

Democracy, Boundaries, and Respect

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In this chapter, I focus on the relationship between democracy, boundaries, and respect in terms of the distinction between civil and civic pictures of democracy, a distinction which can be initially glossed as that between democracy as a particular mode of civil order or constituted authority and democracy as a specific mode of civic agency or constituting power. The motivation for taking up this focus is not just that I think it can help to clarify some conceptual tensions in democratic theory concerning the boundary problem, but that it can serve as a way of reminding us of the priority of citizenship as a political practice to citizenship as a legal status and the salience of that priority for reflecting on contemporary problems of democracy.

The argument proceeds as follows. In the first section, I sketch out the conceptual distinction between the civil and civic pictures of democracy, while in the second section I consider their relationship. In the third section, I turn to address the implications of this picture for reflection on the democratic boundary problem before, in the final section, elucidating the importance of the civil–civic relationship for democratization and forms of democratic solidarity. I conclude by drawing out some wider lessons of this way of reflecting on democracy for its theory and practice.

THE CONTRAST BETWEEN CIVIL AND CIVIC MODES OF CITIZENSHIP AND PICTURES OF DEMOCRACY

Let me begin by introducing the distinction between “civil” and “civic” orientations by drawing on James Tully’s contrast between the two modes of citizenship – civil citizenship and civic citizenship – which is sketched thus:

Whereas modern citizenship focuses on citizenship as a universalisable legal status underpinned by institutions and processes of rationalisation that enable and constrain the possibility of civil activity (an institutionalised/universal orientation), diverse

citizenship focuses on the singular civic activities and diverse way that these are more or less institutionalised or blocked in different contexts (a civic activity/contextual orientation). Citizenship is not a status given by the institutions of the modern constitutional state and international law, but negotiated practices in which one becomes a citizen through participation.¹

Two dimensions of this account need spelling out for our current purposes.

The first is the concept of “modes of citizenship,” which refers to both “a distinctive language of citizenship and its traditions of interpretation” and “the corresponding practices and institutions to which it refers and in which it is used.”² Modes of citizenship are thus to be conceived in terms of praxis, where this praxiological approach is one in which “the praxis of practice” is seen as “the medium of constitution of subjectivity.”³ Through the praxis of practice, we acquire the abilities that are, at once, the ability to perform actions that realize the goods of the practices in which we are engaged and the ability to direct our own activity as practitioners of and as participants in the practice: thus “subjectivity is the practical self-relation of self-direction that is located in being able to carry something out.”⁴ What distinguishes different modes of citizenship is the orientation or, more precisely, the *practical attitude* with which they engage in the activity – that is, their practical attitude as participants in a practice, where such attitudes cannot simply be adopted at will, but are acquired through practice.

The second is the contrast between the two modes of citizenship. In general terms, civil citizenship as a mode of citizenship stands toward citizenship “as a [legal] status within an institutional framework,” whereas civic citizenship is oriented to citizenship “as *negotiated practices*, as praxis – as actors and activities in contexts.”⁵ On the former view, civil action necessarily presupposes an institutional structure of legal rules; on the latter view, primacy is accorded to “the concrete games of citizenship and the ways that they are played.”⁶ Thus, in relation to civic citizenship, Tully stresses: “Civic activities – what citizens do and the ways they do them – can be more or less institutionalized and rationalized (in countless forms), but this is secondary.”⁷ Notice that this general contrast already constructs a fundamental difference in the mode of self-relation of individuals to themselves as citizens. The mode of citizenship-formation characteristic of the civil stance is of the individual standing to themselves as occupant of an “office” specified by a range of rights and duties, whereas that of the civic stance is of the individual standing

¹ James Tully, *Public Philosophy in a New Key*, vol. 2, *Imperialism and Civic Freedom* (Cambridge: Cambridge University Press, 2008), 248.

² Tully, *Public Philosophy*, 246.

³ Christoph Menke, “Two Kinds of Practice: On the Relation Between Social Discipline and the Aesthetics of Existence,” *Constellations* 10 (2003): 200.

⁴ Menke, “Two Kinds of Practice,” 201. ⁵ Tully, *Public Philosophy*, 269 (my emphasis).

⁶ Tully, *Public Philosophy*, 269. ⁷ Tully, *Public Philosophy*, 269.

to themselves as an agent whose agency is fundamentally relational, bound up in relations of acting in concert with other agents. Civil citizens stand toward themselves as persons who are *at liberty* (i.e. free from subjection to the will of another) in virtue of their enjoyment of the civil rights and duties that compose the office of citizenship under law to take up opportunities to participate as political equals in determining the law to which they are subject as subjects of a given political institution of governance. We can see a version of this stance in, for example, Rawls' characterization of citizens as bound by a duty of civility (with respect to matters of basic justice and constitutional essentials) that requires them to engage in public reasoning by standing to themselves as if they were lawmakers. By contrast, civic citizens "manifest the freedom of participation":

Civic freedom is not an opportunity [to participate] but a manifestation: neither freedom *from* nor freedom *to* . . . but freedoms *of* and *in* participation, and *with* fellow citizens. The civic citizen is not the citizen of an institution (a nation-state or an international law) but the free citizen of the "free city": that is, *any* kind of civic world or democratic "sphere" that comes into being and is reciprocally held aloft by the civic freedom of its citizens, from the smallest *deme* or commune to glocal federations.⁸

This contrast has significant implications for how we understand rights in citizenship contexts. On the modern view, civil rights⁹ are necessary institutional preconditions of citizenship in that they comprise the entitlements, liberties, immunities, and powers which secure the liberty of the citizen, that compose the condition of being *at liberty*. On the civic view, rights are neither necessary nor sufficient conditions of civic freedom. Rather, Tully argues, rights are products of civic activity, are secured by such activity,¹⁰ and

⁸ Tully, *Public Philosophy*, 272.

⁹ "Civil rights" here refers to what are more usually called civil, political, socio-economic, and cultural rights: see Tully, *Public Philosophy*, 250–56.

¹⁰ Tully, *Public Philosophy*, 273. Tully's understanding of civic freedom is predicated on the basic claim that human beings in relationship are characterized by "field freedom":

The freedom of *Spielraum* (free play) in the field of any relationship is both the existential field – the room or space of manoeuvrability (the range of possible moves) – and the experiential ways in which partners can and do disclose and act on their possibilities – the games (*Spiel*) they play *in* the relationship or in the confrontation of its limits. . . . Humans are always unavoidably *homo ludens*, creative game players and prototypical civic citizens before and *as* they take on any other identities.

The fact that power can only be exercised over people insofar as they are free in this sense implies that the relationship of governor and citizen can never be one in which the citizen's subjectivity is *determined* by the governor. The governor "cannot eliminate completely the interactive and open-ended freedom *of* and *in* the relationship or the room to appear to conform to the public script while thinking and acting otherwise, without reducing the relationship to one of complete immobilisation." But while this point is fundamental for Tully in making clear that, for example, the freedom exhibited in the struggles of Indigenous peoples "in the sparsely, limited *Spielraum* open to them," he also effectively acknowledges through this example that

can serve as *enabling* conditions of civic freedom and, in particular, of the *effective* exercise of civic freedom. The point is simply that civic citizens have compelling reasons to struggle – as, of course, historically they have – for those rights, and conditions of exercise of rights, which are sufficient to make the exercise of civic freedom effective.

With this sketch of the distinction between the two modes of citizenship in place, let us turn to how civil and civic orientations picture democracy.

The civil picture can be formally stated thus:

Democracy is a reflexive relation of political authority in which those ruled also co-rule as political equals, and rule that they so self-rule.

There are three elements to democracy so conceived. First, it is a form of collective self-government in which those who are subjects of rule are also coauthors of the rule to which they are subject in the sense that they command and obey, whether indirectly via representatives or directly. Second, the relationship of coauthorship is one of status equality expressed in the institution of citizenship. Each member counts as one and no more than one. Third, the citizenry authorize their self-ruling as this “self” rather than another one (for example, as two distinct political communities). As a civil condition, the democratic ideal refers to a constituted political order (a polity or civil association) in which status-citizens enjoy equal liberty to pursue their projects within a framework of rules that they coauthor as equals, that is free from alien rule, whether formal or informal, and where the polity is at liberty to pursue its projects subject to reasonable norms of conduct that it is an equal participant in codetermining. Importantly, the civil picture conceives of the foundation of a polity as the act that transforms a multitude into a people; it is being ruled that constitutes a people as such.

The contrasting civic picture can be put this way:

Democracy is the practice of acting with other agents as equals to shape and contest the field of interaction between agents; those actions affect each other’s conditions of agency in order to govern matters of common concern.

Here the focus is on agency: first, on democratic agency as a particular way of acting with others (“freedom *of* and *in* participation”); second, to address a consequent of the fact that we are agents who, in acting, may alter the conditions of agency for others; third, to acknowledge that such interactions may give rise, directly or indirectly, to the need for common rules to regulate interactions and/or their effects. As a civic practice, the democratic ideal is a constituting political activity in which those affected by and through the (non)constitution or (non)exercise of public power exercise freedoms *of* and *in* participation in constructing, contesting, and transforming institutions and

the exercise of civic freedom by Indigenous peoples is quite compatible with their being subject to political domination.

practices of governance.¹¹ By contrast to the civil picture with its dichotomy of multitude and people, the civic picture sees peoples as self-organizing collectives who adopt particular institutional arrangements as expressions of their self-governing activity.

In sum, we may say that the civil picture of democracy is oriented around an image of democracy as a constitutional form of political authority in which, at least presumptively, all subjected to collectively binding rules are entitled to equal status in the codetermination of those rules, whereas the civic picture of democracy pivots around an image of democracy as a constituting exercise of power in which all actors whose conditions of agency interact are able to participate in shaping (or contesting) the norms regulating their relations to one another.

THE RELATIONSHIP OF CIVIL AND CIVIC MODES OF CITIZENSHIP AND PICTURES OF DEMOCRACY

Given the contrast between these two modes of citizenship and attendant pictures of democracy, how should we conceive of their relationship to one another? I want to highlight three key features of this relationship.

The first is that civic citizenship is prior to civil citizenship in the sense that it is through the civic practice of exercising freedoms *of* and *in* participation with others that civil orders and the distribution and practical expression of civil statuses are constituted, deconstituted, and reconstituted. Civic citizenship views the citizen/governor relationship as a scene of agonistic interaction in which governors seek to structure the field of possible action of citizens, to govern civic activity, not least through civil statuses – and civic citizens, as free agents, reciprocally seek to structure the field of possible actions of governors, to “civicate” governance. Both partners, ideally, “enter into and subject themselves to the give and take of negotiation in and over the relationship they share.”¹² This takes the form of social, cultural, and political struggles within and over the terms of constitutional and nonconstitutional recognition that structure the social, cultural, and political fields of interaction. It is important to stress here the point that civic citizenship is not only a matter of contesting, for example, the distribution of civil statuses within a polity, but also of enacting a mode of relationship to others as civic equals, and the former is a by-product of the latter. The second and third key elements of the relationship between civic and civil citizenship help to further clarify this point.

The second key element for conceptualizing this relationship involves grasping that the scope of civil membership is not identical to the scope of civic membership with respect to a constituted polity. The scope of civil

¹¹ James Tully, *On Global Citizenship: James Tully in Dialogue* (London: Bloomsbury Academic, 2014), 3–100.

¹² Tully, *Public Philosophy*, 281.

membership concerns those persons subject to the *political authority* of the polity as civil association – that is, it includes *all those subject to rule*, to the (coercively enforceable) collectively binding decisions of the polity, whereas the scope of civic membership refers to *those affected by* the constitution (or nonconstitution) and exercise (or nonexercise) of governmental power. Thus, whereas the *civil demos* is composed of all (competent) persons who are subject to the (coercively enforceable) political authority of the polity, the *civic demos* is comprised of all persons whose autonomy or well-being is affected by the (non)constitution and (non)exercise of public power by the polity. As we will see, this *nonidentity* of the democratic people of constituted power and the democratic people of constituting power is central to the dynamics of democratization.

The priority of the civic to the civil registers the fact that those struggling for civil membership in the form of, say, equal voting rights are already, in virtue of that struggle, practicing civic membership. Think, for example, of the suffragettes or contemporary struggles by immigrants. But it also speaks to a wide diversity of other forms of civic action, many of which may be transnational in scope, such as the current Black Lives Matter protests; the rich history of worker internationalism, including workers in one state striking in support of workers in another state; or the relations of solidarity and communication between many anticolonial movements.

The third key element can be drawn out by borrowing from a recent discussion in the philosophy of law which proposes that a civil order is constituted by boundaries, limits, and fault lines.¹³ Adapting Lindahl, we can say that a civil order orders behavior by setting spatial, temporal, material, and subjective boundaries. A civil order as a legal order constructs relations between places, between subjects, between times, and between act-contents – and “integrates these four kinds of relations as dimensions of a *single* order of behavior, such that certain acts by certain persons are allowed or disallowed at certain times and in certain places.”¹⁴ Civil boundaries can only join and separate ought-places, ought-times, ought-acts, and ought-subjects given the putative unity of a civil order as a species of joint action with a normative point – that is, as a form of political order that constitutively involves the first person plural standpoint as “we, together.” In being bounded, a civil order is also necessarily limited, because limits (along each boundary) are conditions of collective civil identity (e.g. nationality). *Limits* open up a realm of practical possibilities and close down others, and this opening up and closing down is just the articulation of the collective identity – in both *idem* and *ipse* senses – of the “we” whose joint action with a normative point individuates a civil order as *this/our* civil order. Limits – which denote the distinction between civil (dis)order and the “unordered” (that which is seen as “irrelevant and unimportant”

¹³ Hans Lindahl, *Fault-Lines of Globalization* (Oxford: Oxford University Press, 2013).

¹⁴ Lindahl, *Fault-Lines of Globalization*, 16.

from the standpoint of this/our civil order) – are disclosed when *civic activity* interrupts civil (dis)order to bring to light the possibility of an-*other* civil order. Civic activity encompasses activity that makes the limits of a civil order appear by introducing the strange in relationship with the familiar. Civic activity can run from weak to strong poles where, at one end, a transformation of the civil order can be accomplished in such a way that the civil collective identifies itself in terms of continuity-in-transformation (e.g. amendments to a constitution), while, at the other end, sustaining continuity-in-transformation is not viable and civic activity discloses not simply a limit but a *fault-line* which marks out the conditions of (im)possibility of the civil collective as a continuing “we” across time.¹⁵ One might note here a distinction between liberal and radical views of Indigenous self-governance. Liberals construe Indigenous self-governance as disclosing a limit of the civil order; radicals as disclosing a fault-line.

DEMOCRACY, BOUNDARIES, AND THE CIVIL–CIVIC DISTINCTION

It should already be apparent that these civil and civic pictures of democracy each align with one of the two principles that are widely proposed for addressing the constitution of the demos. The civil picture is aligned to the “all subjected” principle, according to which the demos should be composed of all who will be bound by the collectively determined rules of the polity. The civic picture is aligned to the “all affected” principle, which proposes that all affected by exercises of collective political agency should be included in the demos that determines how such agency is exercised. What is perhaps less immediately apparent is the way in which the distinction between these pictures helps to dissolve the democratic boundary problem itself. To elucidate this, it is worth recalling that the democratic boundary problem is framed – and draws its force from being framed – in purely civil terms. Consider Frederick G. Whelan’s framing of the issue thus:

- 1) Democracy is proposed as the sole legitimate decision-making method;
- 2) Democratic norms entail that the demarcation of the demos should be democratically legitimate;
- 3) But that would require that the demos that demarcates the demos is itself democratically legitimate, which would entail that the demos that determines the demos that demarcates the demos is democratically legitimate, etc.¹⁶

The regress conjured here arises from the civil picture of democracy invoked – and the debates’ captivity to the civil picture of democracy has shaped its

¹⁵ David Owen, “Hans Lindahl’s *Fault Lines of Globalization: Identity, Individuation and Legal Order*,” *Contemporary Political Theory* 16 (2017): 254–58.

¹⁶ Frederick G. Whelan, “Democratic Theory and the Boundary Problem,” *Nomos* 25 (1983): 13–47.

development. A revealing illustration is provided by Robert Goodin's argument for the all-affected-interests principle in which he proposes that the logical response to the problem is a global demos for all decisions – the logic being that the only coherent version of the all-affected-interests principle is one according to which any person whose interests are affected by any possible decision on any possible agenda is included in the demos.¹⁷ It is notable, however, that in motivating the all-affected-interests principle as the appropriate norm, Goodin considers that a reason why we may consider territorial, historical, or national groups as appropriate units for collective decision-making is that “typically if not invariably, the interests of individuals within those groups are affected by the actions and choices of others in that group.”¹⁸ The point here is that it is the fact (where and when it is one) that the interests of a range of persons are interlinked in virtue of the effects of their agency on each other's conditions of agency that underwrites the constitution of civil associations.

It is worth dwelling on Goodin's insight because this focus on “interlinked interests” suggests that all those whose choices affect each other's conditions of agency have *pro tanto* reasons to exercise their powers in constituting, reconstituting, or even deconstituting the formal or informal institutions and practices of governance through which they negotiate their relations to one another. Rather than specifying who is entitled to membership of the constituted demos of a polity, the all-affected principle in its suitably capacious form identifies all those having *pro tanto* reasons to exercise constituent power in relation to their current condition of governance in order to sustain, reform, or overthrow it. The civic picture of democracy is one that is oriented around the effective exercise of such constituent power by all affected agents through civic practices in which agents act in concert with one another as equals in shaping and contesting the normative character of their relations to one another, whether that may take the form of establishing, amending, or abandoning a specific practice limited to a particular type of relationship, an institution regulating a general domain of conduct, or a whole constitutional order of governance.

Why does this matter for the democratic boundary problem? It matters because, once we recognize the civic picture of democracy as part of the story, we don't get thrown into a regress argument caused by the separation of the constitution of the polity from the constitution of the demos. It is perfectly reasonable – as a general abstract rule – for all those who are subject to the collectively binding decisions of the polity to compose the demos of that polity as long as the constituted form of the polity is open to effective contestation or

¹⁷ Robert Goodin, “Enfranchising All Affected Interests, and Its Alternatives,” *Philosophy and Public Affairs* 35 (2007): 40–68. I have developed a range of specific criticisms of Goodin's argument elsewhere but these are not my focus here; see David Owen “Constituting the Demos, Constituting the Polity,” *Ethics & Global Politics* 5 (2012): 129–52.

¹⁸ Goodin, “Enfranchising All Affected Interests,” 48.

renegotiation by all affected by its current constitution (that is, by the full range of actions available to it as an agent). Democratic legitimacy in its civil aspect requires the inclusion in the authorship of law and policy of all subject to the constituted authority of the polity; democratic legitimacy in its civic aspect requires the inclusion in the shaping and contestation of the form of governance that the constituted polity instantiates (and the practices of governance in which it engages) of all those affected by its constitution as agents having the potential to act in a wide variety of ways.

I noted in the previous section that rights are neither necessary nor sufficient conditions of civic agency but are, typically, enabling conditions for the effective exercise of such agency. What might that mean in the context of a constitutional democratic state? At the very least we might think that such enabling conditions would include, for example, publicity rights concerning state decision-making, border-crossing communicative rights, transnational mobility rights, and rights to contestatory processes that support the ability of all persons whose interests are affected, whether they are within or without the territory of the state, to engage in action in concert, to exercise freedoms in and of participation with respect to the negotiation of their relations to one another. But, importantly, the relevant enabling conditions extend beyond rights to encompass material circumstances and forms of collective organization.

These reflections on the democratic boundary problem raise the question of how we should understand processes of democratization in the context of the distinction and relationship between civil and civic orientations.

DEMOCRATIZATION IN ITS CIVIL AND CIVIC ASPECTS

Democratization denotes a relation between civil order and civic practice that:

- (i) *under the civil aspect*, more fully realizes a democratic polity as a civil condition that is internally nondominating and externally nondominated and nondominating;
- (ii) *under the civic aspect*, more fully enables all affected by the (non)constitution and (non)exercise of governmental power to engage as equals in the coexercise of civic freedom.

Struggles for democratization may focus on (or foreground) either the civil or civic aspects of democratization as forms of democratic solidarity. To draw out this difference, it is helpful to distinguish between two modes of respect: “respect as observance” and “respect as respectfulness.”¹⁹ The former denotes observing your status as a rights-bearer: I recognize the dignity of your person by not breaching your rights or undermining your ability to

¹⁹ I draw this distinction from Michael Rosen, *Dignity: Its History and Meaning* (Cambridge, MA: Harvard University Press, 2018).

exercise them. The second refers to an attitude with which I interact with you: I acknowledge the dignity *in* your person by engaging respectfully with you.

Democratic solidarity in its civil aspect expresses “respect as observance” by, for example, holding states accountable to human rights standards and international conventions or developing and extending the rights of citizens and noncitizens through judicial, legislative, and diplomatic methods. Contemporary exemplars of civil democratic solidarity are all the local, national, and transnational advocacy groups who fight for the recognition and extension of groups subject to forms of civil discrimination, ranging from human rights organizations such as Amnesty International to groups such as No One is Illegal, as well as those organizations offering legal services and representation in defense of such groups.

Democratic solidarity in its civic aspect expresses “respect as respectfulness” by, for example, empowering the voices of those marginalized and excluded to be heard within civil contexts, or engaging in mutual civic relationships and building civic communities. Here is an example. Sana Mustafa, a cofounder of the international *Network for Refugee Voices* (and a Syrian refugee) recently noted that

There are some organizations that are doing refugee participation well. Oxfam International recently hosted an *International Refugee Congress* that engaged refugee-led groups and host countries as key actors. WeWork hired refugee consultants to advise on their World Refugee Day campaign on cultural sensitivity. The United Nations Refugee Agency (UNHCR) has formed a *Global Youth Advisory Council* of young refugees. Independent Diplomat provides diplomatic advice to refugee leaders to inform their participation in global policy discussions. Some nongovernmental organizations, like the Refugee Council of Australia, that have traditionally been responsible for representing refugee views in international policy discussions are instead funding refugees to travel to conferences to represent themselves. Perhaps most inspiring, however, is the initiative refugee-led groups are taking to redefine refugee participation and inclusion. Refugees are leading by example. Next week, a group of over 70 refugee leaders from around the world will descend upon Geneva to convene the *Global Summit of Refugees*. The summit will be the first ever strategic-level meeting of refugees, run by refugees, in the interests of refugees. Conceived by group of nine refugee leaders from Syria, Colombia, South Sudan, the Democratic Republic of Congo, Myanmar and Afghanistan, living on six different continents, Global Summit refugee participants represent 26 countries of origin and 34 hosting countries. If there is one message that echoes forth from the Global Summit it will be: “Nothing about us, without us.”²⁰

What is particularly significant about the example of the Global Summit of Refugees is that these practices pre-figure a world in which refugees have the

²⁰ Sana Mustafa, “Nothing About Us Without Us: Why Refugee Inclusion Is Long Overdue,” *Refugees Deeply*, June 20, 2018, www.newsdeeply.com/refugees/community/2018/06/20/nothing-about-us-without-us-why-refugee-inclusion-is-long-overdue.

standing that is currently denied them – that is, as having the democratic right to have a “say and hand” in engaging in dialogues and negotiations that work out how they should be recognized and what counts as democratically or civilly legitimate forms of inclusion and accommodation in the community of all affected by the international order of governance.

It is important to note a point in relation to these two modes of democratic solidarity concerning the relationship between “respect as observance” and “respect as respectfulness.” To see why, consider the general point that although breaches of your human or civil rights may be more immediately *serious* than dignitary wrongs, it can also be the case that the latter is more *fundamental* than the former in the specific sense that dignitary wrongs act to undermine the target’s claim to dignity as equal status. As Michael Rosen puts it:

One of the features that have characterised many of the most violent and destructive acts of the twentieth century has been the humiliation and symbolic degradation of their victims. . . . It seems to be a fact about human nature that human beings are able more easily to engage in the most violent behaviour towards one another if at the same time they expressively deny the humanity of their victims.²¹

Dignitary wrongs work by introducing hierarchy into a category that marked equality, by differentiating the dignity due to different types of persons in ways that enable the phenomenon that Didier Fassin identifies when he remarked that “whereas many European states once regard asylum as a right, they now increasingly regard it as a favor,” where this development required that “the image of refugees had to be transformed from victims of persecution entitled to international protection to undesirable persons suspected of taking advantage of a liberal system.”²² Fassin’s point here is that the undermining of the civil right of asylum (“respect as observance”), its transformation into the register of charitable favor, involved undermining the civic acknowledgment of refugees (“respect as respectfulness”) by shifting the perception of refugees in ways that undermine their equal claim to dignity in their person.

Democratic exemplarity in its civil mode enacts respect as observance, and that is vitally important, but democratic exemplarity in its civic mode performs respect as respectfulness, and that it is fundamental. The former instantiates commitment to showing that another world is possible and understands its activity as the vehicle through which such a possible world can be brought into being. The latter enacts another world as actual and understands itself as the medium in and through which this world is given expression.²³

²¹ Rosen, *Dignity*, 97.

²² Didier Fassin, “From Right to Favor: The Refugee Question as Moral Crisis,” *The Nation*, April 5, 2016, www.thenation.com/article/from-right-to-favor [link defunct as of March 2022].

²³ David Owen, “Exemplarity and Public Philosophy,” in *Civic Freedom in an Age of Diversity: The Public Philosophy of James Tully*, eds. Dimitri Karmis and Jocelyn Maclure (Montreal: McGill-Queen’s University Press, forthcoming).

CONCLUSION

What are the implications of this analysis for contemporary democratic struggles? Perhaps the central point is that such struggles need to be bifocal processes in which one focus is on defending, securing, and extending rights that both support relations of nondomination and enable civic practices across multiple levels of governance, and the other is on the prefigurative civic enactment of *an-other* civil order. However, civil struggles around rights also hang on creating or sustaining a civic ethos; the lesson of the mass killing fields of the twentieth century (and, indeed, of the prior history of imperialism) is that “respect as observance” is dependent on “respect as respectfulness.” A good example of a practice directed to such a civic ethos is provided by *Refugee Tales*, in which writers and poets work with refugees and asylum seekers to tell their stories, lending their cultural capital and skills to forcibly displaced persons, enabling their testimony to reach public audiences and to support a condition of hermeneutic democracy in which the dignity in their persons is acknowledged in public culture. Such initiatives are, of course, swimming against the tide of nationalist/nativist populism, whose power depends critically on undermining the social bases of “respect as respectfulness” and cultivating an attitude of othering that denies commonality, but sustaining democracy as more than a kind of formal shell whose next stage is exhibited in the “authoritarian democracy” of states such as Turkey, Russia, and Hungary (in which executive power has hollowed out the democratic substance of the state) requires precisely such civic ethos-work. The civic is prior to the civil because, ultimately, the latter cannot sustain itself without the former. Democracy requires not just that we observe each other’s rights but that we attune ourselves to each other as equals. In a recent lecture, Beverley McLachlin, the former Chief Justice of the Supreme Court of Canada, gave eloquent expression to this process of attunement in a remark which captures its spirit:

Over the centuries, the passengers in the Canadian ship of state – the indigenous peoples, the European settlers, the immigrants, and refugees – have all contributed to the conversation in their unique ways. They have squabbled, they have vied for recognition. But what distinguishes the Canadian experience is that these passengers have not only squabbled and vied for recognition – they have listened to each other. Sometimes belatedly, sometimes incompletely. But more than in many nations, they have shared their stories in a spirit of respect, and from that respect has come accommodation and agreement.²⁴

Whether this is an accurate portrayal of Canada is a question that I will leave to others; for my purposes, its significance is its recognition of the centrality of the civic spirit of “respect as respectfulness” enacted in dialogues of mutual listening to the achievement of forms of civil accommodation that better support relations of nondomination between civil citizens and enable the further development of civic practices.

²⁴ Beverley McLachlin, “Canadian Constitutionalism and the Ethic of Inclusion and Accommodation,” *Western Journal of Legal Studies* 6, no. 3 (2016): 12.