance of complaint as a semi-formal category of political thought, a picture which helps explain why the

dissertation as a whole approaches disenfranchisement in the way that it does; and, second (II), an outline of the arguments of each chapter to preview what that approach ultimately consists in.

### I. Disenfranchisement as a Complaint

One major goal of this dissertation—a goal that organizes the project as a whole—is to lend precision to the disenfranchisement idea. This means engaging a range of other existing conversations within political theory: about the most useful and powerful languages for capturing injustice; about the *kind* of democracy that is maximally attractive (procedural or substantive? aggregative or deliberative? Majoritarian, or expressed through some other principle?); and about nature and status of talk, attention and memory in democratic thought and practice. What we mean by the diffuse sense of disenfranchisement is illuminated by these conversations, and disenfranchisement as a broad theoretical lens provides a useful analytic for navigating them.

But first and foremost, disenfranchisement is a *complaint*, a term that citizens can use to articulate their grievances and to connect the subjective sense of wrong behind those grievances to the worldly conditions that give rise to them. Disenfranchisement thus describes a state of affairs in the world, but also builds into that very description the notion that concrete citizens can see in the state of affairs expectations that are thwarted. To complain about being disenfranchised thus invokes the third-personal point of view—the complaint is “objective,” in the sense that what it describes can and should be seen by others who care to look—while nevertheless insisting on a connection to the first-personal experience that stands behind it. The complaint, in the complaint-form generally, articulates injustice from the perspective of those who suffer it.

To a significant extent, this approach in political theory is most associated with Judith Shklar, the thinker who most explicitly and directly defends an intellectual program that takes *injustice* as the starting point and orienting category of political thought. For Shklar, it is too easy to “take for granted that injustice is simply the absence of justice,” despite the fact that “[o]ne misses a great deal by looking only at justice.”<sup>10</sup> A justice-first approach, dedicated to spelling out in ever more precise detail the contours of right conduct or a just society, constitutes what she calls a “normal model” that makes little if any space for the perspective and experiences of those who unjustly suffer, who are done wrong.

Shklar is aware that her appeal to the individual, the first-personal, and the subjective is likely to be controversial. Nevertheless, “[v]ictimhood,” she explains, “has an irreducibly subjective component that the normal model of injustice cannot easily absorb.”<sup>11</sup> We *have to* make some appeal to the experience of suffering to gain access to the meaning and significance of justice, even if we don’t know beforehand whether this experience is really of injustice, or instead simply that of misfortune. It may sometimes be true that misfortune can be mistaken for injustice, though Shklar is quick to suggest that the tendency to misdescribe injustice as misfortune is far more pervasive. But even more fundamentally, it is that the *sense of injustice* (a subtly play on John Rawls’s earlier idea of a “sense of justice” proper) is a far more reliable guide to diagnosing injustice—to identifying it in the world, and explaining what’s gone wrong—than any rule rule-based account of justice itself.

The source of this sense of injustice, for Shklar, is nevertheless ambiguous. Throughout her main work on the subject, *The Faces of Injustice*, the sense of injustice can appear to be an

---

<sup>10</sup> Shklar, *The Faces of Injustice* (New Haven: Yale University Press, 1990), 15.

<sup>11</sup> *Ibid.*, 37.



in-built and irrepressible feature of human beings as such. We just *have* a sense of injustice that screams out (with what Shklar calls a “special kind of anger”) when we feel done wrong. But at other times Shklar talks about the sense of injustice in reference to *expectations* that are neither natural nor entirely spontaneous. The sense of injustice is triggered instead by “the betrayal we experience when others disappoint expectations that they have *created* in us.”<sup>12</sup> This view is more plausible and helpful than the spontaneity-naturalness view (which has undertones of old-school philosophical anthropology). When others create expectations in us that cause us to *do* things—to structure either our life plans or our psychological comportment (our hopes and dreams, so to speak, but also more prosaically what we feel entitled to think tomorrow will bring)—we will feel let down, at very least, when our expectations don’t pan out. But it’s not clear that a sense of *injustice* is always or necessarily what’s in play when we are let down.

One issue here might be whether we were *entitled* to the expectations in the first place—whether our expectations, whatever they are, are legitimately held or are simply mistakes, “created” by our own wishful thinking alone—an issue that parallels the question of whether what we suffer is injustice or misfortune. But another issue is what *kinds* of expectations we think qualify as grounds for a sense of injustice, rather than a different kind of sense (of disappointment, of annoyance, of frustration, but not injustice), and where those expectations may have come from. Unlike the first, this latter issue, about the origin and substance of our expectations (which, despite Shklar’s admonition to treat injustice as primary, can’t help but reflect what we would consider “just”), doesn’t have to be a matter of whether or not they are, in the end, valid. Instead, we might be just as worried about what *inspires* these expectations, how to motivate and sustain them, and to what ultimate ends. What would it mean, for instance, for

---

<sup>12</sup> Ibid, 83, emphasis added.

the sense of justice to be a *democratic* one? Shklar is ambivalent on this score. On the one hand, she wants to prevent the idea of democracy (or any normative idea) from tying our imagination too closely to any one species of expectation. “Democratic theory,” for its part, “does not have to attribute an identical sense of injustice to all people.”<sup>13</sup> On the other, a commitment to democracy should provide a clear set of guidelines for interpreting and responding to violated senses of injustice: namely, “democratic principles oblige us to treat each expression of a sense of injustice not just fairly according to the actual rules but also with a view to better and more potentially equal ones.”<sup>14</sup> In all, then, Shklar sidesteps the question of where our sense of justice might come from, and how the specific shape of this might itself be the subject of political reflection and struggle.

Particular attention to the idea of *complaint*, giving that idea the same kind of semi-formal status that Shklar gives to injustice, can help better express the political implications of Shklar’s argument. Complaints are, after all, the medium through which citizens articulate their sense of injustice, transform it from a sense or feeling into a political act. Moreover, complaint has three political features that extend the more general idea of a sense of injustice and develop the injustice-first approach. First, complaints track specific expectations that have concrete genealogies. We can scrutinize our expectations, and not simply by internalizing a social superego that asks after their validity or legitimacy. Instead, we can go back to find resources for explaining our expectations, and potentially recruit others join us in holding them. Moreover, we can decide to change our expectations, moving from more minimal to more maximal ones. (We can, for instance move from satisfaction with the possession of the ballot to expectations more

---

<sup>13</sup> Ibid., 90.

<sup>14</sup> Ibid., 109.

robust and extensive forms of involvement.) Second, complaints articulate the “objective” features of the world that are the sources of the complaint, where “objective” simply means an object of common interpretation to others; they are not purely subjective, within the complainer and accessible only to them. Complaints are more than feelings, more even than specifically political feelings, even if they contain an inescapably affective component. (Shklar thinks anger is the most common and appropriate, but complaints are no less significant when accompanied with sadness, resignation, or even the cold knowledge that the complaint *will* be righted or overcome—“I’m not getting mad. I’m getting even.”) Third, complaints, in their specificity, imply a correspondingly specific ideal. This is something thicker than an expectation. Complaints of exclusion draw their force not only from the expectation of inclusion itself—in the sense that I might expect to be accepted into a club, and feel that something has *gone* wrong when I get denied—but also from the strong normative sense that denial *is* wrong, violating not only empirical or logical expectations but moral ones. While the perspective of injustice remains fundamental, the corresponding ideal informs the substance of the complaint.

This extended focus on complaint as will raise concerns of at least two kinds. The first is that complaint is still excessively subjective, and thus an insufficiently robust standpoint from which to engage in social or political critique. Talk of “complaining,” after all, has cultural and ordinary language resonances that can be decidedly negative. Complaining is whining, peevish and petty with hardly the pretense to legitimate grievance. Like whining, it comes off as noise rather than speech, failing to even indicate that there is something objectively wrong *for* the complainer. It shows only that there is something wrong *with* them. Complaint is not just non-political, then; it is somehow even less than that. On the other hand, complaint can *become* political, perversely, when it is weaponized as a term of devaluation and derogation. *Calling*

someone a complainer—naming their utterance a mere complaint—is without doubt a form of political speech. This weaponized charge of complaint seeks to undercut entirely a potential complaint’s force. The weaponized charge of being a *complainer*, on the other hand, can cut even deeper. It attacks the person directly, invalidating not only their words at the moment but also undermining their status as a competent speaker. It is a bid to position that speaker as with nothing to indicate or say, and thus as someone whose subjective life is itself beneath consideration. They complain about what is by definition nothing, and thus by definition they have nothing to complain about.

The actual history of the weaponization of complaint is acutely gendered. Yet for Lauren Berlant—one of the few scholars who similarly and explicitly thematizes complaint as form—it is a double-edged weapon. On the one hand, “the female complaint,” as a both a mode of utterance and as a trope for describing utterances, “typifies the banality of female suffering...we can’t be moved by it, because she brought it on herself, she’s weak, that’s just the way she is.”<sup>15</sup> Indeed, as Berlant points out, “it is not the woman who first calls her self-articulation a complaint, a whine, a plea: rather, the patriarchal social context in which she makes her utterance hystericizes it for her, even before she speaks.” Using the trope of complaint to denigrate both speech and speaker is thus especially powerful when and because it is supported by underlying social structures of patriarchy.

For Berlant, however, this form of rhetorical (and structurally backed) weaponization doesn’t fully undermine the actual power of complaint itself. A complaint *isn’t* just an empty and hystericizing jumble of words. It is also “a powerful record of patriarchal oppression” which “can operate as an effective political tool.” Berlant thus refuses to recognize the complaint form

---

<sup>15</sup> Lauren Berlant, “The Female Complaint, *Social Text* 19/20 (1988): 237–259.

in the same terms used by patriarchal power; complaint is *in need of* such proactive invalidation precisely because it can and does register, at least sometimes. Yet, while complaint can be a potentially efficacious “mode of self-expression,” that efficacy is made possible by the same conditions that limit it. Complaint is thus caught in a bind, “an admission and a recognition *both* of privilege and powerlessness,” something that exists “in the space between a sexual politics that threatens the structures of patriarchal authority and a sentimentality that confirms the inevitability of the speaker’s powerlessness.” So while Berlant vouches for complaint’s usefulness—indicating not only that something has gone wrong, but also articulating what—it can never be useful enough to overturn the structures that make complaining necessary. In short, complaint is embedded in what Berlant describes as a “mode of containment,” a set of social and cultural practices that function not by unleashing the full force of repression, but instead by constructing circuits of meaning and action that hem in the possibilities of acting or imagining otherwise. So while Berlant’s understanding gives complaint more credit than usual, she clearly locates it within, and as part of, the set of social relationships and practices that require exposure and critique.

Brooke Ackerly, on the other hand, draws an explicit distinction between complaint and social criticism proper to raise a second concern about complaint’s lack of a *systematic* dimension. For Ackerly, social criticism should be a genuinely systematic mode of analysis that is “more comprehensive” than complaint. As she explains, “Complaints can be directed at individual circumstances or at general circumstances; but whether individual or general, complaints are not systematic, they are particular.”<sup>16</sup> With the “particular” vs “systematic” distinction, Ackerly means to draw attention to the need for a critical perspective to diagnose the

---

<sup>16</sup> See Ackerly, *Political Theory and Feminist Social Criticism*, 25.

underlying social-structural conditions that give rise to the injustices about which we would complain in the first place. A perspective that is too “particular” might identify specific instances of injustice (in her example, instances of domestic abuse) while neglecting how the same background conditions of patriarchy that give rise to other interlocking forms of injustice (in her example again, the related, gender-based vulnerability experienced by widows and unmarried girls). Complaint risks arbitrarily separating these cases and underplaying their dependence on similar structures of oppression. It fails to draw out the truly social basis of injustice.

Yet Ackerly is more ambivalent about complaint than the particular/systematic binary suggests. On the one hand, she writes that “social criticism needs to be systematic and make respectful and informational *use of* complaint,” making complaint’s specific use, rather than its usefulness in general, the core issue. And on the other, Ackerly is also adamant that social criticism should remain connected to the perspectives of those who actually suffer injustice. Even an otherwise systematic approach is insufficient when it “does not systematically require critics’ attention to the struggles and silent wishes of the oppressed.”<sup>17</sup> But while Ackerly does not say as much explicitly, I take her claim to also have a specific temporality: one should *start* with the perspectives of those who actually suffer injustice, which serve as the primary data from which to build outward. A critical perspective that starts elsewhere will be at best incomplete, and will ultimately do a disservice to whose grievances most need redress.

To a significant extent Ackerly’s call is to have social critics actually listen to concrete sufferers and survivors. But it isn’t *only* this. After all, such actual listening couldn’t help but consist of listening to actual, “particular” complaints. So rather than simply demoting complaint below social criticism—and thus reiterating familiar skeptical intuitions about it—Ackerly

---

<sup>17</sup> Ibid, 26.

instead situates the category of complaint within a broader question about the shape of a genuinely critical theory: how it can manage to illuminate (rather than obscure) the deep social background of injustice systematically, without losing contact with the claims and expectations of the everyday citizens who feel the weight of that background. Like Berlant, Ackerly actually reinforces the significance of complaint by digging deeper into the background concerns we might have about it.

## II. Outline of Chapters

The chapters of this dissertation are organized around three main objectives: explaining how disenfranchisement works as an element of our normative vocabulary; explaining why we should *want* to take up this vocabulary; and explaining where this vocabulary illuminates the political field in new and compelling ways.

To this end, Chapter 1 develops the substance and importance of the disenfranchisement complaint by foiling it against the competing complaint of *domination*. Domination, for its part, offers a powerful normative language for describing and condemning political injustice. It is also an increasingly popular *choice* of normative vocabulary, especially among political theorists influenced by the “neo-republican” research program. While neo-republicans are most well-known for challenging liberalism as a comprehensive paradigm of political thought, the fulcrum of this effort has been the theoretical refinement of domination as a specific complaint.

The neo-republican domination complaint is traditionally foiled against an alternative complaint of interference. On the interference view, citizens have reason to complain whenever they are interfered with because they are made less free, and their complaints can only be assuaged with sufficient justification for the interference. Against this view, however, neo-

republican thinkers like Philip Pettit highlight how requiring *actual* interference to generate a complaint can be far too stringent, especially when so many of us are rendered systematically *vulnerable* to interference (or abuse, or neglect, or any number of other injuries for which interference is only a somewhat anodyne umbrella term), dependent upon the whims of powerful others, even when they may exercise forbearance or restraint. Without a normative complaint for this vulnerability—a complaint that captures politically remediable forms of subjection, and not simply the vulnerability that we unavoidably experience as embodied, moral and fragile beings—citizens can be expected to live out their lives in precarious exposure to arbitrary power, with both their psychologically well-being and practical capabilities undermined as a result.

A different but parallel strand of the domination complaint foiled against *exclusion* reinforces this concern. This is because, for thinkers interested in interrogating the too-easily presumed value of *inclusion* as an ideal, domination better orients our imagination along a vertical, rather than horizontal axis. It primes us to be attentive to the ways in which some citizens are positioned “underneath” others, subordinate to them, even when they are ostensibly “inside” the set of practices and relations that proponents of inclusion would valorize. The exclusion complaint fails to capture these dynamics of subordination.

The analytical implications of both strands of the domination complaint are useful. But they also come with in-built limitations. The neo-republican view, on the one hand, tends to view vulnerability as a problem of protection or immunity. That is, citizens can achieve a status of *non-domination* to the extent to which they are securely insulated from the interference of others through some kind of external means. But this leaves the problem of citizen disempowerment in abeyance, failing to direct normative or analytical attention to those situations in which they are barred from or marginalized within the practices that generate the power that might provide



security, or otherwise discipline or displace the powerful others on which they would depend. The exclusion-foiled view similarly distracts from the concern with disempowerment. While its vertical imaginative frame vivifies relationships of power, rather than formal spheres of access, it also primes us to be wary of the power primarily when it is excessive and descending. A sensitivity to the *absence* of *ascending* power, however—the kind of absence that disenfranchisement specifically picks out—is not a feature of domination’s critical apparatus.

Chapter 2 takes up where Chapter 1 leaves off by developing the substance and importance of the enfranchisement ideal. While the disenfranchisement complaint is analytically primary, spelling out its substance and its importance more fully depends upon similarly articulating the substance and importance of the expectation that animates it. Indeed, engaging enfranchisement itself helps to bring to light two potential sources of skepticism towards that ideal: that it has no conceptual meaning beyond the right to vote itself; and that, even if we could articulate this conceptual meaning, it would be a normatively minimal meaning, essentially a reflection of the similarly normatively minimal value of voting. Responding to these sources of skepticism doesn’t just help respond to skeptics themselves. It also offers a useful point for constructively expanding on the meaning and content of enfranchisement, making it richer and more tractable, and in turn supplying even more of the texture of the normative expectations standing behind disenfranchisement complaints.

To make good on these goals, the chapter engages the institutional franchises itself—the paradigmatic, but not exhaustive, expression of the enfranchisement ideal—to unpack its underlying normative meaning. A fundamental idea behind this meaning is that enfranchisement is a practice-based ideal. This means that it won’t make sense to talk about citizens as enfranchised (or disenfranchised) outside the context of an organized practice intended to

generate and project power. Voting is just such a practice, dedicated in electoral contexts to the power of selecting and disciplining office-holders, and more generally to the power of making formal, explicit decisions. But there are other practices that can be organized around the ideal of enfranchisement (deliberation, for one prominent example); and many seemingly informal domains of power are rooted in social and political practices that can be democratized (for instance, the determination of what received public attention, and the construction of public memories). In short, enfranchisement can apply in a wide range of practical contexts. But investment in a practice-based ideal also commits us to focus on collective practices as objects of critique—sometimes excavating them from the social background where they operate unscrutinized, sometimes suggestively articulating what they might look like—to avoid the normative individualism that isolates citizens as passive sufferers, rather than at least potentially involved in the relationships that would allow them to actively contest that suffering.

Enfranchisement, more granularly, carries specific implications for the organization of such practices: that each citizen's role should be secure, efficacious, and equal to that of other citizens. Votes “count” no matter what candidates, election officials or even other citizens think of your use of your own ballot; when “counting” is contingent upon the whims or desires of any of those external actors, something has gone wrong. Your enfranchisement is insecure. Moreover, to “count” means to *do* something, to play an efficacious role in how the practice plays out. Your involvement carries with it a form of power, even if that power can only be realized in the collective practical context. Finally, that power can only be understood and allotted in light of the idea of equality. Indeed, one can only make sense of a notion like “voting power” in reference to its relative equality, as when voting arrangements as wholes are set up to allot power equally—say by apportioning electoral districts with equal numbers of citizens. Each

element of the enfranchisement ideal helps us critically approach the practice that we expect to generate power, while being theoretically tractable only in reference to a practice in the first place.

Finally, Chapter 2 takes up and refashions three frequently deflationary ways of describing the normativity of voting: that it is procedural, that it is majoritarian, that it is aggregative. Even if enfranchisement could be articulated in a more general, extra-electoral way, a line of skepticism runs, it would still take on these qualities and still thereby be *minimal*: it would prioritize procedural rule-following over substantive moral goals; it would sacrifice minority interests at the altar of majority rule; and it would privilege the mere summation of self-interested preferences over the more thoughtful adjudication of publicly-interested ones. Each of these challenges is meaningful, but ultimately misguided. Proceduralism, majoritarianism and aggregation are in fact—properly understood—each pillars of what I call enfranchisement’s “normative architecture”: a procedural emphasis that is less on rule-following than on motivating an expectation of empowered involvement in the processes that stand behind decisions; the majoritarian emphasis positioning citizens in ways that allow them to build or join majorities, rather than remain ultimately beholden to majority (much less minority) forbearance; and the aggregative emphasis on combining one’s voice and empowerment with that of others. In short, enfranchisement does take on procedural, majoritarian and aggregative descriptors from voting. But this actually helps explain why the ideal is a maximal one.

Chapter 3 shows how the enfranchisement ideal is *already* at work in contemporary democratic theory under the guise of “deliberative democracy.” Deliberative democracy emerged as a distinctive paradigm of democratic theory in the late 1980s, developing in a formal way the political value of *talk*. Not only (so the argument runs) is more talk, and talk of a specific sort

good for democracy. Certain essential democratic values are realized best, if not uniquely, though the appropriate form of talk. “Deliberation” thus offers a theoretical framework for evaluating that talk (deciding whether it is structured in better and worse ways) and for explaining its specific normative contribution to democracy. Frequently, however, that contribution is explained as specifically different from, and as an alternative to, the normative contribution of voting. In short, deliberation is not obviously a framework animated by the enfranchisement ideal, and could easily be used to devalue it.

Chapter 3 argues that deliberation should be interpreted differently, as an actual *expression of* enfranchisement. As practices, it is true, deliberation and voting can be quite different, and more useful in different contexts dependent on empirical facts on the ground.<sup>18</sup> (Just as they can complement one another as practices: deliberation, and voting too.<sup>19</sup>) But, as a normative logic, deliberation actually constitutes a specific mode of enfranchisement. I call this mode *discursive enfranchisement*, being securely embedded in a practice not only conducted through talk, but within which the meaning of equality and empowerment are interpreted through the prism of language. This is the most literal spin on the common metaphor of “having a voice,” accompanied by the notion that having a *meaningful* voice also requires that, in some sense, one’s voice is heard. But what obscures the normative continuity between voting and deliberation—between deliberation’s own normative logic and that of enfranchisement—is the idea that deliberation is fundamentally committed to *removing* power from political life, rather than creating or democratizing it. As pointed out in Chapter 1, the general tendency to focus on

---

<sup>18</sup> For this “problem-driven” view, see Mark Warren, “A Problem-Based Approach to Democratic Theory,” *American Political Science Review* 111, no. 1 (2017): 39–53.

<sup>19</sup> Gerry Mackie, “Deliberation, but Voting Too,” in R. Cavalier, ed., *Approaching Deliberative Democracy: Theory and Practice* (Pittsburg: Carnegie Mellon University Press, 2011).

power's excess, and neglect the related but distinguishable phenomena of its lack, can be depoliticizing. But this interpretation is not only politically unproductive. It is also inaccurate as an account of deliberation. Revisiting the origins of the deliberative paradigm in the early work of Jürgen Habermas, the chapter argues, can correct the notion that deliberation is opposed to power, showing instead how it developed first in response to the prospect of citizen disempowerment, and then as a way of explaining how talk could be the best medium for enabling the kind of secure, symmetric empowerment characteristic of enfranchisement.

At the same time, returning to Habermas's early work brings to center stage a recurrent issue in deliberative theory: how deliberation could be realized within—in this chapter's language, how deliberation could be effectively enfranchising within—the *mass* contexts of modern, large-scale democracies. (Large-scale electoral voting, even to its critics, is distinctively good at this.) On this front, Habermas begins to sketch two different, incipient approaches to deliberation even in his 1962 work *Structural Transformation of the Public Sphere*: a “coffeehouse model” rooted in unmediated, face-to-face discursive interaction, and a “newsletter model” rooted in the production and distribution of media, specifically discursive texts. But almost all subsequent development of how deliberation can enfranchise (rather than, say, simply reproduce oppressive discursive norms) has been devoted to the coffeehouse model, with its attending expectations of a direct interaction. In response to this one-sidedness, the chapter begins to develop the “newsletter” approach to mass-mediated enfranchisement, which it reframes as *access to the means of discursive production*. While, in an era of print, this access would have been limited and expensive—disenfranchisement the default setting for the vast majority of citizens—today's “networked” media landscape offers expansive, almost universal

access. It is in this context, and from this “perspective of production,” that both discursive enfranchisement and disenfranchisement can be best analyzed.

Chapter 4 extends much of the theoretical infrastructure of Chapter 3, but takes *attention*, rather than discourse, as the medium or substance of enfranchisement and disenfranchisement. Attention has received some limited recognition within deliberative theory, but is generally a marginal concept in contemporary political thought.<sup>20</sup> However, the decision—or, in Peter Bacharach and Morton Baratz’s phrasing, the “nondecision”—focus on and consider this issue instead of that that is easily intelligible as a form of power. For Bacharach and Baratz, this famously constituted power’s “second face”: the ability to dictate agenda items, usually but not strictly for subsequent formal decisions. The broader political science literature on agenda setting confirms the significance of this form of power. And so does political practice on the ground. Protests and demonstrations, from sit-ins and die-ins to marches, occupations and yet more militant actions all commandeer the attention of broader publics, redistributing it to neglected actors, causes and arguments. Attention matters, even if we have little guidance for understanding a democratic approach to it.

Three issues make developing such a democratic approach difficult. The first is that the condition of “attentional disenfranchisement”—being disembedded from the processes and practices through which attention is generated and allocated—can easily be thought of as an

---

<sup>20</sup> In reference to deliberation, Susan Bickford highlights how the practice of attending (as distinct from simply talking) is an integral part of the conduct of deliberation. See Bickford, “Beyond Friendship: Aristotle on Conflict, Deliberation, and Attention,” *Journal of Politics* 58, no. 2 (1996): 398–421. More generally, Ben Berger suggests that attention can be included as a category of democratic theory through the prism of “attention deficit.” Berger, however, is ultimately less concerned with attention itself than with the related categories of “engagement” and “energy”, all while largely taking on board longstanding antidemocratic arguments about citizens’ supposed attentional deficits. See Berger, *Attention Deficit Democracy: The Paradox of Civic Engagement* (Princeton: Princeton University Press, 2011).

effective default position, something to be overcome through insurgent activism (like the “attention grabbing” kinds of practices described above), but not an injustice remediable through broader-scale practices of democratization. We are simply used to accepting that the role ordinary citizens play in determining what receives, and does not receive, public attention is minimal, unless those citizens engage in *extra-ordinary* (and often dangerous and costly) forms of sustained insurgent action. The second issue is that the repertoire of critical concepts available for analyzing pathologies of public attention (concepts that run parallel to, if not necessarily “within” political theory) obscure rather than illuminate the possibility of attention’s democratization. The chapter takes up three—the idea of pervasive “distraction” inherited from early twentieth century social critics such as those from the Frankfurt School; the idea of the “spectacle,” famously developed by Guy Debord in the context of the post-war Situationist movement; and the idea of the “attention economy,” a more recent framework for modelling the contemporary digital economy—as signposts on the way to an approach that is both critical and democratic. The third issue is that the idea of the public sphere, long the main conceptual reference point in democratic thought for understanding the dynamics of citizen involvement in developing public capacities opinion and will, has almost exclusively been imagined through the prism of discourse. In all three instances, the possibility of democratic engagement with attention is short-circuited.

Taking Chapter 3’s admonition to focus on the productive infrastructure of the public sphere, however, offers a useful starting point for developing both a democratic approach to attention generally and a framework for attentional disenfranchisement specifically. In fact, the last of the three critical concepts—that of the attention economy—suggests that this productive infrastructure is actually *best* understood through the prism of attention (specifically, as an

infrastructure for the commodification and harvesting of attention). By simultaneously rethinking the public sphere in terms of attention *and* reconstructing the unexpected democratic potentialities of the attention economy idea, the chapter sketches out a politics of attention that is related to but richer than the traditional politics of attention grabbing.

Chapter 5 continues to extend the disenfranchisement idea into new territory, looking to the politics of memory. Memory, like attention, is an underappreciated site of political power, and the connection between the two goes beyond the dystopian Orwellian slogan, “Who controls the past, controls the future.” Memory infuses how we see, hear, think and imagine. If our political present is focalized through our practices of attention, our relationship to that present is informed by our sense of the past, which provides the resources we use to make meaning and sense out of the things that we attend to. In light of this fact, the chapter attempts to make sense of what it would mean to be “mnemonically disenfranchised,” shut out of or marginalized within the processes and practices through which shared memory is constructed and maintained.

To do this, however, the chapter argues for a shift in the standard frame we use to think and talk about memory. Typically, memory is approached through the lens of *narrative*, consisting of the stories we share to fit the past together and thus draw meaning from it. Correspondingly, the respective form of injustice is “forgetting,” which, broadly construed, includes entirely erasing whole narratives, or otherwise mis-narrating in ways that leave out important events, actors, perspectives or ideas. However, this chapter argues that this “narrative frame” for the politics of memory is too narrow to appreciate either the forms of potential involvement citizens can enjoy in the construction their shared memories, or (correspondingly) the kinds of disenfranchisement they can experience. To make better sense of what that involvement can look like, and how it can go wrong, the chapter articulates an alternative,



“archival” frame that casts contests over memory not in terms of their results (the degree to which fully formed narratives “embody” or “represent” different voices, rather than forgetting them), but instead in terms of citizen participation in the activities that collect, organize and assemble—that is, archive—the digital and material “stuff” of memory: the texts, images, videos and other artefacts that serve as conscious and unconscious references.

To illustrate this shift, Chapter 5 also explores two exemplary cases—the Archives Working Group of Occupy Wall Street, and the Documenting Ferguson project that emerged in the wake of the 2014 uprising there—that both approached their own concrete politics of memory through the archival frame. These cases, it is true, represented only small-scale interventions into the public remembrance of their respective events. However, as *intellectual projects*, they nevertheless express a picture of memory and its political significance that is more general than any particular archive. The chapter thus reads the OWS archives and Documenting Ferguson not only as examples of an underlying theory, but also as acts of theorization themselves.

In all, across these five chapters, the dissertation aims to transform disenfranchisement into an analytically thick and politically far ranging complaint. It should lend concreteness to the idea of “democratizing” different spheres of life as a kind of political project: namely, as a continual project of diagnosing and responding to, if never quite eliminating, disenfranchisement. And it should also stake out a distinctive space for our understanding of democratic agency: somewhere between an institutionalist bias that insists on the formal, the regular, and the structurally guaranteed, and a privileging of an insurgent politics that constantly conscripts citizens into heroic acts of overcoming. As the description of the chapters above has suggested, the willingness to frame democracy as insurgency is strongest (or perhaps only the

most directly expressed) in the realm of attention. But the “fetish of insurgency”—to put it too pejoratively, if vividly—runs through each chapter. Simply put, democratic theory should value the eruptive, the spontaneous, the fugitive and the unruly. It should value contestation, dissent, agonism and attention grabbing. But it should not excessively *valorize* these forms of action, enshrining *them* as the paradigmatic image of what democracy looks like. Democratic citizenship should not be a constant act of heroism. And the disenfranchisement complaint itself picks out situations in which citizens have been abandoned to the insecurity, inequality and relative impotence that makes such heroism necessary in the first place.

But, beyond all of that, the dissertation hopes to enable a sensibility, one that sensitizes our normative perception to not only see disenfranchisement, but likewise to see in its terms in the sense of having enough of a theoretical vocabulary, and enough of an analytical picture, to reinterpret and redescribe the political world as a place where disenfranchisement is real and pervasive, and where greater enfranchisement is possible. Doing so cannot and should not entirely replace other modes of description and interpretation. But it can enrich them.

## Chapter 1: The Democratic Complaint

In recent political theory the language of *domination* has become perhaps the paradigmatic vocabulary for capturing and contesting political unfreedom and injustice. In this Chapter I argue that this development has been a positive one. But domination-talk should nevertheless be supplemented, and sometimes even displaced, by a parallel complaint of *disenfranchisement*. Disenfranchisement, on the one hand, better expresses the underlying conceptual insights carried by the domination complaint. And, on the other, the disenfranchisement complaint also animates our political imagination with a set of figures, tropes and images—a register that is related to but distinct from the conceptual—in a way that heightens our normative sensitivities to the complexity of democratic injustice and orients our political energy in ways even better suited to combat it. Domination, at least in the form used and articulated by political theorists, points beyond itself.

There are several sources of domination’s appeal as a way of describing and vivifying injustice. On the one hand, the complaint has come to carry massive moral weight, transcending descriptively neutral usages in which it could mean little more than the idea of “rule” itself.<sup>1</sup> Indeed, as an explicit complaint and specific indictment, domination offers perhaps the strongest possible term. On the other hand, and of greater analytical importance, the language of domination has recently been recruited to establish important conceptual distinctions at the “ground floor” of how we understand injustice. *What*, exactly, is wrong in a given instance (where “instance” here covers both specific, individual instances as well as the structural conditions that shape wide swathes of social experience) is expressed by the specific terms we

---

<sup>1</sup> Max Weber is the chief reference point for the language of domination (“Herrschaft”) used in a value-neutral analytical sense. See Weber, *Economy and Society*, Vol I, Part One, Chapter 3.

use to talk about it. Clarifying, and choosing among, linguistic frameworks thus becomes central for grounding theoretical interpretation and adequately informing a positive politics of response.

Accordingly, beyond mobilizing the rhetorical force of indictment, domination language is frequently enlisted to make two main conceptual distinctions. First, an explicitly “neo-Roman” or (more commonly) “neo-republican” idea of domination has been developed to distinguish between two competing visions of unfreedom, setting a neo-republican unfreedom-as-domination view apart from an ostensibly liberal picture of unfreedom-as-interference.<sup>2</sup> While much of the early work in this vein was explicitly devoted to distinguishing not only concepts but whole traditions of political thought (thereby recovering an intellectual coherence and autonomy for “republicanism” as such) the neo-republican conceptual formulation of domination has been widely used outside of such “battle of traditions”-styled debates. The neo-republican complaint has thus survived otherwise forceful critiques of the republican tradition—especially critiques of its strong historical associations with elitism, dramatic inequalities of wealth and power, and weakened democratic accountability—to become a highly influential theoretical reference point.<sup>3</sup>

The second conceptual distinction that domination is often used to express cuts its contrast with the idea of *exclusion*. Whereas the neo-republican idea of domination relies on the rhetoric and metaphors of slavery—analagizing those who are dominated in any context with those who are literally enslaved and using the figure of a “benevolent” slave master to highlight

---

<sup>2</sup> This view is most associated with the work of Philip Pettit (*Republicanism*) and Quentin Skinner (*Liberty before Liberalism*), and later Frank Lovett (*A General Theory of Domination and Justice*).

<sup>3</sup> For critiques of the “republican revival” undertaken by Cambridge School thinkers like Skinner and Pettit, see John P. McCormick, “Machiavelli against Republicanism: On the Cambridge School’s ‘Guicciardinian Moments’,” *Political Theory* 31, no. 5 (2003): 615–643; and Jason Frank, “Democracy and Domination in America,” *Political Theory* 40, no. 3 (2012): 379–386.

what is insufficient about the concept of unfreedom-as-interference—the exclusion-foiled idea of domination is usually applied to contexts of actual enslavement and the institutional forms that descended from it (like Jim Crow).<sup>4</sup> In such cases, *whether* unfreedom or injustice exists is not a live question. So, rather than aiming to equip us with the analytical sensitivities for perceiving and describing complaint-worthy situations that would otherwise be missed, this parallel idea of domination sensitizes us to what can go wrong when we *misinterpret* instances of injustice as exclusion rather than domination.

Both of these rationales behind the appeal of the domination complaint make persuasive and important contributions to our theoretical understanding. The neo-republican formulation of the domination complaint (which, for the purposes of this chapter, serves as shorthand for non-interference-foiled) draws attention to an essential but frequently neglected dimension of injustice: *vulnerability*.<sup>5</sup> Citizens have powerful, actionable complaints when and because they are held in conditions that *structurally enable* their abuse and neglect, and not only at the moment in which the abuse is perpetrated or the neglect experienced. Patriarchal institutions and social structures, to take a frequently cited republican example, embody this logic: insofar as men in households and in the workplace (and elsewhere)—even when they don't expressly exercise those abilities—retain the ability to direct, exploit and abuse women and those who are

---

<sup>4</sup> See Danielle Allen, "Invisible Citizens: on Exclusion and Domination in Ralph Ellison and Hannah Arendt," in Melissa Williams and Stephen Macedo, eds., *Nomos XLVI: Political Exclusion and Domination* (New York: NYU Press, 2004); Adom Getachew, "Universalism After the Post-colonial Turn: Interpreting the Haitian Revolution," *Political Theory* 44, no. 6 (2016): 821–845; and Joel Olson, "Whiteness and The Participation- Inclusion Dilemma," *Political Theory* 30, no. 3, (2002): 384–409. This Chapter uses Allen's argument as a representative foil.

<sup>5</sup> Here, neo-republican ideas overlap in potentially fertile ways with a parallel discourse in political theory about "precarity." The only example of this connection that I have found comes in Robert Taylor, "Market Freedom as Antipower," *American Political Science Review* 107, no. 3 (2013): pp. 593-602.

gender non-conforming, they are vehicles and perpetrators of domination. Accordingly, on this view, focusing exclusively on acts of commission is culpably myopic, ignoring how the mere possibility or latent threat of commission—and how being socially positioned in way that makes any escape from interference, abuse or neglect a function of mere accident or chance—deforms one’s sense of possibility and well-being.<sup>6</sup> It leaves one fundamentally *dependent* on the provision or forbearance of powerful others.

The exclusion-foiled idea of domination, on the other hand, focuses on highlighting the “vertical” imaginative backdrop against which concerns about vulnerability emerge; the positioning of some “on top” and others “underneath.” Whereas the exclusion complaint’s “horizontal” imaginative backdrop casts the stakes of injustice as being “kept outside” rather than “let in,” domination draws out the significance of subordination.<sup>7</sup> And whereas complaints about exclusion implicitly valorize an inaccessible “inside,” the domination complaint invites us to scrutinize the frequently pernicious dynamics of that “inside”: how some occupy positions “over” others there, exercising asymmetrical power and creating correspondingly asymmetrical forms of subjection. Focusing merely on the horizontal plane, casting injustice as a lack of access or distance from “the center,” causes us to systematically overlook not only the subordinating practices and relationships of the inside, but also how *inclusion* can turn out to be an entirely counterproductive ideal.<sup>8</sup>

---

<sup>6</sup> While *neglect* is not typically one of the powers described as potentially dominating, *not* doing something *for* someone can be as impactful as doing something *to* them.

<sup>7</sup> Niko Kolodny argues that subordination in fact offers the best frame for interpreting the normative stakes of neo-republican ideas. See Kolodny, “Being Under the Power of Others,” in Yiftah Elizar and Geneviève Rousselière, eds., *Republicanism and Democracy* (Cambridge: Cambridge University Press, forthcoming 2018).

<sup>8</sup> See also Robert Goodin, “Inclusion and Exclusion,” *European Journal of Sociology* 37, no. 2 (1996): 343–371.

Call these the “insights” of the domination complaint, dimensions of theoretical perspicacity embedded in the complaint itself. Both are deeply important. But both, as they stand, are incomplete, for closely related reasons. On the one hand, the neo-republican version of the domination idea casts the problems of vulnerability and dependence themselves as a lack of protection, failing to adequately direct attention to the forms of *disempowerment* that may plague citizens even when ostensible protections are in place. This interpretation is on clear view in the neo-republican valorization of the “rule” or “empire” of law, prioritizing the security (at times expressed with cognates like “insulation” and “immunity”) provided by the possibility of appeal to consistent and enforceable legal rules. However, while legal protections may well be desirable, they are conceptually compatible with the very vulnerability and dependence they purport to guard against, at least *as long as citizens themselves are disembedded from the contexts that generate or control the forms of power to which they are subject*, whether ostensibly protective or not. The neo-republican framework’s conceptual logic supplies a limited set of tools for understanding or diagnosing this problem.

On the other, the exclusion-foiled idea of domination gets its theoretical leverage by shifting our imaginative frame from a horizontal inside-out dynamic to a one oriented towards the “top” (where we would find the agents or structures that wield dominating power over citizens) and “bottom” (where the counter-power to resist, discipline or overthrow any such domination would need to be generated). This vertical imaginative frame, however, evokes a *descending* image of power, and—in keeping with domination’s ordinary language connotations—casting what’s wrong as a matter of power’s excessive presence rather than its absence: most specifically, an absence of the kind of power that *ascends* upward from citizens themselves through their collective, concerted activity. Such a bias is counterproductive. Like the

neo-republican emphasis on protection, it directs analytical attention away from failures of potential empowerment.

In what follows, this Chapter develops its own argument primarily through an immanent critique of the domination complaint. The first section (I) specifically takes up the work of Philip Pettit to reconstruct neo-republican domination complaint's "conceptual logic"—its status not simply as static concept or constellation of concepts, but instead as a notion of how those concepts should be arranged, rearranged, developed and supplemented in response to theoretical challenges. Such a reconstruction draws out the terrain of normative concern that the domination complaint draws us towards, but does not fully explore. The second section (II) similarly takes up the exclusion-foiled domination complaint, focusing less on its conceptual logic than on its metaphorical and imaginative connotations. Those connotations help enrich our normative sensibilities, but at the same time further illustrate the limitations of the language of domination. The third section (III) returns to Pettit's work to engage a different concept than domination—Pettit's notion of the citizen *control* that, ideally, vitiates domination—to further elaborate the desiderata that a disenfranchisement complaint ought to capture. The fourth section (IV), finally, revisits one particularly instructive historical case in which the stakes of the shift to disenfranchisement talk were prominently on display: debates about the status of black enfranchisement at the close of the Civil War, and specifically Frederick Douglass's contributions to those debates.

### I. Domination and Vulnerability in Neo-Republicanism

Likely the most well-known rhetorical and intellectual trope in the republican repertoire is analogizing of domination to the condition of slavery. This condition (importantly, it is a



condition and not an institution) stands in as the paradigm case of domination's scene of subjection: exposure to an arbitrary will. As Phillip Pettit writes, "The Republican tradition is unanimous in casting freedom as the opposite of slavery, and in seeing exposure to the arbitrary will of another...as the great evil."<sup>9</sup> Readers of Pettit will recognize this analogy as performing a key analytical task: differentiating a republican concern with unfreedom-as-domination from an ostensibly "liberal" concern with unfreedom-as-noninterference. Being exposed to someone else's will—to be vulnerable to what they decide to do (or not do), subject to their decision without recourse—is not the same as being actually directed, interdicted, abused or neglected. One is exposed and vulnerable even when interference is absent, generating anxiety and fear that deform one's sense of practical possibility, in addition to any independent psychological harm. In this vein, the slavery analogy enables the trope of a "benevolent" slave master, one who consistently refrains from abuse or interference and thus, under a view too closely tied with interference, avoids giving the enslaved strong reason to complain. Explaining the meaning and distinctiveness of domination in this way thus casts its appeal as a matter of being able to capture cases of clear injustice that other approaches would surprisingly miss.

But domination has another analytical dimension that is less about avoiding "false negatives" (those cases of dependence and vulnerability that the interference approach would miss) than about avoiding "false positives." That is, the neo-republican approach also focuses on enabling an analytically viable distinction between the *kinds* of exposure and subjection that

---

<sup>9</sup> Pettit, *Republicanism* (New York: Oxford University Press, 1997), 31–2. See also Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998) for a canonical statement. As Alex Gourevitch documents, the analogy was also widely deployed by 19<sup>th</sup> century labor agitators through the idea of "wage-slavery." See Gourevitch, *From Slavery to the Cooperative Commonwealth: Labor and Republican Liberty in the Nineteenth Century* (Cambridge: Cambridge University Press, 2014).

*count* as genuinely dominating, and those that might share superficial features but the nevertheless shouldn't motivate the same cognitive or affective response.<sup>10</sup> To make this distinction, Pettit further develops the criterion of “arbitrariness” as a property that can inhere in *some* wills (making exposure to *them* dominating) but not all. Conceptually developing the arbitrariness idea thus allows the broader domination framework to “authorize” institutions and practices that can protect against domination elsewhere.

This authorizing dimension of Pettit's account of domination clearly departs from the slavery analogy. The concept of arbitrariness itself is certainly animated by the analogy, through the figure of the benevolent master whose will, whims and proclivities can be unpredictable and utterly unrestrained.<sup>11</sup> But the idea of *non*-arbitrariness, and thus of a relationship to power that is non-dominating, taps a very different intuition about the appropriate *response* to the specter of domination than the example of slavery does. After all, cases of enslavement, even of the ostensibly benevolent sort, call for *abolition*, full stop.<sup>12</sup> Pettit, however, self-consciously takes another route. Because domination, in his view, describes a condition that can emerge within *any* social and political arrangement—because it is an analytic for critiquing institutions, and not

---

<sup>10</sup> Unfortunately, there is no handy distinction available for demarcating between normatively problematic and unproblematic kinds of vulnerability: for instance, something akin to the dual language of “precarity” and “precariousness” developed by Judith Butler, where the latter represents an ontologically unavoidable feature of being human that can actually serve as a font of solidarity. See Butler, *Prearious Lives* (New York: Verso, 2004).

<sup>11</sup> The first three definitions listed by Merriam-Webster are: “depending on individual discretion,” “not restrained or limited,” and “based on or determined by individual preference or convenience rather than by necessity or the intrinsic nature of something.” Merriam-Webster.com, “Arbitrary.” Accessed July 23, 2018. <https://www.merriam-webster.com/dictionary/arbitrary>.

<sup>12</sup> The misleading suggestiveness of the slavery analogy is not an accident. As Mary Nyquist notes, historical republican invocations of the specter of “political slavery” rhetorically drew connections to actually existing chattel slavery, despite republican citizens having no actual vulnerability to that institution and republican authors showing no real objection to it. See Nyquist, *Arbitrary Rule* (Chicago: University of Chicago Press, 2013), 1–10.

actually an institution itself (unlike slavery)—it will never be a function of one, or even any finite set of agents or structures. Non-domination, in turn, will have to describe an *ongoing* reconfiguration of those arrangements that is applicable to *all* concentrations of social and political power. It is likely for this reason that while Pettit at times evokes the language of “emancipation” in his early work (a term with clearer connections to the real history of trans-Atlantic slavery) he does so sparingly, and often precisely in order to distance himself from it.<sup>13</sup>

Arbitrariness, then, is thus the fulcrum of a “conceptual logic” more than a concept as such, a dynamic balancing act more than a static determination. And this logic develops over the course of Pettit’s work. Take the standard definition of arbitrariness from Merriam Webster as a good gauge of its intuitive, ordinary language sense: actions that are “seemingly at random or by chance or as a capricious and unreasonable act of will,” “determined by individual preference or convenience rather than by necessity,” or otherwise “not restrained or limited.”<sup>14</sup> Pettit does invoke this sense in his early work. It is also the most consistent with historical republican concerns and confers on arbitrariness its maximal pejorative weight. (To call an act or agent “capricious and unreasonable” indicts their will on grounds that go beyond any potential effect it has on *you*.) But this sense of arbitrariness, however intuitive, quickly runs into a major difficulty: it will likely fail to capture situations in which the power to interfere or abuse *is* restrained by certain laws or norms (depriving it of its character as pure and unchecked caprice or convenience) while still allowing objectionable forms of subjection and vulnerability. Naomi Murakawa’s history of how, within twentieth century U.S. criminal justice reforms, a commitment to reduce arbitrariness itself dramatically expanded the carceral state offers a

---

<sup>13</sup> As Pettit writes in one instance, “non-domination is not inevitably tied to the dichotomous rhetoric of total emancipation or complete enslavement.” (*Republicanism*, 77.)

<sup>14</sup> Merriam-Webster, *supra* 11.

particularly harrowing illustration of this dynamic. As Murakawa, “Lost in translation was the fact that carceral violence was so lethal precisely because it was *not* arbitrary.”<sup>15</sup>

Patchen Markell, likewise a critical if sympathetic interpreter of Pettit, points out that his account of domination adds a second dimension to the definition of arbitrariness precisely in order to respond to situations of “principled or rule-bound subordination.”<sup>16</sup> That is, Pettit folds another meaning into the definition of arbitrariness: that, to count as *non*-arbitrary, the power in question must not only be disciplined and deprived of caprice, but also “forced to track the interests” of those subject to it. An agent (be it an individual or an institution) avoids dominating others only when it is constrained *in a particular way*, such that it becomes responsive to the constellation of needs, wants and beliefs that often travel under the banner of “interests.” Pettit clarifies this position in a 2002 essay, “someone has an arbitrary power of interference in the affairs of another so far as they have a power of interference that is not forced to track the avowed or readily avowable interests of the other.”<sup>17</sup>

As Markell further points out, however, the “avowed or readily avowable” qualifier introduces a subtle but consequential paternalistic element through the idea of interests itself. This is because, with such a qualifier in place, arbitrariness can be avoided not only by disciplining the potentially interfering power, but also by disciplining the interests of subjects

---

<sup>15</sup> Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014), 44. For similar skepticism towards the idea that eliminating arbitrariness is necessarily benign, here in reference to bureaucratic discretion, see Bernard Zacka, *When the State Meets the Street: Public Service and Moral Agency* (Cambridge: Harvard University Press, 2017).

<sup>16</sup> Markell, “The Insufficiency of Non-Domination,” 14. My own analysis of Pettit’s account of domination is highly indebted to Markell’s own, despite departing from it.

<sup>17</sup> Pettit, “Keeping Republican Freedom Simple: On a Difference with Quentin Skinner,” *Political Theory* 30, no. 3 (2002): 339–356.

themselves—transforming them into the *kind* of interests that are capable of public avowal.<sup>18</sup> And this suggests, for Markell, that another kind of subordination can *still* escape domination’s conceptual sensitivities: situations in which those subjected to powerful agents or institutions are displaced from the processes and activities that determine what will *count as* their avowable interests. These situations, for Markell, call for a different complaint of “usurpation,” which is related to but conceptually distinct from domination.

Markell’s analysis is a sensitive and acute reconstruction of Pettit’s position. However, Pettit’s most recent account of domination (first articulated in his 2012 Seeley Lectures, published as *On the People’s Terms*) leverages yet another twist in the definition of arbitrariness. In the earlier view, interests (properly defined and disciplined) serve as an independent benchmark for assessing whether interference is forced to track the *right* thing. The “forced” side of the formulation, on the other hand, does far less work, even operating in the passive voice: as a matter of definition, we need only look at *whether* a power of interference is forced in the right direction (as determined by an account of interests). Questions of “by whom” or “how”—further questions about the activity of “forcing,” above and beyond its direction—are of secondary concern.

But in the later view, Pettit alters how he articulates the quality that makes power dominating, substituting “uncontrolled” *as a replacement term* for arbitrary. As Pettit explains this linguistic shift: “In one usage, arbitrary interference is interference that is not subject to established rules. But interference that conforms to rules, and is non-arbitrary in that sense, may

---

<sup>18</sup> As Markell puts it, “power is non-arbitrary when its exercise is forced to track the interferee’s interests *and* when those interests have themselves been validated, deprived of their [own] arbitrary character by having been subjected to the standards of commonness and avowability.” (“Insufficiency,” 15) Markell further draws out Pettit’s use of the notion of free subjects being “made fit” to exercise their freedom to deepen this point.

still be uncontrolled *by you* and can count as arbitrary in our sense.”<sup>19</sup> The conceptual definitions of both domination and non-domination are thus tied at the most basic, ground-floor level to controlling activity that itself disciplines potential interference.

What is most important within this “fully developed” interpretation of arbitrariness is that it hangs on *the ability of citizens themselves* to check the powers to which they’re subject, subjecting them to civic vigilance and, indeed, interference. The control in question must be *by and through you*. If citizens are themselves not in a position to exercise the kind of counter-power that would force other actors to observe their interests, then the domination complaint should still be on the table.<sup>20</sup> Accordingly, the domination complaint should (*should*) be understood in this sense to direct critical and practical attention towards precisely those situations where citizens are *removed* from the contexts in which they can exercise this kind of control—including (*especially including*) cases in which institutional or individual actors are ostensibly constrained by rules of various sorts (norms, laws, best practices, etc.) *and* when those rules purport or appear to track the interests of those who are subject to them, but are nevertheless unresponsive to their activity. Crucially, moreover, this stipulation is *definitional*. It isn’t simply that the ability to exercise control over a potentially interfering power is more likely, in instrumental terms, to make it less arbitrary and dominating. It is that, as a conceptual matter, there are no grounds for divorcing the language of domination from cases in which the relevant,

---

<sup>19</sup> Pettit, *On the People’s Terms*, 58, italics added. The use of the term arbitrary in this passage is something of a last hurrah, as Pettit intends “to make little or no use of the term” thereafter.

<sup>20</sup> In an articulation even preceding the publication of *Republicanism*, Pettit identifies his idealized form of freedom as “antipower.” But this phrase can be misleading, as Pettit did not mean it to connect his ideal with actual empowerment in a definitional way. Empowerment is instead only one option among many for achieving antipower (alongside protective and regulative measures). See Pettit, “Freedom as Antipower,” *Ethics* 106, no. 3 (1996): 576–604.

“subjective” kind of control is missing—even if a supposedly “objective” form of control is in place.

Pettit himself never fully acknowledges this, even in the idea of “control” that largely takes over the role and work of “arbitrariness.” (I explore control further below.) But the lack of acknowledgement manifests even more acutely at the “metaphorical” level of his account: the figures, tropes and images that both facilitate certain conceptual moves and independently guide expectations that we take to the political world. The slavery analogy, recall, was a partial case of “misfit” between metaphor and concept; eliminating the arbitrariness of the slave master through some form of control would be deeply inappropriate response to slavery. But more generally, Pettit’s renderings of the imagery and examples of domination systematically overlook its connection to disempowerment: being under someone else’s thumb; keeping an eye over one’s shoulder; living in the shadow of another; being unable to look the other in the eye; always looking to ingratiate oneself; simply being left at the mercy of one’s boss.<sup>21</sup> *None* of this imagery captures the ways in which citizens might experience the failures of their subjective control.

But in addition to these vivid if limited images, Pettit also uses even more extended metaphors to develop the meaning of *non*-domination. The metaphor of *immunity*, for example, serves a particularly important role. That idea has intuitive relevance. To be immune to interference, abuse, or neglect is to ostensibly be *invulnerable*, able to go about one’s business without either external friction or internal anxiety. But Pettit goes further, enlisting the immunity idea to help explain how the institutions that ostensibly protect citizens against interference in fact *constitute* a kind of civic immunity in the same way that antibodies constitute the bodily

---

<sup>21</sup> These formulations are from but not unique to Pettit; they are frequently borrowed by those who would also borrow the neo-republican domination framework.

immunity that protects against disease.<sup>22</sup> Pettit's argument here is intended to challenge the idea that such institutions are only *instrumentally* (or, as he puts it "causally") related to the secure status that they are meant to guarantee. That is, on the instrumental/causal view, the legal and political defense citizens have against domination may further some independent criterion of non-domination, but they do not constitute the meaning of that criterion. Antibodies, alternatively, don't "cause" some independent phenomena of immunity; they *are* the immunity, full stop.<sup>23</sup> Non-domination should be seen in the same way.

However, if this medical analogy is instructive (doing a good job of illustrating the constitutive, "definitional," relationship that connects non-dominating institutions and practices to the condition that citizens would enjoy by virtue of them), it nevertheless misrepresents the kind of power that non-domination, on the control view, is actually supposed to represent. Recall that this developed control view established a definitional, "constitutive" connection not only between security-providing institutions and the substance of non-domination, but also between security and the *activity* of those subject to them. And recall that it was this controlling activity that actually *made* some forms of power non-dominating, rather than the fact citizens were protected from power full stop. So it wouldn't be right to analogize potential interference as such to *disease*. Indeed, rather than emphasizing the ways in which citizens can be positioned to exert control over political or social power, the immunity metaphor *literally pathologizes* power. A disease can be protected against, but it is not the kind of thing that could be either transformed or enlisted by way of productive democratic practices. Pathologization thus runs counter to the

---

<sup>22</sup> *Republicanism*, 108; *On the People's Terms*, 124.

<sup>23</sup> *On the People's Terms*, 124.



earlier recognition that protection of the right kind will depend on the use (active or reserve), not the absence of power.

Another prominent metaphor Pettit uses in later work to illustrate the meaning of non-domination is that of a friend to whom Pettit hands the keys to his alcohol cupboard, on the condition that the friend will only return those keys after an amount of time specified by Pettit.<sup>24</sup> Yet this scene illustrates the earlier, abandoned appeal to non-arbitrariness as an interest-tracking phenomenon. Pettit, after all, is in no position to actually control the friend's actions in an ongoing way, as the mature conceptual account of domination suggests. Indeed, the example works by tapping the intuition that handing over the keys actually prevents the invidious interference of *the alcohol*, and that the key-holding friend acts to protect against this interference in the same explicitly paternalistic fashion that caused (or at least appeared to cause) Pettit to reject the interest-tracking view of non-dominating power on a conceptual level. Connecting non-domination to these images is thus unlikely to sensitize our critical sensibilities to those situations in which citizens lack the ability to exert ongoing control.

In sum, Pettit's neo-republican approach to domination provides insights not only into the constitutive relationship between vulnerability and unfreedom, but also into the normative importance of being positioned to exercise control over the powerful agents to which one is subject. Yet the approach also systematically marginalizes a concern with disempowerment through its use of metaphors, figures and images. The exclusion-foiled approach to domination, for its part, also contributes to this marginalization. But it is more explicitly aware of the metaphorical dimensions of political ideas generally and of domination complaint specifically.

---

<sup>24</sup> Pettit, *On the People's Terms*, 57, 152–165.

## II. Domination through the Lens of Exclusion

“Kept out.” “Denied Access.” “Sidelined.” “*Excluded.*” These formulations offer powerful ubiquitous modes of normative complaint. But, as Danielle Allen points out, relying on exclusion and its attending family of locutions primes us to interpret social and political arrangements in particular way: through a spatial dynamic that is fundamentally horizontal, as a matter of being “outside” rather than “in.” It thus triggers an imaginative relationship to the kinds of arrangements that would qualify as desirable alternatives. Moreover, for Allen the connection between political language and normative sensibility highlights how complaints and ideals are intimately intertwined. In order to “draw conclusions about relative conceptual merit or pragmatic value” for a complaint like exclusion, one must also examine whether its converse, *inclusion*, can hold up its end of the bargain. And the idealization of inclusion specifically risks occluding—even sanitizing—persisting normative deformations on the “inside.” An investment in inclusion/exclusion thus “forecloses certain types of criticism or analysis,” occluding our perception of the “vertical” relationships inequality that persist both “inside” and “out,” “foster[ing] forgetfulness about the many ways citizens...are related to one another.”<sup>25</sup>

Allen is not alone in combining this argumentative tactic and substantive conclusion. Robert Goodin similarly notes how the language of inclusion often operates with a “just over the line” logic, one that encourages indifference to those who are “in,” yet still “borderline.”<sup>26</sup> But the force of Allen’s critique isn’t *just* rooted in the attention it draws to the possibility of residual injustice for those just over the line. Also crucial is the fact that unjust political contexts—

---

<sup>25</sup> Allen, “Invisible Citizens.”

<sup>26</sup> As Goodin puts it, “Being borderline, even if on the right side of the line, carries clear costs, even where [according to the ideal of inclusion itself] seemingly it should not matter.” (Goodin, “Inclusion and Exclusion.”)

Allen’s paradigm cases are those structured by white supremacy—don’t simply keep some citizens out of an otherwise healthy set of civic practices at the core. *Pursuing* inclusion in such contexts—perhaps *especially* should this imply moving to the center—would clearly be a poor, even counter-productive response to the injustice at stake. Aspiring to be central to, for instance, a structure of racial hierarchy would sustain, rather than combat, the injustice that defines it.<sup>27</sup>

Domination as a political language turns things ninety degrees. Precisely because domination evokes a *vertical*, rather than horizontal, spatial dynamic—one of “on top” and “underneath,” casting injustice as the presence of subordination, rather than merely the absence access—thinking in *its* terms directs our attention to the ways in which even inclusive relationships can express asymmetries and hierarchies. And as Allen highlights, it is for this reason that describing the condition of black Americans during the mid-twentieth century or contemporary United States as one of exclusion is not *wrong*. But it nevertheless mis-organizes our perceptual and attentive field to elide both the fundamentally unhealthy civic practices among the already included and how deeply problematic a politics of inclusion might be.<sup>28</sup> It is precisely because such terms are not only “concepts” but “metaphors of injustice” that their

---

<sup>27</sup> Judith Shklar, despite defining the evolution of American citizenship as a “quest for inclusion,” notes that many immigrant groups understood inclusion as standing at the same level as the dominant male, white mainstream—even though this form of inclusion left in tact, and even bolstered, structures of racial and sexual hierarchy. As Shklar puts it, those citizens “also knew that their concern for their social standing [was] not entirely compatible with their acknowledged democratic creed.” See Shklar, *American Citizenship* (Cambridge: Harvard University Press, 1998), 2. On this historical phenomenon, see also Noel Ignatiev *How the Irish Became White* (Cambridge: Harvard University Press, 1999); and Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge: Harvard University Press, 1999).

<sup>28</sup> Allen, “Invisible Citizens.” Adom Getachew draws parallel arguments about colonial slavery itself. See Getachew, “Universalism After the Post-colonial Turn.”

direct work on the political imagination is worthy of an equivalent degree of theoretical awareness.

This way of understanding the upshot of the domination complaint is distinct from the neo-republican understanding. Yet the two nevertheless overlap. Pettit's metaphors systematically draw from the same "on top" and "underneath" dynamic that Allen focuses on. Moreover, Pettit's illustrations of non-domination as a status—being able to look others in the eye, to "stand tall"—prime us to imagine overcoming the vertical distance that characterizes the condition of being dominated. And Allen, in more recent work, frequently appeals to the language of "non-domination" itself as a way of conveying the aspiration behind a politics of response to domination.<sup>29</sup> But most importantly, the image of power embedded in the vertical imaginative frame is a *descending* image. This image casts what's wrong as a matter of power's excessive presence rather than its absence—specifically, an absence of the kind of power that *ascends* upward from citizens themselves through their collective, concerted activity. In this way, while the domination complaint productively reorients our axis of normative perception, it biases that perception towards the "top" (where we would find the agents or structures that wield dominating power over citizens) rather than towards the "bottom" (where the counter-power to resist, discipline or overthrow any such domination would need to be generated).

The exclusion-foiled version of domination thus distracts in ways that parallels Pettit's view. But, interestingly, foiling domination against exclusion so dramatically has a second

---

<sup>29</sup> Allen draws explicitly from Pettit in her re-interpretation of the Declaration of Independence as a reaction to domination. See Allen, *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality* (New York: Norton, 2014). And in a telling line from a *Boston Review* forum responding to the slaying of Michael Brown in Ferguson, Allen brings these ideas together: "Our problem is not exclusion, to be solved by inclusion. Our problem is domination, to be solved by non-domination." See her "Ferguson Won't Change Anything. What Will?," *Boston Review*, January 05, 2015.

distracting feature. This is because, once one has shifted focus to the generation of ascending power, the purchase of the exclusion complaint itself comes back into view. After all, it isn't the case that citizens can discipline or control powerful others alone. Instead, they have to work together in collective contexts.<sup>30</sup> And within these contexts, domination is particularly ill-equipped, metaphorically but *also conceptually*, to capture what goes wrong with the kind of involvement that citizens experience there.<sup>31</sup> Being denied this involvement or having it deformed—being disembedded from or marginalized within the contexts through which ascending, controlling power is generated—is a form of normative injury related to but distinct from anything that the language of domination can capture. Even exclusion, while insufficient, does better here.

It is therefore worthwhile to reengage Pettit's idea of "control" itself, spelled out most completely in *On the People's Terms*. Again, Pettit is here is conceptually helpful. But the language of domination is clearly no longer apt for characterizing the kinds of complaints that citizens might have. And this is perhaps why, in his account of control, Pettit at crucial moments abandons the "perspective of complaint," the willingness to approach the normative dimension of theoretical inquiries with an eye towards the kinds of complaints that citizens might raise about their condition. Using disenfranchisement, instead of domination, as a language for articulating this perspective helps extract the latent insights of Pettit's account of control.

---

<sup>30</sup> This sense of power comes close to Hannah Arendt's notion of power as the collective capacity to accomplish goals, and is highly the distinct from a more traditional sense in political science, of being able to get someone else to do something that they would not otherwise do.

<sup>31</sup> Markell, in his case for non-domination's insufficiency as a political ideal, uses "involvement" as a provisional alternative. For Markell, this ideal describes the aspiration to have "whatever it is that's happening, and however it's being controlled...happening *through you*, through your activity." But here Markell detaches the meaning of involvement from any association with control at all. This form of agency, while analytically useful, is too thin to sustain normative commitment or aspiration.

### III. Breaking Down the “Control” Ideal

Pettit’s fullest formulation of his idea of control comes through a discussion of the explicitly democratic species of control potentially exercised by citizens over a state.<sup>32</sup> While this state-centric framework provides a ready case, it should also be seen as offering a sketch of control as conceptual phenomenon in macrocosm. Indeed, the state is certainly not the only source of potentially worrisome power, and thus not the only agent that Pettit would want to make tractable to the control idea. So while the state is certainly one potential object of control, as well as one potential vehicle for achieving it, it does not exhaust control as a phenomenon.<sup>33</sup>

Domination-vitiating control has three main components. First, it must be “individualized,” accessible to each citizen in a way that doesn’t let them dissolve into an amorphous collective subject. Second, it must be “unconditioned,” not merely contingent on the forbearance or acquiescence of the agent under control, or of a third party. And third, it must be “efficacious,” responsible for doing something with real effects in bringing about outcomes. These desiderata, by specifying control further, should help flesh out our thinking about what is necessary for non-domination, and thus lend further sharpness to the relevant complaint (even if

---

<sup>32</sup> Control is more directly tied to the familiar idea of “legitimacy,” but for Pettit the legitimate state and the state that does not dominate are equivalent.

<sup>33</sup> In *Republicanism* Pettit introduces a distinction between “imperium” and “dominium” to distinguish between private and state sources of domination. As Markell notes, “the distinction between imperium and dominium, in Pettit’s hands, is not quite a distinction between two kinds of power. Instead, it is a distinction between two sets of power-holders: public (states) and private (individuals). The nature of the powers these two sets of agents exercise—or, at least, the nature of the threats they pose—is the same.” (“Insufficiency.”) Markell also suggests that Pettit “subsumes imperium within dominium by taking the latter as the paradigm of power.” In the later work on control, however, this is reversed; state power becomes the paradigm case though which control is worked out.

*that* is not domination itself). Indeed, control's desiderata go beyond the more generic language of "participation," which Pettit strongly rejects as an overly-romantic ideal that completely collapses the distinction between ruler and ruled. Pettit's account of control, however, actually recapitulates a different issue with participation: the lack of a precise complaint to use as a negative counterpart. What, after all, do citizens complain about when they cannot participate? Perhaps exclusion, though it is possible to be included and still feel that one has some complaint about not *truly* participating. Some forms of participation can feel hollow or incomplete, but the complaint in these cases is uncertain. One might appeal intuitively here to the language of disenfranchisement. And while I believe that this would be correct, what exactly has gone wrong is not yet clear.

Pettit is helpful with each desideratum. But not adequately. I take each in turn. Individualization largely tracks familiar concerns about political equality. This idea is sometime put in the classical language of "equal shares," sometimes in the more general language of "comparable roles," and sometimes still in the language of "equal access" reminiscent of American electoral law and jurisprudence.<sup>34</sup> *Inequality* thus comes into view as a dimension of complaint. But, in the first of a series of misdirections from the perspective of complaint, Pettit subtly moves away from the focus on what can go wrong with equal control itself to the parallel but not equivalent domain of *contestation*. This shift is due to skepticism towards the ability of voting itself to embody the relevant equality. As Pettit writes, "the fact that people can cast equally valuable votes" clearly would not "ensure that each has access to the possibility of

---

<sup>34</sup> For central examples of access-language in reference to U.S. voting rights, see the 1982 reauthorization of the Voting Rights Act (Public Law 97-205—June 29, 1982 96 Stat. 131) and the subsequent Supreme Court decision in *Thornburg v. Gingles*, 478 U.S. 30 (1986).

sharing equally in determining the impact.”<sup>35</sup> But this observation doesn’t just cause Pettit to look beyond voting when it comes to institutional arrangements. It in fact prompts him to change the underlying theoretical terrain. Contestation refers to the ability of citizens to challenge decisions or outcomes, rather than create them in the first place. It tracks the other side of an authorial/editorial distinction that Pettit had developed earlier as way of articulating two different approaches to democracy.<sup>36</sup> This means that it implies more than simply the idea that democracy should be temporally open, with decisions treated as provisional and subject to the same degree of contention that characterized the decision-making process in the first place. Instead, contesting entails a different domain of activity that can supposedly be better equalized than electoral, authorial activity.

The idea of equality through contestation, however, relies on a sort of fallacy of composition. While it is true that “contestatory institutions” can be made equally accessible by allowing everyone an equal opportunity to make claims, and while contestatory claims may well exercise a kind of influence or control, it doesn’t follow that each individual has equal access to influential or controlling contestation itself. Indeed, while being unable to contest a political outcome or decision would be problematic, the raw ability to do so would still leave wide room for complaint when the claims of contestation go unheard, ignored, or simply unrequited.

The idea that control should be “unconditioned”—the second desideratum—departs even further from the perspective of complaint, becoming a property of whole *systems* of control rather than a property that citizens can use to understand their own experience. The unconditioned desideratum is meant to translate the older concern about “non-dependence” into

---

<sup>35</sup> *On the People’s Terms*, 210.

<sup>36</sup> Philip Pettit, “Democracy, Electoral and Contestatory,” in *NOMOS 42: Designing Democratic Institutions* (2000): 105–144.



the new paradigm of empowerment. Control should be no more contingent on external whims than an individual's life choices and chances should be, effective only when *it* tracks the interests of a powerful agent and undermined and ineffective when it does not.<sup>37</sup> This shift mirrors the underlying conceptual shift in what domination is supposed mean, from not being protected, to not being positioned to protect oneself. And accordingly, making “unconditioned” into a desideratum for control can capture the interest in non-dependency without invoking misleading metaphorical connotations in the same way that immunity does. But Pettit never explores what this idea should mean for an individual's involvement. Perhaps citizens are dominated when their governing institutions can be circumvented or usurped whole cloth. (Say, when an unelected court can at will insert its judgement in place of that of the electorate and its representatives.) Clearly different, however, is the form of “conditioning” that renders the ability of some citizens to exercise their equal role in a system of control itself contingent, capable of being revoked or diluted at any point (say, by election officials who can strike voter rolls or even ballots with impunity.) This condition is as urgently, and even more widely, in need of a specific complaint.

Pettit's discussion of efficacy, finally, is similarly unindividuated, in that what it would mean for a given citizen's role in a system of control to itself be *un*efficacious is not something that he takes on. The role of efficacy again largely remains pitched at the level of the system as a whole, with one instructive exception. The idea of control, as it turns out, is not reducible to influence as such.<sup>38</sup> It also, for Pettit, requires *direction* in order to make it non-dominating.

While the idea of direction is itself complex, it plays two roles in supporting the broader control

---

<sup>37</sup> As Pettit puts it, controlling activity should be “robust over changes in the will of the controlled government, or indeed of any other party besides the controlling people.” (*OTPT*, 167)

<sup>38</sup> Pettit, somewhat curiously, thinks that influence which gums up a decision-making system, causing havoc or gridlock, can't count as a normatively relevant kind of influence—hence the need to add a dimension of positive direction.

idea. First, direction does play the role of enabling individuated complaints by appealing to the more granular notions of reasons and interests. The direction of influence must be “pointed” in a way that is equally acceptable to all, tracking their common avowable interests. This idea, not equivalent but akin to the idea of Rawlsian public reason, enables complaints on the basis of reasons and their acceptability. Citizens might say that reasoning behind the direction of influence is unacceptable to them—though, they would have to cash out that unacceptability in terms of interests citizens could publicly avow to have in common.<sup>39</sup> Control itself, in order to become individualized, thereby shifts back onto the interest tracking idea, becoming functionally equivalent with that earlier notion of domination, if in different terms.

Each of the desiderata of control, then, is thus a useful entry point on a map of the conceptual terrain of disenfranchisement. While it is true that “the controlling collectivity is bound to be much more effective than any single actor could hope to be,” *complaints* should still be accessible from the individual, first-person perspective. Moreover, what I would call the full-fledged disenfranchisement complaint should track situations in which one’s involvement in a system of control is conditional, either on the wills or whims of others or on certain features or qualifications that citizens themselves may, or may not, possess.<sup>40</sup> And this complaint should also track situations where citizens, *within* the inevitably collective contexts of control, can only enjoy a form of agency that has no efficacy, that disconnects what they do from any external

---

<sup>39</sup> Pettit takes the strong view that there simply *are* common interests in any political context, and that their existence is in fact necessary for that context to be political. As he puts this in the earlier essay on the meaning of democratic control, “If government is desirable from the point of view of a given population, then members of that population must have certain interests in common; in the event that there are no common interests, there will be no desirable purpose for government to serve.” (Pettit, “Democracy, Electoral and Contestatory”)

<sup>40</sup> On the role of disqualification in democratic theory, see Daniel Nachanian, *Seizing a Seat at the Table: Participatory Politics in the Face of Disqualification* (unpublished diss.).

manifestation or effect. Even if, in developing the notion of control, Pettit himself loses sight of the perspective of complaint, his work again remains useful as a step towards developing that perspective.

#### IV. Disenfranchisement as Complaint

In work preceding *Republicanism's* initial explication of freedom as non-domination, Pettit actually refers to his republican notion of freedom with the term “franchise.”<sup>41</sup> This is not surprising. Most broadly, Pettit’s project has the goal of articulating—in the most elaborate philosophical detail—what the status of a free citizen ought to involve. And with the turn to focus on ascending, controlling power, Pettit regularly appeals to electoral metaphors and examples. Referring to the historical tradition of republicanism, he cites the “extended debate in the eighteenth century...as to whether equal liberty requires that all citizens...should be fully *enfranchised*,” happily noting that at least some republican thinkers (like Richard Price) were on the “right side” in affirming that they should.<sup>42</sup> So the language of disenfranchisement has clear resonance. But Pettit refuses to take it up further or more explicitly.

Pettit’s reticence might reflect a more general suspicion that the disenfranchisement complaints simply lack the power that domination carries. It suggests, after all, that the normative ideal that should guide both our political imagination and energy is one of *enfranchisement*. Desirable, yes. But limited. So at this point, recourse to a crucial episode in the

---

<sup>41</sup> See John Braithwaite and Philip Pettit, *Not Just Deserts: A Republican Theory of Criminal Justice* (New York: Oxford University Press, 1990), 46, and Pettit, “The Ideal of a Republic,” *The Newsletter of PEGS* 3, no. 3 (1993): 9, 16–17.

<sup>42</sup> *On the People’s Terms*, 169, emphasis added.

history of the politics of enfranchisement can be useful in illustrating the significance of this register of talk.

As the American Civil War drew to a close, the debate among abolitionists concerning the meaning of emancipation and its relationship to black enfranchisement was intense. Some Abolitionists, including William Lloyd Garrison, saw enfranchisement as incidental to emancipation; while desirable, enfranchisement didn't constitute the most salient normative ideal for which the war had been fought. Indeed, to buttress a prudential argument against expanding the franchise (for fear that it would prompt counterproductive resistance in both the North and South), Garrison wrote in a July 1864 letter to English Abolitionist Francis W. Newman that, "The elective franchise is a conventional, not a natural right," even if "the more it is enjoyed in any community, as a general statement, the better for public safety and administrative justice."<sup>43</sup>

This statement fits seamlessly with the kind of *a*-democratic republicanism—one concerned with freedom from domination without any "definitional" connection to democratic control—that Pettit had taken such great pains to avoid. But even more telling are Garrison's subsequent remarks about slavery, the analogy to which remains central to Pettit's account of domination. "It is the boast of England," Garrison writes to his English counterpart, "that no slave can touch her soil without surrendering his fetters; yet suffrage is far from being universal among you." And Garrison then immediately connects this loose flattery to concrete application in the American context. "How is it, then, that—overlooking the great fact, that slavery has been abolished in Louisiana—you seek to cast odium upon president Lincoln for not giving the right to vote to the colored population of the State."<sup>44</sup>

---

<sup>43</sup> Garrison, *The Letters of William Lloyd Garrison: Let the oppressed go free, 1861-1867*, 228.

<sup>44</sup> *Ibid.*

On the one hand, Garrison is arguing that a form of freedom that counts as the inverse of slavery does not depend on the actual civic empowerment conferred by the vote. But if this definition issue seems too abstract to matter, it should be noted that Garrison's invocation of Louisiana is an intervention into a very particular controversy, one in which black Louisianans were actively campaigning for the franchise against the will of the Union general in charge of the state, Nathaniel Banks.<sup>45</sup> Banks had taken the anti-suffrage position, and this made opinions about his approach to government engage a key philosophical question: was freedom at the most fundamental level—and not just an instrumental one—compatible with a lack of a say in government?

Probably the most famous answer to this question came from Frederick Douglass, in his April 1865 speech at the Annual Meeting of the Massachusetts Anti-Slavery. In that speech, Douglass emphatically declared for “the ‘immediate, unconditional, and universal’ enfranchisement of the black man” and elaborated that “Without this, his liberty is a mockery; without this, you might as well almost retain the old name of slavery for his condition.”<sup>46</sup> Douglass's argument here is, on one level, clearly practical. The franchise carries a form of practical power that would be absolutely, tragically necessary for reconstructing the remaining undergrowth (and overgrowth) of white supremacy. But it is also about meaning and language. In fact, in the quotation above Douglass subtly substitutes “enfranchisement” into the long used and widely recognizable abolitionist refrain calling for “immediate, unconditional, and universal *emancipation*”—rhetorically equating the meaning of the two terms. Indeed, Douglass enlists

---

<sup>45</sup> For background on this controversy see, Eric Foner, *Reconstruction: America's Unfinished Revolution*, Chapter 2, and Ted Tunnell, *Crucible of Reconstruction: War, Radicalism, and Race in Louisiana, 1862-1877*.

<sup>46</sup> Douglass, “What the Black Man Wants,” in *The Essential Douglass: Selected Writings and Speeches*, ed. Nicholas Buccola (Indianapolis: Hackett, 2016).

this semantic argument (made quasi-explicitly through Douglass's own use of quotes around the phrase in his speech) as a key part of his response to Banks's Louisiana policy, what Douglass describes as "our chief danger at the present moment," and a policy that "practically enslaves the Negro." He connects an argument about philosophical semantics with their concrete stakes on the ground. It is by establishing the linguistic connection between emancipation and enfranchisement that Douglass seeks to convince his audience of the latter's significance and urgency.

Today, one might assume that Douglass's task has been accomplished—at least at the level of argument. The franchise is widely, if not universally, regarded as a constitutive element of political freedom, even if frequently denied. But enfranchisement also has a broader sense than the right to vote alone, a sense that reflects the more general terms in which disenfranchisement has been mapped in this chapter, but also adding even greater specificity and depth. While in this chapter I have relied on Pettit and domination as objects of immanent critique, in the next chapter I take up enfranchisement as an ideal head on, explaining how electoral metaphors are not distractions but resources in expanding the map of *disenfranchisement's* normative terrain.

## Chapter 2: The Normative Architecture of Enfranchisement

On June 25, 2013, the U.S. Supreme Court issued its decision in *Shelby County v. Holder*. That decision struck down as unconstitutional Section 4 of the 1965 Voting Rights Act, which had, until then, identified states and counties that would count as “covered jurisdictions” under the Act’s Section 5. Section 5 had in turn required those jurisdictions—“covered” because of their long histories of voting rights violations—to “preclear” any changes in electoral law with the Department of Justice, in effect forcing covered jurisdictions to show that their proposed electoral changes “[would] not have the purpose and [would] not have the effect of denying or abridging the right to vote on account of race or color.”<sup>1</sup> But without Section 4—without any jurisdictions left “covered”—Section 5 became non-operative. On the very day *Shelby County* came down, Texas announced the implementation of a strict new law requiring voters to show photo IDs—a law that had been effectively blocked by preclearance requirements. The following August, North Carolina passed a legislative suite that included voter ID measures, decreased opportunities for early voting, and a twenty-five day in-advanced requirement for voter registration (in lieu of the previous same day option)—all of which would have required preclearance prior to *Shelby*. Alabama rolled out its own voter ID law in time for the 2014 elections; the law was passed in 2011 but was never implemented for fear of Section 5.<sup>2</sup>

---

<sup>1</sup> 42 U.S.C. § 1973c.

<sup>2</sup> Kara Brandeisky, Hanqing Chen and Mike Tigas, “Everything That’s Happened Since Supreme Court Ruled on Voting Rights Act,” *ProPublica*, Nov. 4, 2014. The most exhaustive list of post-*Shelby* restrictions is, at time of writing, the NAACP Legal Defense Fund’s “Democracy Deminished: State and Local Threats to Voting Post-*Shelby County, Alabama v. Holder*,” (New York: Thurgood Marshall Institute, 2016).

Condemnation of Shelby County was immediate. Then-President Barack Obama and Attorney General Eric Holder tempered their language; both were merely “deeply disappointed” by the decision.<sup>3</sup> Election law scholars Heather Gerken and Richard Hasen more stridently mourned the loss of “the crown jewel of the Civil Rights movement,” while Ellen Katz lamented that “[t]he decision terminates the most successful and salient piece of civil rights legislation in American history.”<sup>4</sup> Representative John Lewis, beaten in Selma as part of the struggle that brought the VRA into being, expressed even less measured outrage: “Today, the Supreme Court stuck a dagger into the heart of the Voting Rights Act of 1965, one of the most effective pieces of legislation Congress has passed in the last 50 years.”<sup>5</sup> Justice Ruth Bader Ginsburg’s dissenting opinion itself neglected to mince words. “Hubris,” she wrote, “is a fit word for today’s demolition of the V.R.A.”<sup>6</sup>

This language is drawn from just one recent episode in the long history of struggles for the right to vote.<sup>7</sup> But it nevertheless provides a representative window into just how valuable the franchise is to those who have fought for it, and to those who feel at risk of losing it—to say nothing of those who are still denied the ballot today.<sup>8</sup> Yet while the normative significance of

---

<sup>3</sup> Barak Obama, “Statement by the President on the Supreme Court Ruling on Shelby County v. Holder.”

<sup>4</sup> Gerken, “Goodbye to the Crown Jewel of the Civil Rights Movement,” *Slate*, June 25, 2013; Hasen, “The Chief Justice’s Long Game,” *New York Times*, June 25, 2013; Ellen D. Katz, “How big is *Shelby County*?” *Scotusblog*, June 25th, 2013.

<sup>5</sup> Press Release, “John Lewis Calls Court Decision ‘a Dagger’ in the Heart of Voting Access,” [johnlewis.house.gov](http://johnlewis.house.gov), June 25, 2013.

<sup>6</sup> *Shelby County v. Holder* 570 U.S. \_\_\_\_ (2013) (Ginsburg, Dissenting)

<sup>7</sup> As Alexander Keyssar’s comprehensive study notes, these struggles are non-linear, frequently reversed and always undertaken under the specter of reaction. See Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000).

<sup>8</sup> Those formally and intentionally disenfranchised include: those with felony conviction, non-citizen residents (including, most precariously, the undocumented), citizens under 18, or those deemed “mental incapacitated”—much of this depending on the state.



the institutional franchise—the right and opportunity to cast an equally counted vote—is so apparent in the breach, it enjoys a rather unexalted status in democratic theory. Benjamin Barber, with rhetorical flourish, describes voting as, “already the least significant act of citizenship in a democracy...rather like using a public toilet.”<sup>9</sup> For Sheldon Wolin, “[v]oting merges into a fluent process whose illusory connection with the demos is prolonged by the periodic election of senators and representatives and by the continuous commentary manufactured by the media.”<sup>10</sup> Jacques Rancière declares that the vote is in no way “a democratic form by which the people makes its voice heard.”<sup>11</sup> Even Lani Guinier, a legal and intellectual champion of voting rights, sounds an alarm against complacent faith in “electocracy”—“rule by elections”—in which voting and its paraphernalia absorb the lion’s share of our political attention and energy, holding open, rather than closing, the disconnect between citizens and representatives.

None of these critiques rule out the importance of the vote entirely. They do not suggest that disenfranchisement is *fine*. But they not only devalue voting as an institutional practice. They also tacitly interpret the *ideals* expressed by voting, the normative goals that the institutional practice is organized around reflecting and achieving, even if partially and imperfectly. This interpretation reflects two widespread assumption: first, that there is nothing more to *enfranchisement as an ideal* than the possession of the vote; and, second, that that an overly tight connection between voting—and thus enfranchisement itself—and democracy interprets democracy in a *minimalist* way.<sup>12</sup>

---

<sup>9</sup> Barber, *Strong Democracy* (Berkeley: University of California Press, 2003), 187–8.

<sup>10</sup> See Wolin, “Fugitive Democracy,” *Constellations* 1, no. 1 (1994): 11–25; Jacques Rancière, *Hatred of Democracy* (New York: Verso, 2014), 53.

<sup>11</sup> Guinier, “Beyond Electocracy: Rethinking the Political Representative as Powerful Stranger”

<sup>12</sup> “Minimalism” as a pejorative epithet is probably most readily associated with authors like Joseph Schumpeter and Adam Przeworski, who explicitly celebrate a normatively thin understanding of democracy’s content. But the term also captures a general disposition towards a

Guinier is a partial and instructive exception on both fronts. On the one hand, Guinier explicitly and prominently employs the language of enfranchisement to describe a normative goal that electoral arrangements can and ought to advance, but frequently don't. "Full enfranchisement" in fact serves as a master concept for organizing the family of values—empowerment, political equality, effective representation—that are at once embodied by the vote and stretch beyond it.<sup>13</sup> On the other hand, precisely because "full enfranchisement" as an ideal detaches from the specific failings of institutionalized "electocracy," it is not subject to the same minimalistic devaluation. Enfranchisement, with its connotation of empowerment and suggestion that citizens should be generators, not simply recipients, of political outcomes, offers the main normative vantage point from which to survey the social and political landscape more broadly. Guinier herself is neither able to spell out the specific content of enfranchisement, nor explain why it should be seen as a *maximal* ideal. But her general approach points the way on both fronts.

This chapter extends Guinier's basic idea, developing the meaning of the enfranchisement ideal in a more concrete way, with the specific goal of explaining its conceptual content in a way that is portable across contexts. Yet the chapter also tries to recast enfranchisement as a genuinely maximal political ideal, contesting head-on the minimalist interpretation with which voting is usually associated. Importantly, this does not have to involve defending the institutional

---

vote-centric vision of democracy. See Adam Przeworski, "Minimalist Conception of Democracy: A Defense," in *Democracy's Value*, eds. Ian Shapiro and Casiano Hacker-Cordon. Joseph Schumpeter (*Capitalism, Socialism and Democracy*, Chapter XXII) is also a common reference point.

<sup>13</sup> As she puts it, "Although not synonymous, the terms empowerment, political equality and effective representation are here used interchangeably to convey the concept of "full enfranchisement." See Guinier, "Triumph Of Tokenism: The Voting Rights Act and the Theory of Black Electoral Success," *Michigan Law Review* 89, no. 5 (1991): 1077–1154.

franchise itself as maximally democratic. (Though I do think there is a significant case to be made here.) This is because the minimalist interpretation of vote-centric democracy—and, accordingly, not only of the specific electoral institutions at stake, but also of the ideals those institutions embody—also stems from its association with a key set of second-order properties that themselves are understood to be deflationary: the idea of merely *procedural* democracy, directing attention to the minutiae of process rather than to the pursuit of substantive outcomes; the idea of unabashedly *majoritarian* democracy, neglecting the needs and claims of vulnerable minorities; and the idea of mechanically *aggregative* democracy, “adding up” individual preferences (and biases) instead of transforming them. Insofar as enfranchisement takes on any of these attributes, its value as a normative ideal diminishes. I argue that all three of these democratic adjectives are valid. In fact, they help map out the conceptual contours—or, better, the *normative architecture*—of enfranchisement as a broader ideal. But rather than accept that proceduralism, majoritarianism, and aggregativity should be sources of normative skepticism, I argue that they are sources of conceptual insight and normative appeal. Further, together they support an interlocking set of moral and political orientations that committed democrats can use for both critique and practical guidance.

In its first section below (I) the chapter develops the the meaning of enfranchisement that is implicit within and illustrated through, but not exhausted by, the institutional electoral franchise. The chapter then explores each of the three democratic adjectives in turn (II–IV) showing how the standard categories in which the normativity of voting is discussed have underappreciated qualities that, especially when combined, should reorient how theorists approach questions of theoretical priority and political value well beyond the ballot box. A concluding section (V) addresses lingering concerns about enfranchisement as an ideal,

highlighting their validity but ultimately arguing that they should be sources of wariness rather than alarm.

## II. The Practical Architecture of Enfranchisement

Enfranchisement, most commonly and straightforwardly, is understood as the right and effective opportunity to vote. One is enfranchised when one “possesses” the ballot (the formal-legal right to put pen to ballot paper, or a finger to a voting machine), and when one can freely dispose of that possession as one sees fit (including the decision *not* to use it). But there are already some more general expectations built into this conventional understanding. Votes should “count.” Most basically, this expectation is manifested in the sense that they are literally counted. Even those on the losing side of a vote are “enumerated,” their decisions recorded and announced.<sup>14</sup> And to some extent this is itself a form of power. Close elections might constrain winners; landslides might embolden them. In general (think not only of elections but also referenda, or decontextualized thought-experiment votes) it is hard to deny the intuition that outcomes backed by a greater number of those deciding them enjoy, all things being equal, more legitimacy than those backed by fewer. But even more fundamentally than generating power or legitimacy, the kind of counting that is expected is *secure and guaranteed*. In at least this way, nothing about the broader context of your vote affects that fact that it is registered, “taken up.” This feature—the

---

<sup>14</sup> Melissa Schwartzberg has an excellent discussion of the origins and value of counting-as-enumeration in her *Counting the Many: The Origins of Supermajority Rule* (New York: Cambridge University Press, 2014).

security with which the specific agency entailed in voting is transmitted from you into the eventual outcome—is a central of enfranchisement as a broader ideal.<sup>15</sup>

The expectation to have a vote that counts, however, goes beyond the expectation that it will be counted (that is, counted-as-enumerated). Our intuitions about when votes “really” count are also guided by a difficult but inescapable notion of that votes should have “efficacy” of some sort. The set-up of voting arrangements is where this notion is easiest to see. For a start, you won’t feel fully enfranchised voting in a district of a million, when I vote in a district of a thousand. Your vote “counts” or “weighs” less.<sup>16</sup> The idea of enfranchisement itself tells us that there is something wrong with this picture, that you in such a case are done wrong. And this isn’t only because having an ostensibly less valuable vote is unfair, or disrespectful to you. (Even if both of these things are certainly true). The *reason* the vote is valuable in the first place stretches beyond its expressive content—everyone’s right to “say their piece,” no matter who hears or listens to it—and draws on the fact that one’s vote is supposed to *do something*, play a active part (and an equal part) in bringing about an outcome. Imagine instead that you and your fellow voters put your ballots into a hat, and that the winning option was picked from the hat at random. That may well be a fair way to decide some issues. (Just as a coinflip might be.)<sup>17</sup> But it doesn’t

---

<sup>15</sup> Compare to Pettit’s understanding of security, discussed in the Chapter 1, which is instead a firewall against the impingements of other agents; your actions, actual or potential, are themselves the relevant outcomes in this view. Here, “counting” instead refers to a kind of security that ensures your actions really do contribute to an outcome that is not equivalent to them alone.

<sup>16</sup> This is the basic idea behind the United States’s “reapportionment revolution” of the early 1960s, in which districts of equal size were mandated to conform to the principle of “one person, one vote.”

<sup>17</sup> David Estlund, who will also appear in the discussion of proceduralism, argues that a coin flip is as *fair* for making collective decisions as voting, if not more. Thus, for Estlund, to explain our attraction to voting (or any other procedure) we have to appeal to a distinct normative goal that empirically tends to accomplish (i.e., tracking a criterion of epistemic correctness) that a coin flip does not. In this view, no connotations of efficacy would be normatively relevant, and the

track the intuitive meaning of having a say or a voice; it *does* violate key expectations we have about how to make major political decisions wide wide-reaching impact. The normative point of voting, and thus underlying idea of enfranchisement, is inextricable from the idea of a role that is connected to some modicum of power.

The connection between voting and empowerment is likely obvious (to some extent). So the corresponding connection between *enfranchisement* and empowerment (of a certain sort) shouldn't be a stretch. Yet conceptually (even linguistically) accounting for the kinds of efficacy or power in play is a challenge. One individual's vote rarely if ever bring about any particular outcome itself. Indeed, given that voting so often defies counterfactual understandings of causal influence—the outcome is the same no matter whether any individual voter casts their ballot in this way, that or the other—it is commonplace to hear that singular votes, and thus “the vote” generally, don't count. To some extent, this observation flows from a lay discourse for expressing dissatisfaction with actually existing electoral politics. (In a two-party system, and with major corporate influence over the democratic process, it's hard not to argue that voting can feel *disempowered*.) But denial of the franchise's efficacy also comes out of the academic literature on the seeming irrationality of voting. Why *should* people vote, anyway? Largely inspired by Anthony Downs's 1957 *An Economic Theory of Democracy*, the question of voting's rationality—can it be rational cast a ballot if you don't, as you shouldn't, think it will materially affect the outcome?—has in turn monopolized the issue of voting's efficacy. And while voting's *irrationality* could be presumed because its *inefficacy* could be assumed (the empirical

---

practice of voting, in its ideal content, would pull away of what I have been calling enfranchisement. But our intuitions about voting are I think helpful here for drawing a distinction between “not unfair” and a more substantive notion of fairness; enfranchisement reflects that more substantive notion.

persistence of voting explained instead through its “expressive” character), recent scholars have pointed out other perfectly plausible ways of understanding the vote as efficacious after all.

Richard Tuck, most prominently, describes voting as a “threshold concept,” the kind of activity that *becomes* efficacious when (and only when) a certain threshold is passed. The individual votes which make up the “efficacious set” of votes that determines the winner (the choice between candidates, or between options more generally) become efficacious by association.<sup>18</sup> Individual voters can thus have a fully rational desire to be part of this efficacious set. Now, one’s vote may not be guaranteed a causal status *ex ante* (despite your best hopes, your side may not come out on top), but there is a legitimate causal status at least *available* to one’s vote.

Tuck’s is the most philosophically developed going account of the efficacy of the vote.<sup>19</sup> I would also call it a *metaphysical* account of that efficacy, because at base it hangs on validating one second-order view about what causation, as such, consists in (counterfactual vs. threshold) against another, independent of any particular practical context to which the view might apply. And despite overcoming some difficulties of the counterfactual account, it creates other difficulties when making sense of voting as an actual practice. For one, it’s hard to see how losers in an election could, on a threshold view, feel that their votes had meant anything at all. They are not part of an efficacious set; the outcome would have been the same not only if one of them hadn’t voted, but also if *all* of them hadn’t voted. They may, perhaps, have thought beforehand that there was a chance of being part of an efficacious set, even if things don’t work

---

<sup>18</sup> Richard Tuck, *Free Riding* (Cambridge: Harvard University Press, 2008).

<sup>19</sup> Tuck himself acknowledges that much of this view was originally formulated by Alvin Goldman. See Goldman, “Why Citizens Should Vote: A Causal Responsibility Approach,” *Social Philosophy and Policy* 16, no. 2 (1999).

out that way. But very often even this won't be true. Citizens vote even when they think their side will lose, even when they *know* their side will lose.<sup>20</sup>

It may seem then that the only kind of efficacy that the vote has comes through its enumeration after all. (Losers want to stand up and be counted, preventing the winning coalition from being both efficacious *and* lopsided.) But this isn't right either, because we *set up* voting arrangements in the first place to reflect the fact that each ballot is attached to efficacy. Take the issue of apportionment again. Looking at the organization of voting practice holistically, the problem with non-equivalent districts is best understood as the fact that they decrease the voting "power" or "strength" of each constituent. One cannot make sense of the problem with *malapportionment without* interpreting the vote as a form of power that needs to be specified and equalized in terms of the specific practice at hand. In fact, one can make further sense of the idea that votes are "diluted" *even when*, in electoral contexts, districts are of equivalent size: when *groups* which tend to vote together are split up (or packed together) in such a way that the individuals within those groups are entirely ignorable (by candidates, by elected officials, and by fellow voters).<sup>21</sup> When this idea was enshrined in US election law, first through jurisprudence and then through legislation, it infamously prompted the conservative critic Abigail Thernstrom to worry that "the [Supreme] Court had implicitly enlarged the definition of enfranchisement.

---

<sup>20</sup> This isn't to say that doing so is irrational after all. The rationality question is simply an entry point for exploring the nature of the vote's efficacy. But voting in such cases can't claim rationality *on account of* its causal involvement in an efficacious set, or on account of a threshold idea of causation.

<sup>21</sup> See Gerken, "Understanding the Right to an Undiluted Vote," *Harvard Law Review* 114, no. 6 (2001): 1663–1743.



Now there were ‘meaningful’ and ‘meaningless’ votes—votes that counted and those that did not...It was subtle but important change...to a right to a vote that fully counted.”<sup>22</sup>

In all, being enfranchised means something deeper than simply possessing the ballot. But it also means something more specific than simply possessing power or influence. It means being embedded within a practical context of a specific shape, one that generates power (producing decisions or other sorts of outcomes) through a form of citizen involvement that is secure, efficacious and equal.<sup>23</sup> Each of these elements both structures how we set up that practice context and takes its specific meaning from the particular practice at hand. Security, efficacy and equality all become “practice-dependent” ideas: their meaning has to be spelled out within the practice, hermeneutically working out how it is best set up, and I argue in the next subsequent chapters, enfranchisement in *other* practical contexts interprets each of these ideas differently than voting does.<sup>24</sup> *Disenfranchisement* is thus distinct from disempowerment as such, which picks out a less specifically democratic idea and draws its force from a more generic expectation

---

<sup>22</sup> Abigail M. Thernstrom, *Whose Votes Count?: Affirmative Action and Minority Voting Rights* (Cambridge: Harvard, 1987), 151. Thernstrom herself decried this conceptual expansion.

<sup>23</sup> This phrasing may invite a question about scope: *who* ought to be involved in these practices? I can’t fully take on that question here. A standard answer in democratic theory is “everyone affected.” I prefer what has been called an “all-*subjected*” principle to this “all-affected” idea, as the language of subjection better captures the notion that what it means to be “touched” in the relevant way (quod omnes *tangit*...) is a political, not purely empirical question.

<sup>24</sup> The idea of “practice dependence” has some currency in analytic philosophical discussions of “first principles of justice.” In the practice-dependence view, as articulated by Andrea Sangiovanni, the content and scope of such principles should be informed by the specific characteristics the principles are meant to regulate. This sounds right. But for Sangiovanni, the practice-dependence idea also represents a broader “realist” view of politics against “idealists” who think that principles of justice should be developed and justified independent of any empirical facts about the world. See Sangiovanni, “Justice and the Priority of Politics to Morality,” *Journal of Political Philosophy* 16, no. 2 (2008) 137–164. The view being articulated here, alternatively, should obviate this distinction entirely: ideals can only even be understood through the real practices that inspire them.

of empowerment detached from democratic practices.<sup>25</sup> (Indeed, committed democrats may actively seek to disempower, in the generic sense, anti-democratic or reactionary forces in their societies, without disenfranchising them.<sup>26</sup>) Instead, the disenfranchisement complaint picks out how a practice is misshapen, how *it* (its formal and informal rules, its background conditions, its physical infrastructure and relational dynamics) fails to secure citizens in roles which offer the relevant kind of equal efficacy.

So far, this Chapter's goal has been to illustrate a broader ideal of enfranchisement by tying it to a set of constituent normative ideas: security, efficacy and equality. But both these ideas and the broader ideal make the most concrete sense when interpreted through the specific practice through which enfranchisement is supposed to be achieved. Voting is the paradigm case that practically embodies these normative ideas, but also through which they can be theoretically teased out and made intellectually tractable. However, the constituent normative ideas themselves haven't been pitched in especially "maximal" ways. "Security" is not against want or hardship. "Efficacy," from any given citizens point of view, is not a power to bring about any particular outcome, whether electing candidates or affecting policy. And "equality" is neither of condition nor status per se, even if both of these forms of equality are implicated. If the chapter has spelled out enfranchisement in way that makes sense, it nevertheless may not be clear that it has done so in a way that will motivate anyone to value the ideal especially highly.

---

<sup>25</sup> Iris Young describes a closely related idea of powerlessness as one of the "five faces" of oppression. Young's idea, however, is primarily concerned with failures of reciprocity in relationships of power—the powerless are those who "must take orders and rarely have the right to give them—rather than marginalization within collective contexts of power wielding. See Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), Chapter 2.

<sup>26</sup> Suzanne Dovi recommends we develop an ethics of informal marginalization for precisely this purpose. See Dovi, "In Praise of Exclusion," *Journal of Politics* 71, no. 3 (2009): 1172–1186

Such minimalism would be misleading. The fundamental premise of enfranchisement as an ideal is that normative critique can't solely be disposed towards the ways in which citizens are *treated*, experiencing their situations as the objects of the actions of others; instead, it must also, and even more directly, focus attention on the underlying structures of involvement through which the world as they experience it is made. Enfranchisement insists on a recurring reorientation towards this involvement and the relentless expectation that it be democratized. And this in turn entails an expansive and persistent insistence on the connection between normative criticism and power, offering a way to connect experiences of frustration and injury to the democratic deficits that stand behind them. The best way to explain these admittedly general claims, however, is by exploring how enfranchisement expresses a family of commonplace “democratic adjectives”—second-order conceptual ideas that are used to describe and interpret different approaches to democracy. “Procedural,” “majoritarian” and “aggregative” are all terms meant to tell us something about the normative models of democracy that we’re dealing with. And all three are typically used both to describe vote-centric approaches to democracy and to articulate what, precisely, makes them minimal. But their suggested minimalism is misleading. Each of these democratic adjectives gives us reason to invest in, rather than withdraw from, the ideals they describe; together they interlock to provide enfranchisement’s normative architecture.

## II. Proceduralism as a Dimension of Enfranchisement

One of the most common ways of interpreting the normative value of voting is that it is *procedural* rather than “substantive.” This distinction is usually meant to erect a clear normative hierarchy: a procedural ideal, especially in its “pure” form, is less normatively demanding than its substantive counterpart. For Corey Brettschneider, this can be seen in the simple fact that

ostensibly fair votes can produce outcomes that violate individual rights, while at the same time denying us the conceptual and normative rules for criticizing those violations. Further, even if we were willing to say that what *counts* as a violation of rights is determined by a procedure in which all affected are enfranchised, there is no guarantee that the outcomes which might be generated will track our considered intuitions about what would be just, all things considered.<sup>27</sup> David Estlund, in a similar vein, argues that fair proceduralism—again, represented through the paradigm case of the fair vote—is only a “thin and occasional value,” one that, to become thick and consistent, needs to tap other, substantive values, like the ability to track epistemically standards of correctness.<sup>28</sup> And Charles Beitz articulates the most philosophically influential statement of the of normative incompleteness of procedure, replacing it with a “complex” (rather than pure) proceduralism supplemented with more substantive (for Beitz, contractualist) values that hinge upon the mutual acceptability of outcomes.<sup>29</sup> While procedure captures a valuable commitment to the equality of voice and influence, substance reflects commitment to something additional, something ultimately more important, and something towards which a purely procedural account cannot sustain a critical posture.

Proceduralism is thus minimal in the specific sense that it doesn’t capture or motivate normative interest in the things we actually care about. Complaints about state treatment (say, the police), resource distributions (say, the funding and availability of education or healthcare), or concentrations of economic opportunities and power (say, low-wages and workplace precarity)

---

<sup>27</sup> Brettschneider, *Democratic Rights*, 13. To make enfranchisement meaningful—say, by furnishing citizens with “the capacity to make informed decisions”—we would need to tap other, *nonprocedural* democratic values that are discontinuous with enfranchisement.

<sup>28</sup> Estlund, *Democratic Authority* (Princeton: Princeton University Press, 2008), 66. In Estlund’s case, the epistemic value of tending to track the “correct answer” to a given question.

<sup>29</sup> Beitz, *Political Equality* (Princeton: Princeton University Press, 1989).

express the kinds of substantive concerns that matter. And the role of political theory, in this context, is to provide a framework for explaining and motivating the force of these complaints, giving normative warrant to the right ones. Complaints about procedure, alternatively, not only don't "match up" with these more urgent political desires. Violations of parliamentary rules, or even voting rules, remain offensive. But what really bothers is the content of the policies that result.

This is a plausible picture of the procedure-substance distinction. But it involves, and underdevelops, a tacit background interpretation of the political context into which ideals intervene. On the one hand, it's true that the real test for any theoretically developed ideal is what it *does* for citizens who are involved in a world of competing complaints. Philosophically sophisticated, procedure-independent notions are attractive precisely because they can help us explain why our complaints about the existing order should—even must—motivate its transformation. They give us intellectual and discursive resources when bringing our case to others, hopefully the "right" others and enough of them to effect change.

Frequently however, the failure of pre-philosophical complaints and corresponding demands for redress to be taken up or prevail is not in fact due to a *lack* of philosophical warrant. In fact, substantive views make an underappreciated if heroic assumption: that citizens are best served by being able to articulate their complaints in substantively sophisticated terms, backing that complaint with the greatest *moral* power in interactions with others. This is not itself an especially maximal kind of power, however. Moral suasion, for example, employs ideals in this broadly argumentative mode, appealing to the hearts and minds of others to then build a form of power that is itself, hopefully, substantive. But even if suasion and appeal *succeed* (and frequently they do not), their success is nevertheless decidedly insecure, contingent on the

reactions and acceptance of others who could just as easily choose or act otherwise. Being positioned solely with the power of moral appeal leaves citizens in a condition of dependence on the whims of their audience.

Proceduralism carries with it a different background interpretation and alternative view of the way in which those ideals can be maximally useful. First, the procedural interpretation takes “what’s missing” for citizens when navigating a world of already-existing complaints to be substantive, rather than moral power. It thus describes an orientation that provides intellectual tools for demanding that those circumstances are generated and regulated through the appropriately structured forms of citizen involvement. In other words, it provides intellectual and discursive resources for articulating how things should have been done, and not just expressing moral condemnation.

This concern intersects with Chapter 1’s passing discussions of enfranchisement’s relationship to the ideal of non-domination. Non-domination, for Philip Pettit and those who follow his lead, is most well known for picking out scenarios in which citizens are *vulnerable* to interference or abuse (things that are obviously complaint-worthy in themselves) irrespective of whether those things actually occur. This condition is in turn objectionable because it leaves citizens in a condition of asymmetric *dependence*: what one is able to do or accomplish is structurally contingent on what certain powerful others are willing to allow. Enfranchisement’s proceduralism parallels this (as noted in the last chapter, somewhat underdeveloped) dimension of non-domination.<sup>30</sup> But it brings this dimension into the foreground: a crucial feature of an

---

<sup>30</sup> In this light, it is perhaps unsurprising that in early work on republicanism that antedates the non-domination coinage, Pettit experiments with the term “franchise” to capture this underlying idea. See John Braithwaite and Philip Pettit, *Not Just Deserts: A Republican Theory of Criminal Justice* (New York: Oxford University Press, 1990).

ideal that emphasizes not only the substantive moral wrongness of a situation but also how those individuals are disembedded from the contexts and practices through which they could contest such interference, abuse or deprivation.

Valorizing proceduralism, at the same time, is not first and foremost a matter of committing to find procedures that produce definitively correct or authoritative results. It is also to say that normative diagnosis is best served directing attention toward the ways in which citizens are denied procedural expectations—where, again, “procedure” picks out avenues of potential empowerment that citizens might use when looking to redress substantive complaints. Citizens who “lose” in a voting context might complain about being shut out of or ignored in the deliberative process behind it; or they may complain about being denied meaningful involvement in setting the agenda for either voting or deliberation; or they may complain about being left to contend with a whole field of perverse understandings, biases and prejudices that have been widely inherited but which they (and others like them) have had no say over. What is “the practice behind the practice”? What were its effects, how was it organized, and what was one’s role in that organization? These questions are recursive. *Disenfranchisement*, like Charles Tilly once said of democracy, is a lake: a stable feature of our landscape that can come about many ways (a melted glacier, a rain-filled gorge, a dammed river, a dug-out, pipe-filled hole in suburbia) but that, all the same, develops a characteristic ecology and can be studied with a common set of tools.<sup>31</sup> Enfranchisement is the organizing framework for these tools, each of which depends on its specific practical contexts, but all of which are procedural in the sense of helping us identify and motivate an expectation of involved empowerment that has been stymied.

---

<sup>31</sup> “Limnology,” to continue the metaphor. See Charles Tilly, “Democracy is a Lake,” in *The Social Construction of Democracy, 1870–1990*, eds. George Reid Andrews Herrick Chapman (New York: NYU Press, 1995).

This approach to revaluing proceduralism overlaps with, but is importantly distinct from, several others. Jeremy Waldron's revaluation of proceduralism has been one of the most influential, casting proceduralism primarily as the best answer to the *question of political authority* under conditions of wide disagreement.<sup>32</sup> Because "There are many of us, and we disagree about justice," it is *only* procedure, and specifically procedures that secure the equal participation of all, that can command the allegiance of all. The species of proceduralism that I identify with enfranchisement, however, is not an approach to justifying political authority. (This is precisely the interpretation of proceduralism that tends to invite concern, conferring authority on a specific empirical set of procedures precisely to *deny* citizens ostensibly substantive complaints about what results.) Instead, the proceduralism implicit in enfranchisement is complaint *generating*; it offers an alternative normative route to complaints about substantive injury, connecting normative critique to democratic expectations of empowerment that have gone unfulfilled, especially where this unfulfillment is an enabling condition of substantive injury.

Waldron's view of proceduralism, for its part, gestures towards this diagnostic dimension, appealing to the critical ideal of equal participation. But Waldon's proceduralism obscures the critical thrust of that idea by describing it as fundamentally a matter of insult. Using voting as a representative example of participation, Waldon *denies* the role of power in the experience of being denied the vote. As he writes, "To feel this insult [of vote denial] does not require him to think that his vote—if he had it—would give him substantial and palpable power. He knows that if he has the right to participate, so do millions of others. All he asks—so far as his participation is concerned—is that he and all others be treated as equals in matters affecting their

---

<sup>32</sup> Jeremy Waldron, *Law and Disagreement* (Oxford: Oxford University Press, 1999).



interests, rights and duties.”<sup>33</sup> Here Waldron falls into the trap noted above of treating the power associated with enfranchisement metaphysically rather than as a practice-regulating idea. While such a proceduralism *can* be critical, it is undercut by its inability connect normative critique the problem of disempowerment in a sustained way.

More recently, Alexander Kirshner has built on Waldron’s proceduralism but oriented it towards a different question.<sup>34</sup> Rather than focusing on how to generate political authority, Kirshner is interested in an opposing question: under what conditions can procedural democrats “take their own side” in a political struggle, employing extra-procedural means to combat explicitly anti-democratic movements? Kirshner’s main goal is to challenge the popular and long-standing notion that proceduralist accounts of democracy cannot sustain responses to such movements and thus must formally sanction their bids to take over democratic institutions. Instead, for Kirshner, we should recognize that proceduralism can remain an *ideal* that animates “democratic rebels” (those who take up the cause of defending democracy through otherwise extra-procedural means), and that it is a commitment to a procedural ideal—the possibility of self-government through the equal participation of all—that best motivates a recognition of the *costs* of acting extra-procedurally.<sup>35</sup> Indeed, those committed to non-procedural views of democracy are more liable to see extra-procedural defenses as philosophically unproblematic and in turn less of need for a reckoning with costs.

---

<sup>33</sup> Waldron, *Law and Disagreement*, 239.

<sup>34</sup> Alexander Kirshner, “Proceduralism and Popular Threats to Democracy,” *Journal of Political Philosophy* 18, no. 4 (2010): 405–424.

<sup>35</sup> As Jan Werner-Müller points out, it is the invocation of substantive, and not procedural, democratic values that typically animates “populist” movements which simultaneously attempt to use procedural power-levers while discrediting their use by others. See Werner-Müller, *What Is Populism?* (Philadelphia: Pennsylvania University Press, 2016).

Kirshner's approach to proceduralism allays major concerns about its viability as an object of commitment and inspiration. But its focus on the potential need for democrats to intentionally abrogate conventional procedures (in response to the anti-democratic threats) can obscure the degree to which procedural deficits—mass disenfranchisement, in other words—makes anti-democratic actors threatening in the first place (rather than a nuisance that may be constitutive of democratic life). Actual facts on the ground will play an major role in determining what democratically defensive praxis looks like. Disenfranchising anti-democrats may indeed be a political distraction, in addition to having normative costs—though this question that can't be resolved purely theoretically. But the main point here pertains to the kind of orientation that we expect from procedural ideals: that they orient our critical attention to the ways in which the social and political landscape is *already* under-democratized, and where being under-democratized specifically entails the ways in which citizenship for many is an experience that is all subject, no author.

Nadia Urbinati and Maria Paula Saffon, finally, most explicitly take on the global devaluation of proceduralism's normative status.<sup>36</sup> Rather than taking Kirshner's lead in exploring the possible justifiability of extra-procedural democratic action, Urbinati and Saffon focus on solidifying the normative status of procedure itself, arguing that "following (instead of transgressing) the democratic procedure is the best way of achieving or approaching equality." Further, Urbinati and Saffon challenge the idea that the *reason* procedures have this normative weight is because of their potential epistemic qualities. This argument, originally articulated by David Estlund, dovetails with more general epistemic accounts of democracy that consider

---

<sup>36</sup> Maria Paula Saffon and Nadia Urbinati, "Procedural Democracy, the Bulwark of Equal Liberty," *Political Theory* 4, no. 3 (2013): 441–481.

democracy's main normative feature to be arriving at wiser decisions that more closely and reliably track the "correct answers" to various social and political questions.<sup>37</sup> Urbanati and Saffon thus not only want to revalue proceduralism. They also want to ensure it remains independent, insulated against the introduction of any external criteria (especially epistemic ones) for democratic participation.<sup>38</sup> Relaxing democracy's "principle of immanence"—the idea that the justifications for democracy are intrinsic, and not because it promotes an external goal—risks exposing democracy to new vulnerabilities and the supposed promotion of democratic goals through democracy-minimizing means.

Urbanati and Saffon's argument largely persuades. But, interestingly, they explicitly *embrace* the "minimalist" label, seeking to recover it from deflationary authors like Schumpeter and Przeworski. This is a missed opportunity. Moreover, Urbanati and Saffon are too quick to move from the idea of proceduralism to the extra-procedural idea of dissent. First, they allow the normative ideal of "meaningful participation" to be entirely exhausted by a generic idea of universal electoral enfranchisement alone. Second, they complement proceduralism's commitment to equal participation with a parallel commitment to institutionalizing avenues of minority dissent when those minorities lose political contests through otherwise appropriately organized procedures. However, like Philip Pettit's "contestatory institutions" discussed in Chapter 1, "institutions that allow dissent to be voiced" (note Urbanati and Saffon's use of passive voice) do not express any particular commitment to *enfranchising* that dissent,

---

<sup>37</sup> Estlund, *Democratic Authority*.

<sup>38</sup> As Urbanati and Saffon put it, "the attempt to place legitimacy in procedures rather than in the content of decisions was a strategy devised in the eighteenth century against the classic antidemocratic argument that democracy is the worst possible regime because the many are less competent than the few."

embedding *it* within practices that secure its meaningfulness and efficacy.<sup>39</sup> This issue is deepened by that fact that Urbinati and Saffon treat deliberation—the most straightforward framework for interpreting dissent as one genre of specifically vocal participation—as expressing a substantive, rather than procedural understanding of democracy. Indeed, shifting minority political activity outside the context of procedure, and thus enfranchisement—telling losers in political contexts that they can dissent but have no procedural *complaints*—is precisely what opens proceduralism the charge of sanctioning the tyranny of the majority. It is this concern, and the broader connection between enfranchisement and majoritarianism, to which I now turn.

### III. Majoritarianism as a Dimension of Enfranchisement

The second feature of the franchise's normative architecture is its connection to majoritarianism. Saying that enfranchisement is a majoritarian ideal means three related things. First, it expresses the idea that simply being embedded in appropriate “procedures”—where procedure is a stand-in term referring to practices that generate power through the secure, equal and meaningful activity of the citizens who live under that power—is not itself enough to establish the non-dependence characteristic of enfranchisement *for individuals*. Instead, achieving non-dependence requires that citizens find majorities within procedures. Without being part of a majority—broadly construed as part of a coalition that can be mobilized within a procedure to “win”—one's treatment is at the whim of the de facto decision-making coalition. It's true that some kind of principled protections for discrete and insular minorities (those which tend to be targeted by

---

<sup>39</sup> Saffon and Urbinati, “Procedural Democracy,” 461.

animus, tend to lose the existing range of procedural contests, or both) may seem like a better way to secure non-dependence for certain groups.<sup>40</sup> But these principles would have to be enforced by a body with ultimate majority backing. Even legal rights or protections are precarious in the long term when majorities are unwilling to recognize them, or even actively hostile to them.

It's also true that super-majoritarian rules or institutions may appear to lower the bar of non-dependence. Instead of needing to be part of a majority coalition, one might be able to jam the procedural machinery by winning over finding solidarity with a smaller number of fellow citizens. A much larger de facto majority would be needed to leave citizens "on the outside," dependent upon that de facto majority's whims. But super-majoritarianism can just as easily render majorities themselves, actual or potential, dependent on minorities themselves—especially minorities that have locked their views or interests into social or political institutions beforehand (perhaps at a time when they enjoyed majority status), or which wield significant extra-political power (whether economic resources or discriminatory social sanction) that itself needs to be checked. This brings us to the second element of the connection between enfranchisement and majoritarianism: that the kind of empowerment to which citizens aspire is not exhausted by the admittedly minimal notion of efficacy that organizes enfranchising procedures, but also involves the more maximal *collective* power, enabled by procedures, to get things done. Majorities get things done within procedures, translating the efficacy of each individual (the fact that their contribution "counts") into the broader power of the procedure as a

---

<sup>40</sup> The phrase "discrete and insular minorities" is taken from the famous "Footnote Four" of the US Supreme Court's *Carolene Products* decision, which identifies classes of contexts in which courts should exercise checks on majoritarian legislatures. It is a only footnote, however, because the main thrust of the decision is to defend majoritarian legislative decision-making from judicial intervention.

whole to generate outcomes. This has the inevitable implication that outcomes reflect the input and agency of those in a majority more than those who are not. But it also lends both majoritarianism and enfranchisement a “progressive” dimension, the ability to transform deeply sedimented inequalities of social benefits, burdens, powers and precarities, as well as marginalize minoritarian attempts to protect those inequalities or introduce them through nonpolitical means.<sup>41</sup>

To some extent there is an implicit, “speculative” political sociology at play here. Its main assumption is that, at the broadest level, majority disempowerment is a more empirically relevant problem than is minority disempowerment, and minority tyranny a more normatively relevant phenomenon than is majority tyranny. Melissa Schwartzberg discusses a particularly illustrative example of this assumption, taking up Lani Guinier’s suggestion that supermajoritarian rules may both protect and empower racial minorities. For Guinier, supermajority rules like requiring five out of seven municipal officials to vote for a policy to pass it, might allow black minorities to both resist white majority tyranny and extract concessions for their votes on issues where the white majority is divided. But revisiting Guinier’s main supporting example in Mobile, Alabama, Schwartzberg notes that a different dynamic emerged over time. Instead of protection and leverage, the supermajority arrangement allowed a white minority to effectively veto the initiatives of a combined black and white majority.<sup>42</sup> In short,

---

<sup>41</sup> For a critique of the idea that speculatively protecting against future injustice enjoys moral priority over remedying past injustice, see Schwartzberg, *Counting the Many*, Chapter 5.

<sup>42</sup> Schwartzberg’s reference is a set of interviews with former city councilors. While a diversity of overall views about the arrangement are expressed, almost all point out that the supermajority rule over time was used more by white than black councilors. See Chip Drago, “Mobile’s Super Majority: Bridge or Barrier?,” *Mobile Bay Times*, accessed at <http://mobilebaytimes.homestead.com/supermajoritypa.html>

majoritarian coalition building proved an even more effective route to substantive power for a genuinely disadvantaged minority than non-majoritarian arrangements.

The classical tyranny of the majority problem, however, doesn't need to be taken as a fiction. The third idea implied when claiming that enfranchisement is the underlying ideal behind majoritarianism is that we should in turn adopt a particular interpretation of that problem: namely, that we understand the conceptual meaning of that problem as a matter of existing majorities *themselves being the product* of underlying disenfranchisement.<sup>43</sup> Put a different way, accepting majoritarianism as a normative investment suggests that we take John Dewey's oft-cited dictum—that majority rule is never merely majority rule, and what's more important is how the majority comes about—as advice about how to critically analyze majorities when we find them oppressive.<sup>44</sup>

A focus on the means by which a majority comes to be a majority, on the other hand, can be more than just a critical focus. It can also be a constructive one. Majorities, as noted above in passing, are *assembled*. Voting blocs, and more generally the coalitions through which citizens collectively generate power, are not given or natural. They are built. If non-dependence and progressive power are the result of citizens coming together, using their practically secured roles

---

<sup>43</sup> Proof-of-concept cases could include instances of fully “free and fair” elections (say Russia, Hungary or Turkey as they evolved through the early 2000s) that produce majority sanction for governments that tap intuitive concerns about “tyranny,” but do so by undermining the ability of opposed citizens to have political voice in wide range of domains of public life.

<sup>44</sup> Dewey's remark—that “Majority rule, just as majority rule, is as foolish as its critics charge it with being. But it never is merely majority rule. . . . ‘The means by which a majority comes to be a majority is the more important thing’”—is frequently cited in defense of deliberative democracy over and against, and aggregative, vote-centric democracy. This is largely true to Dewey's thinking, though in the next section I argue that aggregation is in fact a misunderstood and defensible means to majority construction, while in the next chapter I argue that the sharp distinction between voting and deliberation is overdrawn, as *both* express the underlying value of enfranchisement.

to produce outcomes through procedures in concert, enfranchisement also implies that this process has normative significance. Perhaps counterintuitively, that normative significance is captured well by the idea of “aggregation.”

#### IV. Aggregativity as a Dimension of Enfranchisement

Vote-centric democracy is frequently described as aggregative. Most basically, this adjective usually implies that each vote reports and records preferences about some number of options (candidates, policies courses of action, sometimes a simple yes or no) while the vote as a whole combines and sorts those preferences into a collective choice. Enfranchisement, in this frame, would simply mean having one’s own preferences count as a data point alongside everyone else’s. It secures one’s agency to provide information, but that alone.

The idea and the language of aggregation in reference to voting originally come from social choice theory, a branch of economics inaugurated by Kenneth Arrow in the early 1950s.<sup>45</sup> For thinkers within this tradition—including other economists but also the influential political scientist William Riker—the main point of interpreting voting through the prism of aggregation was to *invalidate* its democratic meaning, full stop: voting could not, even in principle, output a genuinely democratic decision because it could only aggregate preferences in an *arbitrary* way;

---

<sup>45</sup> Kenneth Arrow appears to be the first person to describe voting in terms of the aggregation of preferences. See Arrow, “A Difficulty in the Concept of Social Welfare,” *The Journal of Political Economy* 58, no. 4. (1950): 328–346. Thinkers as diverse as Chantal Mouffe (*The Democratic Paradox*, 81) and Amy Gutmann and Dennis Thompson (*Why Deliberative Democracy?*, 14) attribute the “aggregative model” of democracy to Joseph Schumpeter. This is incorrect. On the one hand, Schumpeter does not use the language of aggregation and rejects the normative meaningfulness of citizen preferences entirely. On the other hand, attributing the aggregative idea to Schumpeter suggests that aggregation conflates politics and markets. Yet for Arrow and the theorists following him in adopting the social choice approach to aggregation, markets are strictly set off from politics and voting as distinct methods of social choice.



that is, in a way that is merely an artifact of the specific voting rules employed, and *not* an expression of an underlying democratic preference or will.<sup>46</sup> Later democratic theorists responded to this social choice critique by relaxing the anti-democratic implications of aggregation, interpreting it as only *minimally* democratic.<sup>47</sup> An “aggregative model” of democracy became plausible, if thin and unsatisfactory. Accordingly, instead of having the fault of being arbitrary (and thus not being democratically meaningful at all), aggregation took on other minimizing characteristics. Two specifically stand out and recur: that aggregation allows, or even encourages, private- or self-interest (rather than public-interested or other-regarding perspectives); and that aggregation fails to transform—indeed may even secure and insulate—citizens’ preferences (including their biases and animosities) as well as existing dynamics of power and hierarchy.

Explicit articulation of these problems with aggregation are most frequently made by deliberative democrats, who tend to take talk, rather than voting, as the paradigmatic democratic activity, with reason, rather than enfranchisement, as its normative core. Jane Mansbridge, for

---

<sup>46</sup> While Arrow’s genre-defining *Social Choice and Political Values* (New York: John Wiley & Sons, 1951) was the source of the argument that no “democratic” social choice was possible (and that whatever voting arrangement used produces, strictly-speaking, “dictatorial” choices), it was Riker’s 1982 *Liberalism against Populism* (Long Grove, IL: Waveland Press) which used Arrow’s formalistic conclusions to argue that democracy as an ideal should be subordinated to constitutional liberalism (with voting functioning as a non-aggregative, negative check).

<sup>47</sup> Richard Wollheim appears to be the first prominent normative political theorist to appropriate the basic social choice understanding of aggregation while “assum[ing] that the so-called problem of aggregation has been solved” in a way that allows one to take an aggregative approach to democracy at face value. See Wollheim, “A Paradox in the Theory of Democracy,” in Peter Laslett and W. G. Runciman, eds., *Philosophy, Politics and Society, 2<sup>nd</sup> Series* (Oxford: Basil Blackwell, 1962): 71–87. Interestingly, Wollheim does not discuss voting explicitly, instead referring to the agent of aggregation generically as “the democratic machine.” The first reference to an aggregative, *non*-social choice model of democracy comes in Joshua Cohen’s review of Robert Dahl’s *Democracy and Its Critics*. See Cohen, “Institutional Argument...Is Diminished by the Limited Examination of the Issues of Principle,” *Journal of Politics* 53, no. 1 (1991): 221–225.

instance, in an early critique of aggregation, describes it as “soulless,” decriing the “mechanical aggregation of conflicting selfish desires.”<sup>48</sup> And for Iris Young, aggregative approaches to democracy force us to accept that “individuals’ preferences, whatever they happen to be...may have ben arrived at by whim, reasoning, faith or fear.”<sup>49</sup> Moreover, in being so radically “subjectivist”—in denying that “people who make claims on others about what is good or just can defend such claims with reasons that...appeal to general principles beyond the subjective preferences or interests of themselves or others”—the aggregative idea actively insulates existing preferences, giving citizens justification to both not listen to others and to eschew trying to persuade them.<sup>50</sup> Amy Gutmann and Dennis Thompson, in turn, connect aggregation’s static approach to preferences to its inability to transform broader distributions of power. As they argue, “By taking existing or minimally corrected preferences as given...the aggregative conception fundamentally accepts and may even reinforce existing distributions of power in society.”<sup>51</sup> For each of these thinkers, such limitations compel us to move to a more transformative way of thinking about democracy.

These characterizations of aggregation, however, are misleading.<sup>52</sup> First, the critique of the givenness of preferences is significantly overdrawn. For one thing, it entirely bypasses the normative importance of having one’s voice securely enfranchised without also having it “responsibilized,” that is, obliged to be exercised according to conventional standards of

---

<sup>48</sup> See Jane Mansbridge, *Beyond Adversary Democracy* (Chicago: University of Chicago Press, 1980).

<sup>49</sup> Iris Young, *Inclusion and Democracy* (New York: Oxford University Press, 2000), 20.

<sup>50</sup> Young, *Inclusion and Democracy*, 21.

<sup>51</sup> Gutmann and Thompson, *Why Deliberative Democracy?*, 16.

<sup>52</sup> Chapter 3 engages with deliberative theory more directly and comprehensively, rejecting the idea that vote-centric and talk-centric approaches to democracy have a different, much less opposed, normative basis.

responsibility. The universal adoption of the secret ballot exemplifies this fact. While the secret ballot most notably defends against brute forms of electoral interference (employers, for instance, cannot compel their employees to vote in a particular way because those votes cannot be verified) it also defends against any external form of pressure. In other words, one's enfranchisement is not dependent on the will or whims of anyone else, their ability to threaten or engage in interference or abuse contingent upon how we vote. Aggregation simply expresses this underlying dimension of enfranchisement.

In addition, the concern about the givenness of preferences inappropriately devalues self-interest and self-regarding judgments. Publicly-interested judgments have legitimate normative appeal, given that they eschew partiality and incorporate a kind of concern for others (even if it is mediated through an image of the public in general, rather than specific others). However, the conditions under which enfranchisement is both necessary and urgent—call these the “circumstances of enfranchisement”—can be expected to be unjust enough that those who demand and pursue enfranchisement will inevitably look self-interested. The vote has in fact long been framed in “defensive” terms—as a way to protect one's interests against infringement by others, including but not exclusively the state—for precisely this reason. Even deliberative thinkers otherwise critical of aggregative approaches have more recently carved a wider normative role for self-interest, though predominantly only as an “admissible” consideration or motivation under non-ideal circumstances.<sup>53</sup> Yet the normative valuation of self-interest is even more full throated from theoretical perspectives more rooted in the acknowledgement and engagement with existing injustice. Vijay Phulwani, for instance, draws from the community

---

<sup>53</sup> Jane Mansbridge et al., “The Place of Self-Interest and the Role of Power in Deliberative Democracy,” *Journal of Political Philosophy* 18, no. 1 (2010): 64–100.

organizing tradition (most notably Saul Alinsky) to argue that self-interest isn't solely a subjective orientation that citizens can or cannot adopt. It is also a "thin ethical concept," an idea that can be implicitly or explicitly invoked to serve as the basis of common, and not just adversarial, reasoning and action. (Reasoning and action which then "thicken" the concept by tying it to a broader awareness of social relations.)<sup>54</sup>

Describing enfranchisement as expressing an aggregative approach to democracy, accordingly, shouldn't have the minimizing effect that is often intended—at least, not on the grounds that aggregation accepts or encourages static citizens preferences. The idea that aggregation "accepts and may even reinforce existing distributions of power" is a more serious issue. But this concern also ignores important dimensions of aggregation's conceptual and normative meaning, namely, the sense in which it entails citizens actively gathering together around positions, ideas, policies or candidates that they may eventually vote for. Being enfranchised in this sense means being able to aggregate with others, with votes as sites of coordination and combination; aggregation is both a practical component of enfranchisement and something that the broader infrastructure of the practice ought to be able to support. Indeed, within the legal literature focused on articulating and securing the right to vote, this sense of aggregation is actually the prevailing one. Legal scholar Heather Gerken puts this point most succinctly, arguing that "an effective vote hinges on one's ability to aggregate that vote with those of like-minded voters."<sup>55</sup>

---

<sup>54</sup> Phulwani, "The Poor Man's Machiavelli: Saul Alinsky and the Morality of Power," *American Political Science Review* 110, no. 4 (2016): 863–875.

<sup>55</sup> Gerken, "Understanding the Right to an Undiluted Vote," *Harvard Law Review* 114, no. 6 (2001): 1663–1743.

This idea of aggregation is already latent in *some* of the more standard critical views, particular those that don't treat voting as a *purely* mechanical counting process. Iris Young, for instance, describes aggregation as including “the process of competition, strategizing, coalition building and responding to pressure” that stands behind and brings about the patterns of votes that are ultimately aggregated.<sup>56</sup> Young's view of aggregation here avoids denying citizens any agency besides having and voicing preferences. Yet Young remains skeptical that competing, strategizing or coalition building, together or apart, have a meaningful normative quality; instead, like other deliberative critics of aggregation, she prioritizes communication and persuasion. However, the more recent idea of *assembly*—which has been used in political theory to refer that dimension of politics that brings collectivity into being—brings together the complex of aggregative activities in a normative sense.<sup>57</sup> This is not a thick normative sense. Citizens can assemble on less than equal terms, just as majorities can come about in ways that insulate them from the challenges of incipient counter-majorities, and proceduralism can indeed shackle democratic agency when it focuses on inherited and formulaic rules rather than enabling widespread and genuine involvement. But being positioned in a way that makes combining with

---

<sup>56</sup> Young, *Inclusion and Democracy*, 19.

<sup>57</sup> See, for instance, Judith Butler's *Notes Towards a Performative Theory of Assembly*. The use of the term assembly also evokes the related term, *assemblage*, familiar from Deleuze and Guattari, and which refers to arrangements among heterogenous elements that achieve emergent ontological properties. The strong connection to heterogeneity emphasized by assemblage-talk is helpful. Coalitions, and especially majorities, that vote for the same option are vastly more heterogenous than the sameness of their choice suggests. But the term assemblage itself usually emphasizes static arrangement over the activity of bringing or coming together—the key connotation of assembly and, as I am reworking it, aggregation. It “misses the senses of purposeful organization,” as media theorist Kyle Parry puts it. See Parry, “Generative Assembly after Katrina,” *Critical Inquiry* 44 (2018): 554–581. Moreover, as John Phillips has shown, “assemblage” is in fact a rough and sometimes misleading translation of Deleuze and Guattari's French term, “*agencement*,” which has less obvious overlap with the language of assembly. See Phillips, “Agencement/Assemblage,” *Theory, Culture, and Society* 23, nos. 2–3 (2006): 108–9.

other citizens possible is a dimension of normativity—like that of majoritarianism and proceduralism—that is a constituent building block of enfranchisement.

Connecting the language of aggregation to that of assembly also has the virtue of breaking down any rigid and artificial separation between “the right to vote” and “freedom of assembly” as normative ideas. Enfranchisement not only implies both ideas but integrates them: the ideal trains normative attention along towards the conditions under which individual citizens can exercise a secure, efficacious and equal form of agency, but also towards the conditions that allow citizens to come together and exercise that agency collectively. Insofar as enfranchisement both normatively prioritizes aggregation in this sense, and insofar as it commits us to practically enabling it (through channels of communication, but also organizational infrastructures that facilitate connection and ideological infrastructures that facilitate solidarity) it becomes a far more demanding and attractive ideal.

## V. Conclusion

So far this chapter has worked at two different levels of abstraction. At the first, the concrete institution of the electoral franchise was used to illustrate the first-order conceptual architecture of enfranchisement as a broader ideal. It is not just possessing the ballot. It is, more generally, being embedded in a practical context that generates power through the secure, equal and efficacious involvement of each citizen. (In the next Chapter I argue that deliberation, in addition to voting, expresses and can illustrate this idea.) At the second level of abstraction, we can say that enfranchisement embodies three familiar ways of characterizing democracy—proceduralism, majoritarianism, and aggregation—that are normally taken to be minimal. The

three descriptors themselves are apt. But they in fact point *away* from the charge of minimalism, explaining even more precisely why enfranchisement is normatively attractive.

Yet there still may be apprehension about enfranchisement that is rooted in the expectations we often hold for ideals in general: that we expect them be *satisfying*, in the sense that fulfilling an ideal will likewise fulfill our normative aspirations; and, relatedly, we expect them to be *non-exploitable*, usable only for “good” causes and not useful for furthering “bad” ones. Enfranchisement is going to do poorly by both expectations, for closely related reasons. On the one hand, as acknowledged in the discussion of proceduralism, disenfranchisement is by no means the only form of normative injury that citizens can experience. And those other forms of injury—whether expressed as domination, disrespect or deprivation—won’t necessarily wither away under conditions of greater enfranchisement. But they do become more tractable: conceptually (when it comes to determining what counts as an injustice); normatively (when it comes to evaluating its urgency); and, most important, empirically (when it comes to being in a position to redress those injustices, with the help of others). In short, any expectation that ideals spell out otherwise blameless states of affairs ought to be relaxed.

Perhaps more worrying than the concern about purity is the concern about exploitable ideals. The concern about exploitability was also raised in the First Chapter in terms of complaints. Disenfranchisement may be used both in obvious bad faith and simply in error, picking out either a lack of generic empowerment (the sovereign expectation to see one’s will done without either procedures or the help of others) or a lack of privilege (the expectation of *unequal* status or influence). Projects of enfranchisement, on the other hand, might themselves be put in the service of tyranny or domination (the *use* of unequal status or influence to impose the

will of the few) or be leveraged to undermine existing political projects by empowering voices that are, all things considered, pernicious.

A strong version of this worry is articulated by Joel Olson. For Olson, the existence of deep forms of racial hierarchy can make the normative idealization of participation (we can, for the sake of argument, describe enfranchisement as a member of this family) counter-productive.<sup>58</sup> For Joel Olson, in a thoroughgoingly racist polity “the quest for greater participation may actually serve to strengthen the tyranny of the dominant race,” and more specifically “strategies to expand participation can easily end up bolstering white majority tyranny.” While Olson in general subscribes to the view that participation is one of the central demands of radical democracy, he also argues that it must go hand-in-hand with *abolition* (of the specific structures that perpetuate tyranny and domination, in Olson’s case of Whiteness itself). In other words, the ideal is both viable and attractive—“maximal,” to use earlier language. But it needs to be complemented with a project that is expressed in negative, rather than positive terms. Olson predominantly uses variants of the term “abolish,” but also “eliminate,” “dismantle,” and “dissolve”; the thrust of the argument is that ideals can’t flourish without the parallel undertaking of decidedly non-ideal political work. (Abolition may, but also may not be, a participatory, democratic kind of work.) Exploitability thus doesn’t invalidate an ideal, and the call to abolition can be taken on board for precisely this reason.<sup>59</sup>

---

<sup>58</sup> See Olson, “Whiteness and The Participation-Inclusion Dilemma,” *Political Theory* 30, no. 3, (2002): 384–409.

<sup>59</sup> It is in fact important to treat the concern about exploitability as an injunction to couple it with abolition. Otherwise, it would very closely resemble the critique of “perversity”—the idea that all progressive political projects backfire—that Albert Hirschman has identified as a key feature of reactionary rhetoric. (Hirschman suggests this rhetoric can be tempting for “radicals” as well.) See Hirschman, *The Rhetoric of Reaction* (Cambridge: Harvard University Press, 1991), Chapter 2.



A weaker version of the worry is articulated by Suzanne Dovi.<sup>60</sup> For Dovi, “the political inclusion of some groups”—which, again for argument’s sake, can be taken as an analogue of disenfranchisement—“can undermine the adequate representation of others.” Dovi cites the inclusion of the Klan in the electoral process, and uses this example to insightfully tap a powerful intuition: that content-neutral ideals (like inclusion or enfranchisement) can oblige us to empower bad actors. This is a real worry. And though I argued above that our level of worry should be calibrated by our background interpretation of the current “state of play” when it comes to disenfranchisement, it is inevitable that there will be cases where it is demanded by groups that oppress or would oppress. But while Dovi wants to draw our attention to this fact, she herself explicitly rejects the idea that such groups should be formally or “categorical” excluded (the paradigm case being denied the right to vote). Instead they should be confronted politically. The enfranchisement ideal should thus not be rejected, or even downgraded, because it can be exploited. It should again simply be complemented by the realization that the broader politics of enfranchisement also entails a politics of confrontation that extends beyond the conceptual meaning of the ideal alone.

---

<sup>60</sup> Dovi, “In Praise of Exclusion,” *Journal of Politics* 71, no. 3 (2009): 1172–1186.

### Chapter 3: Deliberation as a Partially Enfranchising Activity

Chapter 2 made the case that *enfranchisement*—being equally embedded in the practical contexts through which the power to which we’re subject is generated—is a robust and attractive political ideal. This involved drawing out key normative features of the institutional franchise, features that are more abstract than that concrete institution itself and thus applicable across a wider range of contexts. I called this the franchise’s “normative architecture.” But further, I argued that this abstracted ideal of enfranchisement is neither fully expressed nor expressible within electoral institutions or the practice of voting alone. Voting is inherently incomplete and partial as an enfranchising activity. This chapter builds on that argument by developing other resources in democratic theory to expand the idea of enfranchisement. Specifically, it develops the idea that *deliberation* is also a partially enfranchising activity, and that the enfranchisement ideal should in turn be seen as the “normative core” of the notion of deliberative democracy.

Showing that enfranchisement is in fact the core of deliberation’s contribution to democracy—that, most persuasively interpreted, it offers a paradigm of specifically “discursive” enfranchisement—should lend further credence to that ideal’s relevance. After all, since the early 1990s, deliberative democracy has been one of the dominant paradigms of democratic theory. Being central to that paradigm would lend enfranchisement both range and depth. Moreover, *talk* is one of the most common and intuitive modes of democratic participation, even if it is not always acknowledged as such by scholars of participation.<sup>1</sup> Interpreting the idea of deliberation

---

<sup>1</sup> Michael X. Delli Carpini, Fay Lomax Cook, and Lawrence R. Jacobs, “Public Deliberation, Discursive Participation, and Citizen Engagement: A Review of the Empirical Literature,” *Annual Review of Political Science* 7 (2004): 315–344.

as a theoretical framework for enlisting talk as a medium of enfranchisement accordingly connects that ideal to a large swath of democratic experience.

At the same time, however, deliberation is frequently defined as an explicit alternative to both voting as a practice and as a normative logic. As James Bohman puts it in one survey of the deliberative research program, “In the early formulations of the deliberative ideal in the 1980s, deliberation was always opposed to aggregation and to the strategic behavior encouraged by voting and bargaining.”<sup>2</sup> Or, as Simone Chambers puts it in a later review of the deliberative paradigm, “Talk-centric democratic theory replaces voting-centric democratic theory.”<sup>3</sup> The claim that enfranchisement is deliberation’s normative core is unlikely to be easy to ingest for many. While deliberative theorists have long acknowledged that, as empirical practices, deliberation and voting can and do coexist with one another, they are pervasively taken to embody opposing values and moral objectives.

The first part of this chapter (I), then, develops and defends the connection between deliberation and enfranchisement. To do this, it revisits the early work of Jürgen Habermas, in which the basic ideas of what became deliberative theory were worked out. The vast majority of both early deliberative theorists and their critics demonstrate or acknowledge Habermas’s centrality to the deliberative idea. Joshua Cohen, in his highly influential 1989 “Deliberation and Democratic Legitimacy,” observes that the consistency between other early accounts of

---

<sup>2</sup>James Bohman, “Survey Article: The Coming of Age of Deliberative Democracy,” *Journal of Political Philosophy* 6, no. 4 (1998): 400–425.

<sup>3</sup> Simone Chambers, “Deliberative Democratic Theory,” *Annual Review of Political Science* 6 (2003): 307–26.

deliberation and his own could be explained by the fact that they all drew from Habermas.<sup>4</sup> And Amy Gutmann and Dennis Thompson—two authors who played a central role in bringing deliberation to the forefront of democratic thought—write with the benefit of hindsight in 2004 that “More than any other theorist, Jürgen Habermas is responsible for reviving the idea of deliberation in our time.”<sup>5</sup> Re-engaging the original concerns, problems and motives behind the emergence of deliberation’s formative ideas can thus help inform our own understanding of what deliberation should be taken to accomplish.

Using Habermas as a common reference is particularly helpful because deliberative thinkers have pervasively tended to narrowly borrow and interpret key ideas—specifically Habermas’s reflections on rationality and language expressed in formulations like “the ideal speech situation” and “discourse ethics”—but divorce them from the broader social and political diagnoses to which those ideas were intended to respond. This narrowness has led to “moralized” interpretations of deliberation that cast its underlying purpose as a conduit for injecting *reason* into political life, displacing if not replacing *power* as the normative basis of decisions and outcomes.<sup>6</sup> Not only does this way of thinking about deliberation imply that the underlying processes behind decisions should, ideally, be governed by reason rather than power. It also implies that the purpose of deliberation, properly organized and institutionalized, is to remove

---

<sup>4</sup> Cohen refers to both Bernard Manin’s “On Legitimacy and Political Deliberation” and Jon Elster’s “The Market and the Forum,” while acknowledging in a footnote that he had not yet read either before writing.

<sup>5</sup> Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004), 10.

<sup>6</sup> I leave to one side for now the more recent interpretation of deliberation as being fundamentally rooted in *epistemic* values.

power from practical contexts, allowing the “mild voice of reason” to take its place.<sup>7</sup> As Iris Young, one of deliberation’s most subtle critics, puts it, “primary virtue of a deliberative model of democracy...is that it promotes a conception of reason over power in politics.”<sup>8</sup> And as Samuel Bagg observes when contextualizing deliberative democracy alongside some of its competitors “[t]he innovation of *deliberative* democracy...is to propose reasonable deliberation itself as a potentially effective weapon against power.”<sup>9</sup> It is because bargaining, strategy and aggregation are *not* weapons against power—they instead take power as given and ratify it, rather than eliminate or transform it—that they are cast as deliberation’s opposites. But more importantly in the context of this dissertation’s argument, it is because deliberation expresses a normative logic premised upon the elimination of power, and not one premised upon its democratic generation, that deliberation would indeed appear discontinuous with enfranchisement.

The opposition of deliberation and power, however, obscures the origins of early deliberative ideas as responses to problems of citizen disempowerment, and not in the first instance as ways of purifying political discussion of either power or “bad reasons.” While formulations like “the ideal speech situation” and “discourse ethics” (as well as the broader

---

<sup>7</sup> This phrase is taken from Joseph Bessette, widely attributed with introducing the term “deliberative democracy” in the 1980s. While the phrase itself is accurate and useful, Bessette’s broader account of deliberation departs widely from those of other deliberative democrats, favoring Madisonian restraints on the popular will rather than the deliberative realization of it. See Joseph Bessette, “Deliberative Democracy: the Majority Principle in Republican Government,” in *How Democratic is the Constitution?* (Washington: American Enterprise Institute for Public Policy Research, 1980): 102–116.

<sup>8</sup> Iris Young, “Communication and the Other: Beyond Deliberative Democracy,” in Seyla Benhabib (ed.) *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton: Princeton University Press, 1996): 120–35.

<sup>9</sup> Samuel Bagg, “Can Deliberation Neutralise Power?” *European Journal of Political Theory* (2015), emphasis original.

paradigm of “communicative action”) may at first appear to be invested in the project of replacing power with reason, closer attention to their contexts of development—and specifically to the political and theoretical problems they were enlisted to solve—offers a different view. What that view reveals instead is that these ideas were intended to help explain how specifically discursive, talk-based political participation could be “enfranchised,” made meaningful because embedded in contexts of symmetric empowerment. The prospect of discursive *disenfranchisement* in fact motivated the further development of deliberative ideas as responses.

This contextualization is not meant as a call for deliberation to return to an earlier and admittedly rationalistic Habermasian version. In fact, reframing deliberation as a matter of enfranchisement can help clarify the normative overlap between deliberative thought and many of its critics. In what is still the most cited article on the topic, Lynn Sanders describes the core problem with deliberation as a “problem of disenfranchisement.” As she puts it “Although modern democratic theorists also want to honor the concern to bring the perspectives of the disenfranchised into public discussions, their appeal to deliberation undercuts this concern.”<sup>10</sup> I take Sanders to express the idea that responding to disenfranchisement is what deliberation *should* do, but, in her view, does not. In my view this is precisely correct. Enfranchisement is here, and can generally be, the normative perspective from which we criticize deliberative arrangements when they overinvest in rational argument, reasonableness and civility, while marginalizing the passion, conviction and confrontation necessary to empower voices that are otherwise disempowered. Insisting on the underlying ideal of discursive enfranchisement thus helps to explain the normative unity of a much wider range of discursive acts than deliberation has traditionally been associated with.

---

<sup>10</sup> Lynn Sanders, “Against Deliberation,” *Political Theory* 25, no. 3 (1997): 370.

At the same time, however, even if deliberation *is* identified with the normative logic of enfranchisement—and thus characterized as a theoretical framework for discursive enfranchisement—it is still nevertheless only incompletely enfranchising. This claim has two senses. In the first place (and to preview the argument concerning deliberation’s origins below) the basic mechanism behind deliberative enfranchisement is the set of norms, rules and techniques that connect *inclusion* in a deliberative context to the *uptake* of one’s contributions there. You speak and are heard, voice an opinion that is counted, have a say that is not ignored, and most generally are able to translate your speech into a form of power, even if it alone doesn’t bring about your desired outcome. When citizens are not heard, not listened to, ignored, and thus *disempowered*—even when they can and do speak—they are discursively disenfranchised. As a theoretical framework, deliberation diagnoses the norms, rules and discursive techniques that sustain this disenfranchisement, and recommends alternatives that respond to it. However, *no* set of norms, rules or techniques can in principle enfranchise all potential participants, even if we relax any Habermasian rationalism and reimagine deliberative enfranchisement occurring through a much broader range of discursive modes (storytelling, testimony, rhetoric, disruptive speech, and so on).

Yet there is a second and more consequential way in which deliberation is incomplete, which the chapter broaches in Section II. Since its earliest Habermasian associations with coffeehouses and (to a lesser extent) 18<sup>th</sup> century salons, deliberation has almost always been imagined as a matter of direct, unmediated discursive interaction. Its specific normative content, in turn, has largely presumed a model for connecting inclusion to uptake in face-to-face settings. This does not mean that individual deliberative theorists have not acknowledged that much if not most political discussion among citizens happens, and can only happen, outside of face-to-face

contexts. It *does* mean that deliberation in fact provides little guidance for closing the gap between the inclusion of citizens and the meaningful uptake of their discursive acts in mass contexts. If deliberation embodies a “coffeehouse model” of discursive enfranchisement, this model is not only a set of empirical background expectations. It is also a way of explaining what enfranchisement *is* conceptually in those contexts. Some deliberative theorists, in particular those associated with a “deliberative systems” paradigm, have tried to explain how deliberative theory can be conceptually reimagined in ways that better apply to mass contexts.<sup>11</sup> These explanations, however, detach deliberation from the project of discursive enfranchisement, instead borrowing other normative values *ad hoc* (first as promoting inclusivity, then as promoting public minded-decisions, then as promoting empirically wise ones, etc.) based upon which of the values a given case of deliberation happens to promote. Deliberation, I argue, is simply not equipped to help us navigate discursive enfranchisement at scale.

Accordingly, this chapter argues that we should move away from deliberation as the primary frame for understanding discursive enfranchisement. But further, in Section III, it also articulates an alternative framework that rethinks inclusion, uptake and empowerment in terms of the production and distribution of discursive *media*. This invocation of media should not come as a surprise. Habermas’s original idea of the public sphere was itself centered on media, tied to the rise of newsletters and the mass proliferation of other forms of printed material which enabled

---

<sup>11</sup> In fact, the deliberative systems idea is frequently used to explain both the normative unity of the diversity of discursive acts—what I call “discursive ecumenism”—and the applicability of deliberation at scale. See, for a statement that is both representative and comprehensive, John Parkinson and Jane Mansbridge, eds., *Deliberative Systems: Deliberative Democracy at the Large Scale* (Cambridge: Cambridge University Press, 2012). For reasons I outline below, I do not think that the idea of a deliberative system coherently or effectively explains either deliberation’s ability to accommodate discursive diversity or its ability to “scale up.” However, the theoretical stakes in regard to diversity are low; in regard to scale they are higher.



the formation of public opinions with critical political orientations. In fact, while the coffeehouse has persisted as the archetypal image of a deliberative public sphere, discussions in those coffeehouses were *about* newsletters, broadsheets and other printed texts.<sup>12</sup> To a meaningful extent then, the free-wheeling rational-critical (if not yet formally deliberative) conversations of the coffeehouse were parasitic on underlying patterns of mediated discursive production and distribution that had occurred beforehand. If deliberative theory later formalized an approach to discursive enfranchisement that operated through a set of linguistic norms and philosophical principles derived from them, it also marginalized a mediated “newsletter model” of thinking about discursive enfranchisement on a broader scale.

This marginalization was not altogether unreasonable or misguided. A model of enfranchisement rooted in the production and distribution of media may not seem especially amenable to either mass inclusion or mass uptake. Even in the 18<sup>th</sup> century bourgeois public sphere, it would not have been easy for the predominantly male, middle-class Europeans for whom that sphere was constructed to gain access to the means of print production. And for 19<sup>th</sup> century abolitionists, anarchists and feminists who cultivated capacities of print production as a key feature of their dissident politics, the networks of distribution necessary to generate mass, receptive audiences presented an additional, complex challenge.<sup>13</sup> And, further, at the time of

---

<sup>12</sup> Habermas, *STPS*, 21–41. Just as today’s political discussions “on” networked platforms, in addition to those “in” physical public spaces, are not free-floating but similarly center on the topics and “takes” circulating in the public sphere as media.

<sup>13</sup> The Massachusetts anti-Slavery society, the largest anti-slavery society in the antebellum United States, spent more money on publishing and distribution than on any other activity. Even the force of David Walker’s famous *An Appeal to the Coloured Citizens of the World* partially depended on William Lloyd Garrison’s decision to reprint it for mass circulation. See Robert Fanuzzi, Robert, *Abolition’s Public Sphere* (Minneapolis: University of Minnesota Press, 2003). Upton Sinclair’s *The Jungle* was first published by the socialist newspaper *Appeal to Reason*, a publication famous for its “volunteer army” subscription-solicitors who enabled it to finance its

*Structural Transformation*'s writing, television had begun to displace print as the dominant media form, not only reinforcing barriers to accessing the means of discursive production but even displacing discourse itself as an effective medium of politics.<sup>14</sup> Within the mass public spheres created through such media, citizens could seem to be disenfranchised virtually by default, structurally positioned as mere consumers of corporately created discourse over which they exercise no influence and to which they can't "talk back."<sup>15</sup>

But a mediated, newsletter model of discursive enfranchisement is more viable in a media environment that is not only digital but more specifically *networked*, where the production, dissemination, circulation and consumption of media is decentralized and multidirectional. In this environment, citizens increasingly have systematically secured access to the means of discursive production and distribution: they are able to not only produce discursive content (create websites, author blogs, write posts, tweet, etc.) but also to cultivate and leverage the

---

operations—far and away the widest of any comparable publication at the time. Sinclair's book is unlikely to have galvanized public attention (as a "mass market paperback" put out by publishing behemoth Doubleday) without the support of a parallel and oppositional productive apparatus. Appeal to Reason, not Doubleday, gave Sinclair his advance. See John Graham, "*Yours for the Revolution*": *The Appeal to Reason, 1895-1922* (Lincoln, NB: University of Nebraska Press, 1990). Woman-controlled presses played a double role for early suffragists and anarchists, promulgating ideas and covering issues that both mainstream discourse and mainstream presses overlooked. See, respectively, Martha Solomon, ed., *A Voice of Their Own: The Woman Suffrage Press, 1840–1910* (Tuscaloosa, AL: University of Alabama Press, 1991), and Kathy Ferguson, "Anarchist Printers and Presses: Material Circuits of Politics," *Political Theory* 42, no. 4 (2014): 391–414.

<sup>14</sup> Like many other 1960s era cultural critics on both the left and the right, Habermas saw the rise of television as contributing the commodification of culture and adoption of an orientation of consumption. As he describes even ostensibly discourse-based television, "Professional dialogues from the podium, panel discussions, and round table shows—the rational debate of private people becomes one of the production numbers of the stars in radio and television, a salable package ready for the box office." (*STPS* 164.)

<sup>15</sup> On the inability to "talk back," see Habermas, *STPS*, 170, and Aletta Norval, "'Don't Talk Back!'"—The Subjective Conditions of Critical Public Debate," *Political Theory* 40, no. 6 (2012): 802–810.

patterns of dissemination that bring that content to audiences. In short, citizens connect their inclusion in the productive dimension of the public sphere to the uptake that comes from getting one's content "in front of an audience." The chapter concludes (IV) by addressing concerns about the newsletter framework and adding more specific texture to the meaning of *disenfranchisement* within it.

### I. Deliberation as a Response to Disenfranchisement

Habermas's 1962 *Structural Transformation of the Public Sphere* [*STPS*] is the text that first starts to articulate the contemporary lineage of deliberative ideas.<sup>16</sup> *STPS* is most well-known for articulating a normative concept of the public sphere comprised by a specific type of "rational-critical" discourse. But just as fundamental to the public sphere idea as the nature of the discourse there, if less acknowledged, was the fact that, by projecting publicity and generating public opinion—and thereby steering public decision-making—citizens were able to enjoy an empowered form of discursive political participation. In fact, before the North Atlantic victories of mass electoral enfranchisement from the mid-19<sup>th</sup> to early 20<sup>th</sup> centuries, discursive participation was *the* primary mode of mass political participation. Moreover, voting itself was a bit player in Habermas's story, and not only because of its limited scope in the crucial period. In his view, voting was an essentially derivative form of participation that merely expressed and codified views developed discursively in the public sphere beforehand. And this was a best-case

---

<sup>16</sup> Lynn Sanders, for instance, attributes "the ideal speech situation," one of the most influential proto-deliberative ideas, to *STPS* itself. Yet this idea had not been developed by the time of *STPS*, and instead entered deliberative thinking largely through the 1975 English translation of Habermas's *Legitimation Crisis*. This misattribution helps show how central *STPS* has been in the deliberative imagination.

scenario. Voting also threatened to become pseudo-participation when it encouraged the displacement of rational-critical political discussion by sophisticated techniques of voter persuasion designed to engineer consent.<sup>17</sup> Not only is talk a kind of participation, participation is essentially discursive.

Foregrounding the participatory dimension of the public sphere idea also helps clarify kinds of problems that were taken to threaten it. The concluding sections of *STPS*—those that describe the public sphere’s transformation and “refeudalization”—should not be seen first and foremost as critiques of the decreased substantive rationality or reasonableness of public opinions (where publics make “bad” or “dumb” decisions). Instead, those sections describe a series of developments that undermine the *meaningfulness* of discursive participation itself, its quality as genuinely contributing to public debate, or, alternatively, as being governed and directed by external forces. On the one hand, the 19th century had seen political organizations (ostensibly representing the private interest of their constituencies) begin to directly interface with the state, but *without* the involvement of communicative publics themselves. And, on the other, the normal circuits of communication had fused with entertainment and advertising. Both of these developments undermined the efficacy of citizen involvement, first by circumvention and second by corruption.

---

<sup>17</sup> Habermas’s initial discussion of voting comes as a reading of Marx, in which the vote is framed as essentially a ticket to enter the more consequential realm of public discussion. (Chapter 14) His more extended discussion interprets the vote through the prism of the specific consequences he attributes to its mass 19<sup>th</sup> century franchise expansion, namely the invasion of the public sphere by unidirectional and manipulative techniques of voter persuasion. (Part VI) Notably, it is *not* because voting “doesn’t make a difference”—a common refrain of the electorally disaffected—that it is cast as a marginal form of participation here.

The language of “meaningful participation” is less specific than that of enfranchisement. But subsequent developments in Habermas’s work move towards that more concrete idea. Meaningful participation in the public sphere itself goes beyond inclusion, a fact which has been widely and powerfully stressed by a range of Habermas’s critics.<sup>18</sup> But as Habermas himself notes at conclusion of *STPS*, simply reintroducing the idealized bourgeois public sphere as a critical model under modern conditions of greater inclusion (and the resulting mass politicization of conflicting private interests) will provide partial and faulty normative guidance. This is because the ability of the bourgeois public sphere itself to generate rational forms of agreement was premised upon an underlying homogeneity of interests (this being in large part a function of its various constituent exclusions). And, for Habermas, the otherwise progressive undoing of the homogeneity of interests in the public sphere that gave the truth to “the early modern notion of a discursively accomplished formation of opinion and will was nothing but a veiled version of majority power.”<sup>19</sup> In other words, the ideal of rational-critical discussion is insufficient for identifying when the contributions of some citizens are overwhelmed in such a way that they don’t effectively “count”—where “losers” are effectively disenfranchised.<sup>20</sup>

*STPS* provides no further guidance on how to understand or address this problem.

However, *Legitimation Crisis*—a text that, because of its early (1975) English translation and

---

<sup>18</sup> Nancy Fraser has given this issue its most explicit articulation by drawing a distinction between formal inclusion and “participatory parity.” See Fraser, “Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy,” *Social Text*, no. 25/26 (1990): 56–80.

<sup>19</sup> Habermas, *Between Facts and Norms* (Cambridge: MIT University Press, 1996) 440–1.

<sup>20</sup> Importantly, the issue here is not that majorities might produce substantively disadvantageous or unjust outcomes for minorities (which of course they can), but that there is no way to diagnose when involvement is rendered functionally “meaningless.” Moreover, this problem is not connected to either voting or aggregation, but to public opinion itself.

introduction of the notion of an “ideal speech situation” was one of the most influential for early deliberative thinkers—does just this.<sup>21</sup> *Legitimation Crisis* reiterates the concern that discussion in the public sphere has been distorted to manufacture mass loyalty without genuinely involving the participation of citizens.<sup>22</sup> However, rather than simply reassert the necessity of participation, Habermas takes up the question of whether genuinely participatory decision-making can be truly “rational” in a more robust way than was implied by *STPS*’s notion of rational-critical discourse. This question arises in the first place because of the concern that social systems are too complex to be governed along participatory lines, a concern which leads to Habermas’s initial engagement with systems theory. Systems theorists, for their part, articulate the strongest form of an originally Weberian challenge: if legitimate decision-making is no more than legal decision-making (that is, decision-making that conforms to established accepted procedures) we shouldn’t worry about the non-participatory extraction of legitimation. We should simply worry about the empirical ability of systems as wholes to elicit the required acceptance by using the most effective procedures for the purpose. In short, if the idea of legitimacy itself is beside the point, then the connection between legitimacy and citizen involvement is *a fortiori* even further beside the point.

---

<sup>21</sup> The notion of an “ideal speech situation” actually makes its first appearance in a 1970 essay entitled “Toward a Theory of Communicative Competence,” published in the volume *Recent Sociology 2: Patterns of Communicative Behavior*, ed. Hans Peter Dreitzel (New York: Macmillan). However, it was mostly through *Legitimation Crisis* that the notion came to early deliberative thinkers. For formative references, see Frank Michelman, “Law’s Republic,” ^97, no. 8 (1988): 1493–1537;

Joshua Cohen, “Deliberation and Democratic Legitimacy,” in *The Good Polity: Normative Analysis of the State*, Alan Hamlin and Phillip Petit, eds. (New York: Blackwell, 1989). Bernard Manin, “Deliberation and Democratic Legitimacy.”

<sup>22</sup> Habermas contrasts “formal democracy” with the “genuine participation of citizens in the process of political will-formation, that is, substantive democracy.” (*LC* 36)

However, for Habermas, the viability of this systems-theoretic view hangs on whether “practical questions”—concrete questions about what to do in a given instance—are even in principle answerable in a way that all involved at least *can* have warrant to recognize the answer “true.” If they can, then there *is* a perspective beyond their mere legality from which to evaluate them. Moreover, we can reconstruct it by exploring the conditions under which individuals acquire the warrant to recognize potential answers as true in the first place: by talking them out. This is where the substance of what would become influential for later deliberative thinkers comes in: the appeal to a consensus orientation in political talk, the idea of an “ideal speech situation,” the notion of “the forceless force of the better argument,” and the view that all speech acts raise “validity claims” that can be criticized and “discursively redeemed” (i.e., backed up with reasons). In short, even when citizens with diverse interests, from diverse backgrounds and of diverse opinions come together to communicatively hash out a problem, the very fact that they use language commits them to the same pragmatic assumptions: that when any given citizen makes a claim, their interlocutors can question the grounds for the claim, to which the citizen cannot simply then respond “it is groundless but I claim it anyway.” Instead, the structure of language itself “commits” all involved to respond: to engage in a back-and-forth inquiry into what claims can be discursively redeemed (where “commits” simply means supplying the cognitive basis for realizing that doing otherwise is wrong). It doesn’t follow here that participants, even when acting in good faith, will necessarily agree on what claims can be redeemed or what reasons are “good.” But the obstacles to agreement on such things are empirical and contingent, not philosophically necessary. And under an “ideal speech situation” (which simply refers to the conditions under which the criticism and redemption of validity claims are best able to flourish) those empirical obstacles to agreement can be progressively

filtered out *if* the conversation is structured in the right way. Because decisions arrived at in this manner would be “rationally motivated” (rather than simply empirically induced, via manipulation or propaganda), and because achieving consensus around them is not in principle impossible, this perspective is viable for making legitimate evaluations.

This is, in extreme miniature, an early and likely familiar picture of Habermasian deliberation. But there are at least two features worth drawing out from the context of its emergence. The first is the non-hypothetical nature of the communicative conception of legitimacy. It does not offer a “moral point of view” that individual citizens can take up to evaluate or criticize decisions or outcomes. Instead, it defends the connection between actual discursive participation and public legitimacy—a key theme from *STPS*—in new philosophical terms. While the “internal” structure of idealized discursive interactions *may* appear to conform to the reason-over-power interpretation (hold this thought), it is still “externally” committed to a project of discursively empowering citizens. Whereas the original threat of disempowerment that came with the public sphere’s structural deterioration, it is now understood to be more fundamentally rooted in the usurpation of legitimacy itself by the imperatives of autonomous social systems and other structures of power. Talk *creates* power, rather than removing it. That power must simply have the normative imprimatur of being created in the right way.

The second feature relates to the “internal” structure of deliberation, which may at first appear to be organized around the elimination of power. It is true that there are some forms of influence that deliberative practices and principles “rule out.” Habermas himself uses the language of force (*Gewalt*) to describe what is normatively excluded in discursive contexts, and



the language of power (Macht) to describe what emerges from those contexts.<sup>23</sup> But beyond semantics, the appeal of structuring discursive contexts along rationalistic lines was to offer a route for turning de facto, brute inclusion into a form of involvement that offers all participants a say that will command responses from others, making that say “count” in a tangible way. Counted has a specific spin. From the pragmatic view of language that Habermas develops, we can identify in language use itself a set of assumptions that speakers take up (or, can be held accountable for taking up) whenever they make claims in discursive settings. All statements are, for this reason, structurally open to criticism. And the more ideal the speech situation, the more able participants in that situation are able to avail themselves of the “force of the better argument.”<sup>24</sup> Even participants who are at any given point “in the majority” cannot insulate themselves from that force by disavowing, either practically or cognitively, the pragmatic commitments they take up when they use language to state their case. The ideal speech situation thus has the function of theoretically connecting inclusion to uptake by explaining how speakers can tap a set of powerful cognitive resources that at once enable those speakers to transcend the ability of hearers to ignore them.

This technical appeal to the philosophy of language is elaborated in *The Theory of Communicative Action*—another major reference point for early deliberative thinkers.<sup>25</sup> But its substance is fundamentally the same: the “presuppositions” we make when entering discourse

---

<sup>23</sup> LC 111. This distinction is expressed most clearly in Habermas’s creative interpretation of Hannah Arendt idea of power, disassociating power from the imposition of one will over another and associating it instead with the communicative formation of a common will. See, originally, Habermas, “Hannah Arendts Begriff der Macht,” *Merkur* 30, no. 341 (1976): 946–960.

<sup>24</sup> [108]

<sup>25</sup> *TCA* adds a number of clarifying distinctions: between “discourse” and “communicative action”; between different kinds of discourse; and between the three basic kinds of validity claims (eliminating a fourth, earlier claim of “intelligibility” for utterances).

are strong enough to ground *enough* receptivity in fellow participants that one's speech can't be discounted out of hand. Moreover, when the presuppositions of speech codified into norms that participants can mutually reference—when those in-built features of language itself are translated into stronger social expectation (always imperfect and revisable)—the ability of speakers to ensure their claims are heard is strengthened. When the presuppositions of speech are disavowed, or when prevailing norms insulate some speakers from criticism (because those norms license the bald assertion of interests or the normative validity of bargaining from a position of strength), citizens *complain* precisely because they cannot expect a fair hearing of their concerns. And it is the more robust framework for complaint that bridges from discursive participation to an emerging idea discursive enfranchisement. It is meant to help citizens not only pick out and complain about contexts from which they are excluded, but also guides them in analyzing how they might be disempowered within those contexts. Being involved in a discursive context is not enfranchisement unless discursive contexts are structured in a particular way.

## II. From the “Coffeehouse” to the “Newsletter”

This strongly rationalistic picture, inherited by early deliberative theory, has been challenged on a number of fronts. Some of these challenges are genealogical, confronting deliberative ideas with the partiality and exclusiveness of deliberation as it has been historically conducted, whether tied to Habermas's focus on the bourgeois public sphere specifically or to more

institutional examples of citizen assemblies and parliaments—all constitutively shaped by raced, classed and gendered exclusions.<sup>26</sup>

But these critiques go beyond simply puncturing deliberation's ahistorical conceit of being neutral and universal. They also provide the basis for both critiquing the specific norms and discursive modes recommended by rationalists and in turn making counter-recommendations. So, rather than reject the idea of enfranchisement through talk, these theorists pluralize the ways in which we can imagine it occurring. Iris Young, for instance, adds to rational argumentation the techniques of greeting, rhetoric, and storytelling.<sup>27</sup> For Young, greeting describes a broad set of practices mutual acknowledgement that break down our built-up resistances to giving others fair hearings. Rhetoric, on the other hand, allows *desire* to become part of the connective tissue between inclusion and uptake, enabling speakers to not only express their own but also tap the desires of others, reorienting their patterns of perception and attention to generate receptivity through appeals to affect rather than through propositional argumentation alone. And storytelling allows subjective experience to operate as a persuasive element, allowing citizens to reach and convince their interlocutors on a wider basis than that of "reasons" alone. Being more ecumenical in our approach to the discursive modes that promote citizen voice offers a corrective to deliberative rationalism that is in keeping with, and even extends, the project of discursive enfranchisement.

---

<sup>26</sup> Joan Landes, *Women and the Public Sphere in the Age of the French Revolution* (Ithaca: Cornell University Press, 1988); Nancy Fraser, "Rethinking the Public Sphere"; Iris Young, "Communication and the Other" and *Inclusion and Democracy*, Chapter 2.

<sup>27</sup> Iris Marion Young, "Communication and the Other: Beyond Deliberative Democracy," in Seyla Benhabib, ed., *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton: Princeton University Press, 1996).

Lynn Sanders takes much the same approach. As noted above, Sanders is the most prominent of deliberation's critics to use the language of disenfranchisement itself as the grounds of her critique. "If we allow that some Americans are more alienated than others, that some are relatively disenfranchised," Sanders writes, "then the model of democratic politics subscribed to by democratic theorist should try to remedy, not reinforce, these problems."<sup>28</sup> If deliberation is what reinforces disenfranchisement, remedies for Sanders nevertheless come in other discursive modes. Specifically, *testimony* holds out the possibility of connecting the articulation of experience found in storytelling to an egalitarian humility which takes for granted that we do *not* begin most dialogues with the ability to recognize the truths offered by those different than us.

If Sanders builds off of storytelling as an alternative discursive mode, rhetoric has benefited from an even wider range of proponents.<sup>29</sup> Both the unstructured, informal conversation that happens as "everyday talk," as well as the confrontational, disruptive and accusatory speech that often goes under label of "agonism," are frequently advanced as correctives to the narrowness of rationalistic deliberation.<sup>30</sup> But the premise behind these corrections is familiar. Highlighting the importance of everyday talk largely consists in showing that social power isn't only generated in town halls or parliamentary chambers, but also in norms reproduced through the countless mundane communicative interactions. Being discursively enfranchised, if it means anything, has to mean being treated as someone entitled to politicize

---

<sup>28</sup> Sanders, "Against Deliberation."

<sup>29</sup> See Bryan Garsten, *Saving Persuasion* (Cambridge: Harvard University Press, 2006); Arash Abizadeh, "On the Philosophy/Rhetoric Binaries," *Philosophy and Social Criticism* 33: 445–72; John S. Dryzek, "Rhetoric in Democracy: A Systemic Appreciation," *Political Theory* 38, no. 3 (2010): 319–339; Simone Chambers, "Rhetoric and the Public Sphere: Has Deliberative Democracy Abandoned Mass Democracy?" *Political Theory* 37, Issue 3, 2009

<sup>30</sup> Chantal Mouffe, "Deliberative Democracy or Agonistic Pluralism," *Social Research*, Vol. 66, No. 3 (Fall 1999); Jane Mansbridge, "Everyday Talk in the Deliberative System"

these interactions, calling implicit norms into question or otherwise showing how everyday talk itself bears responsibility for distributing society's benefits and burdens.

Deliberative theorists have largely come to *embrace* these alternative modes of speech as internal to deliberation itself.<sup>31</sup> I call this general approach “discursive ecumenism.” It is premised on the idea that widening the range of discursive styles considered desirable in deliberative contexts better enables broader-based enfranchisement in those contexts. At the same time, however, the approach relaxes the original deliberative concern with uptake to place a much greater emphasis on inclusion. The premise of the rationalistic emphasis on propositional argument and the reciprocal criticism of validity claims, recall, was to identify a set of norms that would at once compel listeners to respond to those speaking and deny speakers the ability to insulate themselves from reciprocal questioning.<sup>32</sup> Inclusion is “disciplined” to ensure that empowerment is redistributed downward.<sup>33</sup> The premise of the ecumenical accommodation of discursive styles, alternatively, is to evacuate discursive contexts of any principled reasons for discounting speech on the grounds of style rather than substance. Rather than focusing on how to positively connect inclusion to uptake, the ecumenical approach focuses on preventing the re-emergence of other forms of “internal exclusion” (in which deliberative rationalism can often be complicit).

---

<sup>31</sup> Simone Chambers, “Deliberative Democratic Theory,” *Annual Review of Political Science* 6 (2003); Jane Mansbridge, James Bohman, Simone Chambers, Thomas Christiano, Archon Fung, John Parkinson, Dennis F. Thompson, and Mark E. Warren, “A Systemic Approach to Deliberative Democracy,” in *Deliberative Systems: Deliberative Democracy at the Large Scale*, ed. John Parkinson and Jane Mansbridge (Cambridge: Cambridge University Press, 2012)

<sup>32</sup> I use the term “compel” here to capture the idea that responses are not cognitively voluntary, paralleling the notion of the forceless *force* that better arguments would be said to carry.

<sup>33</sup> There are overlaps here with Jo Freeman’s argument in her tract, “The Tyranny of Structurelessness,” that a lack of internal discipline can lead to general unaccountability and the disempowerment of those who do not already possess social and cultural capital.

At the same time, proponents of ecumenicism nevertheless rely on an unstated picture of uptake, what could be called uptake-as-audience, where the sense of audience in play implies the *presence* of that audience as when a speaker “has an audience.” Because *all* of the arguments about discursive modes imagine the deliberative setting in face-to-face terms, inclusion effectively implies a weak form of uptake through sensory co-presence. Speakers connect to hearers as a matter of brute fact, even if none of hearing’s typical accompanying political senses (those implying attention, consideration and response, if not full understanding and acceptance) go along with it.

The idea of uptake-as-audience, however, is a general feature of a broader imaginative model of deliberation, what could be called the “coffeehouse model.” The coffeehouse is one of the most well-travelled and evocative images of public discussion, an image promoted explicitly by *STPS* (alongside that of the salon). In this image, citizens interact in unmediated, face-to-face fashion, sharing a public space in a way that makes each the audience of the other (at least formally). But a distinct problem “external” to this model is posed by the lack of an audience in the first place. This lack is best understood through the prism of *scale*. As Robert Goodin puts in an early statement of the problem, “The challenge facing deliberative democrats is...to find some way of adapting their deliberative ideals to any remotely large-scale society, where it is simply infeasible to arrange face-to-face discussions across the entire community.”<sup>34</sup> Goodin, drawing from Robert Dahl’s earlier reflections about scale and democracy generally, takes the problem with scale to be an obvious one—an orientation shared by several subsequent

---

<sup>34</sup> Goodin, “Deliberation Within,” *Philosophy & Public Affairs* 29, no. 1 (2000): 81-109.

theorists.<sup>35</sup> However, in an important way it's not. The original idea of the public sphere was always intended to address conversation at scale, being a site of mass discursive enfranchisement. The main issue with scale, then, is not the raw ability of citizens to have broad-based conversations about political issues. The issue instead is that scale reconfigures the basic relationship between inclusion and uptake.<sup>36</sup> Recall that the move into the strong linguistic rationalism of the ideal speech situation, validity claims, discourse ethics and the like was rooted in the need to find a more robust normative perspective than that offered by the original public sphere idea; and, that this perspective was rooted in identifying the connective tissue between inclusion and uptake in the pragmatics of language and in the norms that make those pragmatic commitments explicit. But this *also* meant shifting the normative (if not the empirical) substance of discursive enfranchisement into an image of direct interaction. The question of scale is thus not only how deliberation can be inclusive in large-scale ways, but also how it can be tied to uptake at similar scale.

Habermas himself addresses this question with a “two-track” approach that splits off “formal” deliberations (things like legislative sessions, in which discursive norms can at least potentially be enforced) from an “anarchic” public sphere in which, essentially, anything goes. However, in doing so, Habermas reserves almost all of his normative guidance for the first, “formal” track. Involvement in the anarchic public sphere is reduced to what could be called “bare inclusivity,” the lack of formalized barriers to speaking as such. As Habermas points out,

---

<sup>35</sup> See Robert A. Dahl and Edward R. Tufte, *Size and Democracy* (Stanford: Stanford University Press, 1973). John Dryzek, “Legitimacy and Economy in Deliberative Democracy,” *Political Theory* 29, 5 (2001): 651–669; John Parkinson, “Legitimacy Problems in Deliberative Democracy,” *Political Studies* 51, no. 1 (2003): 180–196.

<sup>36</sup> Coffeeshops were themselves always “mass” mass institutions in one sense, involving large numbers of people if not always together or simultaneously.

dividing “tracks” in this way responds to many of his critics by allowing for communication and expression that is genuinely “unrestricted” and subject to “fewer compulsions” than would apply in formal venues.<sup>37</sup> But the lack of restriction and compulsion (the broad acceptance of discursive styles discussed above) goes hand in hand with correspondingly diminished expectations of having one’s voice actually be heard, listened to, considered or counted, beyond the bare minimum of having a local audience where you speak.

So far I have described deliberation, whether rationalistically or ecumenically understood, as conforming to a “coffeehouse model” of enfranchisement, where that label both picks out the historical trajectory of deliberation and a particular approach to connecting inclusion to uptake. But there is another model latent in both the deliberative tradition generally and in the more specific discussion of the public sphere from which the coffeehouse gained prominence. As Habermas documents at the outset of STPS, it was the rise of *news letters*, largely dedicated to the dissemination of commercial news, that first began to promote the existence of oppositional publicity. Moreover, printed political journals transformed the information and judgment circulated as news into print-based conversation. And the sensibilities of autonomous judgment, essential for enabling a publicly critical orientation, were honed through the private reading practices surrounding mass-published novels. While coffeehouses, salons and other fora were crucial for the development of public discussion and opinion, they were neither critical nor genuinely public without the mass circulated print media in which issues

---

<sup>37</sup> Habermas, *Between Facts and Norms*, 307–8.



were thematized and judgments passed. It was print media, even more than “public space” per se, that underpinned “a public sphere whose decisive mark was the published word.”<sup>38</sup>

While news letters, and later other forms of media, were essential both to the initial development of the public sphere and to its normative functions, deliberative theory has largely avoided this analysis. A focus on media, however, can make better sense of the connection between inclusion and uptake at scale. Specifically, a “newsletter model” of discursive enfranchisement can leverage the idea of uptake-as-audience to articulate a more maximalist picture of enfranchisement.

### III. Media and the “Newsletter Model” of Discursive Enfranchisement

I have argued so far that we should think of discursive enfranchisement as at once being included in the processes through which public conversations occur and as having one’s inclusion made meaningful through some kind of uptake from others, some transition from speaking to being heard. Media clearly plays some role in this dynamic, but the normative significance of this role is less clear. This is for two reasons. First, *access* to the means of discursive production has historically been highly limited. This is the inclusion dimension of what would be a mediated “newsletter model” of discursive enfranchisement, focusing on the tools, techniques and materials required to actually produce the media objects in which voice can be contained. While the emergence of movable type and, in the early 19<sup>th</sup> century, the penny press greatly expanded

---

<sup>38</sup> *STPS*, 16. When Habermas describes state reactions to this new form of critical publicity, it is print, and not coffeehouse discussion, that they target: “A private person has no right to pass public and perhaps even disapproving judgment...or to promulgate or publish in print pertinent reports that he manages to obtain. For a private person is not at all capable of making such judgment, because he lacks complete knowledge of circumstances and motive.” (25)

the ability of “private persons” (those with no affiliation to either the church or state) to engage in print production and, later, the ability of marginalized groups to afford this same access, inclusion-as-access to production had traditionally been extremely limited.<sup>39</sup> Moreover, as media production more generally transitioned to radio, film, and especially television, access to the means of production became even more unlikely.<sup>40</sup> It could easily seem that, from the perspective of inclusion as access to the means of discursive production, disenfranchisement is the default position and historically durable.

However, in a media landscape that has moved from radio, film, and television to one characterized by networked media platforms—originally bulletin board systems and other “virtual communities,” to the World Wide Web and self-publication on blogs and other websites, to Facebook, Twitter and other social media—access to the means of discursive production looks quite different. Not only are citizens able to produce discursive content on a mass scale, the media landscape is intentionally organized to encourage this. To some extent, this development could seem to represent the realization of democratic vision of communication latent since the emergence of electronic mass media. As Bertoldt Brecht saw things as early as 1926, while a medium like radio was “one-sided when it should be two...purely an apparatus for distribution,

---

<sup>39</sup> While Habermas interprets the emergence of the penny press, predictably, as part of the broader declensionist narrative of *STPS* (“In the case of the early penny press it could already be observed how it paid for the maximization of its sales with the depoliticization of its content,” 169) his analysis completely neglects the importance of lower costs for the success of dissident presses. In the US context, black-owned presses like *Freedom’s Journal* and *The North Star* depended on low costs to an even greater extent than publications like *The Liberator* that could benefit from wider networks of (white) patronage.

<sup>40</sup> Habermas himself describes the transition to these media forms in quasi-psychological, somewhat hyperbolic terms (“They draw the eyes and ears of the public under their spell,” 171). But the underlying idea remains that they deprive citizens of the ability to “talk back,” and otherwise “deprive [the public] of the opportunity to say something and to disagree.”

for mere sharing out,” society could still “change this apparatus over from distribution to communication,” endowing the everyday masses with knowledge of “how to receive as well as to transmit, how to let the listener speak as well as hear.”<sup>41</sup> From Brecht’s point of view, even if actually existing constellations of media ownership, production and distribution are asymmetrical and antidemocratic, the possibilities latent in existing technologies can be a reference point for democratic imagination. This position was articulated in response to *STPS* as well. Soon after the text’s publication in Germany, Marxist media scholars began to challenge on both political and methodological grounds Habermas’s refusal to identify emancipatory potential in then-contemporary mass media, a major theme of which was concern about the elitist implications identifying emancipation with discourse.<sup>42</sup> As poet and critic Hans Magnus Enzensberger put it already in 1970, the critical imperative was to “argue theoretically and act practically from the standpoint of the most advanced productive forces in their society” (referring specifically to media production) in order to “develop in depth all the liberating factors immanent in these forces.”<sup>43</sup> In other words, the media ecology in which citizens presently think and move should itself offer the reference point for understanding its emancipatory or democratic potential.

For Enzensberger, this kind of project was theoretically feasible already in the early 1970s. The emergence of “electronic media” meant that (channeling Brecht) there was technically “no contradiction in principle between transmitter and receiver.” And accordingly,

---

<sup>41</sup> Brecht, “The Radio as Apparatus of Communication,” in Willett, 1964: 52.

<sup>42</sup> See Peter Uwe Hohendahl, “Critical Theory, Public Sphere and Culture: Jürgen Habermas and his Critics,” 1979 and especially Oscar Negt and Alexander Kluge, *The Public Sphere and Experience*.

<sup>43</sup> Hans Magnus Enzensberger, “Constituents of a Theory of the Media,” *New Left Review* (1970): 13–36.

“For the first time in history, the media are making possible mass participation in a social and socialized productive process, the practical means of which are in the hands of the masses themselves.” A full-scale effort to think such a project through, on Enzensberger’s view, was only thwarted by the pervasive and elitist resistance to the very idea of “mass” media motivated by “a nostalgia which clings to early bourgeois media.” But, perhaps surprisingly, it was not the socialization of the productive process but rather its transformation within an emerging “digital economy” that made wide access to the means of discursive production possible. Indeed, *critics* of the digital economy consistently observe that the realization of value under contemporary capitalism in large part depends on this relatively novel productive configuration. As Nicholas Carr observes in 2006, “By putting the means of production into the hands of the masses but withholding from those same masses any ownership over the product of their work, Web 2.0 provides an incredibly efficient mechanism to harvest the economic value of the free labor.”<sup>44</sup>

I address the implications of the relationship between media and capitalism in the next chapter. That relationship is challenging. For now, I only mean to highlight the significance of production to a mediated, newsletter model of discursive enfranchisement and how the inclusion dimension of that model has evolved alongside changes in the media landscape. But even within the terms that I have laid out on disenfranchisement, there is still the challenge of uptake. As Matthew Hindman argues, dynamics of *distribution* are different from those of production when assessing the democratic potential of digital technologies.<sup>45</sup> While anyone can, for the most part,

---

<sup>44</sup> Nicholas Carr, “Web 2.0lier than thou,” *Rough Type*, October 23, 2006, <http://www.roughtype.com/?p=555>. This sentiment is also present in, if not the central focus of, Tiziana Terranova’s earlier, “Free Labor: Producing Culture for the Digital Economy,” *Social Text* 63, vol. 18, no. 2 (2000): 33–58.

<sup>45</sup> See Hindman, *The Myth of Digital Democracy* (Princeton: Princeton University Press, 2008), 16–19.

produce content, the same tools that enable production do not guarantee an audience for it. In fact, for Hindman, what we actually observe when looking at who is able to make their content “visible” on the Web is a power law phenomenon where a vast majority of visibility is concentrated in an exceedingly small number of websites. If the ability to have a voice means actually getting it heard, then we need to pay attention to the dynamics through which discursive media actually reaches, or fails to reach, other citizens. Being discursively enfranchised within the mediated, newsletter model in turn has to entail being embedded in the processes and practices through which discursive content is produced *and* distributed.

#### IV. Conclusion

This chapter began by arguing that deliberation as an activity is best interpreted as a matter of enfranchisement, and that deliberation as a theoretical paradigm is best interpreted as a framework for a specific mode of discursive enfranchisement; that is, enfranchisement through the medium of language and talk. While these interpretations are at least partially apt, they are obscured by the commonplace assumption that removing, rather than generating, power is deliberation’s normative substance. However, in challenging those assumptions and showing how deliberation implies specific kinds of empowerment (the ability to connect one’s individual inclusion in a discursive context to uptake there) the chapter also argued that deliberation is only one possible framework for discursive enfranchisement. Drawing from a “coffeehouse” image that assumes face-to-face, unmediated discussion, deliberation not only fails to capture wide swaths of empirical practice. It also has theoretical lacunae, even in its best versions, that can only be addressed by moving to an alternative framework. This chapter has begun to develop that alternative framework out a “newsletter” image that centers the production and distribution of

discursive media. Again, moving to this “newsletter model” is not solely or even primarily motivated by the desire to hew more closely to empirical practice—though it does, helpfully, do this. The motivation is instead to articulate a response to the shortcomings of the deliberative theoretical framework, its inability to explain the connection between inclusion and uptake that is a necessary dimension of the idea of enfranchisement.

The deliberative framework’s normative upshot, however, is at least familiar: citizens have disenfranchisement complaints not only when they are not included in discursive contexts, but also when the interpersonal norms structuring those contexts invalidate or devalue the discursive forms that best expresses their substantive claims. Within the mediated, productive framework, the normative upshot is less familiar. There are two main reasons for this. The first lies in the nature of the relevant complaint. Ostensibly, citizens have disenfranchisement complaints when they are denied secure access to the means of discursive production, or are denied the means to distribute their discursive content to others. In a print-based environment this would be the lack of access to printing presses themselves; or, in a “late print” environment, lack of access to electronic technologies like Xerox machines that can make rapid, cheap reproductions.<sup>46</sup> Such print access has been historically exclusive—so exclusive that speaking of disenfranchisement in this context might sound like a description of a state of affairs so “normal” that it can’t count as a complaint. Digital technologies and platforms expand the *possibility* of access to the means of discursive production, though this possibility is easily underrealized. One way of talking about this under-realization in terms of the “digital divide.” Disenfranchisement

---

<sup>46</sup> For an account of the impact of electronic, but not-yet-digital technologies like photocopiers on cultural production in the public sphere, serving as an accessible tool for artists and activists to create and publicize their messages, see Kate Eichhorn, *Adjusted Margin: Xerography, Art, and Activism in the Late Twentieth Century* (Cambridge: MIT Press, 2016).

complaints get traction when citizens are subject to “second-class” forms of digital connectivity itself, denied the technological or social opportunities to participate.<sup>47</sup> But they can also get traction when discursive production and dissemination is only possible on platforms that proprietarily control the terms of engagement—especially when platforms engage in unaccountable (and often automated ) content moderation—that are developed and enforced without the input or involvement of platform users or wider publics more generally.

Disenfranchisement complaints in regard to discursive *distribution* are more complicated. This is because the expectation to simply *have* an audience (or, say, an equal audience to that of everyone else) cannot itself provide substance for complaint. An audience itself is not an expectation that applies within a political practice, but something that one works towards through that practice. However, the expectation to have access to tools through which one can effectively *construct* audience—and thus to achieving this mass form of discursive uptake—is a more accessible expectation. Indeed, this is in large part because the social media platforms that make access to distribution nearly universally available profit from its accessibility.

Disenfranchisement, then, is unlikely to pick out a lack of access to the tools of distribution. It *will* pick out contexts in which one’s content is marginalized by the algorithms that platforms use to decide how content is to be delivered to other users. While algorithms have been critiqued for their role in creating “filter bubbles” (echo chambers in which citizens receive information and opinions that overwhelmingly confirm their own priors) and in proliferating false and incendiary content, these issues are secondary here. Instead, to the extent which the

---

<sup>47</sup>See Jeff Landale and Sascha Meinrath, “The Future of Digital Enfranchisement,” in *Media Activism in the Digital Age*, Victor Pickard and Guobing Yang, eds. (New York: Routledge, 2017). For Landale and Meinrath, whereas earlier accounts of digital divide focused on disparities in internet access as such, contemporary treatments of the concept should focus on qualitative differences between forms of access.

ability to construct and reach one's audience is not under one's own control (it being outsourced to the control of proprietary, "black box" algorithms that operate without public scrutiny) disenfranchisement complaints get traction.

At the same time, the actual political practice of constructing the audience necessary for enfranchisement depends to a significant extent on potential members of that audience. So the application of the enfranchisement idea to digitally networked discursive environments also implies a picture of the citizenship that enables enfranchisement for others: what I call "nodal citizenship." The language of nodes draws directly from the talk of networks, evoking how citizens are positioned as both recipients of the speech or other content that their fellow citizens produce, and as relays in circulating that speech or content to others. This language and set of ideas apply to standard electoral contexts of enfranchisement as well. One exercises nodal citizenship in this context simply when one engages in the electoral process with an ear to others, taking one's own vote as a potential instrument of solidarity that amplifies the votes of those in need of amplification. The basic premise here is that you can treat your position of enfranchisement not only as the sovereign entitlement to your own voice, but also as coming with an in-built dimension of responsibility to also help enfranchise the voices of others. Nodal citizenship is even more relevant in discursive contexts. In these cases, the responsibility to amplify, and thus help enfranchise, the voices of others does not mean "voting their way." But further, it also doesn't simply mean listening to them. In addition, it means lending your own audience to others, passing their voice along, both "seconding" their points and increasing their audience. This dimension of responsibility does not in fact "responsibilize" one's discursive enfranchisement (the tendency, discussed in Chapter 2, to treat the vote as something that ought to reflect all-things-considered moral judgements about the right outcome) because it does not



commit one to any particular action. Instead, it expresses a genre of action that also makes up the practices that constitute enfranchisement more broadly.

The crux of this chapter, then, is less to spell out a new and distinctive form of disenfranchisement than it is better illuminate a somewhat familiar form that theorists have so far perceived through a glass darkly. In the next chapter, I develop the implications of adopting an approach to enfranchisement that foregrounds audience and the distribution of content. The crux of *that* chapter's argument, however, is that the idea of discourse—as well as the conceptual and normative apparatus that go along with the connection between enfranchisement and talk—can actually have an oversized hold on our political thinking. The seemingly in-built connection between enfranchisement and “voice” is both powerful and analytically useful. It offers a clear metaphorical line of continuity between electoral and discursive contexts, one that is more conceptually developed here. But the practices through which citizens participate in and generate power are not always undertaken in ways, or transacted in media, that are best understood through the paradigm of vocality. And this is especially true when thinking about audience, and about the processes and practices that get “eyeballs” for content—discursive, visual, audio, or (most commonly) some combination of the above. Here what we are really talking about is *attention*.<sup>48</sup>

Attention, for its part, is a relatively undertheorized phenomenon in political theory. Yet it nevertheless is an important political recourse. Inattention, after all, can be crippling to a political cause, or utterly disempowering for a community that suffers persistent neglect and abuse, above and beyond its implications for getting one's voice heard in mass contexts. But

---

<sup>48</sup> At time of writing, YouTube is in fact the most accessed social media platform in the world, such that other platforms are increasingly moving to integrate and foreground video content.

further, attention itself is not merely something paid or not, given or withheld, but something that *circulates*. This circulation is a function of complex infrastructures built and owned by large corporations. But it is also a function of a diverse set of practices—following and sharing, sharing and reposting, liking, upvoting and even simply viewing—that help determines what issues, actors, arguments and ideas receive public attention, when, and in what amounts. The next chapter takes up this landscape with an eye to both appreciating its significance and understanding its normative dynamics through the lens of enfranchisement and disenfranchisement.

## Chapter 4: Democracy and the Distribution of Attention

On the evening of February 26, 2012, George Zimmerman profiled Trayvon Martin and chased him through the gated Florida community of Twin Lakes. At 7:16pm, Zimmerman shot Martin dead through the chest. On April 11, Zimmerman was charged with second-degree murder by Angela Corey, the Special Prosecutor assigned to Martin's case about three weeks prior.

These charges were not a foregone conclusion. At first, and for some while, the events in Twin Lakes were confined to local Florida newspapers.<sup>1</sup> National media outlets only took selective interest after Martin's family hired a legal team with an explicit strategy to bring his story to their doorstep.<sup>2</sup> But these initial outlets—the CBS Morning News and Reuters—didn't themselves launch the story to public prominence. Instead those outlets served as nodes within a broader process of attentional escalation. The CBS interview with Martin's parents reached the most viewers directly. But it was the Reuters article that caught the eye of Howard Law alumnus Kevin Cunningham (via an alumni listserv) and inspired him to create a petition on Change.org. That petition, alongside reporting by Tremayne Lee at the *Huffington Post*, was then picked up within a network of smaller black-run media outposts (particularly Global Grind, ColorOfChange and the Black Youth Project), spreading attention further and feeding back into the petition.<sup>3</sup> Now “off the ground” with over 10,000 signatures, a small group of celebrities picked up the petition on Twitter, where it exploded.<sup>4</sup> Bolstered by the release of Zimmerman's

---

<sup>1</sup> Erhardt Graeff, Matt Stempeck, and Ethan Zuckerman, “The Battle for ‘Trayvon Martin’: Mapping a Media Controversy Online and Off-line,” *First Monday* 19, no. 2–3 (2014).

<sup>2</sup> Paul Farhi, “Trayvon Martin story found the media,” *Washington Post* (12 April 2012).

<sup>3</sup> Lee was the only journalist to independently cover Martin's killing so early, on March 8, without first being contacted by representatives of Martin's parents. See Lee, “Trayvon Martin's family calls for arrest of man who police say confessed to shooting (UPDATE),” *Huffington Post* 20 March 2012).

<sup>4</sup> Miranda Leitsinger, “How one man helped spark online protest in Trayvon Martin case,” *NBC News* (29 March 2012).

911 call, attention to Martin’s case combined with anger and spread rapidly. On March 21 it hit the streets in the “Million Hoodie March.” And the next day almost every mainstream print media outlet in the US ran their first of many front-page stories. Under the swiftly brightening floodlight of public attention and uproar, Florida governor Rick Scott replaced Norm Wolfinger, the Seminole County State Attorney who had publicly refused to charge Zimmerman, with Angela Corey. On April 11, Corey reversed course and brought charges. The next day, the Change.org petition “declared victory,” closing with 2,275,617 signatures.

This is a highly abbreviated account of the aftermath of Martin’s murder. But it is a particularly instructive case study in the political life of *attention*, a phenomenon integral to democratic politics but neglected by democratic theory. Political causes and candidates vie not only for hearts and minds but also, and first, for ears and eyeballs. A Habermasian politics of talk depends on being listened to. An Arendtian politics of appearance hinges on being watched. Silence and invisibility—quintessential expressions of attention’s pernicious absence—haunt every social and political space. For these reasons, “attention grabbing” is a well-established on-the-ground element of the democratic repertoire, its importance deeply familiar from political experience.<sup>5</sup> Perhaps most famously in the US context, militants from the Civil Rights Movement self-consciously developed an ability to extract coverage from print and television media—so-called “earned media”—commandeering the attention of an otherwise complacent

---

<sup>5</sup> See DeLuca and Peeples, “From Public Sphere to Public Screen: Democracy, Activism, and the ‘Violence’ of Seattle,” *Critical Studies in Media Communication* 19, no. 2 (2002): 125–151; Deborah Gould, *Moving Politics: Emotion and ACT UP’s Fight Against AIDS* (Chicago: University of Chicago Press, 2009); Todd Gitlin, *The Whole World is Watching: Mass Media in the Making and Unmaking of the New Left* (Berkeley: University of California Press, 2003); and Zeynep Tufekci, *Twitter and Tear Gas: The Power and Fragility Of Networked Protest* (New Haven: Yale University Press, 2017).

northern white audience.<sup>6</sup> While receiving attention is by no means a sufficient condition of political transformation, it is both the object and medium of pervasive and consequential political contestation.

What this terrain of political activity and struggle suggests is that attention is a domain of *power*. Being able to commandeer, generate or steer attention allows political agents to determine what topics, events, actors or projects will receive consideration, reflection and discussion (or concrete action) downstream. While acquiring attention cannot guarantee any particular outcome, the sheer range of other political phenomena that attention underpins and enables—forming judgments about *this* event, deliberating about *that* issue, mobilizing around *these* causes—signals the similarly wide-ranging kind of power in play. Indeed, while George Zimmerman escaped conviction, it was by virtue of a dispersed and sustained campaign of attentional activism that he was ushered into the both national infamy and docket in the first place. And further, it was in response to Zimmerman’s acquittal that the hashtag and movement #BlackLivesMatter emerged.<sup>7</sup> #BlackLivesMatter did not take off immediately. It was only after the slaying of Michael Brown and subsequent uprising in Ferguson, Missouri that the hashtag became an object and instrument of mass attentional circulation.<sup>8</sup> Yet over the course of several years #BlackLivesMatter became perhaps *the* paradigmatic expression of a politics of attention, reconstructing our collective patterns of social and political focus in a way that deserves recognition, not as a sufficient end-state but as a real expression of political efficacy.

---

<sup>6</sup> See Sasha Torres, *Black, White, and in Color: Television and Black Civil Rights* (Princeton: Princeton University Press, 2003), and Julian Bond, “The Media and the Movement: Looking Back from the Southern Front,” in *Media, Culture, and the Modern African American Freedom Struggle*, ed. Brian Ward (Gainesville: University Press of Florida, 2001).

<sup>7</sup> Garza, Alicia, “A Herstory of the# BlackLivesMatter Movement,” *The Feminist Wire* (2014).

<sup>8</sup> Deen Freelon, Charlton D. McIlwain and Meredith D. Clark, *Beyond the Hashtags: #Ferguson, #Blacklivesmatter, and the Online Struggle for Offline Justice* (2016).

[http://www.cmsimpact.org/sites/default/files/beyond\\_the\\_hashtags\\_2016.pdf](http://www.cmsimpact.org/sites/default/files/beyond_the_hashtags_2016.pdf).

There is some precedent for the idea that attention is power within political science. To a significant extent it corresponds to what became known as power's "second face," or what Peter Bachrach and Morton Baratz called the "nondecision-making process" that controls which issues will or will not be part of decision-making in the first place.<sup>9</sup> This process, for Bachrach and Baratz, deeply shapes the "participatory" dimensions of decision-making proper like deliberating and voting. Yet the focus on formal decision making as the effective "telos" of nondecision-making artificially constrains the scope and significance of nondecision-making (or, to use a phrase Bachrach and Baratz borrow from E.E. Schattsneider, "the mobilization of bias") itself.<sup>10</sup> After all, as we saw in the last two chapters, voting and deliberation are *mass* democratic practices of power creation and wielding, and not simply modalities of decision-making used within parliaments or local government chambers. Attention, alternatively, is not reducible to the settling of an agenda for a subsequent discussion. It is better framed in terms of determining what is important within an otherwise "'misty swamp' of everyday thinking and talking about politics."<sup>11</sup> While some work on agenda-setting does focus closely on agendas in decision-making bodies, *public opinion*—what publics at large consider important and worthy of attention—is an even more basic site in which the politics of attention is at play.<sup>12</sup>

At the same time, however, the agenda-setting approach to the politics of attention uniformly puts major media outlets in the driver's seat. As Donald Kinder puts it, looking back at

---

<sup>9</sup> Peter Bachrach and Morton Baratz, "Two Faces of Power," *American Political Science Review* 56, no. 4 (1962): 947–952.

<sup>10</sup> E. E. Schattsneider, *The Semisovereign People: A Realist's View of Democracy in America* (Boston: Wadsworth, 1975 [1960]).

<sup>11</sup> Donald Kinder, "Communication and Opinion," *Annual Review of Political Science* 1 (1998): 167–197.

<sup>12</sup> For an approach to government-level agenda-setting framed explicitly in terms of attention, see Bryan Jones and Frank Baumgartner, *The Politics of Attention: How Government Prioritizes Problems* (Chicago: University of Chicago Press, 2005).

the trajectory of the discipline’s research findings, “Public opinion seemed to follow, not lead, the agenda set by the press.”<sup>13</sup> This phrasing takes on opinion as a whole, not just its attention dimension, and it suggests a more totalizing picture of media influence than is likely tenable. But it is nevertheless the case that agenda-setting scholarship tends to cast media’s effects as *most* powerful in the domain of attention. As Bernard Cohen puts it in one of the earliest exemplars of that scholarship, “the press...may not be successful much of the time in telling people what to think, but it is stunningly successful in telling its readers what to think about.”<sup>14</sup> This is a hierarchical and unidirectional picture of power, rather than a democratic one. “[E]ditors, newsroom staff, and broadcasters play an important part in shaping political reality,” as McCombs and Shaw’s genre-defining study put it, rather than citizens themselves.<sup>15</sup>

Already here is a preliminary articulation of a problem of *attentional disenfranchisement*. If attention is clearly recognizable as a domain of power, citizens have long been comprehensively disembedded from those contexts through which their activity could shape the attentional landscape they live in. Indeed, Martin’s case required an initial mobilization of financial and legal recourses, significant amounts of activist and journalistic work, and some luck to generate wide awareness. Further, however much those within the Civil Rights Movement successfully leveraged media attention to further their struggle, they did so *over and against* a reluctant media apparatus within which black citizens exercised little direct influence.<sup>16</sup>

---

<sup>13</sup> Kinder, “Communication and Opinion.”

<sup>14</sup> Bernard Cohen, *The Press and Foreign Policy* (Princeton: Princeton University Press, 1963), 13.

<sup>15</sup> Maxwell E. McCombs and Donald L. Shaw, “The Agenda-Setting Function of Mass Media” *The Public Opinion Quarterly* 36, no. 2 (1972): 176.

<sup>16</sup> The 1968 Kerner Commission identified systematic exclusion from both the coverage and the make-up of major media outlets—particularly newspapers and television—as key factors sustaining the persistence of segregation, economic depression and social repression within urban black communities, despite the passage of civil rights reforms. (United States, *The Kerner Report: The 1968 Report of the National Advisory Commission on Civil Disorders* (New York:

Thus, from the point of view of involvement and influence, a lack of attention as such can be distinguished from being shut out of the contexts through which public attention is generated and conferred, circulated and enjoyed—attentional disenfranchisement “proper.” It is one thing to be overlooked, or even intentionally ignored, within a given social distribution of attention. It is something else—related, but not identical—to be, from the get go, excluded from or marginalized within the processes and practices through which that distribution comes about.

This focus on disempowerment (never entirely complete) in relation to commanding attention for one’s self or cause, or otherwise playing a role in determining who or what else receives it, significantly expands what has been the scope of the dissertation up to this point. However, the normative and conceptual landscape of attentional disenfranchisement is less developed than that of either its electoral or discursive counterparts. This is in part a reflection of the fact that attention’s significance has not been the subject of sustained theoretical reflection in political theory.<sup>17</sup> However, attention has been employed as a critical concept in other intellectual domains in ways that bring the specificity and significance of attentional disenfranchisement into sharper relief.

---

Pantheon Books, 1968: 201–219). This did not mean complete disempowerment. As with Martin’s case, black media outlets played a decisive role in mediating between on-the-ground outrage and mass attention. *JET* magazine’s publication of Emmett Till’s open casket not only galvanized black Americans but also brought the violence and brutality of white supremacy to the attention of whites who would otherwise ignore it. See Christine Harold and Kevin Michael DeLuca, “Behold the Corpse: Violent Images and the Case of Emmett Till,” *Rhetoric & Public Affairs* 8, no. 2 (2005): 263–286.

<sup>17</sup> Susan Bickford is a notable exception, highlighting how the practice of attending (as distinct from simply talking) is an integral part of the conduct of deliberation. See Bickford, “Beyond Friendship: Aristotle on Conflict, Deliberation, and Attention,” *Journal of Politics* 58, no. 2 (1996): 398–421. Ben Berger also suggests that attention can be included as a category of democratic theory through the prism of “attention deficit.” Berger, however, is ultimately less concerned with attention itself than with the related categories of “engagement” and “energy,” all while largely taking on board longstanding antidemocratic arguments about citizens’ supposed attentional deficits. See Berger, *Attention Deficit Democracy: The Paradox of Civic Engagement* (Princeton: Princeton University Press, 2011).



In order to better illuminate this background, Section I of this chapter reconstructs attention's critical career, distinguishing disenfranchisement from two related, but ultimately less helpful ideas: the idea of pervasive civic *distraction* (that, as individuals, our attention is too erratic to productively focus), and an idea of the "spectacle" (which monopolizes the direction of collective attention towards objects we do not autonomously choose). While both of those ideas pick out problems with citizen involvement in the control and direction of attention, both are entirely disconnected from the possibility of democratically recovering that involvement; they are not connected or connectable to a picture of attentional *enfranchisement*.

The following section (II) develops this connection, taking up and refashioning the public sphere framework partially developed in Chapter 3 by reinterpreting it through the prism of attention rather than the traditional idea of "discourse." Since Jürgen Habermas first introduced the public sphere as a category of democratic theory, it has served as perhaps the primary idea for understanding both the dynamics of democratic political communication and how citizens can achieve meaningful democratic voice beyond the ballot box. Yet in Habermas's initial formulation, and in virtually all subsequent variations, discourse is treated as the basic "stuff" of that public sphere. Shifting from discourse to attention has two analytical benefits. First, it can help us better understand the different kinds of activities and practices that enable and structure citizen involvement. Sharing and liking, linking and retweeting, friending, following and hashtagging all express a form of civic agency that is constituted by and leveraged through one's role as a node in a distributive network (rather than one's role as a potential source of speech acts).<sup>18</sup> Indeed, the very idea of a networked public sphere conceptualizes citizens themselves as

---

<sup>18</sup> Media theorist Grant Bollmer develops a superficially similar idea of "nodal citizenship" that encompasses these kinds of networked, distributive activities. But for Bollmer this is a fully pacified form of citizenship, enacted by "citizens who do almost nothing other than 'connect' and 'make flow'" in the service of capital. See Bollmer, *Inhuman Networks Social Media and the*

the primary distributors of information and content, in turn highlighting a distributive form of citizenship that hinges less on “speaking” and “being heard” than is conventionally assumed. An attention-centric view of the public sphere thus offers a distinctive picture of “distributive” democratic involvement, and in turn how that involvement can be under-realized or disrupted.

The shift from discourse to attention, like the shift from domination to disenfranchisement itself, can be taken in a complementary way. We need to attend to both registers when filling in our picture of how citizens can be enfranchised or disenfranchised. But the *productive infrastructure* of the public sphere—the perspective from which, in Chapter 3, I argued that we should approach questions of enfranchisement, and explored in Section III here—is also better captured through the lens of attention. In fact, the idea that the emergent networked public sphere is best characterized as an “attention economy”—that it is primarily an infrastructure for the commodification and harvesting of attention—has become one of the dominant critical frameworks for understanding of digitally-mediated life, political or otherwise. The attention economy idea does not typically carry any democratic connotations. Quite the contrary. But it can—perhaps surprisingly—be repurposed as a framework for understanding attention democratically, specifically because the idea is oriented towards the dynamics of production and distribution. Section IV concludes by discussing the shape of an actual politics of attention, a politics related to but richer than the traditional politics of attention grabbing and that simultaneously confronts and leverages the public sphere’s productive infrastructure to democratic ends.

---

*Archaeology of Connection* (New York: Bloomsbury Academic, 2016): 107. “Connecting” and “making flow,” however, are real and increasingly consequential forms of civic agency, even if they are inextricably entangled with the machinations of capitalism. An underlying theme of my argument here is that the provenance of an idea, activity or technology in the workshop of capital should not alone render it an object of fear and loathing.

## I. Attention as a Critical Concept: Precursors to Disenfranchisement

Attention has enjoyed a long career as a critical concept beyond political theory. This career could be said to have started in the pre-experimental psychology of the mid-18<sup>th</sup> century.<sup>19</sup> Whereas earlier philosophical treatments of attention had cast it as a primarily intra-mental phenomenon (describing a way in which consciousness relates to ideas), a “medicalized” psychological approach reoriented attention towards one’s relationship to the external world. This medical frame had three features. First, the frame was developed first and foremost to evaluate the moral and mental health of individuals—always linked to potential disorder (often, if not always, in children). Second, the medical frame was essentially binary, making attention into a faculty that one could or could not “pay.”<sup>20</sup> And third, attention’s manifestations were taken to be *behavioral*, an inability to focus or control one’s actions. Attention could then become a critical concept in the sense that it could make normative diagnoses of attention “shortage” or “deficit,” a condition in turn intrinsically connected to bad behavior. We could thus call the critical core of this frame *distraction*.

The emergence of experimental psychology in the late 19<sup>th</sup> century and early 20<sup>th</sup> centuries, on the other hand, signaled a shift from thinking about attention as an on-off switch (which could get sticky or stuck) to a concept much more closely related to *perception*. Attention

---

<sup>19</sup> Jonthan Crary, *Suspensions of Perception: Attention, Spectacle, and Modern Culture* (Cambridge: MIT University Press, 1999); Gary Hatfield, “Attention in Early Scientific Psychology,” IRCS Technical Reports Series 144 (1995).

<sup>20</sup> Russell Barkley and Helmut Peters, “The Earliest Reference to ADHD in the Medical Literature? Melchior Adam Weikard’s Description in 1775 of ‘Attention Deficit’ (Mangel der Aufmerksamkeit, Attentio Volubilis),” *Journal of Attention Disorders* 16, no. 8 (2012) 623–630; Klaus W. Lange, Susanne Reichl, Katharina M. Lange, Lara Tucha, and Oliver Tucha, “The History of attention deficit hyperactivity disorder,” *Attention Deficit Hyperactivity Disorders* 2, no. 4 (2010): 241–255.

within this model implies sensitivity to and selection of a subset of sensory phenomena distributed across a broader field. It is the model of attention that is articulated in the well-known and oft-quoted definition of William James: “the taking possession by the mind, in clear and vivid form, of one out of what seem several simultaneously possible objects or trains of thought.”<sup>21</sup> Yet it is important to note that neither James nor other early experimentalists fully reduced attention to perception. On the one hand attention picks out *which elements* of perception actually make it into experience, awareness, or conscious thought. It is narrower than perception, even a defense against being overwhelmed by all of the sensory stimuli that one perceives. One could even think of this sensory exclusion as being prepared *before* one encounters the content of perception. James himself called this “*preperception*,” a dispositional element of attention that fixes and filters what one perceives in the first place. As James puts it, “men have no eyes but for those aspects of things which they have already been taught to discern.”<sup>22</sup> And by this James does *not* mean that we literally can’t see “those aspects of things.” Instead, they are demoted below others within conscious awareness and reflection, while not fully excluded from such “post-perceptual” mental operations entirely.

In this way, there is also a second dimension of discernment connoted by this model of attention: not just *what* makes its way into conscious experience, but also *how* we relate to what we attend. On the one hand, attention confers *clearness* on its objects, a kind of focalizing pre-interpretation that, for James, “does not distinguish and analyze and relate” but “is a condition of our doing so.”<sup>23</sup> Clearness picks out a quality that makes something ready for genuinely intelligent response, though it does so without *fully* pre-interpreting it—that is, without moving

---

<sup>21</sup> William James, *The Principles of Psychology*, Vol. I (New York: Dover Publications, 1950 [1890]), 403.

<sup>22</sup> James, *Psychology*, 443.

<sup>23</sup> James, *Psychology*, 425–7.

entirely the assignment of meaning or the work of judgment entirely onto perception itself.

James was not alone associating attention with clearness. The influential Cornell psychologist E.B. Tichner would define attention *as* sensory clearness, though he too would identify its broader role in the organization of consciousness: “Attention, in other words, means a redistribution of clearness in consciousness, the rise of some elements and the fall of others.”<sup>24</sup> In short, attention not only picked something out of a field but also afforded it a cognitive priority that would structure any ensuing interpretation and judgment. We could say then that the critical core of this model is some combination of *mis-perceiving* and *ignoring*, a partially if not entirely intentional privileging of some perceivable phenomena over others.

The two models just described in no way exhaust even early psychological approaches to attention, much less later ones. They are worth distilling, however, because they are mirrored in the ways that attention was *politicized* at the turn of the 20<sup>th</sup> century. By politicized I mean something specific. Earlier medicalized discourses of distraction may have been critical in the weak sense of diagnosing a (supposedly) normatively problematic feature of an individual’s personality. James too appeared to suggest a moral-existential dimension to attention in claiming that attention is constitutive of one’s relationship to the world; as he puts it, “Each of us literally chooses, by his ways of attending to things, what sort of universe he shall appear to himself to inhabit.”<sup>25</sup> But these ways of figuring attention get little traction on wider-scale dynamics of social power and domination, as they locate attention’s normative consequences within singular individuals. Historian Jonathan Crary has documented how attention transformed into a category

---

<sup>24</sup> Edward Bradford Titchener, *The Psychology of Feeling and Attention* (New York: Macmillan, 1908), 183. As Tichner puts it later: “wherever you look, you find some form of reference to clearness; clearness is, so to say, the first thing that men lay hands on, when they begin to speak about attention.” (186)

<sup>25</sup> James, *Psychology*, 424.

of much broader social critique at the turn of the 20<sup>th</sup> century, inaugurating a now “long-established critical characterization of modernity in terms of distraction.”<sup>26</sup> In this characterization it was “society” as such that became subject to the effects of attentional disintegration.

Shifting the subject of critique from the isolated individual to society more generally is one side of what I mean by politicization. The other side, however, is shifting the source of attentional dysfunction to some set of similarly social, human-made and human-perpetuated set of practices or structures. For Crary, the simple evocation “modernity” as the cause of distraction—an abstract *zeitdiagnose* rather than the concrete analysis of at least potentially remediable social, political or economic dynamics—was itself *depoliticizing*. It could only appeal for emancipation to a romantically authentic but tragically lost “pre-modern” mode of attention. It could not for the reform of specific institutional formations. However, pace Crary, early Frankfurt School figures like Theodor Adorno, Siegfried Kracauer and Walter Benjamin all expressed concern about distraction while *at the same time* concretely identifying it with new capitalist forms of cultural production. It was capitalist cultural production, and not the abstraction of “modernity,” that undermined autonomous subjectivity and helped reconcile the masses to their own domination. The distraction model of attention was thus made genuinely political as a key (if often overlooked) element of the “critique of the culture industry” (articulated most famously by Adorno and Max Horkheimer), which connected commodified cultural production to a sensory and intellectual experience of uncontrollably shifting focus.<sup>27</sup>

---

<sup>26</sup> Crary, *Suspensions*, 103.

<sup>27</sup> Indeed, distraction is precisely what early-twentieth century approaches to management sought to minimize. Ironically, this focus was even more characteristic of James Hartness’s ostensibly humanistic *The Human Factor in Works Management* (1912) than of Frederick Winslow Taylor’s more infamous *The Principles of Scientific Management* (1911).

The capitalist mode of cultural production, in turn, generated a global incapacity to attend effectively.

An idea akin to that of attentional disenfranchisement emerges here in the connection between an individual's short-circuited attentional control and its effects on other politically salient faculties. As Adorno would put it in a later 1963 essay, the culture industry's main effects were to undermine "the development of autonomous, independent individuals who judge and decide consciously for themselves."<sup>28</sup> Importantly, the term "culture" in Adorno's hands is continuous with what today would be described with the term "media"—specifically for the Frankfurt School radio and film.<sup>29</sup> The prime movers (and distorters) of social attention were understood as the material forms that mediated social interaction and the apparatuses of their production. So the deployment of attention in a politically critical sense thus depended from the get-go on an analysis of how those media and their production worked.

Tellingly, as the underlying infrastructures of media production transformed over the twentieth century, so too did critical articulations of attention's political pathologies. The emergence of television as the dominant media form in fact shifted the paradigm of attentional critique from the distraction model to one more in line with the experimentalist preoccupation with perception. Probably the most familiar example of this shift comes in Guy Debord's 1967 *Society of the Spectacle*, the Situationist polemic that made "the spectacle" a colloquial category for thinking about problems of political attention. For Debord, the spectacle described a

---

<sup>28</sup> Max Horkheimer and Theodor Adorno, *Dialectic of Enlightenment: Philosophical Fragments*, trans. Edward Jephcott (Stanford: Stanford University Press, 2002), 100; Theodore Adorno and Anson Rabinbach, "Culture Industry Reconsidered," *New German Critique*, no. 6 (1975): 12–19.

<sup>29</sup> The term "media" was not widely used in the early twentieth century in the catch-all way that has become familiar. Further, the earliest uses of the term were frequently preceded by the parallel term "mass." For Adorno, this prefix frequently carried the erroneous suggestion that "mass media" were that "arises spontaneously from the masses themselves." (Adorno and Rabinbach, "Culture Industry Reconsidered," 12)

phenomenon “which concentrates all looking and all consciousness” on a “pseudo-world apart,” a place “where all attention, all consciousness, converges.”<sup>30</sup> The category of the spectacle in fact construed the underlying problem of attention as one of *absorption* rather than distraction; the spectacle didn’t so much disperse or fragment attention as monopolize it, undermining the ability of citizens to autonomously control the direction of their attention by sucking it into the spectacle’s manufactured unity.

Debord’s idea of the spectacle also runs parallel to the idea disenfranchisement. Unlike the concern with distraction, the spectacle idea treats attention as a collective phenomenon. Citizens are disconnected from any role in influencing how public attention moves across the broader social and political field, with television operating as both a cause and as a metaphor for this problem. One can look away or change the channel, but one cannot fundamentally re-organize what gets televised, what the public watches.<sup>31</sup> Debord’s take on mass-mediated society evokes a familiar lament about the reduction of citizenship to *spectatorship*.<sup>32</sup> But because it is

---

<sup>30</sup> Guy Debord, *The Society of the Spectacle* (New York: Zone Books, 1994 [1967]), paragraphs 2–3.

<sup>31</sup> Importantly, the issue here has less to do with visibility as such than with control of one’s attention, if of a specifically visual sort. Martin Jay offers an alternative reading of both Debord and twentieth century French thought generally as indeed preoccupied with the dangers of visibility itself. See Jay, *Downcast Eyes: The Denigration of Vision in Twentieth-Century French Thought* (Berkeley: University of California Press, 1993).

<sup>32</sup> The spectacle idea also foregrounds the question of where, or to what, public attention is directed, its object across a range of possibilities, some of which might be more or less worthy of attention. This concern tracks the use of “spectacle” in ordinary language as a ready catchword for the artificial and the inauthentic: reality TV, endless changes in consumer taste, the horse-race of political campaigns. The invocation of a “pseudo world” above speaks directly to the worry that some objects of attention are “unreal,” displacing issues or events that deserve, even need, our attention. But this connotation can be misleading. The term “spectacle,” in fact, is also frequently attached to issues and events to which we really ought to attend. Intensive news coverage of, and media attention to, the devastation of Hurricane Katrina, for instance, offers a paradigmatic example of this. While routinely described as spectacle, representations of Katrina before the public’s eye were absolutely essential; inattention would have been culpable. See, for instance, Kevin Fox Gotham, “Critical Theory and Katrina: Disaster, Spectacle and Immanent Critique,” *City* 11, no. 1 (2007): 81–99.



difficult to imagine and articulate what a more empowered, intentional approach to attention would look like, array of *defenses* of contemporary spectatorship have emerged.

Two in particular speak to the normative issues surrounding attention. To take the first, Jacques Rancière highlights how the standard critique of the spectacle makes enormously ungenerous assumptions about the capacities of would-be spectators, and entirely over-generous assumptions about the critic themselves, who *is* supposedly able to apprehend and resist the spectacle.<sup>33</sup> For Rancière, once we recognize that the ostensible gap between the spectator's pure receptivity and the critic's supposed agency relies on the highly contrived idea that the critic possesses a privileged capacities and knowledge, worries about the autonomy-undermining aspect of spectatorship will dissolve.

Rancière's critique appeals to democrats, despite its silence on questions of action and involvement, because it asserts the universal equality of citizens. Everyone "observes, selects, compares, interprets" what is presented to their gaze; each citizen "composes her own poem" with what she perceives, rather than simply internalizing it.<sup>34</sup> But one can accept the radical egalitarianism of these claims while also acknowledging that they bypass concerns about attention altogether, shifting the locus of autonomy to the parallel category of judgment. Being able to autonomously "make up one's mind" about the things to which one pays attention is entirely consistent with a lack of agentive involvement in determining what actually occupies one's attention in the first place. Rancière thus deflates the critique of the spectacle by selectively reinterpreting its substance: because the problem of the spectacle is taken to be that it usurps the spectator's powers of interpretation, if we theoretically "return" those powers, the concern about spectatorship becomes moot.

---

<sup>33</sup> Jacques Rancière, *The Emancipated Spectator* (New York: Verso, 2009).

<sup>34</sup> Rancière, *Spectator*, 13.

Jeffrey Green, alternatively, approaches the rehabilitation of spectatorship in a way that remains on the terrain of attention.<sup>35</sup> For Green, democratic theorists specifically have cast spectatorship as an inferior mode of citizenship because they remain focused on citizenship's "authorial" dimensions, single-mindedly emphasizing the powers of "vocal" participation in decision-making or political life more generally. The investment in authorship and vocality are for Green, however, undermined by realities of the media infrastructure within which they would have to be realized. As Green notes, "the mass media has also normalized a set of political practices—the photo op, the sound bite, the press leak, and, more generally, the issueless politics of personality—that have undermined the rationality of public discourse, thus further alienating everyday citizens from the sense that they are a party to genuine political decision making and the reasoning on which it is based."<sup>36</sup> Yet, rather than give up on the idea of popular *empowerment*, we can instead think of the popular "gaze" as grounding a uniquely empowered mode of citizenship.

For Green, such a gaze confers empowerment because it disciplines those upon whom it is visited. In this way, spectatorship becomes a form of power itself. Importantly, the gaze is not simply about *seeing* in Green's analysis. It is a matter of tracking, registering and holding in focus decision-makers' words and actions, noticing and then more fully perceiving how they behave or misbehave—in other words, directing sustained attention their way. But, just as importantly, citizens do *not* direct the attention of decision-makers themselves, nor does the popular gaze do any independent work (say, highlighting the dire state of a major social problem) outside of what decision-makers cast their own gaze towards. Indeed, for Green

---

<sup>35</sup> Jeffrey Edward Green, *The Eyes of the People: Democracy in an Age of Spectatorship* (New York: Oxford University Press, 2010).

<sup>36</sup> Green, *Eyes*, 23.

aspiring to anything *beyond* directing one's gaze upon decision-makers—directing their gaze towards any given issue or event, or the popular gaze itself towards such issues or events—would count as an aspiration to “voice,” the ability not only to “look” but also to “talk back” in an authorial way. Yet, because voice does *not* offer an empowered mode of citizenship, this is a dead end.<sup>37</sup>

Green thus leaves us stuck between an unusable idea of directed, vocal civic involvement and an idea of empowered but undirected attentional involvement. However, in practical terms, citizens are already involved in a complex set practices that *do* collectively generate, direct and circulate attention. Indeed, while the spectatorship idea implicitly or explicitly assumed an attentional landscape structured by the medium of television, a landscape instead structured by digital, networked technologies positions citizens in a fundamentally different relationship to public attention: a *distributive* (and thus dynamic), rather than spectatorial, relationship. Sharing and liking, linking and retweeting, friending, following and hashtagging all *move attention around*. This active direction and distribution of social attention thus marks out a *different* domain of civic involvement that comes with neither the overweening expectations of citizenship-as-speaking nor the deflated expectations of citizenship-as-watching.

In keeping with Green's worry, however, the dominant framework within political theory for thinking about the nexus of media, political communication and involvement—that of the “public sphere”—is still understood almost entirely in terms of discursive voice. This framework, as is, may offer a way of responding to Green's deflationary take on the politics of voice. But its investment in the vocal paradigm will make it an awkward for capturing—

---

<sup>37</sup> Green in fact cites C. Wright Mills's admission that “answering back” to television is impossible as a way of showing that even radical advocates of a “vocal model” despair that it can be realized under the conditions of contemporary media. (Green, *Eyes*, 40)

descriptively, conceptually, or normatively—the dynamics of networked attention distribution and thereby charting the political landscape of attention onto a normative map of democracy. The next section lays out the connection between the public sphere idea and discourse, as well as the limited, often-half articulated connection between that idea and the role of attention. But then, like the last chapter, it also articulates a “productive” framework, parallel but not equivalent to that of the public sphere. This means drawing on the increasingly influential idea of an “attention economy,” which evolved from its origins in the 1970s to explain why the underlying logic of emerging digital technologies and platforms would be one of creating and commodifying attention. The attention economy, then, offers a third model of attentional dysfunction: neither distraction nor monopolization, but *extraction*. Yet this model, because it is tailor-made for analyzing the productive dimensions of contemporary media landscape, can actually be used to articulate a politics of response and reversal.

## II. The Public Sphere: From Discourse to Attention

Since its emergence as a major category of democratic theory, the public sphere has almost universally been treated as “made up” of discourse. This framing dominates how democratic theory understands how the institutions and practices there enable meaningful citizen involvement there. In his original, concept-defining articulation, Jürgen Habermas describes “a public sphere whose decisive mark was the published word,” and illustrates its contours with familiar Greek tropes to emphasize that it is “constituted in discussion (*lexis*).”<sup>38</sup> Habermas’s later work on the public sphere has only further embedded the concept within an overarching

---

<sup>38</sup> Jürgen Habermas, *The Structural Transformation of the Public Sphere* (Cambridge: MIT Press, 1989), 3.

“discourse-centered concept of democracy.”<sup>39</sup> But even thinkers who would shift our focus to a heterogeneous field of *counterpublics* (rather than a singular, overarching public) nevertheless retain Habermas’s discursive focus. For Nancy Fraser, the basic idea of a public sphere implies “a theatre...in which political participation is enacted through the medium of talk...discursive interaction.”<sup>40</sup> Michael Dawson similarly articulates the idea of a black counterpublic as a site of “discussion,” “communication,” “debate,” and “discourse.”<sup>41</sup> And Mark Warner, while self-consciously expanding the media of discourse to include “visual or audio texts,” nevertheless takes a public to be definitionally “organized by nothing other than discourse itself.”<sup>42</sup> Danielle Allen, who even more radically departs from a Habermasian model by thinking of the public in terms of “flow” rather than “space,” likewise conceives of this flowing stuff as “discursive streams.”<sup>43</sup>

The identification of the public sphere and discourse has not been *entirely* airtight. Oskar Negt and Alexander Kluge’s pioneering *Public Sphere and Experience*—probably the most influential work on the subject in German social thought outside of *Structural Transformation* itself (if almost entirely overlooked in Anglophone political thought)—understands the public sphere through the more capacious concept of “experience.” Negt and Kluge even include the idea of the “attention span” within their understanding of experience. But this is not something

---

<sup>39</sup> (Habermas 1992, 1996).

<sup>40</sup> Nancy Fraser, “Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy,” *Social Text*, no. 25/26 (1990): 56–80.

<sup>41</sup> Dawson, Michael C. 1994. “A Black Counterpublic?: Economic Earthquakes, Racial Agenda(s), and Black Politics.” *Public Culture*. 7 (1): 195-223.

<sup>42</sup> Michael Warner, *Publics and Counterpublics* (New York: Zone Books, 2002), 67.

<sup>43</sup> As she also puts it. “the public sphere may be taken to consist fundamentally of circulating streams of discourse.” See Danielle Allen, “Reconceiving Public Spheres: The Flow Dynamics Model,” in Allen and Jennifer S. Light, eds., *From Voice to Influence: Understanding Citizenship in a Digital Age* (Chicago: University of Chicago Press, 2015), 178.

that is developed any further.<sup>44</sup> Warner and Allen, on the other hand, acknowledge *some* relationship between the public sphere and the phenomenon of attention. But for Warner, attention is less something at play within the public sphere than what that defines it from without; attention is simply, as he puts it, “the principle sorting category by which members and nonmembers are discriminated.”<sup>45</sup> Allen, alternatively, notes that “attention share acquisition” is one thing that actors in public spheres might pursue.<sup>46</sup> But it warrants only a mention in passing, primarily to point out that economic and legal power (the traditional Habermasian opponents of discursively produced “communicative power”) pose sizeable barriers to such acquisition.

Fraser and Habermas address attention in a slightly more robust way. Fraser’s distinctive normative category of “participatory parity” expresses the idea that “all interlocutors must, in principle, enjoy roughly equal chances to state their views, *place issues on the agenda*, question the tacit and explicit assumptions of others, switch levels as needed and generally receive a fair hearing.”<sup>47</sup> (emphasis added) Here, Fraser includes agenda setting (a proxy for attention) as an arena in which citizens should be equally involved—though she says little more about how this normative commitment could be viable in mass contexts. (Recall that it was the implausibility of maintaining the “fair hearing” desiderata at deliberative scale that prompted the move to the productive viewpoint in the last chapter on deliberation, and thus imagining specifically discursive enfranchisement as access to the means of discursive production.)

---

<sup>44</sup> Alexander Kluge and Oskar Negt, *Public Sphere and Experience: Analysis of the Bourgeois and Proletarian Public Sphere* (New York: Verso, 2016). More generally, the same capaciousness that makes the turn to experience attractive—that it can capture a broader array of the practices which constitute the field of politically salient meanings—also makes the category a blunt instrument for picking out the specific activities most relevant for politicization and democratization.

<sup>45</sup> Warner, *Publics*, 87.

<sup>46</sup> Allen, *Flow Dynamics*, 180–1.

<sup>47</sup> Fraser, “Transnationalizing the Public Sphere: On the Legitimacy and Efficacy of Public Opinion in a Post-Westphalian World,” *Theory, Culture & Society* 24, no. 4 (2007): 7–30.

Habermas develops a similar idea in a slightly more complicated way by splitting off two “tracks” of deliberative practice. The first refers to the formal, small-scale political discussions in which deliberative normative criteria (standard or ecumenical) or “participatory parity” could straightforwardly apply. The second refers to an “anarchic” public sphere that should allow peripheral concerns and ideas—those that come from what we would call counterpublics—to filter into the central debates that shape public opinion and generate pressure on the political process. In other words, the anarchic second “track” of deliberative politics has the function of drawing attention to issues and opinions that have been marginal and missed. In a language that clearly leans heavily on Deweyan pragmatism, Habermas calls this process “problematization”: situations where “perceptions of problems and problem situations have taken a conflictual turn, [and] the attention span of the citizenry enlarges...in such a way that controversies in the broader public sphere primarily ignite around the normative aspects of the problems most at issue.”<sup>48</sup> In reality, this dimension of the public sphere has always been latent in Habermas’s work; even in *Legitimation Crisis* he could write that “[t]he public sphere, set up for effective legitimation, has above all the function of directing attention to topical areas.”<sup>49</sup> Nevertheless, the key normative issues in play for Habermas are (a) whether the anarchic public sphere remains open enough to attention entrepreneurs, those who would spend their political, social (and, frequently, economic) capital on bringing their cause to a wider audience, and (b) whether the “two tracks” remain connected, so that formal decision making remains influence by the diffuse circulation of public

---

<sup>48</sup> Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge: MIT Press, 1996), 357.

<sup>49</sup> Jürgen Habermas, *Legitimation Crisis* (Boston: Beacon, 1975), 70.

discourse.<sup>50</sup> Attention grabbing remains a heroic mode of democratic participation, not one that can be secured in mass practice that symmetrically embeds all citizens.

The public sphere idea thus needs help modeling attention as a domain of enfranchisement. In that vein, Chapter 3 argued that the best way to develop a picture of a practice that can plausibly secure citizens' symmetric and efficacious involvement is by framing that involvement in terms of access to the means of production. When focused in discursive enfranchisement, this meant access to the means of discursive production—the technologies (by physical and digital, hardware and software) and platforms necessary to create and disseminate discursive content. Shifting this approach on to attention would thus be a natural extension of Chapter 3's argument. Moreover, the productive infrastructure of public attention itself has been widely discussed under the name of the “attention economy,” a phrase coined before the rise of the contemporary digital and networked public sphere but which has been increasingly used to analyze it. And, as it did with discourse, the productive lens help make better sense of the connection between inclusion and uptake constitutive of enfranchisement.

### III. Attention Economies and their Productive Infrastructure

The term “economy of attention” is usually attributed to Herbert Simon, specifically his talk at a conference coordinated by the Brookings Institution in 1971.<sup>51</sup> Simon was invited to address the

---

<sup>50</sup> In later work—the only work on the public sphere which connects that idea to *networks*—Habermas uses the language of “moral entrepreneurs who generate public attention for supposedly neglected issues.” See Jürgen Habermas, “Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research,” *Communication Theory* 16 (2006) 411–426

<sup>51</sup> Simon, “Designing Organizations for an Information-Rich World,” in M. Greenberger, ed., *Computers, Communications, and the Public Interest* (Baltimore: The Johns Hopkins Press, 1971). The phrase itself was actually coined by Karl Deutch, an invited respondent to Simon's remarks and who voiced mild alarm at some of its implications.



implications of then-emerging computing technologies for elite decision-making. How could decision-makers adequately process all of the information at their disposal, given their inherent cognitive limitations? As Simon put the dilemma, “a wealth of information creates a poverty of attention.”<sup>52</sup> Could computers help? This framing may sound ambiently familiar: contemporary life, due to the development and proliferation of information technology, is and will continue to be swamped with information. In reality, Simon’s diagnosis of a “wealth of information” had nothing to do with the spread of information technology.<sup>53</sup> Computers—“moronic robots,” in Simon’s terms— were in no way the *sources* of informational wealth.<sup>54</sup> What Simon did contribute, however, was a thoroughly economic language for describing attention, well beyond the commonplace idiom that attention is “paid.” Attention could be something “scarce,” and in need of “efficient allocation.” Moreover, it could be decomposed into “units,” “priced,” and “spent” for (hopefully the most valuable) information.

One concept that was not applied to attention itself, however, was production. Information was produced and distributed. Attention, on the other hand, was more or less fixed in both quantity and location. It was in 1993, however, that German sociologist Georg Franck expanded the notion of the economy of attention from a set of tropes for analyzing elite decision-making processes to the large-scale social processes associated with the present idea of an economy.<sup>55</sup> Franck’s understanding paralleled Simon’s by connecting attention to the provision of information. But Franck reversed the direction of that connection: instead of thinking about

---

<sup>52</sup> Simon, “Designing Organizations.”

<sup>53</sup> Articulations of the phenomena of “information overload” are much older than the emergence of information technology in any event, antedating even the printing press. See especially Ann Blair, *Too Much to Know: Managing Scholarly Information Before the Modern Age* (New Haven: Yale University Press, 2011).

<sup>54</sup> Of the symposium’s participants, only one was at all concerned with mass media: then-FCC commissioner Nicholas Johnson, a notorious agitator for more participatory media institutions.

<sup>55</sup> Georg Franck, “The Economy of Attention.” *Telepolis* (7 December 1999 [1993 in German]).

attention as a means for collecting information, information became something one used to *solicit* attention. Media outlets specifically possessed (or could convince consumers that they possessed) information for which those outlets would then be “paid” in attention. This reversal overturned the elitist bent of Simon’s early discussion. It wasn’t just executives or government officials whose attention was at play; it was *everyone*’s attention. But Franck also now explicitly conceptualized attention as a *currency*: something spent and circulated, amassed and invested. In fact, for Franck attention was literally displacing money *as* currency, inaugurating a fundamental transformation of the capitalist mode of production itself.

Importantly, Franck’s picture is still set against the backdrop a different, earlier media ecology, one in which attention was acquired and circulated in “film, on radio or television, or in the press.” In 1997, however, freelance media theorist Michael Goldhaber connected this idea of an “attention economy” explicitly to “the net.”<sup>56</sup> In one sense Goldhaber held even closer to Simon’s original thesis. Attention, for him, could be best understood as scarce resource in world ever more full of information. (Goldhaber, for his part, now identified emerging information technologies as the source of a genuinely novel transformation in the amount of information available.<sup>57</sup>) But more than that, “the net” also served as the domain in which attention transactions were conducted. Paralleling Franck, Goldhaber conceptualized attention as currency.<sup>58</sup> But he also saw what we would now call networked media, rather than “film, on radio or television, or...the press,” would be the main venue for circulation and exchange.

---

<sup>56</sup> Michael Goldhaber, “The Attention Economy and the Net,” *First Monday* 2, no. 4–7 (1997).

<sup>57</sup> Goldhaber does attempt to project *some* historical sensitivity on this front, writing that “everyone has always lived with some degree of an attention economy, but through most of human history it hasn't been primary.”

<sup>58</sup> Goldhaber does not cite Franck, whose essay was only translated into English in 1999. Moreover, he claims to have first formulated the attention economy idea in the 1980s. See Bitsy Knox, “In Conversation with Michael Goldhaber: Everything You Need to Know About the

Taking stock, thinking about attention in this fully commodified sense is helpful for capturing the way in which attention is neither (solely) something disrupted or captured, but also something that circulates and accumulates. But it also suggests that the movements of social attention will be dictated by the dynamics of a capitalist market economy, an analysis that poses significant problems for anyone who would employ attention as a democratic concept.<sup>59</sup> In fact, this early analysis of the attention economy was so unabashedly articulated that it could be adopted essentially as-is by Marxists critics. After all, we “pay” attention on digital and networked platforms all the time, increasingly in an almost continuous stream; we produce value for those who obtain our attention, usually for minimal compensation, virtually 24/7. For media theorist Jonathan Beller, this dynamic effectively amounts to the “stealing [of] human attention” (analogous to the “theft” of surplus value from labor) and is now performed simply by looking at a screen.<sup>60</sup> For critics like Beller, thinking of our relationship to the social distribution of attention in terms of democracy would be a category mistake, precisely because the apparatus that governs that distribution is economic rather than political, and thus controlled by profit-seeking corporations. In short, those whose attention is actually in play—who “produce” attention by conferring it—do not own the means of attentional production. Corporations do.

---

Attention Economy”

[<https://web.archive.org/web/20161114172016/http://blog.eyequant.com/2013/01/22/in-conversation-with-michael-goldhaber-everything-you-need-to-know-about-the-attention-economy/>]

<sup>59</sup> Both Franck and Goldhaber are explicit (and unapologetic) that the attention economy is simply the next step in the development of capitalism.

<sup>60</sup> Beller, *The Cinematic Mode of Production* (Lebanon, NH: University Press of New England, 2006). Autonomist-inspired thinkers like Christian Marazzi and Tizianna Terranova subscribe to essentially the same view. The idea that networked and digital platforms extract “free labor” from their users is not a purely academic observation either. See the Washington Post’s Caitlin Dewey, “You Don’t Know It, But You’re Working For Facebook. For Free” (22 July 2015).

Thus far the attention economy framework has been presented as independent of discursively constituted public sphere. But a separation would be misleading. The political repurposing of economically organized (and corporately owned) media is in fact *also* foundational to Habermas's original account of the public sphere. While Habermas's own origin story tends to be remembered as the emergence of a public sphere of bourgeois *sensibility* (that is, in terms of whose concerns are admitted into the that sphere, how actors were obliged to appear within it, or how those appearances were interpreted<sup>61</sup>), even more fundamental to this story was its bourgeois character in terms of ownership and material control. While this dimension is indeed downplayed later the latter parts of *Structural Transformation*, the text's early genealogical sections describe how public sphere emerged as a network in which "traffic in news...developed alongside the traffic in commodities."<sup>62</sup> Even the emergence of "political journals responded to a need *on the part of the merchants*."<sup>63</sup> And Habermas's key *normative* categories of publicity and criticality themselves emerged (respectively) out of the pecuniary desire of newsletter publishers to find profit in wider readerships (creating a bigger market for their already existing products), and the parallel desire of commercial interests to highlight and challenge supposed state-mismanagement of the economy.<sup>64</sup> The genuinely democratic potential of the public sphere has always been foiled against—and importantly, *not* seen as entirely compromised by—its imbrication with alien capitalist ownership.

Focusing on *attentional* production, however, highlights a different dynamic than does a focus on discursive production. Producing print newsletters or pamphlets requires the additional

---

<sup>61</sup> Nancy Fraser tends to frame the public sphere's dynamics of inclusion and exclusion in precisely this way, as a matter of sensibility. ("Rethinking the Public Sphere.")

<sup>62</sup> Habermas, *Structural Transformation*, 16.

<sup>63</sup> *Ibid.*, 20.

<sup>64</sup> *Ibid.*, 19–26.

steps of distribution and reading to transform their producer's speech into the kind of meaningful uptake upon which the discursive conception depends. But attention, at least within networked media, tends collapse these steps. It would make little sense to say that one had "produced attention" (which, after all, can't help but be the attention *of others*) unless one had already commandeered the eyes and ears of (at least some of) those who one was trying to reach. And further, the attention economy framework not only brings a focus on production to the foreground. It also highlights (in an admittedly dystopian vein) the ability of a networked media ecology to penetrate the subjective lives of those who live in it and "extract" their attention. Yet, this very (again dystopian) feature is precisely what allows those involved in attentional production to, as it were, secure their own update.

This perspective offers a troubling but effective back door to democracy. And it can help reframe those earlier perspectives on the *antidemocratic* politics of attention, which worried about the ostensible alienation of citizens from the means of producing *even their own* attention. It is certainly true that we don't unilaterally control what our attention is directed towards, or, on aggregate, *how much* of our attention we can autonomously direct. But the same features of our contemporary media landscape that make attentional production so comprehensively extractive – that it makes otherwise casual activities into attentional labor—also mean that it is at least *available* to be turned to "labor's" own purposes. While Facebook is wholly owned by the corporation that bears its name, one doesn't attend, or prompt friends to attend, purely on Facebook's terms. Instead, citizens have unprecedented access to the means of production. What's more, tools for content generation are available for use largely (if not entirely) outside of the supervision of ownership or management. (Indeed, they are so available that they are easily exploited by self-interested third parties who mine attention through either ads or "fake news.") In short, the very technologies through which commodified attention is extracted are also broadly

accessible without expropriation. Citizens *can* re-function these means to serve *noneconomic*, political purposes.

#### IV. A Democratic Politics of Attention

The attentional landscape just described is by no means *inherently* democratic. Indeed, the attention economy framework itself brings to light just how much of attentional life is structured by and serves the interests of capital. What the sketch of the landscape makes possible is a way of thinking a democratic politics through the social and technical affordances of that landscape. But a democratic politics of attention still requires an actual democratic politics.

At the outset I described Black Lives matter as embodying a distinctive, paradigmatic version of this politics. Not only did the adoption and creation of the original #blacklivesmatter hashtag serve as tool for producing, distributing and focusing attention about Trayvon Martin’s murder, George Zimmerman’s acquittal, and the criminal justice system writ large. It also politically engineered the conduit between access and uptake characteristic of enfranchisement. The hashtag is universally available to anyone with access to a platform. But at the same time it amplifies the attention to which its user has access (the attention of all those interested in or aware of the hashtag), not only by reaching those in one’s immediate network (as any tweet or post might do), but also by cutting across networks to constitute real, if transitory, publics.<sup>65</sup> Finally, these “hashtag publics” themselves become *objects* of attention, as awareness of them (and of the concerns they encapsulate) radiates outward from the peripheral attention of social

---

<sup>65</sup> At the time of Zimmerman’s acquittal, hashtags were confined to Twitter. Since then, they have proliferated to a much wider set of platforms, notably Facebook and Instagram. For a history of the development of the hashtag itself, See Kathleen P.J. Brennan, “Overlapping Online and Offline Spacetimes: Heterotopia, Memes, and Hashtags,” (unpublished diss.), 114–121.

media users large-scale outlets that themselves command mass audiences. (Call these outlets organs of “official attention.”)

To an extent these dynamics position actors in a politics of networked attention as practitioners of a kind of “nodal citizenship”: citizenship as both actively distributing and as serving as a potential relay for attention’s movement from some citizens to others. Each of us is not only a potential attention entrepreneur, and not only part of a potentially attending public, but also a potential node moving attention from one to the other. Each citizen is part of what Ethan Zuckerman has described as a networked public’s “latent capacity” to spread activist messages.<sup>66</sup> Even when members of a public do not at first see themselves politically (using digital platforms for ostensibly “social” purposes) they still follow, like, and share in ways that inherently help distribute the attention of their own audiences. Black Lives Matter itself didn’t simply *depend on* the broad exercise of this kind of citizenship. The campaign also enabled and engineered a distinctive practice of attentional distribution that didn’t operate through the monopolization of the hashtag in the hands of any particular user, but instead through progressively involving greater and greater masses of users who each contributes to a distributive process that they realize together.

The fact that a networked politics of attention relies on other citizens acting as nodes or relays renders it less secure than what previous chapters have described as characteristic of enfranchisement. Alicia Garza, in conjunction with fellow activists Patrisse Cullors and Opal Tometi not only created the #blacklivesmatter hashtag and provided initial articulation of its meaning—forcefully, that “Black lives are systematically and intentionally targeted for demise,”

---

<sup>66</sup> Ethan Zuckerman, “Cute Cats to the Rescue? Participatory Media and Political Expression,” in Allen and Jennifer S. Light, eds., *From Voice to Influence: Understanding Citizenship in a Digital Age* (Chicago: University of Chicago Press, 2015), 138.

and that this fact demanded “affirmation of Black folks’ contributions to this society, our humanity, and our resilience in the face of deadly oppression.”<sup>67</sup> But in hanging this meaning on to a non-propositional form (as a hashtag), Garza, Cullors and Tometi refused to assert definitive control over it, instead submitting that meaning to a broader community that could elaborate it through the weight and texture of that community’s own experience, all while pooling attention towards a common if not monolithic set of concerns and claims.<sup>68</sup> Concretely, this meant the widespread use of the hashtag *alongside* other content to bring a vast array of instances of state violence (and of protest to it) together as what #blacklivesmatter means. But more generally, this meant that meaning itself becomes a matter of “montage”; the meaning of the hashtag simply *is* the assemblage of images, texts videos it compiles and presents, rather than any particular proposition alone.

Engaging with a concrete case like #blm makes attention and discourse harder to separate than the theoretical point of view may let on. The idea that “black lives matter” is obviously an explicit discursive claim. And attention is always *to* something, which in networked publics is frequently articulated in discursive terms. Yet, focusing on attention frames potential disenfranchisement in a different way. On the one hand, a perspective rooted in attention discourages us even more thoroughly from applying strict “deliberative” standards to networked speech acts. This is because attentional campaign is related to, but not the same as, a persuasive one. Persuasion, and the rhetoric that underpins it, has the discursive function of connecting expression to uptake. At least in its democratic context, this entails citizens modulating their

---

<sup>67</sup> Garza, “Herstory.”

<sup>68</sup> The balancing act between “seeding” a message and being able to exercise continuing control over its content and meaning is a recurring one in media activism. See Sasha Costanza-Chock, *Out of the Shadows, Into the Streets! Transmedia Organizing and the Immigrant Rights Movement* (Cambridge: MIT Press, 2014).



speech in a way that “meets their interlocutor where they are,” in order to get them to see things from the speaker’s perspective as much as possible.<sup>69</sup> But drawing attention to a problem or cause, and encouraging others to not only pay but further circulate that attention, may also require discursive practices that are meant to shock people *out of* where they are. Image-, audio- or video-based *non*-discursive practices may be just as important to this goal. Indeed, generating and moving attention has a different set of priorities than those of conversation, which likely helps explain why specific tactics for attention generation are so liable to appear controversial or provocative, conversation-starting rather than conversation furthering—a fact that can be just as true of Facebook posts as of physical protests themselves.<sup>70</sup>

On the other hand, while listening and paying attention are to some extent analytically analogous (as the phenomena that secure uptake for discourse and attention, respectively) having others pay attention to one’s own actions, concerns or cause is only half of the picture of attentional enfranchisement. Unless one can access the latent distributive capacities of other citizens—their willingness and ability to follow, share, retweet, or simply “like” (which algorithmically promotes content on a platform)—one remains at least partially disenfranchised in the domain of attention. There is no parallel for this secondary problem in discourse, the expectation that others will not only give you a full and fair hearing but will also promote and pass along what you have to say.<sup>71</sup>

---

<sup>69</sup> For this view of democratically persuasive rhetoric, and the specifically quoted trope, see Bryan Garsten, *Saving Persuasion: A Defense of Rhetoric and Judgment* (Cambridge: Harvard University Press, 2006).

<sup>70</sup> Michael Feola makes a similar argument against reducing the political significance of specifically embodied protest to a form of “speech” by other means. For Feola too attention is the more accurate and useful interpretive frame. See Feola, “The Body Politic: Bodily Spectacle and Democratic Agency,” *Political Theory* 46, no. 2 (2017), 197–217.

<sup>71</sup> One exception to my claim here might be the practice of amplification, wherein colleagues of citizens who are systematically *not* sufficiently listened to—paradigmatically women—systematically repeat, affirm and attribute the speech of their fellow citizens to ensure that it is

In concluding, this Chapter described BLM’s approach to the politics of attention at its outset as a matter of “reconstruction.” Evoking connotations of fundamental democratic reconfiguration, this term is meant to capture how social and political attention can solidify into durable patterns. Black Lives Matter in this sense not only represents a way of *doing* politics, but also is premised upon an aspiration for how politics *will be done* in the future. Of course, the BLM vision is far more expansive (and substantive) than anything that could be grouped or organized under the rubric of attention. But at the same time that vision includes conferring enduring permanence on both what we pay attention too, and *how* we pay attention as society: through structures and practices that depend on citizen involvement itself, especially those citizens who have historically been excluded from the means of attentional production, and in a manner that empowers that involvement to overcome persistent, but *not* necessarily permanent, patterns of motivated inattention.

---

heard. This phenomenon was prominently discussed in reference to President Barack Obama’s circle of advisors. See Juliet Eilperin, “White House women want to be in the room where it happens,” *The Washington Post*, “House women want to be in the room where it happens” (September 13, 2016).

## Chapter 5: Mnemonic Enfranchisement and the Democratic Archive

“Why Archive?” This question is the title of a one-page pamphlet distributed at the height of Occupy to scattered crowds in Zuccotti Park and Liberty Plaza. It was created through a collaboration between the Activist Archivists collective (“ActArc”) and the soon-to-be-defunct Occupy Wall Street (OWS) archives working group, and was addressed to OWS participants in their capacity as movement participants.<sup>1</sup> “Why Archive?” wasn’t itself soliciting answers. But it wasn’t simply providing them either. The pamphlet was instead a call to *action*, admonishing Occupy participants to take up archiving as a constitutive feature of their ongoing political involvement. Archiving was itself a form of politics, so the pamphlet claimed, not just its documentation. And, if the pamphlet was to be believed, a form of politics that was integral to the very meaning of Occupy as a movement.

The appearance this kind of initiative in the context of OWS isn’t entirely surprising. Many of the initiators, as professional archivists or archivists-in-training (some just up the street at NYU), had pre-existing commitments to the practice.<sup>2</sup> And New York more broadly had for several years been steeped in archival projects launched after September 11th. At first glance it might seem that the city on fire had merely caught an archive fever, and the idea of an “archivist activist” was simply a product of this somewhat idiosyncratic preoccupation.

This kind of dismissal, however, would be too quick. Because it would ignore how those involved in building the swell of archival activity at OWS (which, as it turned out, was never confined to any one group, strategy or repository) were not merely archiving for its own sake,

---

<sup>1</sup> Activists Archivists, “Why Archive?” Archived at <https://web.archive.org/web/20150222211841/http://activist-archivists.org/wp/?p=994>

<sup>2</sup> Michelle Dean, “The Struggle for The Occupy Wall Street Archives,” *The Awl*, December 21, 2011.

but were also self-consciously articulating the relevance of the practice to movement politics. As one member of the archives working group, Anna Perricci, put it to the New York Times, “There are a lot of other people recording the movement and telling its story. But I also want to empower occupiers to help preserve what is being made while their story is unfolding.”<sup>3</sup> Or as fellow working group member James Molenda would say, “The last thing we want is the historical record of OWS controlled by people who aren’t in OWS.”<sup>4</sup> And the “Why Archive?” pamphlet itself went a step further, connecting control over the archive to the more general democratic principle of self-determination. Why archive? Because, in order to “define our own movements...[w]e need to create and maintain our own historical record.” The impulse to archive grew organically out of the democratic aspiration to give movement participants a further vector of participation: a voice over their own posterity.

This impulse has not been isolated to Occupy; it has appeared from Ferguson and Baltimore to Tahrir, Hong Kong and Gezi Park.<sup>5</sup> If Antonio Gramsci once said of subalterns that “it never occurs to them that their history might have some possible importance, that there might be some value in leaving documentary evidence of it,” this is at the very least no longer true.<sup>6</sup> Yet *leaving* documentary evidence (already one step beyond producing it in the first place) is not enough either; these movements stress the need to collect it, house it and organize it themselves,

---

<sup>3</sup> Jennifer Schuessler, “Occupy Wall Street: From the Streets to the Archives,” *ArtsBeat New York Times Blog*, May 2, 2012.

<sup>4</sup> Hiten Samtani, “The Anarchivists: Who Owns the Occupy Wall Street Narrative?,” *The Brooklyn Ink*, December 26, 2011. Molenda is also the editor of *FOUND Magazine*, a publication that celebrates the subtle but eruptive power of “lost objects,” and provides a platform for them to do cultural work in the vein of Benjamin’s *Arcades*.

<sup>5</sup> See, respectively, the “Documenting Ferguson” and “Baltimore Uprising 2015” projects; “Tahrir Documents” and “Vox Populi” projects in the context of the Egyptian Revolution; and the Umbrella Movement Visual Archive in reference to “Occupy Central” in Hong Kong; and the (as of writing, defunct but secondarily archived) *Geziparkarsiv*.

<sup>6</sup> Antonio Gramsci, Geoffrey N. Smith, and Quintin Hoare, *Selections from the Prison Notebooks* (New York: International Publishers, 1989), 196.

encouraging those within or attracted to their cause to self-understand as citizen-archivists, co-creators of the past that will live on not only for them but also for others.

This chapter argues that we can understand memory as a domain of potentially democratic power in which citizens can be, but frequently are not, enfranchised. This argument builds directly off of the argument in Chapter 4. That chapter argued that the field of public *attention* constitutes an important domain of both political power and potential citizen enfranchisement. Having a “voice” or “say” in the direction and distribution of public focus and concern—the issues and events that we watch, think about, talk about, and struggle over—is a real form of democratic empowerment. But *how* we see, *how* we think, and *how* we talk about these objects—our habits of perception, affect and cognition, as well as our vocabularies of articulation and repertoires of active response—are not all formed at the moment of attention. (As if we could stop the flow of events and make up our minds from scratch for every issue or question.) Instead, how we think, see and talk is deeply bound up with how we are used to seeing, how we have thought before, and how we usually talk about things. If our political present is focalized through our practices of attention, our relationship to that present is informed by our past, the resources we use to make meaning and sense out of the things that we attend to. This idea is captured, if bluntly, by stock phrases like “Who controls the past, controls the future” (Orwell’s Party slogan) or “There is no political power without control of the archive, or without memory” (Jacques Derrida’s more academic but oft-cited remark).<sup>7</sup> But further, the idea suggests that creating social memory, and thus wielding its power, is a domain in which citizens can be more or less involved, and in which they can complain about normatively limited or damaged forms of involvement: a distinctive kind of mnemonic *disenfranchisement*, being shut

---

<sup>7</sup> From George Orwell’s *1984* and Jacques Derrida, *Archive Fever: A Freudian Impression* (Chicago: Chicago University Press, 1998), 4.

out of or marginalized within the processes and practices through which shared memory comes into being and endures. Indeed, this chapter argues that mnemonic disenfranchisement is an increasingly useful and tractable way of imagining injustice in the domain of memory, and that attending to insurgent practices meant to contest this injustice—like the archives of Occupy, but not only these—can *theoretically* illuminate the democratic terrain of political memory in novel ways.

These arguments are unpacked and developed in the chapter across three sections. The first two lay out two different “frames” for approaching the terrain of political contests over memory and in turn for understanding the nature of democratic injustice in those contests. On the one hand, what I call a “narrative frame” casts the basic substance of memory as narrative—the stories we ourselves and others craft to fit the past together and thus draw meaning from it—and its respective form of injustice as “forgetting,” broadly construed (entirely erasing whole narratives or their subsidiary strands, but also *mis*-narrating in ways that leave important events, actors, perspectives or ideas out of the picture). These issues are clearly important. But they only indirectly connect to questions of *how* narratives (again, as a proxy for memory) are constructed in the first place. Moreover, the narrative frame offers little guidance about what democratic involvement in that construction might look like, and how citizens might articulate complaints about that involvement itself. To make better sense of what that involvement can look like, and how it can go wrong, the second section articulates a different, “archival” frame that casts contests over memory not in terms of their results (the already-assembled narratives that circulate in the public sphere) but instead in terms of citizen participation in the activities that collect, organize and assemble—that is, archive—the “stuff” of memory.

The third section explores how a second, post-Occupy case—the Documenting Ferguson project that emerged in the wake of the 2014 uprising in Ferguson, Mo.—approached its own concrete politics of memory through the archival frame. Such projects, it is true, represent only small-scale interventions into the public remembrance of their respective events. However, when recognized as *intellectual* projects, they nevertheless express a picture of memory and its political significance that is more general than any particular archive. The chapter thus reads the OWS archives and Documenting Ferguson as not only as examples of an underlying theory, but also as acts of theorization that can help us understand both a significant dimension of mnemonic political and widening arena of social and political practice.

### I. Memory as Political Terrain: The Narrative Frame

Approaching memory as a domain of potentially (if never fully) democratizable power is not only a continuation of the general argument found in the preceding chapter about attention. It also extends the deliberative picture articulated in Chapter 3. Consider one issue that consistently arises for both deliberation and deliberative theory: that when citizens speak to one another, even in the argumentative-yet-generous spirit solicited by deliberation, they sometime just fail to agree. Indeed, sometimes this disagreement is not a function of any easily remedial feature of their discursive situation (cognitive biases, lack of information, or what have you). And sometimes it is not even a function of some intractable divergence of interests (say, within a class-spanning deliberation between capitalists and workers). Instead, the inability to agree (to converge on a rationally warranted consensus) is a result of the participants' divergent cognitive inheritances: their pictures of the world, its constitutive events and actors, the understandings and interpretations that give discourse its meaning. Habermas, for his part, developed (or borrowed)

the category of “the lifeworld” to make sense of this problem and its prospective resolution.<sup>8</sup>

Because citizens come to deliberation with cognitive resources that can both enable and constrain their cooperation—lifeworlds that individuals inherit, but that are collectively reproduced—the work of deliberation can’t simply be a matter of making decisions or solving problems. It also has to construct, and constantly reconstruct, a common sense of references and meanings, a common world.<sup>9</sup>

The idea of the lifeworld then provides a convenient “contact category” between frameworks of the public sphere and the phenomenon of memory.<sup>10</sup> But Habermas conceives of the reproduction of the lifeworld—at least in the normatively desirable or democratic sense—as a primarily communicative process.<sup>11</sup> It thus marks a terrain integral to deliberation yet, in practical terms, within its broadly linguistic boundaries. One way of interpreting the rich genre of thought often labeled under the rubric of the “politics of memory” is as a richer, more varied and more direct approach to political contestation over the past as part of our cognitive inheritance.

The predominant interpretive framework for this domain of contestation in turn represents what I

---

<sup>8</sup> The category of “the lifeworld” comes to Habermas from the phenomenological work of Edmund Husserl, by way of the sociological adaptation of Alfred Schultz. The lifeworld’s difference-reconciling role, most associated with Habermas’s eventual differentiation between moral, ethical and pragmatic discourses, is a later development. Initially, the category was meant to stand in as a bulwark against the autonomous logics of money and administrative power as a source of normative insight and action.

<sup>9</sup> The idea of “world-building” has for some time been associated with the work of Hannah Arendt, carrying essentially the same sense of a shared well of background meanings suggested by the lifeworld idea. Nevertheless, Arendt herself can more easily be taken to suggest that a shared world works as much through shared *objects* as through shared meanings—something closer to what is meant by “archive” in this chapter.

<sup>10</sup> The idea of a “contact category” is adapted from Peter Galison’s notion of a “contact language” through which different, seemingly incommensurable scientific disciplines can engage in shared conversation and inquiry. See Galison, *Image and Logic: A Material Culture of Microphysics* (Chicago: University of Chicago Press, 1997).

<sup>11</sup> That is, it evolves over time (and not necessarily with the kind of intentionality suggested by deliberation itself) in a way regulated by the requests for justification that are an in-built feature of the language medium.



call a “narrative frame,” a frame which constitutes a distinctive way of sketching out mnemonic politics along three interrelated yet still distinguishable dimensions: a construal of memory’s *ontology*, an interpretation of the nature of *contests* over memory, and the kind of *injustice* that manifests in memory. More specifically, a narrative frame expresses the idea that socially experienced memory is a fundamentally narrative experience, and thus that memory, for all intents and purposes, *is* narrative; the idea that contests over the political stakes of memory occur on a narrative terrain, being fundamentally contests over how to narrate or emplot past events, actors, and the connections between both and the present; and that the idea that the primary forms of injustice that occur on the narrative terrain are injustices of omission, the exclusion of events, actors and perspectives from narrative consciousness that could for shorthand be called “forgetting.”

Focusing on the injustice-dimension of the narrative frame is the quickest way to start sharpening what I mean by it. In societies haunted by specters of enduring historical injustice—specters which continue to shape distributions of wealth, opportunity, precarity and violence in the present<sup>12</sup>—the opportunity to forget the horrors of history, and to encourage that forgetting among others, can be exploited to undermine democratic projects in the present.<sup>13</sup> Forgetting can

---

<sup>12</sup> I use the term “enduring historical injustice” to reflect Jeff Spinner-Halev’s point that a connection between injustices in the past and in the present is central to the moral imaginary operative in the historical injustice literature. I don’t adopt his preferred term (“enduring injustice”) entirely so as to make space for other ways of interpreting that connection than the one Spinner-Halev explicitly advances. See his *Enduring Injustice* (New York: Cambridge University Press, 2012), Chapter 2.

<sup>13</sup> I follow Michael Rogin in taking what he calls “political amnesia” to be a *motivated* syndrome, with implications running “from those who want others to forget; to those who forgot; to those who, with varying degrees of willfulness, never allowed themselves to know.” See Rogin, “‘Make My Day!’: Spectacle as Amnesia in Imperial Politics,” *Representations* 29 (1990): 99–123.

also rob political movements of important resources in contemporary struggles.<sup>14</sup> And sometimes those two things go together. American memory of the Civil Rights Movement, for instance, can be at once mobilized (and sanitized) as a weapon *against* radical racial justice struggles (by invoking the supposedly non-radical politics of its “classical phase”), and lamented as a lost inheritance that, if remembered *correctly*, would provide a more productive set of political orientations—a more accurate sense of the meaning of “nonviolence,” and more nuanced understanding of the connections between racial and economic justice, and a more sober appreciation of the recalcitrance of American society to accept change.<sup>15</sup> To forget in such a case is both a normative wrong and a mistake that, if reversed, can have positive political effects.

At the same time, however, the charge of forgetting can provide critical leverage on a wide range of phenomena. At an individual level, forgetfulness indicts our civic dispositions, the general modes of comportment and behavior that citizens express. W. James Booth cites Hannah Arendt’s dismay at finding a German population apparently devoid of shame upon a visit to Berlin in 1950.<sup>16</sup> And it is not from any specific discursive denial that Arendt draws this conclusion. Instead, it is from causal way in which locals approach ruined buildings as occasions

---

<sup>14</sup> Michael Dawson, for instance, discusses how the accusation of “amnesia” can be employed as a self-critical tool in the context of black activism. (Though, for Dawson, amnesia is also simultaneously an effect of neoliberalism.) See Dawson, *Not in Our Lifetimes* (Chicago: Chicago University Press, 2011), Chapter 4.

<sup>15</sup> Non-academic political argument with broader circulation in the public sphere likely offers the most relevant set of examples. See, only representatively, William P. Jones, “The Forgotten Radical History of the March on Washington,” *Dissent*, Spring 2013; Randall Kennedy, “The Civil Rights Movement and the Politics of Memory,” *The American Prospect*, May 12, 2015; Thomas Segrue, “Restoring King,” *Jacobin*, January 18, 2016; and to some extent Ava DuVernay’s *Selma*.

<sup>16</sup> See Booth, “The Unforgotten: Memories of Justice,” *American Political Science Review* 95, no. 4 (2001): 777–791. More generally, Booth it is at this level where “thick memory” expresses (or fails to express) itself. Alongside “dwelling places,” and “rather than memorials or dates on a national calendar,” dispositions are “the enduring heard of collective memory-identity.” (Booth, *Communities of Memory: On Witness, Identity, and Justice*, 30.)

for wistfulness (sending postcards to one another which displayed their unblemished pre-War facades) and from the tendency to hold forth about “German suffering” upon learning that Arendt was, in fact, Jewish.<sup>17</sup>

Of course, Arendt also cites discomfiting instances of outright denial as well. Forgetting is also expressed at a discursive level. We can criticize both everyday and public discourse for demonstrating historical myopia. This is true not only of those who, to Arendt again, insist that “the Russians had begun the war.”<sup>18</sup> It’s also true of those who forget mass white flight (as well as Supreme Court decisions like *Milliken v. Bradley* that enabled and reinforced that empirical trend) when decrying the supposed failures of school busing.<sup>19</sup> Talk that goes on “as if” certain pieces of the past didn’t happen opens itself to mnemonic criticism.

The charge of forgetting can reach even beyond dispositions and discourses. It can be diagnosed at the level of policy too. Even when citizens might appear to avow past wrongs in their public pronouncements and their everyday interactions, they can still fail to effectively promote policies of actual redress. Lawrie Balfour points out how forgetting also manifests in the fact that “although white Americans are supportive of the principles of racial justice in a way that they were not during the Jim Crow era, they are resistant to policies that might realize those

---

<sup>17</sup> Arendt, “The Aftermath of Nazi Rule: Report from Germany,” *Commentary*, October, 1950.

<sup>18</sup> *Ibid.*

<sup>19</sup> For a discussion of this argument, see George Theoharis, “‘Forced busing’ didn’t fail. Desegregation is the best way to improve our schools,” *The Washington Post*, October 23, 2015. For a history of the rollback of busing, see Gary Orfield and Susan E. Eaton, *Dismantling Desegregation: The Quiet Reversal of Brown V. Board of Education* (New York: The New Press, 1996).

principles.”<sup>20</sup> Policies have lives that reaches beyond what people say about them and into what those policies do (or fail to do).<sup>21</sup> Historical memory can be leveraged to criticize them as well.<sup>22</sup>

The charge of forgetting thus opens up a distinctive field of critical argument that highlights the wide-ranging relevance of our connection to the past. One feature that unites these critical uses of memory, however, is a common reliance on the organizing concept of *narrative*. “Mnemonic critique” gets leverage on its object by showing how citizens’ disposition or actions, public ways of speaking, or government policies (or, again, their absence) explicitly or implicitly rely on distorted ways of narrating the past, thus making them inconsistent with the narratives that, upon reflection, we ought to avow.

Balfour’s reading of W.E.B. Du Bois against the “post-civil rights era” valorization of formal equality (a valorization that elides the reality of massive substantive disadvantage) not only employs a strategy of counter-narrative. Balfour also reads Du Bois as self-consciously theorizing this genre of political argument, and theorizing it as *essential* for staging concrete demands for the substantive redress of slavery and Jim Crow. As she puts it, “Du Bois’s historical narrative discredits the claim that redress for slavery and segregation can only divide.”<sup>23</sup> W. James Booth similarly locates failures of collective memory in official and public narratives, and reads Ralph Ellison as a counter to these narratives precisely because of his deft

---

<sup>20</sup> Lawrie Balfour, “Unreconstructed Democracy: W.E.B. Du Bois and the Case for Reparations,” *The American Political Science Review* 97, no. 1 (2003): 33–44.

<sup>21</sup> Each then might correspond to what Booth calls a distinct “face of memory-justice.” (“The Unforgotten.”) Balfour, in the same vein, describes reparations as but “one element of a larger effort to acknowledge the afterlife of past racial injustices and to eliminate racial disparities in the distribution of power and powerlessness.” (“Unreconstructed Democracy”)

<sup>22</sup> Forgetting has also been employed by thinkers like Martin Heidegger and Leo Strauss as a vehicle for social critique. But this kind of forgetting is more philosophically grand, in that what is forgotten is not events or actions but instead forms of philosophical knowledge or general modes of being. For a review of this genre Robert Pippin, “The Unavailability of the Ordinary,” *Political Theory* 31, no. 3 (2003): 335–358.

<sup>23</sup> Balfour, “Unreconstructed.”

employment of the narrative mode.<sup>24</sup> And while P.J. Brendese argues that narrative can't claim an empirical monopoly on collective remembrance—citing how South Africa's Truth and Reconciliation Commission had difficulty penetrating the non-narrative “habituated practices, assumptions, intimate passions and aversions” of its citizens—it is only when *foiled against* alternative narrations of the past that these ostensibly non-narrative elements of memory come into view. While memory “exists” in many forms, the political-critical significance of memory is still located in the narrative medium.

It is for this reason that I call the family of approaches that exploit narrative as a way of making sense of the memory's political significance a narrative frame. It expresses the assumption that memory (as distinct from “the past” as such) gains traction in citizens and civic life through practices of narration, the interpretive activities through which citizens shape themselves and relate social worlds by fitting their identities and responsibilities into wider stories about the societies in which they live. Memory becomes an active force when we actively (even if only implicitly) emplot ourselves into stories connecting the past to the present (even if these narratives later slide into our political unconscious). Moreover, the narrative frame expresses the view that contests over memory take place on a terrain with a particular structure, one defined by *narrativity*. Contests of course involve struggles over what the facts of particular cases really are. But it also occurs over how to select among and order those facts in ways that become politically meaningful—that is, through interpretative schemes of a particular sort, those

---

<sup>24</sup> Booth, “The Color of Memory: Reading Race with Ralph Ellison,” *Political Theory* 36, no. 5 (2008): 683–707. Booth also cites Ellison's own reflections on the uses of fiction—in particular the benefits of fiction—to narrate historical reality. See the forum with Ralph Ellison, William Styron, Robert Penn Warren and C. Van Woodward, “A Discussion: The Uses of History in Fiction,” *Southern Literary Journal* 1, no. 2 (1969): 57–90. For a parallel account of the interplay between narrative and history (and to some extent fiction) in social criticism, see Nolan Bennett, “To Narrate and Denounce: Frederick Douglass and the Politics of Personal Narrative,” *Political Theory* 44, no. 2 (2016): 240–264.

that enframe the data of the past through different narrative devices, tropes and modes of emplotment (romance, comedy, tragedy, or satire, to cite historian Hayden White's semi-canonical list, but also the catastrophic, the traumatic, or the triumphalist).<sup>25</sup> Narrativity thus describes the temporal interpretive at work in remembrance, and offers a map of the stakes and possibilities for political contests on mnemonic terrain.

The pervasiveness of the narrative frame is unsurprising in a sense. Much of our individual experience of memory occurs in narrative form. "We tell ourselves stories in order to live," in Joan Didion's dramatic line.<sup>26</sup> Certainly not all of one's experience, or everyone's; memory can also be fragmentary—for instance after experiences of trauma. But memory often comes along with what James Olney calls a "narrative imperative."<sup>27</sup> As Hayden White puts it, "narrative is a mode of verbal representation so seemingly natural to human consciousness that to suggest it is a problem might well appear pedantic."<sup>28</sup> But the naturalness of the narrative frame imposes limitations on how we understand the political significance of memory and contests over it. On the one hand, the focus on narratives as the locus of political contest and critique risks suggesting that narratives themselves, whole cloth, are what circulate in the public sphere. This assumption treats narrative as a "grossly substantialist metaphor," one that can ignore that material and digital forms through which narratives actually circulate and are

---

<sup>25</sup> White, *Metahistory*. For the political stakes of these modes, see respectively: Antonio Y. Vázquez-Arroyo, "How Not to Learn from Catastrophe: Habermas, Critical Theory and the 'Catastrophization' of Political Life," *Political Theory* 41, no. 5 (2013): 738–765; Frederick C. Harris, "It Takes a Tragedy to Arouse Them: Collective Memory and Collective Action during the Civil Rights Movement," *Social Movement Studies* 5, no. 1 (2006): 19–43; and, again, Balfour, "Unreconstructed."

<sup>26</sup> Didion, *The White Album* (New York: Simon & Schuster, 1979), 11.

<sup>27</sup> Olney, *Memory and Narrative: The Weave of Life-Writing* (Chicago: University of Chicago Press, 1998), Chapter 1.

<sup>28</sup> White, "The Question of Narrative in Contemporary Historical Theory," *History and Theory* 23, no. 1 (1984): 1–33.

received.<sup>29</sup> This assumption is misleading because, on the one hand, even the most straightforwardly “whole-cloth” narratives circulate *as* texts—as objects whose accessibility (or lack thereof) in turn dictates the viability of the narratives they “contain.” And, on the other, memory also crucially circulates through a whole range of artifacts that do not “contain” (even if they may support or can be knit into) narratives: texts (physical and digital articles, headlines, tweets), images, videos, and assemblages thereof. Narratives themselves rely on, deploy, exploit, compile and further disseminate this kind of material.

Precisely because the focus on narrative is not wrong, but only incomplete, a case “against” the narrative frame can only be made fully by articulating a picture of an alternative frame, alongside the dimensions of memory-practice and memory-injustice that it makes more legible. The next section thus develops an archival frame, one with a background ontology of memory as archive; an interpretation of the contests over memory as struggles over the material and digital infrastructure of collective memory—the assemblages of images, text, and other artifacts from which memory is in turned assembled; and a picture of injustice as *mnemonic disenfranchisement*, the condition of being disembedded from the processes and practices that construct public memory in this archival sense.

## II. Towards an Archival Frame

Occupy itself offers a difficult case for the narrative frame, a case where both participants and observers of an event acknowledged it as in principle open to different narrative possibilities. This makes it difficult to converge on the “best” strategy of narrative interpretation. As historian

---

<sup>29</sup> Jeff Olick uses this phrase to describe memory itself, with similar connotations. See Olick, *States of Memory: Continuities, Conflicts, and Transformations in National Retrospection* (Durham: Duke University Press, 2003), 6.

W.T.J. Mitchell put it, “How can one bring into focus both the multiplicity and the unity of this remarkable year? What narrative would be adequate to it? Of course many narratives have already been tried out.”<sup>30</sup> Indeed, Occupy at the time explicitly and self-consciously resisted capture by any particular narrative. Not only was the empirical possibility of narrating the movement difficult, the movement itself called the appropriateness of such a narration into question.

This multivocality may not be immediately obvious to all political observers. While the “proper” mode of remembering the movement remains unsettled, likely the most well-known narrative of the movement centers on the dichotomy between the 1 and the 99%—and perhaps for political purposes this is a satisfactory result. For Jodi Dean, the 1 vs. 99% narrative is distinctively productive because it “forcibly inscribes division” in a political environment where the longstanding suppression of any class division has undermined meaningful emancipatory action.<sup>31</sup> Occupy *should* be remembered in these terms if its political potentials are to endure. Yet, as Mitchell points out, the actual content of this division is radically underdetermined. “All sides, for a passing moment, hated Wall Street and identified with the 99%. It’s just a different 99 percent for the Tea Partiers.”<sup>32</sup>

Perhaps more importantly, however, the most influential and pervasive medium for staging a determinate meaning of 1 vs. 99% slogan was not the narrative text but the image.<sup>33</sup>

---

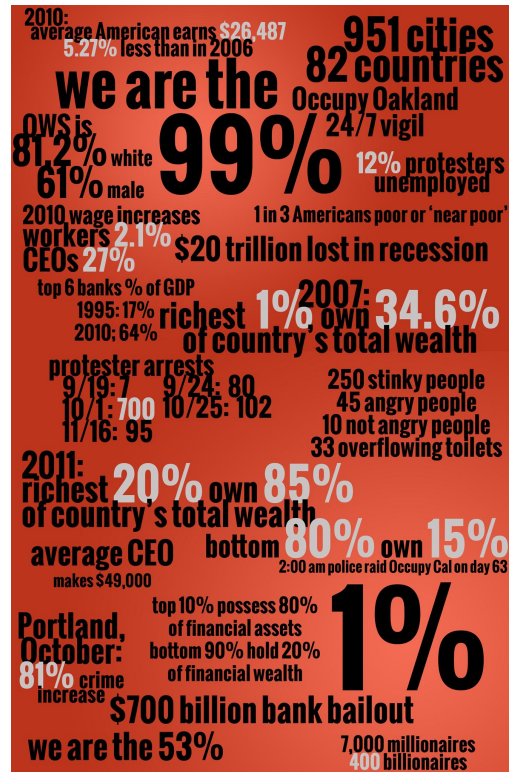
<sup>30</sup> W. J. T. Mitchell, Bernard E. Harcourt, and Michael Taussig, *Occupy: Three Inquiries in Disobedience* (Chicago: University of Chicago Press, 2013), x.

<sup>31</sup> Dean, “Occupy Wall Street: Forcing Division,” *Constellations* 21, no. 3 (2014): 382–389.

<sup>32</sup> *Ibid.*, 99.

<sup>33</sup> Mitchell himself uses the term “verbal-visual image,” acknowledging the continued relevance of language and text. (One might, think of the GIF as a recently paradigmatic image-form that integrates the two). Nevertheless, it is the image-form, and not the narrative-form, that organizes one’s interaction with content.





And together these facts should bring into view a different way of thinking about contests over memory. Not only is the field of contest often going to be resistant to any definitive narration. Battles over meaning and memory are also transacted within a much broader range of media that defy the characterization of narrative in the first place. The very existence of social memory of movements like Occupy (a case which may be paradigmatic, even if it is in no way singular) will be parasitic on the full panoply of mnemonic traces that remain. And even those who would construct and circulate what look straightforwardly like narratives will use this material—images; again, but also videos, and the diverse range of textual commentary that attached to the movement. Contests over memory are thus no longer matters of re- or counter-narration in the first instance, but instead contests over the field of socially available artifacts or “traces.”

Authors with significant investments in narrative often partially acknowledge this fact. Michel-Rolph Trouillot styles his classic *Silencing the Past* as offering an “alternative narrative” of the Haitian Revolution, one that counters the overarching narratives of Western historiography that made the Revolution unthinkable even as it occurred. But Trouillot does concede that the silencing of the Revolution was not purely due to the hegemony of Western modes of narration. Silencing is also due to imbalances of power in the production of *sources and archives*—individual facts and assemblies of facts—in addition to their later construction into narratives

---

<sup>34</sup> These images are all taken from the Internet Archive’s Occupy Wall Street Flickr Archive, with which several OWS-affiliated activist-archivists worked. Each image also stages the 1% vs 99% idea differently: from a nationalistic “All American” idea; to a more insurgent one associated with anti-state agitation (evidence by the black, mouth-covering bandana); to one associated with corruption; to an even more complex mélange of concerns enabled by the additional use of text. Images stable and accessible at <https://archive.org/details/flickr-ows-99-6489460423>; <https://archive.org/details/flickr-ows-ProtestSign20-6226492759>; <https://archive.org/details/flickr-ows-99-6189771935>; <https://archive.org/details/flickr-ows-KeeptheAmericanDreamAlive-6223634555>

and histories.<sup>35</sup> Tzvetan Todorov likewise attends to the primary significance of the “material trace” for enabling social remembrance; collecting them constitutes the first, and thus in a sense primary, stage of remembrance.<sup>36</sup> But both thinkers focus the majority of their critical energies on narrative, rather than archival construction. Trouillot’s emphasis remains primarily on the silencing accomplished through the later construction of narrative and history. And Todorov mirrors Trouillot’s emphases by singling out narrative as the mnemonic phenomenon over which the present can actually exercise control. “Only a few mental and material traces of what was,” he writes, “are available to us” now. “[A] process of selection, *over which we have no control*, has already occurred.”<sup>37</sup> (emphasis added) Trouillot’s “facts and archives” and Todorov’s material traces, however, are sites of live and present political contests. And an approach to memory that prioritizes narrative simply offers few tools for grappling with these kinds of contests or understanding their centrality for the deployment of memory as a democratic resource. A different approach to memory on the other hand—one that both uses and develops the concept of “the archive” to enframe discussions about memory and social meaning—does offer an analytical perspective that can make better sense of these kinds of contexts.<sup>38</sup>

Even taking cues from from Trouillot and Todorov to place the trace and the archive at the center of memory is liable to feed into the sense that *some* archives may be politically

---

<sup>35</sup> Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon, 1995), Chapter 1. Trouillot distinguishes between narration and history proper as distinct moments of silencing, but both have a fundamentally narrative form—Trouillot frequently uses the locution “historical narrative”—whereas sources and archives do not.

<sup>36</sup> Tzvetan Todorov, trans. David Bellos, *Hope and Memory* (Princeton: Princeton University Press, 2006), 120.

<sup>37</sup> *Ibid.*, 121.

<sup>38</sup> Political theory has itself adopted this approach only sparingly. See Kathy Ferguson, “Theorizing Shiny Things: Archival Labors,” *Theory & Event* 11, no. 4 (2008); and Kevin Olson, “Epistemologies of Rebellion: The Tricolor Cockade and the Problem of Subaltern Speech,” *Political Theory* 43, no. 6 (2015): 730–752.

important (salient to practices of collective remembrance) *sometimes*, but that any call for more theoretical attention to archiving will ultimately be circumscribed by the limited relevance of particular collections to actual politics. Rather than this isolated approach, however, the sense of the archive at work here can be understood in different terms, as encompassing *all* of the underlying material socially available for a given of memory and political debate. The archive of Occupy, or that of Ferguson, doesn't rest in any *particular* collection, but refers to the whole field of material that is actually in play in social practices of remembrance. Photographer and critic Allan Sekula gestures towards this more expansive sense of the archive, invoking a “a generalized, inclusive archive, a *shadow archive* that encompasses an entire social terrain while positioning individuals within that terrain.”<sup>39</sup> But even Sekula's expansion treats the archive as analytically separable from its active social use; the archive is “available for consultation” to someone who seeks it out, rather than socially available as part of an existing mnemonic repertoire—you go to it; it doesn't “come to you,” always-already at work undergirding collective memory.<sup>40</sup>

An archival frame alternatively takes the stuff of memory to be actively at work in our mnemonic background. And what we might call “democratic archive” in this more expansive sense is thus not just a democratically assembled particular collection—though, crucially, the self-archival assembly of particular collections offers insights into *how* to democratically assemble. The term also describes the broader field of mnemonic material through which citizens

---

<sup>39</sup> Sekula, “The Body and the Archive,” *October* 39 (1986): 3–64.

<sup>40</sup> The idea of the archive thus parallels the sociological category of “lifeworld”—adopted from its phenomenological predecessor by Alfred Schultz and Jürgen Habermas, and put to work more recently in Amy Lerman and Vesla Weaver's work on the political repercussions of the carceral state—in that it serves as the pre-reflective background through which citizens understand the world and their place in it. See Lerman and Weaver, *Arresting Citizenship: The Democratic Consequences of American Crime Control* (Chicago: University of Chicago Press, 2014).

construct their own memories of the past, and thereby those political sensibilities that such memories underpin. (Sometimes “prior to” narrative formation, sometimes simply bypassing it.) For this reason, “the archive” can itself be taken as a domain in which citizens can desire, or even expect, to have some say—and thus a domain of concern relevant to both political theory and practice.

### III. Archival Enfranchisement in Practice

On August 9, 2014, Michael Brown was shot dead in Ferguson, Missouri. His killing, the neglect of his bullet-ridden body, and the behavior of the Ferguson police department—at once evasive and repressive—combined to launch a protest movement that achieved mass scale and national attention. But while protesters organized their diffuse immediate aims largely, but still only partially, around the cry of “Justice for Mike Brown,” local archivists at Washington University began to collaborate with other community members to stage a distinctive form of solidarity with the protesters. By “documenting these events and preserving the memory surrounding them for future generations” the broad-based “Documenting Ferguson Project” began to sketch out not only a goal (preservation), but also a domain of ongoing civic involvement (and, as we will see below, not just their own involvement).<sup>41</sup>

“Documentary” itself may be a somewhat ill-fitting term for the shape the project took, given the conventional associations between documentary, the idea of “the real,” and its associated aesthetic conventions.<sup>42</sup> Documenting Ferguson’s approach is different. It does not

---

<sup>41</sup> Sonya Rooney and Jennifer Kirmer, “Documenting Ferguson: Capturing History as It Happens,” *University Libraries Presentations* 14 (2015). Accessed at [https://openscholarship.wustl.edu/lib\\_present/14](https://openscholarship.wustl.edu/lib_present/14)

<sup>42</sup> For an extended analysis of this relationship, particularly through film, see Elizabeth Cowie, *Recording Reality, Desiring the Real* (Minneapolis: University of Minnesota Press, 2011).

stake out its intervention in terms of mirroring the real, getting the “right” narrative takeaway from the Ferguson protests. In fact it doesn’t stake out its intervention in terms of narrative at all. To be sure, others did. Differing stories about the meaning Ferguson were hotly contested by those within the movement and without. A quick Google search illustrates the centrality the “Hands Up Don’t Shoot” narrative to public conversation and memory.<sup>43</sup> Moreover, broader solidaristic commentary sought to multiply the narratives in which events in Ferguson could be emplotted—narratives about longstanding practices of police violence and control, or about efforts to structure municipal jurisdictions in ways that not only exclude black residents from wealthy, high-service areas but also starve predominantly black areas of revenue and resources.<sup>44</sup>

This narrative terrain, however, comprises only a very narrow swathe of the broader terrain on which the *protesters themselves* attempted to construct the meaning of their protests—particularly given that writing pieces for major media outlets was an inaccessible avenue. But participant-centric meaning construction could occur in other ways. Documenting Ferguson enabled this. Consider this image, “Concerned Youth,” one of the first contributed to the Documenting Ferguson archive.

---

<sup>43</sup> The importance of the narrative behind this slogan is perhaps most spectacularly on display in the concerted revanchist effort to “debunk” it undertaken by conservative commentators obviously distressed by their inability to effectively exploit usual techniques of narrative control. While such debunking efforts are too numerous to list, Jonathan Capeheart’s is probably the most notable for the reluctance with which he undertakes the heavy task of wresting narrative control away from the protestors themselves. See Capeheart, “‘Hands up, don’t shoot’ was built on a lie.” For a brief but more nuanced snapshot of how protestors understood “Hands Up, Don’t Shoot,” see Cheryl Corley, “Whether History Or Hype, ‘Hands Up, Don’t Shoot’ Endures.”

<sup>44</sup> See, respectively, Vesla M. Weaver, “Black Citizenship and Summary Punishment: A Brief History to the Present” and Clarissa Hayward, “Is Ferguson anomalous?” While I have suggested that Weaver and Hayward are multiplying possible narrative emplotments, the narratives they offer could easily and productively be told together.



45

We don't know who captured this image initially. But while the photographer is a major source of agency in creating the image, so are protesters themselves. And, in being co-constructors of the image, they are also—at least potentially—intervening into the mnemonic field through which their actions will live on, through an intervention that is not easily captured in other ways. At first glance, the image seems straightforwardly continuous with the narrative of “Hand's Up, Don't Shoot”: young men and women simultaneously enacting their precariousness, elbows out and palms forward, while delivering a command: *don't shoot*. But on closer inspection—if you let your eyes track towards the jarringly bright point of light in the upper left (as they may do instinctively), and then move carefully Southeast to the young woman (wearing a necklace and a patterned, lighter shirt than those next to her) who might otherwise be mistaken

---

<sup>45</sup> Image accessed at <http://documentingferguson.wustl.edu/omeka/archive/files/e15fbc41e452a656a1239c60ce69d06e.jpg>

as a “background figure”—you will see a figure whose left hand is in fact *not* up. The young woman’s left hand is by her side. But her right is not raised to shoulder height, palm out. It is instead raised above her head, and enclosed into a fist. This photograph thus articulates together two ways of narrating the protests in Ferguson that were held apart as opposites in most media discourse: “Hands Up, Don’t Shoot” and a staging of Black Power. And it does so seamlessly: once the young woman’s fist comes into view, perhaps even before, your eyes scan the rest of the image exhaustively to re-establish the clear difference between “hands” and “fists.” It’s not easy. Together the protestors and the photographer have composed a “trace” of their involved activity, *through* their involved activity, which speaks with distinctive power to the political imagination actually work.<sup>46</sup>

Now consider this image, “Written on the burnt out shell of the Quick Trip gas station on W. Florissant,” and contributed in March 2016, well after the events of Ferguson had “passed.”

---

<sup>46</sup> The idea of “the trace” is perhaps most familiar from Jacques Derrida’s rather difficult use of the term, though it was originally coined by the *Annales* historian Marc Bloch as a way of at once describing how not the past itself, but only its “traces,” are available to the historian, and authorizing those accidental, seemingly irrelevant traces that are often denied historical authority. See Marc Bloch, *The Historian's Craft* (New York: Vintage, 1953).





47

If the first image dramatized the meaning of Ferguson in the present, this image conjures a particular historical continuum in which to situate the meaning of the protests. On the one hand, the continuum includes earlier black uprisings against police violence in Los Angeles and Cincinnati. But, on the other, it interpolates these events into broader histories of anti-fascist and anti-capitalist resistance (by Spanish Communists, Parisian students and workers, and Italian

---

<sup>47</sup> Image accessed at <http://documentingferguson.wustl.edu/omeka/archive/files/ebd223265f92c8dfa34c84e1cbc555c6.jpg>

Autonomists), internationalist racial solidarities (in South London), and anti-authoritarian struggles in Tahrir. The prehistory of Ferguson expands not only backward in time but outward in both space and the domain of concerns—perhaps bringing together an imagination that ties together anti-capitalist, anti-colonial and anti-racist struggle in the present.

But it is also a clear case of a contribution to a conversation about Ferguson that could not claim to be definitive; its temporal continuum may inspire viewers to think differently, but is also eminently contestable. On the one hand, the timeline is confined to the 20th century, suggesting a truncated temporal arc that cuts off contemporary struggles from many of their pre-20th century origins. On the other hand, the timeline invites viewers to broaden their imagination across an international horizon without providing a clear view of how (or even *that*) the issues, goals or solidarities gathered against that horizon will actually be good fit for their struggles.

Which is not to say the sign's suggestions are wrong, or even misleading. It doesn't aspire to be iconic, and we don't usually take artifacts of its kind or the claims they make as aspiring to such authority.<sup>48</sup> Instead, they claim a kind of authority that can be described as an expression of voice: a contribution to a field of plural, often inconsistent and sometimes-conflicting interpretations. By producing the sign in the first place, its author has already staged their voice in material, visible form. But memory offers a much wider temporal forum for that voice, one in which the persistence of the sign (or of its trace as an image) becomes an essential dimension of the ability to "have a say" in the contexts of the protests. And accordingly,

---

<sup>48</sup> What Mitchell says of Occupy could also be said of Ferguson, that "something that it had in common with Tahrir square...[was] its conspicuous insistence on an anti-iconic, nonsovereign image repertoire." (*Occupy*, 101.) It is also clearly the case that within both Occupy and Ferguson (Ferguson to an even greater extent) there *was* an attempt to articulate iconic, idea-fixing slogans, however—the 1 vs the 99%, and the more pervasive and sensorially developed "Hands Up, Don't Shoot."

activities that *determine what is able to persist* by extension become themselves potential avenues of voice.

These are conceptual claims, and we shouldn't simply read such "self-archival" initiatives as refutations of a historical diagnosis, or even as strategic efforts to accomplish a given goal. (Indeed, it is hard to say that in any of these cases self-archiving has *achieved* the kind of self-determination invoked above. Occupy's own archives, perhaps characteristically of that movement, could be called "archives of failure."<sup>49</sup>) Instead, we should also read these efforts for their *theoretical* value, exploring how reconstructing their underlying imaginative architecture might reshape the frameworks we bring to bear when trying to understand the relationship between memory and politics more generally. Specifically, this chapter argues that these emergent practices of self-archiving signal how fundamental memory is a broader politics of enfranchisement oriented towards enabling the empowered involvement of citizens in authoring the conditions of their common life.

#### IV. Conclusion

The identification of this connection, between voice and those activities which determine how and which traces will be left for posterity, has some precedent. Kate Eichhorn's *The Archival Turn in Feminism* documents how mid-1990's feminists associate with the Riot Grrrl movement meticulously assembled the record of their movement's cultural production—as well as the material of earlier second-wave feminist presses. But these particular archivist activists did not "approach the archive as a site of preservation (a place to house traces of the past)." Instead, they

---

<sup>49</sup> Which is not necessarily a pejorative thing to say. Jack Halberstam's theoretical rehabilitation of the idea of failure in *The Queer Art of Failure* is instructive in this regard.

saw the archive “as an apparatus to legitimize new forms of knowledge and cultural production in an economically and politically precarious present.”<sup>50</sup> And while not entirely distinct activities, these two approaches do represent different ways of imagining the political stakes of that activity: a matter of *preserving* a past *over and against* the present; or, of *constructing* a past that is *simultaneously* an intervention in the present. And these differing ways of conceptualizing archival activity have correspondingly differing implications for the kinds of principles will guide the organization of those activities.

The first view, rooted in preservation, draws on a principle of fidelity: organization and evaluation (reflection on *how* the activity should be undertaken) should be animated by the goal of being “true to the past.” This principle, moreover, is addressable to an individual archivist (or to a team of archivists) in a way that can be conceptualized outside of the activities (or ideas) of other archivists; there is nothing about it that suggests the need for the involvement of multiple voices. The second view, on the other hand, makes purely preservationist approach to the archive more difficult to imagine. When emphasizing construction over preservation, the idea of fidelity loses its hold. And by emphasizing the present tense of the intervention, the second view makes it difficult to resolve questions about *how* to archive (as distinct from the injunction *to* archive itself) in reference to the past at all.

Eichhorn is insistent on the “presentism” of the feminist archiving she documents. But she herself does not focus on their “organizing principles”; questions about *how* to archive are left largely implicit. In Eichhorn’s reading, such questions do appear to underlie the view of archives as having a counter-hegemonic function; the feminist archivists Eichhorn surveys widely saw their own archives in this way. And conceiving of archiving as a practice of

---

<sup>50</sup> Eichhorn, *The Archival Turn in Feminism: Outrage in Order* (Philadelphia: Temple University Press, 2013), 4.

resistance does provide a guiding sense of orientation. Indeed, much of the critical work on archives envisions their political possibilities over and against the assertion of state control over archives and accordingly collective memory. As Achille Mbembe writes, “The term ‘archives’ first refers to a building, a symbol of a public institution, which is one of the organs of a constituted state.”<sup>51</sup> Elizabeth Povinelli echoes this view in stating that “Archives are not recorded moments of history but monuments of states, colonies, and empires.”<sup>52</sup> Accordingly, Ariella Azoulay borrows the idea of “archive fever” from Jacques Derrida to describe a form of archival practice that “challenges the norm that stands at the basis of how sovereign power defines archival documents.”<sup>53</sup> To take up archiving as a political project would thus conceive of its function as opposition to the state monopoly on memory.

Such a resistance project, however, can only partially capture the kinds of interventions that have been canvassed so far—largely because the state is not necessarily the primary locus of power that the archives above confront. Mbembe, Povinelli and Azoulay—as well as Ann Stoler, the coiner of the idea of an “archival turn”—all explicitly write from contexts of past and present coloniality, contexts in which the connection between the state and the archive has been fundamental and institutionally vivid. But this connection may generalize to a much lesser extent than much of the work on archives assumes. Arjun Appadurai already calls it into question in the context of “migrant archives” that have emerged in response to global population dislocations, suggesting that “perhaps Foucault had too dark a vision of the panoptical functions of the archive, of its roles as an accessory to policing, surveillance and governmentality. The creation

---

<sup>51</sup> Mbembe, “The Power of the Archive and its Limits,” in Hamilton, Harris, Taylor, Pickover, Reid, and Saleh, eds., *Refiguring the Archive* (Dordrecht: Springer, 2002).

<sup>52</sup> Elizabeth Povinelli, “The Woman on the Other Side of the Wall: Archiving the Otherwise in Postcolonial Digital Archives,” *differences* 22, no. 1: 146–171.

<sup>53</sup> Ariella Azoulay, “Archive,” *Political Concepts: A Critical Lexicon* 1.

of documents and their aggregation into archives is also a part of everyday life outside the purview of the state.”<sup>54</sup>

But there is reason to think that there is more to archiving than simply resisting the state—or even *resisting* in general. Archiving in Occupy and Ferguson offer a provisional set of gestures in this direction, as they are organized around a principle of *participation* rather than resistance. The archival project of Occupy, as noted above, distinctively argued for a *democratized process of archival collection*. “Why Archive?” solicited mass involvement on this front, challenging the idea that even a subset of collectors was adequate for building an archive that would be true to the movement. Less emphasized was a second dimension of archival participation, that of *production*. To some extent Occupy archivists could take this dimension for granted, given how widespread sign-making and photography (image-creation) were among protesters. But the modes of potential participation should also be explicitly thematized, given that collection relies on preceding practices of production.

Documenting Ferguson goes further. Above and beyond creating a flyer, the Documenting Ferguson developed a two-part outreach plan based in advertising (creating promotional literature and distributing ads in local media) and community outreach (attending local events, contacting people directly involved in events, and collaborating pre-existing outreach initiatives).<sup>55</sup> In short, the Project went from a recognition of the need for a democratized collection process to a reflectively developed plan for achieving democratization.

---

<sup>54</sup> Appadurai, “Archive and Aspiration,” in Joke Brouwer and Arjen Mulder, eds., *Information is Alive* (Rotterdam: V2\_/NAI Publishers, 2003): 14–25.

<sup>55</sup> “Project Explanation and Purpose.” Accessible at <http://digital.wustl.edu/ferguson/DFP-Plan.pdf>

Documenting Ferguson did not explicitly recognize the possibility of democratizing mnemonic production. However, it did recognize another dimension of potential democratization: *curation*. This recognition came in two forms. First, the Project allows contributors to provide their own metadata, the timestamps, descriptions and tags that can be used to browse and sort the contributed content. The Project thereby enabled contributors to at least partially direct how users will move through the content of the archive, as well as enabling them to take first steps towards the curation of “exhibits.” While curation is not yet a service Documenting Ferguson has managed to provide, it is technically possible. But the more significant point is that the Project highlights another dimension along which democratization of its archives could be pursued. Accordingly, together both archival movements bring into clear view three distinct if interrelated modes of activity through which to imagine a democratized process of memory construction: production, collection, and curation.

Documenting Ferguson’s first rule for contributing to its archive is that “Content is related to the events surrounding the fatal shooting of Michael Brown in Ferguson, MO on August 9, 2014.”<sup>56</sup> It is first and foremost a “subject-centered” archive. It is also, of course, a singular repository, of limited scope, resting upon a technological foundation that is under continuous development.<sup>57</sup> But we can read Documenting Ferguson beyond its concrete instantiation also as an articulation of an *ideal*: that those who participate in political movements should not have their voices confined to a narrow cross-section of time, with other actors “taking over” in the domain of remembrance. And this ideal can in principle be applied across a range of concrete archives, across *whichever* sense of what “the archive” is that trains our attention on practices through which the movement is socially remembered. It opens up a distinctive critical

---

<sup>56</sup> Ibid.

<sup>57</sup> Namely, the widely popular digital archiving platform Omeka.

sensibility that highlights the wide-ranging relevance of our involvement in the construction of collective memory.



## Conclusion: Between Institutionalism and Insurgency

At the very start of this dissertation (and incessantly throughout) I have argued that both the complaint of disenfranchisement and the corresponding ideal of enfranchisement should not be treated as equivalent to their institutional counterparts. There is more to being disenfranchised than to being denied the right, or opportunity, or even the fair value, of voting. This is why citizens can and do complain even when their voting status itself is unobjectionable. And there is more to being enfranchised than simply possessing the ballot. While formal institutions often embody normative ideas, they do not have to, or even usually, exhaust those ideas. As a vocabulary of political critique and aspiration, disenfranchisement and enfranchisement are just as at home outside of institutional contexts. (Just as exclusion, domination and their cognates are.) To confine oneself to “institutionalism”—the supposition that all normative discussion must be cashed out in terms of institutional implications or reforms, paralleling what Judith Shklar referred to as the “legalism” that confined all normative discussion to the terrain of rule-following—is to hem in both political imagination and the scope of our moral demands.

Democratic politics itself has a strong non-institutionalist streak. Social movement activism, the micro-politics of the everyday, the vast majority of political speech, and the slow boring of hard boards that is day-to-day organizing all happen outside of institutional contexts. Democracy may not be entirely fugitive, always on the precipice of its own disappearance or loss of authenticity.<sup>1</sup> But it is, for many theorists, at very least *insurgent*: starting, if not always ending, outside of institutional frameworks, with the express purpose and clear effect of exceeding if not wholly bypassing them. As Bonnie Honig puts it, “Democracy is not just a set

---

<sup>1</sup> This is how Sheldon Wolin famously describes “the political.” See Wolin, “Fugitive Democracy,” *Constellations* 1, no. 1 (1994): 11-25.

of governing institutions. It is also a commitment to generate actions in concert that exceed the institutional conditions that both enable and limit popular agencies.”<sup>2</sup> Institutionalism does not have to order, and frequently does not order, the way we interpret the political world.

The language of insurgency itself captures the disconnect Honig describes between political action and institutions. But it also adds to that the idea that such extramural action is more forceful, more subversive, and even in extremis revolutionary. Miguel Abensour is likely the thinker most associated with the explicit connection between the language of insurgency and democracy.<sup>3</sup> For Abensour, “insurgent democracy” (his specific phrase, an extension of Claude Lefort’s “savage democracy”) describes a dynamic whereby political action not only exceeds or bypasses institutions, but also fundamentally challenges those who are in a position to instrumentalize them *against* democracy. Reaching back into the deep canon of political thought, Abensour finds that “democracy is not a regime but primarily a political action, a modality of political agency, characterized by the irruption of the demos onto the political stage in their struggle against those who Machiavelli called the *grandees*.”<sup>4</sup> Insurgency is not exactly identical to what Abensour calls “insurrection.” Whereas insurrection represents a momentary flash of the people’s will and energy, insurgency is an “ongoing insertion” of the people into political life.<sup>5</sup> (The choice in the quotation above of the unfamiliar term “irruption”—both a sudden, sometimes forcible entry and the unexpected appearance of a large animal population—instead of the seemingly more likely candidate “eruption” subtly undergirds this distinction.) Moreover,

---

<sup>2</sup> Honig, *Democracy and the Foreigner* (Princeton: Princeton University Press, 2001), 13.

<sup>3</sup> Abensour, *Democracy Against the State: Marx and the Machiavellian Movement* (Malden, MA: Polity, 2011). The key texts for “insurgent democracy” itself are actually the two prefaces appended to this English translation of the original French *Democratie Contre L’Etat*.

<sup>4</sup> Abensour, *Democracy*, xxiii.

<sup>5</sup> *Ibid.*, xxiv.

Abensour's notion of insurgency, unlike that of insurrection, "distinguishes between institutions that promote the people's action and those that do not," rather than "being hostile as a matter of principle to all institutions."<sup>6</sup> Yet, despite these caveats and amendments, insurgency is primarily an extra- and anti-institutional force. Genuinely democratic action originates *outside* of institutions. And it only selectively exploits those institutions, from a point of view and for political ends that are exogenous to them, developed first in the streets. If insurgency is ongoing, it is nevertheless potent and desirable—and, for Abensour, definitionally democratic—because it is unregulated, its ongoing nature in fact a "permanent insurrection" by a people that is only predictable as an agent of oppositional antagonism.

Splitting off disenfranchisement from its institutional reference might then seem to place it in the insurgent camp—a camp with significant intellectual cachet.<sup>7</sup> Indeed, not only does the disenfranchisement complaint reach well outside of commonplace institutions like elections. It privileges an enfranchised mode of political action that, like any insurgency worth its name, refuses to "ask" for the goods. Yet there are important reasons, both analytical and political, for resisting a blanket identification with and valorization of insurgency. Analytically, this is because enfranchisement itself picks out a mode of agency that, while not institutional per se, nevertheless comes with expectations of security and equality that insurgency cannot accommodate. And, politically, it is because the insurgent picture of democratic action calls on citizens to act heroically, constantly overcoming great odds, enduring significant danger, and paying high costs. This kind of action is frequently commendable. But it is too much to

---

<sup>6</sup> Ibid., xxvi.

<sup>7</sup> As only one further signal of this cachet, consider how frequently the practice of civil disobedience, almost normatively sacrosanct, is described in terms of insurgency. See, for a recent example, Alex Livingston, "Fidelity to Truth: Gandhi and the Genealogy of Civil Disobedience," *Political Theory* 46, no. 4 (2018): 511–536.

consistently ask of democratic citizens. The idealization of insurgency can obscure the expectation to *not have to be* an insurgent, and not to feel obliged to embrace a politics where the burdens and costs of contention and struggle are so asymmetrically born by some rather than others.

Each chapter in the dissertation can be seen as carving out a small corner of this in-between space, between institutionalism and insurgency. The argument in Chapter 1 does this in two ways. The main goal of that chapter's argument as a whole is to show how domination offers a map of contemporary injustice that is at once prescient but ultimately misleading. On the prescient side, one dimension of the domination framework (at least in its neo-republican version) which the chapter took on board was the *unwillingness* to interpret domination as necessitating a purely insurgent politics of response. Indeed, it was precisely by coining the otherwise awkward “non-domination”—rather than the more plausible language of emancipation—that Pettit in particular was able to insist that the *normative* answer to domination (as opposed to the practical efforts needed to eliminate it, which would vary by empirical circumstance) involved a kind of ongoing control over powerful agencies which citizens would have to collectively exercise. This exercise would not be a matter of “permanent insurrection,” but of a secured status each citizen would enjoy as a co-participant in that control.

Yet, interestingly, while Pettit dismisses the insurgent mode with one hand (taking up what might look like a strictly institutionalist line) he actually, perhaps surprisingly, embraces it with the other, through the appeal to *contestation* as a genre of political activity. Contestation, for its part, is certainly a central feature of democratic practice. However, from the point of view of disenfranchisement, Pettit's appeal to contestation effectively abandons citizens to precisely the precarious, uncertain political position that he had spent so much effort vivifying and

challenging. That is because, while being unable to contest a political outcome or decision would be problematic, being endowed with the raw ability to do so would still leave wide room for complaint when the claims of contestation go unheard, ignored, or simply unrequited.

The explicit theoretical appeal to contestation, something that is distinct from the mere recognition of its empirical and moral significance, often functions in this way. The theme recurs in Chapter 2 in the discussion of proceduralism. Proceduralism, in that chapter, was described as an imperative to analyze the dynamics of citizen involvement, diagnosing deficits and bringing to light how decision-making (or other, nondecision-making processes) not only produce this or that outcome but also disenfranchise these or those citizens. This move, the chapter argued, should extricate the proceduralist idea from its associations with rigid rule-following. But another, otherwise parallel defense of proceduralism analyzed there adapted the contestation idea through the language of dissent. Again, dissent is a political practice with massive political and moral value. But it is one thing to recognize that value. It is another to use it—as Saffon and Urbinati, in their defense of procedural democracy, do—as a theoretical backstop for insulating against procedural deficits; that is, as what citizens can and must employ when proceduralism seems to run dry for them. Yet the position of a dissenter is not necessarily the position of an enfranchised citizen, and the experience of dissenting is not always the experience of the secure, symmetrical empowerment that characterizes enfranchisement. When the practice of dissent detaches from those expectations in the direction of a purely insurgent mode, it can still be commendable; perhaps even more so. But this is not the kind of practice that democratic theory should build in as a civic expectation.

If contestation expresses the insurgent theme in Chapter 1, and dissent expresses the theme in Chapter 2, in Chapter 3 it is expressed by *agonism*. As agonism developed within

political theory, first as an idea and eventually as an effective genre of “agonistic democracy,” it has been consistently foiled against the idea of deliberation. Dana Villa’s 1992 “Postmodernism and the Public Sphere” drew from Jean-François Lyotard to launch an agonistic critique of Habermas’s then-recently popular idea of the public sphere.<sup>8</sup> William Connolly’s 1991 *Identity/Difference*—perhaps *the* foundational text in launching the agonistic strain of democratic thought—largely avoided a frontal confrontation with deliberative thought. Yet Bonnie Honig’s *Political Theory and the Displacement of Politics* directly took on the emerging deliberative paradigm through critiques of Kant and Rawls.<sup>9</sup> And Chantal Mouffe’s 1999 “Deliberative Democracy or Agonistic Pluralism?” would put agonism and deliberation in direct conversation for much of the following decade.<sup>10</sup>

Subsequently, as the chapter described, deliberative thinking largely took agonism on board as representing a necessary way for deliberative practice to admit marginal, unfamiliar and disaffected voices into the democratic scene.<sup>11</sup> Agonistic speech that transgresses even accepted and generally acceptable deliberative norms—alongside the agonistic *action* that may disrupt the process of deliberation full stop—has become widely accepted as part and parcel of any

---

<sup>8</sup> Dana Villa, “Postmodernism and the Public Sphere,” *The American Political Science Review* 86, no. 3 (1992): 712–721.

<sup>9</sup> See Honig, *Political Theory and the Displacement of Politics* (Ithaca: Cornell University Press, 1993). Honig largely avoided Habermas in this text but addressed him indirectly at the same time elsewhere, in a response to a different Villa essay. See Honig, “The Politics of Agonism: A Critical Response to “Beyond Good and Evil: Arendt, Nietzsche, and the Aestheticization of Political Action,” *Political Theory* 21, no. 3 (1993): 528–533.

<sup>10</sup> Chantal Mouffe, “Deliberative Democracy or Agonistic Pluralism?,” *Social Research* 66, no. 3 (1999): 745–758.

<sup>11</sup> For a helpful recent statement of this view that avoids entirely collapsing any distinction between deliberation and agonism, and instead treats them complementarily through a division of labor, see Rachel Wahl and Stephen K. White, “Deliberation, Accountability, and Legitimacy: A Case Study of Police-Community Forums,” *Polity* 49, no. 4 (2017): 489–517.

functioning “deliberative democracy.” Recent proponents of deliberative systems thinking have effectively codified agonism as orthodoxy.<sup>12</sup> However, as the chapter argued, the reconciliation between agonism and deliberation is only plausible within a specific, “coffeehouse” picture of deliberation and breaks down within a mass-based and mediated “newsletter” picture.

The idea of disenfranchisement explained why. Interpreting agonism as a response to potential discursive disenfranchisement within deliberation—the ability, if not tendency, of deliberative norms and modes of speech to devalue and disempower certain speakers—recasts it as in fact *consistent with* deliberation’s normative core. But this reinterpretation itself assumes that agonistic speech would at least *reach the same audience* as more properly deliberative speech. One could make this assumption when focused on the largely face-to-face contexts with which deliberative theorists have largely been preoccupied. But in mass public spheres—in which connecting raw voice to a receptive audience is significantly harder—agonism loses its enfranchising bite. Yet, from a perspective that valorizes agonism, an anarchic public sphere characterized by an unpredictable combination of insurgent speech acts and shouting into the void *should* seem normatively unproblematic. And it is straightforward to see how this view represents the abandonment of the enfranchisement ideal in perhaps the most consequential site of political talk in actual democracies. It would consign wide swathes of the citizenry to the voiceless voice of the lesser audience. While the practical and technical challenges of mass discursive enfranchisement are many (indeed, the conceptual challenges are many as well) an agonistic frame systematically distracts from them.

---

<sup>12</sup> Jane Mansbridge, James Bohman, Simone Chambers, Thomas Christiano, Archon Fung, John Parkinson, Dennis F. Thompson, and Mark E. Warren, “A Systemic Approach to Deliberative Democracy,” in J. Parkinson and J. Mansbridge, eds., *Deliberative Systems* (Cambridge: Cambridge University Press, 2012).

The politics of attention—also inextricably indexed to the public sphere—can likewise exhibit this distortion when “attention grabbing” is seen as its primary democratic mode. Michael Feola, for instance, describes the political theater of direct action as a “bodily spectacle,” a form of attentional politics that calls a “public-as-witness” into being by performatively seizing eyes, ears and minds.<sup>13</sup> Feola, moreover, explicitly positions this politics with the language of insurgency—bodies are “insurgent figures,” their performances are “insurgent gestures,” which in all express an “insurgent politics.” Yet, as discussed in Chapter 4, attention grabbing as a political practice presupposes a landscape of pervasive attentional disempowerment. It overcomes that disempowerment heroically, with significant sacrifice. But Feola also acknowledges that “the most spectacular act of self-sacrifice might go unnoticed or pass into obscurity.” And crucially, not only is the question of the distribution of this sacrifice across social space and populations democratically important here.<sup>14</sup> So too is the question of *how* the translation from act to witness occurs, how noticing is brought about and obscurity avoided (or, at least, put off).

Feola, for his part, gestures towards the mediated “apparatuses of distribution, selection, and commentary” through which bodily spectacle—transmitted primarily through the image form—is represented to audiences. But these apparatuses are not themselves treated as sites of democratization. Insurgent citizens inflect their activity in anticipation of its eventual mediation by agents and through techniques to which they are (partially? wholly?) beholden. As with mass deliberation, this is a genuine practical problem that cannot be wished away. But citizens—we—

---

<sup>13</sup> Michael Feola, “The Body Politic: Bodily Spectacle and Democratic Agency,” *Political Theory* 46, no. 2 (2018): 197–217.

<sup>14</sup> See Danielle Allen, *Talking to Strangers: Anxieties of Citizenship Since Brown v. Board of Education* (Chicago: University of Chicago Press, 2004).



are increasingly the agents of mediation and representation that attentional activism both seeks to reach and passes through. Enfranchisement is a rubric for organizing that mediation and representation itself. It allows us to view *disenfranchisement* as something that is not only experienced by potential activists. It affects all those who are shut out or marginalized within the apparatuses of attentional production and distribution, and is thus not solely remediated through their sacrifices in the streets.<sup>15</sup>

The theme of insurgency is at once more muted and more ambivalent in Chapter 5. On the one hand, what that chapter describes as the narrative frame does not valorize contestation, dissent, agonism or their cognates in the same explicit way that was seen in the preceding chapters. Certainly, contestation over narrative—as well as over what the chapter called archives, the collections of texts, images, videos and other artifacts that both sit and circulate to support social remembrance—is an integral part of democratic life. But, if anything, the archival politics of Occupy, Documenting Ferguson, and the host of other movements that have employed them, adopt a decidedly insurgent orientation (including, in Occupy’s case, evading capture by institutional forces like the official archives of the Smithsonian). This chapter then offers not so much a critique of an overreliance on insurgency than the clearest example of the potential gap

---

<sup>15</sup> Interestingly, Feola draws from the work of James Scott to describe the bodily spectacle as a “weapon of the weak.” Yet this is an odd borrowing, given that the phrase and idea come out of Scott’s reconstruction of resistance in peasant societies under conditions of intense domination—domination that all but forecloses the appeal to publics that Feola describes. Indeed, for Scott “resistance” is the primary rubric for understanding how weapons of the weak operate, a rubric which analytically describes *denying* the claims or demands of the powerful and privileged, rather than *making* claims upon them. Feola himself appears to theoretically reproduce this asymmetry when, describing bodily spectacle as “the means available to those who do not have access to the tools or resources of elite parties.” In short, it represents a heroic overcoming of the lack of tools, not the seizure (or, in Chapter 4’s productive lens, the expropriation of those tools). See James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Revolt* (New Haven: Yale University Press, 1987).

between enfranchisement as an expectation and enfranchisement as an aspiration. Anna Perricci, the Occupy Archivist referenced in Chapter 5, makes a distinction between “*the* archive”—a term which Michel Foucault effectively equated with memory itself—and concrete archives, plural, to draw out an additional gap between the site at which political archivists can work (archives) and the site in which they might aspirationally imagine working (the archive). This gap too remains large. But, as Arjun Appadurai has written, “the archive is itself an aspiration rather than a recollection.”<sup>16</sup> We can also aspire to close these gaps.

In all, allowing democracy to remain in the register of insurgency distributes too much of the work of politics onto citizens themselves—usually, disproportionately to only some of them, the disenfranchised—and too little onto the idea of democracy itself. We ask too much of citizens when we let their ability to make their impress bear become contingent on enduring sacrifices, overcoming obstacles and shouldering burdens. We force them to push too hard, drive too far, or lose too much. This kind of politics may be consistent with a tragic view of politics. Or, just as easily if oddly, a romantic one. But it is not an aspirational view. Being barred from, ripped out of, or marginalized within the spaces where power lives in society, or having one’s contribution to the range of practices, formal and informal, that regulate social and political life made insecure, unequal or just meaningless; these are forms of wrong. We should object to them. We do object to them. If the ways in which actual citizens covet their right to vote exemplifies these objections, that does not itself represent the extent of their democratic aspirations. This dissertation is an effort to ensure it is not the extent of our theoretical guidance, either.

---

<sup>16</sup> Arjun Appadurai, “Archive and Aspiration,” in J. Brouwer and A. Mulder, eds., *Information is Alive* (Rotterdam: V2\_Publishing/NAI Publishers, 2003): 14–25.

## Bibliography

Abensour, Miguel. *Democracy Against the State: Marx and the Machiavellian Movement*. Malden, MA: Polity, 2011.

Abizadeh, Arash. "On the Philosophy/Rhetoric Binaries: Or, is Habermasian dDiscourse Motivationally Impotent?" *Philosophy and Social Criticism* 33, no. 4 (2007): 445–72.

Ackerly, Brooke. *Political Theory and Feminist Social Criticism*. New York: Cambridge University Press, 2009.

Activist Archivists. "Why Archive?" Archived at <https://web.archive.org/web/20150222211841/http://activist-archivists.org/wp/?p=994>

Adorno, Theodor. "Culture Industry Reconsidered." Translated by Anson Rabinbach. *New German Critique*, no. 6 (1975): 12–19.

Alderman, Liz. "After Terrorist Attacks, Many French Muslims Wonder: What Now?" *New York Times*, January 10, 2015. <https://www.nytimes.com/2015/01/11/world/europe/french-muslims-worry-about-backlash-after-charlie-hebdo-attack.html>

Allen, Danielle, and Jennifer S. Light, eds., *From Voice to Influence: Understanding Citizenship in a Digital Age*. Chicago: University of Chicago Press, 2015.

Allen, Danielle. "Forum Response: Ferguson Won't Change Anything. What Will?" *Boston Review*, January 05, 2015. <http://bostonreview.net/forum/glenn-c-loury-ferguson-wont-change-anything-what-will>

———. *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality*. New York: Norton, 2014.

———. *Talking to Strangers: Anxieties of Citizenship Since Brown v. Board of Education*. Chicago: University of Chicago Press, 2004.

Alper, Bora M. *Geziparkarsiv*. Archived at <https://archive.org/details/geziparkarsiv.tar>

*An Act To amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes*, Public Law 97-205—June 29, 1982 96 Stat. 131.

Andrews, George Reid, and Herrick Chapman, eds. *The Social Construction of Democracy, 1870–1990*. New York: New York University Press, 1995.

Arendt, Hannah. "The Aftermath of Nazi Rule: Report from Germany," *Commentary*, October 1950.

Arrow, Kenneth A. "A Difficulty in the Concept of Social Welfare." *Journal of Political Economy* 58, no. 4. (1950): 328–346.

———. *Social Choice and Political Values*. New York: John Wiley & Sons, 1951.

Azoulay, Ariella. "Archive." Translated by Tal Haran. *Political Concepts: A Critical Lexicon* 1. <http://www.politicalconcepts.org/issue1/archive/>

Bachrach, Peter, and Morton Baratz. "Two Faces of Power." *American Political Science Review* 56, no. 4 (1962): 947–952.

Bagg, Samuel. "Can Deliberation Neutralise Power?" *European Journal of Political Theory* 17, no. 3 (2015): 257–279.

Balfour, Lawrie. "Unreconstructed Democracy: W.E.B. Du Bois and the Case for Reparations." *American Political Science Review* 97, no. 1 (2003): 33–44.

Barber, Benjamin. *Strong Democracy*. Berkeley: University of California Press, 2003.

Barkley, Russell, and Helmut Peters. "The Earliest Reference to ADHD in the Medical Literature? Melchior Adam Weikard's Description in 1775 of 'Attention Deficit' (Mangel der Aufmerksamkeit, Attentio Volubilis)." *Journal of Attention Disorders* 16, no. 8 (2012): 623–630.

Beitz, Charles. *Political Equality*. Princeton: Princeton University Press, 1989.

Beller Jonathan, *The Cinematic Mode of Production: Attention Economy and the Society of the Spectacle*. Lebanon, NH: University Press of New England, 2006.

Benhabib, Seyla, ed. *Democracy and Difference: Contesting the Boundaries of the Political*. Princeton: Princeton University Press, 1996.

Bennett, Nolan. "To Narrate and Denounce: Frederick Douglass and the Politics of Personal Narrative." *Political Theory* 44, no. 2 (2016): 240–264.

Berger, Benjamin. *Attention Deficit Democracy: The Paradox of Civic Engagement*. Princeton: Princeton University Press, 2011.

Berlant, Lauren, "The Female Complaint." *Social Text* 19/20 (1988): 237–259.

Bickford, Susan. "Beyond Friendship: Aristotle on Conflict, Deliberation, and Attention." *Journal of Politics* 58, no. 2 (1996): 398–421.

Blair, Ann. *Too Much to Know: Managing Scholarly Information Before the Modern Age*. New Haven: Yale University Press, 2011.

Bloch, Marc. *The Historian's Craft*. Translated by Peter Putnam. New York: Vintage, 1953.

Blow, Charles. "Violence in Baltimore." *New York Times*, April 29, 2015. <https://www.nytimes.com/2015/04/30/opinion/charles-blow-violence-in-baltimore.html>

Bohman, James. "Survey Article: The Coming of Age of Deliberative Democracy." *Journal of Political Philosophy* 6, no. 4 (1998): 400–425.

- Bollmer, Grant. *Inhuman Networks: Social Media and the Archaeology of Connection*. New York: Bloomsbury Academic, 2016.
- Booth, James. "The Color of Memory: Reading Race with Ralph Ellison." *Political Theory* 36, no. 5 (2008): 683–707.
- . "The Unforgotten: Memories of Justice." *American Political Science Review* 95, no. 4 (2001): 777–791.
- . *Communities of Memory: On Witness, Identity, and Justice*. Ithaca: Cornell University Press, 2006.
- Bosman, Julie and Erik Eckholm. "Anonymity in Police Shooting Fuels Anger in Missouri." *New York Times*, August 13, 2014. <https://www.nytimes.com/2014/08/14/us/missouri-teenager-and-officer-scuffled-before-shooting-chief-says.html>
- Braithwaite, John, and Philip Pettit. *Not Just Deserts: A Republican Theory of Criminal Justice*. New York: Oxford University Press, 1990.
- Brandesky, Kara, Hanqing Chen, and Mike Tigas. "Everything That's Happened Since Supreme Court Ruled on Voting Rights Act." *ProPublica*, November 4, 2014. <https://www.propublica.org/article/voting-rights-by-state-map>
- Brecht, Bertolt, and John Willett. *Brecht on Theatre: The Development of an Aesthetic*. New York: Hill and Wang, 1964.
- Brennan, Kathleen P.J. *Overlapping Online and Offline Spacetimes: Heterotopia, Memes, and Hashtags*. (unpublished diss.)
- Brettschneider, Corey. *Democratic Rights: The Substance of Self-Government*. Princeton: Princeton University Press, 2007.
- Brouwer, Joke, and Arjen Mulder, eds. *Information is Alive*. Rotterdam: V2\_/NAI Publishers, 2003.
- Butler, Judith. *Notes Towards a Performative Theory of Assembly*. Cambridge: Harvard University Press, 2015.
- . *Precarious Lives*. New York: Verso, 2004.
- Bynes, Patricia, "Between Ferguson's Police and Population, A Racial Divide." NPR interview with Robert Siegel, *All Things Considered*. August 14, 2014. <https://www.npr.org/2014/08/13/340153388/between-fergusons-police-and-population-a-racial-divide>
- Capeheart, Jonathan. "'Hands Up, Don't Shoot' Was Built on a Lie." *Washington Post*, March 15, 2015. <https://www.washingtonpost.com/blogs/post-partisan/wp/2015/03/16/lesson-learned-from-the-shooting-of-michael-brown/>

- Carr, Nicholas. "Web 2.0lier than thou." *Rough Type*, October 23, 2006. <http://www.rougtype.com/?p=555>.
- Cavalier, Robert, ed. *Approaching Deliberative Democracy: Theory and Practice*. Pittsburg: Carnegie Mellon University Press, 2011.
- Chambers, Simone. "Deliberative Democratic Theory." *Annual Review of Political Science* 6 (2003): 307–26.
- . "Rhetoric and the Public Sphere: Has Deliberative Democracy Abandoned Mass Democracy?" *Political Theory* 37, no. 3 (2009): 323–350.
- Cohen, Bernard. *The Press and Foreign Policy*. Princeton: Princeton University Press, 1963.
- Cohen, Joshua. "Institutional Argument...Is Diminished by the Limited Examination of the Issues of Principle." *Journal of Politics* 53, no. 1 (1991): 221–225.
- Corley, Cheryl. "Whether History Or Hype, 'Hands Up, Don't Shoot' Endures." *NPR*, August 8, 2015. <https://www.npr.org/2015/08/08/430411141/whether-history-or-hype-hands-up-dont-shoot-endures>
- Costanza-Chock, Sasha. *Out of the Shadows, Into the Streets! Transmedia Organizing and the Immigrant Rights Movement*. Cambridge: MIT Press, 2014.
- Cowie, Elizabeth. *Recording Reality, Desiring the Real*. Minneapolis: University of Minnesota Press, 2011.
- Crary, Jonthan. *Suspensions of Perception: Attention, Spectacle, and Modern Culture*. Cambridge: MIT University Press, 1999.
- Dahl, Robert A., and Edward R. Tufte. *Size and Democracy*. Stanford: Stanford University Press, 1973.
- Dawson, Michael C. "A Black Counterpublic?: Economic Earthquakes, Racial Agenda(s), and Black Politics." *Public Culture* 7, no. 1 (1994): 195–223.
- . *Not in Our Lifetimes: The Future of Black Politics*. Chicago: Chicago University Press, 2011.
- Dean, Jodi. "Occupy Wall Street: Forcing Division," *Constellations* 21, no. 3 (2014): 382–389.
- Dean, Michelle. "The Struggle for The Occupy Wall Street Archives." *The Awl*, December 21, 2011. <https://www.theawl.com/2011/12/the-struggle-for-the-occupy-wall-street-archives/>
- Debord, Guy. *The Society of the Spectacle*. New York: Zone Books, 1994.
- Delli Carpini, Michael X., Fay Lomax Cook, and Lawrence R. Jacobs. "Public Deliberation, Discursive Participation, and Citizen Engagement: A Review of the Empirical Literature." *Annual Review of Political Science* 7 (2004): 315–344.

- DeLuca, Kevin M, and Jennifer Peeples. "From Public Sphere to Public Screen: Democracy, Activism, and the 'Violence' of Seattle." *Critical Studies in Media Communication* 19, no. 2 (2002): 125–151.
- Derrida, Jacques. *Archive Fever: A Freudian Impression*. Chicago: Chicago University Press, 1998.
- Dewey, Caitlin. "You Don't Know It, but You're Working for Facebook. For Free." *Washington Post*, July 22, 2015. <https://www.washingtonpost.com/news/the-intersect/wp/2015/07/22/you-dont-know-it-but-youre-working-for-facebook-for-free/>
- Dewey, John. *The Public and Its Problems: An Essay in Political Inquiry*. Edited by Melvin L. Rogers. State College: Penn State Press, 2012.
- Didion, Joan. *The White Album*. New York: Simon & Schuster, 1979.
- Documenting Ferguson Committee (LaTanya Buck, Rudolph Clay, Shannon Davis, Makiba J. Foster, Chris Freeland, Nadia Ghasedi, Jennifer Kirmer, Sonya Rooney, Andrew Rouner, Rebecca Wanzo, and Micah Zeller). "Project Explanation and Purpose." September 2014. <http://digital.wustl.edu/ferguson/DFP-Plan.pdf>
- Douglass, Frederick. *The Essential Douglass: Selected Writings and Speeches*. Edited by Nicholas Buccola. Indianapolis: Hackett, 2016.
- Dovi, Suzanne. "In Praise of Exclusion." *Journal of Politics* 71, no. 3 (2009): 1172–1186.
- Drago, Chip. "Mobile's Super Majority: Bridge or Barrier?," *Mobile Bay Times*, n.d. <http://mobilebaytimes.homestead.com/supermajoritypa.html>
- Dreitzel, Hans Peter, ed. *Recent Sociology 2: Patterns of Communicative Behavior*. New York: Macmillan, 1970.
- Dryzek, John S. "Rhetoric in Democracy: A Systemic Appreciation," *Political Theory* 38, no. 3 (2010): 319–339.
- . "Legitimacy and Economy in Deliberative Democracy." *Political Theory* 29, no. 5 (2001): 651–669.
- Eichhorn, Kate. *Adjusted Margin: Xerography, Art, and Activism in the Late Twentieth Century*. Cambridge: MIT Press, 2016.
- . *The Archival Turn in Feminism: Outrage in Order*. Philadelphia: Temple University Press, 2013.
- Eilperin, Juliet. "White House Women Want to Be in the Room Where it Happens." *Washington Post*, September 13, 2016. [https://www.washingtonpost.com/news/powerpost/wp/2016/09/13/white-house-women-are-now-in-the-room-where-it-happens/?utm\\_term=.fd072fa6a0c0](https://www.washingtonpost.com/news/powerpost/wp/2016/09/13/white-house-women-are-now-in-the-room-where-it-happens/?utm_term=.fd072fa6a0c0)

Elizar, Yiftah, and Geneviève Rousselière, eds., *Republicanism and Democracy*. Cambridge: Cambridge University Press, forthcoming 2018.

Ellison, Charles D. "Ferguson's White City Leadership Must Change." *The Root*, August 18, 2014. <https://www.theroot.com/ferguson-s-white-city-leadership-must-change-1790876753>

Ellison, Ralph, William Styron, Robert Penn Warren, and C. Van Woodward. "A Discussion: The Uses of History in Fiction." *Southern Literary Journal* 1, no. 2 (1969): 57–90.

Elster, Jon, and Aanund Hyland, eds. *Foundations of Social Choice Theory*. New York: Cambridge University Press, 1986.

Enzensberger, Hans Magnus. "Constituents of a Theory of the Media," *New Left Review* 1, no. 64 (1970): 13–36.

Estlund, David. *Democratic Authority*. Princeton: Princeton University Press, 2008.

Fanuzzi, Robert. *Abolition's Public Sphere*. Minneapolis: University of Minnesota Press, 2003.

Farhi, Paul. "Trayvon Martin Story Found the Media." *Washington Post*, April 12, 2012. [https://www.washingtonpost.com/lifestyle/style/trayvon-martin-story-found-the-media/2012/04/12/gIQA9VGmDT\\_story.html?utm\\_term=.0eefb26b2208](https://www.washingtonpost.com/lifestyle/style/trayvon-martin-story-found-the-media/2012/04/12/gIQA9VGmDT_story.html?utm_term=.0eefb26b2208)

Feola, Michael. "The Body Politic: Bodily Spectacle and Democratic Agency." *Political Theory* 46, no. 2 (2017): 197–217.

Ferguson, Kathy. "Anarchist Printers and Presses: Material Circuits of Politics," *Political Theory* 42, no. 4 (2014): 391–414.

———. "Theorizing Shiny Things: Archival Labors." *Theory & Event* 11, no. 4 (2008).

Foner, Eric. *Reconstruction: America's Unfinished Revolution, 1863–1877*. New York: HarperCollins, 1988.

Franck, Georg. "The Economy of Attention." *Telepolis*, December 7, 1999. <https://www.heise.de/tp/features/The-Economy-of-Attention-3444929.html>

Frank, Jason. "Democracy and Domination in America." *Political Theory* 40, no. 3 (2012): 379–386.

Fraser, Nancy. "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," *Social Text*, no. 25/26 (1990): 56–80.

———. "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy." *Social Text* 25/26 (1990): 56–80.

———. "Transnationalizing the Public Sphere: On the Legitimacy and Efficacy of Public Opinion in a Post-Westphalian World." *Theory, Culture & Society* 24, no. 4 (2007): 7–30.



Freelon, Deen, Charlton D. McIlwain and Meredith D. Clark, *Beyond the Hashtags: #Ferguson, #Blacklivesmatter, and the Online Struggle for Offline Justice*. Washington, DC: Center for Media and Social Impact, 2016.

[http://www.cmsimpact.org/sites/default/files/beyond\\_the\\_hashtags\\_2016.pdf](http://www.cmsimpact.org/sites/default/files/beyond_the_hashtags_2016.pdf).

Freeman, Jo. "The Tyranny of Structurelessness." *Berkeley Journal of Sociology* 17 (1972–73): 151–164.

Galison, Peter. *Image and Logic: A Material Culture of Microphysics*. Chicago: University of Chicago Press, 1997.

Garrison, William Lloyd. *The Letters of William Lloyd Garrison, Volume V: Let the Oppressed Go Free, 1861–1867*. Edited by Walter M. Merrill. Cambridge: Harvard University Press, 1979.

Garsten, Bryan. *Saving Persuasion: A Defense of Rhetoric and Judgment*. Cambridge: Harvard University Press, 2006.

Garza, Alicia, "A Herstory of the# BlackLivesMatter Movement." *The Feminist Wire*, October 7, 2014. <https://thefeministwire.com/2014/10/blacklivesmatter-2/>

Gerken, Heather. "Goodbye to the Crown Jewel of the Civil Rights Movement." *Slate*, June 25, 2013. <https://slate.com/news-and-politics/2013/06/supreme-court-and-the-voting-rights-act-goodbye-to-section-5.html>

———. "Understanding the Right to an Undiluted Vote." *Harvard Law Review* 114, no. 6 (2001): 1663–1743.

Getachew, Adom. "Universalism After the Post-colonial Turn: Interpreting the Haitian Revolution," *Political Theory* 44, no. 6 (2016): 821–845

Gitlin, Todd. *The Whole World is Watching: Mass Media in the Making and Unmaking of the New Left*. Berkley: University of California Press, 2003.

Goldhaber, Michael. "The Attention Economy and the Net." *First Monday* 2, no. 4–7 (1997). <https://www.firstmonday.org/article/view/519/440>

Goldman, Alvin. "Why Citizens Should Vote: A Causal Responsibility Approach." *Social Philosophy and Policy* 16, no. 2 (1999): 201–217.

Goldwin, Robert A., and William A. Schambra, eds. *How Democratic is the Constitution?* Washington, DC: American Enterprise Institute Press, 1980.

Goodin, Robert. "Deliberation Within." *Philosophy & Public Affairs* 29, no. 1 (2000): 81–109.

———. "Inclusion and Exclusion." *European Journal of Sociology* 37, no. 2 (1996): 343–371.

Gotham, Kevin Fox. "Critical Theory and Katrina: Disaster, Spectacle and Immanent Critique." *City* 11, no. 1 (2007): 81–99.

- Gould, Deborah. *Moving Politics: Emotion and ACT UP's Fight Against AIDS*. Chicago: University of Chicago Press, 2009.
- Gourevitch, Alexander. *From Slavery to the Cooperative Commonwealth: Labor and Republican Liberty in the Nineteenth Century*. New York: Cambridge University Press, 2014.
- Graeff, Erhardt, Matt Stempeck, and Ethan Zuckerman. "The Battle for 'Trayvon Martin': Mapping a Media Controversy Online and Off-line," *First Monday* 19, no. 2–3 (2014). <https://firstmonday.org/article/view/4947/3821>
- Graham, John. "*Yours for the Revolution*": *The Appeal to Reason, 1895–1922*. Lincoln, NB: University of Nebraska Press, 1990.
- Gramsci, Antonio. *Selections from the Prison Notebooks*. Edited by Geoffrey N. Smith, and Quintin Hoare. New York: International Publishers, 1989.
- Green, Jeffrey Edward. *The Eyes of the People: Democracy in an Age of Spectatorship*. New York: Oxford University Press, 2010.
- Greenberger, Martin, ed. *Computers, Communications, and the Public Interest*. Baltimore: The Johns Hopkins Press, 1971.
- Guinier, Lani. "Beyond Electocracy: Rethinking the Political Representative as Powerful Stranger." *Modern Law Review* 71, no. 1 (2008): 1–35.
- . "Triumph of Tokenism: The Voting Rights Act and the Theory of Black Electoral Success." *Michigan Law Review* 89, no. 5 (1991): 1077–1154.
- Gutmann, Amy, and Dennis Thompson, *Why Deliberative Democracy?* Princeton: Princeton University Press, 2004.
- Habermas, Jürgen. "Hannah Arendts Begriff der Macht." *Merkur* 30, no. 341 (1976): 946–960.
- . "Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research," *Communication Theory* 16, no. 4 (2006): 411–426.
- . *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Cambridge: MIT Press, 1996.
- . *Legitimation Crisis*. Boston: Beacon, 1975.
- . *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Translated by Thomas Burger. Cambridge: MIT Press, 1991.
- Halberstam, Jack. *The Queer Art of Failure*. Durham: Duke University Press, 2011.
- Hamilton, Carolyn, Verne Harris, Michèle Pickover, Graeme Reid, Razia Saleh, and Jane Taylor, eds., *Refiguring the Archive*. Dordrecht: Springer, 2002.

- Hamlin, Alan, and Phillip Petit, eds. *The Good Polity: Normative Analysis of the State*. New York: Blackwell, 1989.
- Harold, Christine, and Kevin Michael DeLuca. "Behold the Corpse: Violent Images and the Case of Emmett Till," *Rhetoric & Public Affairs* 8, no. 2 (2005): 263–286.
- Harris, Frederick C. "It Takes a Tragedy to Arouse Them: Collective Memory and Collective Action during the Civil Rights Movement." *Social Movement Studies* 5, no. 1 (2006): 19–43.
- Hartness, James. *The Human Factor in Works Management*. New York: McGraw-Hill Book Company, 1912.
- Hasen, Richard. "The Chief Justice's Long Game." *New York Times*, June 25, 2013. <https://www.nytimes.com/2013/06/26/opinion/the-chief-justices-long-game.html>
- Hatfield, Gary. "Attention in Early Scientific Psychology." *IRCS Technical Reports Series* 144 (1995).
- Hayward, Clarissa. "Is Ferguson Anomalous?" *Washington Post*, August 15, 2014. <https://www.washingtonpost.com/news/monkey-cage/wp/2014/08/15/is-ferguson-anomalous/>
- Hindman, Matthew. *The Myth of Digital Democracy*. Princeton: Princeton University Press, 2008.
- Hirschman, Albert O. *The Rhetoric of Reaction*. Cambridge: Harvard University Press, 1991.
- Hiten Samtani, "The Anarchivists: Who Owns the Occupy Wall Street Narrative?" *The Brooklyn Ink*. December 26, 2011. <http://brooklynink.org/2011/12/26/39230-the-anarchivists-who-owns-the-occupy-wall-street-narrative/>
- Hohendahl, Peter Uwe. "Critical Theory, Public Sphere and Culture: Jürgen Habermas and his Critics." *New German Critique* 16 (1979): 89–118.
- Honig, Bonnie. "The Politics of Agonism: A Critical Response to 'Beyond Good and Evil: Arendt, Nietzsche, and the Aestheticization of Political Action,'" *Political Theory* 21, no. 3 (1993): 528–533.
- . *Democracy and the Foreigner*. Princeton: Princeton University Press, 2001.
- . *Political Theory and the Displacement of Politics*. Ithaca: Cornell University Press, 1993.
- Horkheimer, Max, and Theodor Adorno. *Dialectic of Enlightenment: Philosophical Fragments*. Translated by Edward Jephcott. Stanford: Stanford University Press, 2002.
- Ignatiev, Noel. *How the Irish Became White*. Cambridge: Harvard University Press, 1995.
- Jacobson, Matthew Frye. *Whiteness of a Different Color: European Immigrants and the Alchemy of Race*. Cambridge: Harvard University Press, 1999.

- James, William. *The Principles of Psychology, Vol. I*. New York: Dover Publications, 1950.
- Jay, Martin. *Downcast Eyes: The Denigration of Vision in Twentieth-Century French Thought*. Berkeley: University of California Press, 1993.
- Jones, Bryan, and Frank Baumgartner. *The Politics of Attention: How Government Prioritizes Problems*. Chicago: University of Chicago Press, 2005.
- Jones, William P. "The Forgotten Radical History of the March on Washington." *Dissent*, Spring 2013. <https://www.dissentmagazine.org/article/the-forgotten-radical-history-of-the-march-on-washington>
- Katz, Ellen D. "How Big is Shelby County?," *Scotusblog*, June 25th, 2013. <http://www.scotusblog.com/2013/06/how-big-is-shelby-county/>
- Kennedy, Randall. "The Civil Rights Movement and the Politics of Memory." *The American Prospect*, May 12, 2015. <http://prospect.org/article/civil-rights-movement-and-politics-memory>
- Keyssar, Alexander. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books, 2000.
- Kinder, Donald. "Communication and Opinion," *Annual Review of Political Science* 1 (1998): 167–197.
- Kirschner, Alexander. "Proceduralism and Popular Threats to Democracy," *Journal of Political Philosophy* 18, no. 4 (2010): 405–424.
- Kluge, Alexander, and Oskar Negt, *Public Sphere and Experience: Analysis of the Bourgeois and Proletarian Public Sphere*. New York: Verso, 2016.
- Knox, Bitsy. "In Conversation with Michael Goldhaber: Everything You Need to Know About the Attention Economy." *eyequant*, 2013. <https://www.eyequant.com/blog/conversation-with-michael-goldhaber>
- Landes, Joan. *Women and the Public Sphere in the Age of the French Revolution*. Ithaca: Cornell University Press, 1988.
- Lange, Klaus W., Susanne Reichl, Katharina M. Lange, Lara Tucha, and Oliver Tucha. "The History of Attention Deficit Hyperactivity Disorder." *Attention Deficit Hyperactivity Disorders* 2, no. 4 (2010): 241–255.
- Laslett, Peter, and W. G. Runciman, eds. *Philosophy, Politics and Society, 2nd Series*. Oxford: Basil Blackwell, 1962.
- Lee, Tremaine. "Trayvon Martin's Family Calls for Arrest of Man Who Police Say Confessed to Shooting (UPDATE)." *Huffington Post*, March 20, 2012. [https://www.huffingtonpost.com/2012/03/08/family-of-trayvon-martin-\\_n\\_1332756.html](https://www.huffingtonpost.com/2012/03/08/family-of-trayvon-martin-_n_1332756.html)

Leitsinger, Miranda “How One Man Helped Spark Online Protest in Trayvon Martin Case,” *NBC News*, March 29, 2012.

Lerman, Amy, and Vesla Weaver. *Arresting Citizenship: The Democratic Consequences of American Crime Control*. Chicago: University of Chicago Press, 2014.

Lewis, John. “John Lewis Calls Court Decision ‘a Dagger’ in the Heart of Voting Access.” Press Release from the Office of Congressman John Lewis. June 25, 2013.  
<https://johnlewis.house.gov/media-center/press-releases/rep-john-lewis-calls-court-decision-dagger-heart-voting-access>

Livingston, Alexander. “Fidelity to Truth: Gandhi and the Genealogy of Civil Disobedience,” *Political Theory* 46, no. 4 (2018): 511–536.

Lovett, Frank. *A General Theory of Domination and Justice*. New York: Oxford University Press, 2011.

Macedo, Stephen, ed. *Deliberative Politics: Essays on Democracy and Disagreement*. New York: Oxford University Press, 1999.

Manin, Bernard. “On Legitimacy and Political Deliberation.” *Political Theory* 15, no. 3 (1987): 338–368.

Mansbridge, Jane, James Bohman, Simone Chambers, David Estlund, Andreas Føllesdal, Archon Fung, Cristina Lafont, Bernard Manin and José Luis Martí. “The Place of Self-Interest and the Role of Power in Deliberative Democracy.” *Journal of Political Philosophy* 18, no. 1 (2010): 64–100.

Mansbridge, Jane. *Beyond Adversary Democracy*. Chicago: University of Chicago Press, 1980.

Markell, Patchen. “The Insufficiency of Non-Domination.” *Political Theory* 36, no. 1 (2008): 9–36.

McCombs, Maxwell E., and Donald L. Shaw. “The Agenda-Setting Function of Mass Media.” *Public Opinion Quarterly* 36, no. 2 (1972): 176–187.

McCormick, John P. “Machiavelli against Republicanism: On the Cambridge School's ‘Guicciardinian Moments’.” *Political Theory* 31, no. 5 (2003): 615–643.

Merriam-Webster.com, “Arbitrary.” Accessed July 23, 2018. <https://www.merriam-webster.com/dictionary/arbitrary>.

Michelman, Frank. “Law’s Republic.” *Yale Law Journal* 97, no. 8 (1988): 1493–1537.

Mitchell, W. J. T., Bernard E. Harcourt, and Michael Taussig. *Occupy: Three Inquiries in Disobedience*. Chicago: University of Chicago Press, 2013.

Mouffe, Chantal. "Deliberative Democracy or Agonistic Pluralism?" *Social Research* 66, no. 3 (1999): 745–758.

———. *The Democratic Paradox*. Brooklyn: Verso, 2009.

Murakawa, Naomi. *The First Civil Right: How Liberals Built Prison America*. New York: Oxford University Press, 2014.

NAACP Legal Defense Fund. *Democracy Deminished: State and Local Threats to Voting Post-Shelby County, Alabama v. Holder*. New York: Thurgood Marshall Institute, 2016.

Nachanian, Daniel. *Seizing a Seat at the Table: Participatory Politics in the Face of Disqualification*. (unpublished diss.)

Norval, Aletta. "'Don't Talk Back!'—The Subjective Conditions of Critical Public Debate," *Political Theory* 40, no. 6 (2012): 802–810.

Nyquist, Mary. *Arbitrary Rule: Slavery, Tyranny, and the Power of Life and Death*. Chicago: University of Chicago Press, 2013.

Obama, Barak. "Statement by the President on the Supreme Court Ruling on Shelby County v. Holder." *The White House: Office of the Press Secretary*, June 25, 2013.  
<https://obamawhitehouse.archives.gov/the-press-office/2013/06/25/statement-president-supreme-court-ruling-shelby-county-v-holder>

Olick, Jeffrey. *States of Memory: Continuities, Conflicts, and Transformations in National Retrospection*. Durham: Duke University Press, 2003.

Olney, James. *Memory and Narrative: The Weave of Life-Writing*. Chicago: University of Chicago Press, 1998.

Olson, Joel. "Whiteness and The Participation-Inclusion Dilemma." *Political Theory* 30, no. 3, (2002): 384–409.

Olson, Kevin. "Epistemologies of Rebellion: The Tricolor Cockade and the Problem of Subaltern Speech." *Political Theory* 43, no. 6 (2015): 730–752.

Orfield, Gary and Susan E. Eaton. *Dismantling Desegregation: The Quiet Reversal of Brown V. Board of Education*. New York: The New Press, 1996.

Parkinson, John, and Jane Mansbridge, eds. *Deliberative Systems: Deliberative Democracy at the Large Scale*. Cambridge: Cambridge University Press, 2012.

Parkinson, John. "Legitimacy Problems in Deliberative Democracy." *Political Studies* 51, no. 1 (2003): 180–196.

Parry, Kyle. "Generative Assembly after Katrina." *Critical Inquiry* 44, no. 3 (2018): 554–581.

Pettit, Philip. "Freedom as Antipower." *Ethics* 106, no. 3 (1996): 576–604.

- . “Keeping Republican Freedom Simple: On a Difference with Quentin Skinner.” *Political Theory* 30, no. 3 (2002): 339–356.
- . “The Ideal of a Republic.” *The Newsletter of PEGS* 3, no. 3 (1993): 9, 16–17.
- . *On the People’s Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press, 2012.
- . *Republicanism: A Theory of Freedom and Government*. New York: Oxford University Press, 1997.
- Phillips, John. “Agencement/Assemblage.” *Theory, Culture, and Society* 23, nos. 2–3 (2006): 108–9.
- Phulwani, Vijay. “The Poor Man’s Machiavelli: Saul Alinsky and the Morality of Power.” *American Political Science Review* 110, no. 4 (2016): 863–875.
- Pickard, Victor, and Guobing Yang, eds. *Media Activism in the Digital Age*. New York: Routledge, 2017.
- Pippin, Robert. “The Unavailability of the Ordinary.” *Political Theory* 31, no. 3 (2003): 335–358.
- Povinelli, Elizabeth. “The Woman on the Other Side of the Wall: Archiving the Otherwise in Postcolonial Digital Archives.” *differences* 22, no. 1: 146–171.
- Rancière, Jacques. *Hatred of Democracy*. New York: Verso, 2014.
- . *The Emancipated Spectator*. New York: Verso, 2009.
- Riker, William. *Liberalism against Populism: A Confrontation Between the Theory of Democracy and the Theory of Social Choice*. Long Grove, IL: Waveland Press, 1982.
- Rogin, Michael. “‘Make My Day!’: Spectacle as Amnesia in Imperial Politics.” *Representations* 29 (1990): 99–123.
- Rooney, Sonya, and Jennifer Kirmer. “Documenting Ferguson: Capturing History as It Happens.” *University Libraries Presentations* 14 (2015). Accessed at [https://openscholarship.wustl.edu/lib\\_present/14](https://openscholarship.wustl.edu/lib_present/14)
- Saffon, Maria Paula, and Nadia Urbinati. “Procedural Democracy, the Bulwark of Equal Liberty.” *Political Theory* 4, no. 3 (2013): 441–481.
- Sanders, Lynn. “Against Deliberation.” *Political Theory* 25, no. 3 (1997): 347–376.
- Sangiovanni, Andrea. “Justice and the Priority of Politics to Morality,” *Journal of Political Philosophy* 16, no. 2 (2008): 137–164.

- Schattsneider, Elmer Eric. *The Semisovereign People: A Realist's View of Democracy in America*. Boston: Wadsworth Publishing Company, 1975.
- Schuessler, Jennifer. "Occupy Wall Street: From the Streets to the Archives." *ArtsBeat New York Times Blog*, May 2, 2012. <https://artsbeat.blogs.nytimes.com/2012/05/02/occupy-wall-street-from-the-streets-to-the-archives/>
- Schumpeter, Joseph. *Capitalism, Socialism, and Democracy*. New York: Harper & Brothers, 1942.
- Schwartzberg, Melissa. *Counting the Many: The Origins of Supermajority Rule*. New York: Cambridge University Press, 2014.
- Scott, James C. *Weapons of the Weak: Everyday Forms of Peasant Revolt*. New Haven: Yale University Press, 1987.
- Segrue, Thomas. "Restoring King." *Jacobin*, January 18, 2016. <https://www.jacobinmag.com/2014/01/restoring-king/>
- Sekula, Allen. "The Body and the Archive." *October* 39 (1986): 3–64.
- Shapiro, Ian, and Casiano Hacker-Cordon, eds. *Democracy's Value*. New York: Cambridge University Press, 1999.
- Shapiro, Ian, and Stephen Macedo, eds. *NOMOS 42: Designing Democratic Institutions*. New York: NYU Press, 2000.
- Shater, Walied. "To Stop Radicalization, the French Need More Fraternité." *New York Times*, November 19, 2015. <https://www.nytimes.com/2015/11/19/opinion/to-stop-radicalization-the-french-need-more-fraternite.html>
- Shelby County v. Holder 570 U.S. \_\_\_\_ (2013) (Ginsburg, Dissenting)
- Shklar, Judith. *American Citizenship: The Quest for Inclusion*. Cambridge: Harvard University Press, 1998.
- . *The Faces of Injustice*. New Haven: Yale University Press, 1990.
- Skinner, Quentin. *Liberty before Liberalism*. Cambridge: Cambridge University Press, 1998.
- Solomon, Martha, ed. *A Voice of Their Own: The Woman Suffrage Press, 1840–1910*. Tuscaloosa, AL: University of Alabama Press, 1991.
- Spinner-Halev, Jeffrey. *Enduring Injustice*. New York: Cambridge University Press, 2012.
- Sullivan, Andrew. "How I Learned to Love the Goddamn Hippies." *Newsweek*, October 22, 2011. <https://www.newsweek.com/how-i-learned-love-goddamn-hippies-68183>



- Taylor, Frederick Winslow. *The Principles of Scientific Management*. New York: Harper and Brothers, 1911.
- Taylor, Robert. "Market Freedom as Antipower." *American Political Science Review* 107, no. 3 (2013): 593–602.
- Terranova, Tiziana. "Free Labor: Producing Culture for the Digital Economy." *Social Text* 63, vol. 18, no. 2 (2000): 33–58.
- Theoharis, George. "'Forced Busing' Didn't Fail. Desegregation is the Best Way to Improve Our Schools." *The Washington Post*, October 23, 2015.  
<https://www.washingtonpost.com/posteverything/wp/2015/10/23/forced-busing-didnt-fail-desegregation-is-the-best-way-to-improve-our-schools/>
- Thernstrom, Abigail M. *Whose Votes Count?: Affirmative Action and Minority Voting Rights*. Cambridge: Harvard University Press, 1987.
- Thornburg v. Gingles, 478 U.S. 30 (1986).
- Timiraos, Nick, and Dante Chinni. "Why Is Ferguson's City Leadership Not Racially Representative?" *Wall Street Journal Washington Wire*, August 25, 2014.  
<https://blogs.wsj.com/washwire/2014/08/25/why-is-fergusons-city-leadership-not-racially-representative/>
- Titchener, Edward Bradford. *The Psychology of Feeling and Attention*. New York: Macmillan, 1908.
- Todorov, Tzvetan. *Hope and Memory*. Translated by David Bellos. Princeton: Princeton University Press, 2006.
- Torres, Sasha. *Black, White, and in Color: Television and Black Civil Rights*. Princeton: Princeton University Press, 2003.
- Trouillot, Michel-Rolph. *Silencing the Past: Power and the Production of History*. Boston: Beacon, 1995.
- Tuck, Richard. *Free Riding*. Cambridge: Harvard University Press, 2008.
- Tufekci, Zeynep. *Twitter and Tear Gas: The Power and Fragility Of Networked Protest*. New Haven: Yale University Press, 2017.
- Tunnell, Ted. *Crucible of Reconstruction: War, Radicalism, and Race in Louisiana, 1862–1877*. Baton Rouge: Louisiana State Press, 1984.
- United States, *The Kerner Report: The 1968 Report of the National Advisory Commission on Civil Disorders*. New York: Pantheon Books, 1968.

- Vázquez-Arroyo, Antonio Y. “How Not to Learn from Catastrophe: Habermas, Critical Theory and the ‘Catastrophization’ of Political Life.” *Political Theory* 41, no. 5 (2013): 738–765.
- Villa, Dana. “Postmodernism and the Public Sphere,” *American Political Science Review* 86, no. 3 (1992): 712–721.
- Wahl, Rachel, and Stephen K. White. “Deliberation, Accountability, and Legitimacy: A Case Study of Police-Community Forums.” *Polity* 49, no. 4 (2017): 489–517.
- Waldron, Jeremy. *Law and Disagreement*. Oxford: Oxford University Press, 1999.
- Ward, Brian, ed. *Media, Culture, and the Modern African American Freedom Struggle*. Gainesville: University Press of Florida, 2001.
- Warner, Michael. *Publics and Counterpublics*. New York: Zone Books, 2002.
- Warren, Mark. “A Problem-Based Approach to Democratic Theory.” *American Political Science Review* 111, no. 1 (2017): 39–53.
- Weaver, Vesla M. “Black Citizenship and Summary Punishment: A Brief History to the Present.” *Theory & Event* 17, no. 3 (2014).
- Weber, Max. *Economy and Society*. Edited by Guenther Roth and Claus Wittich. Berkeley: University of California Press, 1978.
- Werner-Müller, Jan. *What Is Populism?* Philadelphia: University of Pennsylvania Press, 2016.
- White, Hayden. “The Question of Narrative in Contemporary Historical Theory.” *History and Theory* 23, no. 1 (1984): 1–33.
- . *Metahistory: The Historical Imagination in Nineteenth-Century Europe*. Baltimore: Johns Hopkins University Press, 1975.
- Williams, Melissa and Stephen Macedo, eds. *Nomos XLVI: Political Exclusion and Domination*. New York: NYU Press, 2004.
- Wolin, Sheldon. “Fugitive Democracy.” *Constellations* 1, no. 1 (1994): 11–25.
- Young, Iris. *Inclusion and Democracy*. New York: Oxford University Press, 2000.
- . *Justice and the Politics of Difference*. Princeton: Princeton University Press, 1990.
- Zacka, Bernard. *When the State Meets the Street: Public Service and Moral Agency*. Cambridge: Harvard University Press, 2017.
- Zeleny, Jeff and Megan Thee-Brenan. “New Poll Finds a Deep Distrust of Government.” *New York Times*, October 25, 2011. <https://www.nytimes.com/2011/10/26/us/politics/poll-finds-anxiety-on-the-economy-fuels-volatility-in-the-2012-race.html>