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Abstract
Contemporary political thought is deeply divided about the role of ontology in political thinking. Famously, political liberal John Rawls has argued that ontological claims are best to be avoided in political thought. In recent years, however, a number of theorists have claimed that ontology is essential to political philosophy. According to the contributors to this 'ontological turn', ontological investigations may foster the politicisation of hegemonic political theories and can highlight new possibilities for political life. This essay aims to contribute to the debate about ontology in political philosophy by arguing that a compelling case for ontology can also be made in light of Rawls' political liberalism itself, in particular, by taking seriously Rawls' commitment to the politicisation of justice and the task of orientation of political philosophy. To make this case, the paper brings Rawls' perspective in conversation with the critical methodology and the ontology of agonism and reflections on parrhesia or frank truth-telling of Michel Foucault.

Introduction

Contemporary political thought is deeply divided about the role of ontology in political thinking. Famously, political liberal John Rawls (1996, 2001) argued that ontological claims, that is, presuppositions about the constitution of agents and the social world, need to be avoided in political thought. Given the ineradicable disagreement about ontology in contemporary democracies, the principles of justice governing societies should not appeal to ontological claims. In recent years,

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however, various theorists (e.g. Marchart, 2007; White, 2000) have argued that political thinkers should also critically investigate the ontological commitments of political thought. The purpose of the 'ontological turn' is not to separate political thinking from ontological controversies altogether, but, rather, to develop alternative ontologies to more conventional political ontologies.

Although Rawls is the most prominent contender of the ontological turn, none of the thinkers who have contributed to this current have, as far as I can see, investigated the plausibility of Rawls' strategy of avoiding ontology in light of Rawls' own commitments.[1] This is unfortunate, because if there are good Rawlsian arguments for investigating ontology the case for engaging with ontology could become more persuasive for Rawlsian political theorists or, for that matter, make it harder for them to dismiss the plea to include ontology in political thought. This essay thus seeks to advance the debate about ontology and political thought by showing that a compelling case for ontology can also be made in light of Rawls' political liberalism itself. I begin with a short reconstruction of Rawls' arguments for the strategy of avoidance. Rather than focusing exclusively on political liberalism's well-known ambition to forge a consensus, I highlight Rawls' aspiration for what I call 'the politicisation of justice' – the commitment to an ongoing critique of hegemonic theories of justice, including political liberalism – so that the limitations of these theories can be brought into view. I also draw attention to Rawls' suggestion that political philosophy has a role in 'orientation', that is, the illumination of various ways to understand our status as citizens and the ends of our political institutions. My contention is that these underappreciated political liberal commitments to the politicisation of justice and orientation call for a critical affirmation rather than the avoidance of ontology. The remainder of the article substantiates this wager by placing Rawls in conversation with a philosopher who has been an important source of inspiration for the ontological turn: Michel Foucault. Although Foucault's perspective is in many respects radically opposed to that of Rawls, there is an important point of convergence between Rawls and Foucault: both thinkers plea for an ongoing critique of political philosophy. However, unlike Rawls, Foucault argues that the politicisation of justice should also attend to ontology. I will show how Foucault's critical attention to ontology contributes to the politicisation of Rawls' conception of justice. More specifically, Foucault's critique reveals that Rawls' conception is informed by a partisan ontology that obscures the constitutive role of productive power relations in the formation of democratic regimes. Juxtaposing Rawls with Foucault will also reveal the orienting potential of ontology. Foucault's ontology of agonism and the practice of parrhesia prefigured by this ontology shed light on how critique and contestation can be cultivated in contemporary democratic regimes.

Rawls' arguments for a 'freestanding' conception of justice

Rawls' argument for separating ontology and political thought is elaborated most extensively in *Political Liberalism* and subsequent articles (1996, 1999b, 2001). Yet, the strategy of avoiding ontology is not new to *Political Liberalism*, but reworks

methodological claims presented in his earlier essay 'Independence of Moral Theory' (Rawls, 1999c). In this essay, Rawls confronts ontological criticisms of his theory of justice and argues that moral theory should be defended independently from other disciplines in philosophy, such as ontology. Although the arguments for avoiding ontology in 'Independence' are not as fully developed as his later arguments in *Political Liberalism*, my reconstruction starts with this essay, because it raises concerns about ontology that Rawls does not address in his later work.[2] More specifically, Rawls suggests here that explicating ontology hampers the politicisation of political philosophy and the task of orientation – two commitments of political philosophy that he defended more extensively from *Political liberalism* onwards.

One of the ontological criticisms that Rawls confronts in 'Independence' is the charge that the Kantian notion of identity presupposed by Rawls' theory of justice is impossible. In particular, Rawls discusses the claim that individual identities are so discontinuous that individuals cannot, as the Kantian notion of responsibility assumes, take responsibility for their aims over a lifetime. In accordance with his later strategy of avoidance, Rawls does not present a full-blown ontological defence of the permanence of the self. In fact, Rawls concedes that personal identities can be too discontinuous ('character and will . . . change and sometimes rather suddenly') for a Kantian moral order (1999c: 300). Still, Rawls claims that the possible discontinuity of identity does not rule out the Kantian' notion of responsibility entirely: when a Kantian conception of justice would become hegemonic in a society, identities could eventually become permanent enough to enable Kantian responsibility. According to Rawls:

> What sorts of persons we are is shaped by how we think of ourselves and this is turn is influenced by the social forms we live under. . . . *There is no degree of connectedness that is natural or fixed*; the actual continuities and sense of purpose in people's lives are relative to the socially-achieved moral conception. (1999c: 300. Emphasis added)

Noteworthy about Rawls' argument here is that he advances this thesis about the changeability of identities as a critique on ontological inquiries as such. In doing so, Rawls seems to imply that all ontological investigations treat the self as a 'natural or fixed' precondition of politics rather than a contingent and revisable effect of the balance of forces in a particular society. The effect of this move is that ontology appears to work against the politicisation of notions of personhood, because it obscures the fact that identities are the outcome of political struggles and open for change.

Rawls also claims in this essay that ontology provides no orientation into normative possibilities. In fact, Rawls warns us that ontological investigations can 'block the path to advance' (1999c: 287). For Rawls, ontological arguments for an account of identity are so underdetermined that they only become intelligible in light of a substantive moral ideal. For example, if two moral ideals emphasise a different ontology of personhood – say, the capacity for agreeable experiences (central to utilitarianism) or autonomy (Kantianism) – this difference can be

explained satisfactorily by focusing on the moral ideals themselves and does not require support of additional ontological claims. Seen in this light, it thus seems wiser to bracket ontological issues when illuminating ideals of justice and to concentrate on moral theories.

In *Political Liberalism* the argument for avoiding ontology focuses primarily on the aim to realise a stable consensus on justice. For Rawls, such a consensus should be stable for the 'right reasons' (1996: 387). This means that citizens support a conception of justice because it converges with their own beliefs and that they not act upon it for prudential interests or in light of the existing balance of power in a society. Rawls notes that the centrality of ontology in many belief-systems in modern democracies is one of the most difficult obstacles for realising this consensus. Like the current ontological turn, Rawls treats ontology as a relatively permanent feature of political life in liberal democracies and he even assumes that most citizens want to give their ideal of justice an ontological or, as he puts it, 'metaphysical' foundation (1996: 126).[3] However, since citizens are unable to forge an agreement about ontological worldviews, a conception of justice should exclude ontological claims in its defence and present itself in the political terms familiar from the political tradition of democratic societies. In this way a conception of justice remains 'freestanding': it does not enforce upon citizens an ontological foundation that is at odds with their basic beliefs but, rather, leaves them ample space to make the conception of justice compatible with their own ontological doctrines (Rawls, 1996: 375).

Some of Rawls' interpreters assume that when Rawls speaks of a 'freestanding' conception of justice, he has in mind a political philosophy that has liberated itself from ontological claims altogether. For instance, Samuel Freeman claims that Rawls' defence of freedom is purely empirical and lacks an ontological thesis: 'The suggestion is that it is simply a social fact that... we regard ourselves a free agents... This less ambitious account of persons does not make any metaphysical claims regarding our nature' (2007: 300–301). However, Rawls does not argue that his 'freestanding' conception is completely empirical, but concedes that it could imply ontological commitments. That is, as there is no agreement about the definition of an ontological doctrine (and its demarcation from empirical facts), he acknowledges that it is difficult to maintain that political liberalism does not depend upon any ontological thesis (Rawls, 1996: 29). So Rawls rather suggests that if ontological claims operate in political liberalism, these assumptions are so evenhanded that do not discriminate between competing ontological traditions or theories of justice:

> If metaphysical presuppositions are involved, perhaps they are so general that they would not distinguish between the metaphysical views – Cartesian, Leibnizian, or Kantian; realist, idealist, or materialist – with which philosophy has traditionally been concerned. In this case they would not appear to be relevant for the structure and content of a political conception of justice one way or the other (1996: n. 31: 29).

Thus, in other words, in claiming that political liberalism is 'freestanding', Rawls makes two interrelated claims: political liberalism has freed itself from *controversial* ontologies (rather than ontology completely) and, in doing so, this even-handed ontology has no discriminatory effects upon its ideas on justice.

Rawls' search for a consensus has often been cast as aiming for one definite solution to political conflicts (e.g. Habermas, 1995: 128; Mouffe, 2000: 32). Yet such readings tend to downplay Rawls' acknowledgment that every consensus about justice remains contestable and cannot be secured once and for all. From *Political Liberalism* onwards Rawls increasingly affirms the need for the politicisation of justice, including political liberalism: like other hegemonic accounts of justice, political liberalism contains exclusionary effects that need to be exposed by examining political–liberal ideals from the perspective of competing philosophical views and intuitions[4] of citizens. Underlying Rawls' call for the politicisation of political philosophy is the idea that no theory of justice can adequately give 'appropriate political voice' to 'groups and interests that arise from social change'. This is why a well-ordered society should be governed by a 'family of reasonable political conceptions' rather than just one,[5] stimulate the ongoing contestation of predominant conceptions of justice and welcome new proposals on justice which challenge the current hegemony (Rawls, 1999b: 140–143). Rawls' commitment to the politicisation of justice figures prominently in his critical exchange with Jürgen Habermas. In response to Habermas – who had claimed that Rawls treated political philosophers as *experts* – Rawls insisted that political philosophers are best seen as *participants* in democratic processes of opinion-formation and decision-making and that their contributions to democratic life need to be submitted to the critical scrutiny of the democratic public (1996: 383, 399). The key role for citizens in politicising conceptions of justice can be illustrated by the three stage justificatory process that Rawls defends here (1996: 386–387). In the first 'pro tanto' stage of justification, a conception of justice appeals only to purely political values. In this stage, a conception is justified when it is so complete that it can provide answers to questions of fundamental political justice.[6] Yet, justification is only prima facie here, because it can be superseded by the beliefs of citizens in the second, 'full justification' stage. During this stage, each citizen assesses whether the conception of justice can be embedded within his comprehensive doctrine and thus critically checks whether the conception of justice is indeed 'freestanding' enough. However, the point of full justification is not just to critically evaluate *one* conception of justice, but to engage in a thorough politicisation of *several* conceptions of justice. Ideally, each citizen arrives at a judgment about justice through a 'wide reflective equilibrium': one works back and forth among intuitions, the 'leading' philosophies of justice and 'views critical of the concept of justice itself' (Rawls, 1996: n. 16, 384). Along the way, citizens may change both their intuitions and views about the best conception of justice. Finally, the third stage involves public justification by the political society. Here citizens deliberate with others to determine whether the conception of justice endorsed by them individually is also supported by other citizens and thus truly part of an overlapping consensus.

Closely related to the politicisation of justice is Rawls' suggestion that political philosophers need to provide 'orientation' in democratic society:

> ...political philosophy may contribute to how a people think of their political and social institutions as a whole, and their basic aims and purposes as a society with a history...the idea is that it belongs to reason and reflection (both theoretical and practical) to orient us in the (conceptual) space, say, of all possible ends, individual and associational, political and social (2001: 2).

The commitment to orientation – which Rawls came to identify as the second task of political philosophy after defending a stable, just agreement – refers to political philosophy's role in helping citizens to reflect on what it means to be a citizen, and in suggesting how to understand the nature and ideals of their political regime. This task seems more attuned to illuminating a plurality of possibilities for liberal-democratic regimes ('all possible ends') than focused on finding a consensus or one aim that all citizens can agree upon. Indeed, we may read Rawls' affirmation of orientation as suggesting that political philosophers have a role in deepening the understanding of the various arguments that people draw upon in their wide reflective equilibrum, making citizens aware of normative possibilities in liberal democracies that they have so far not been particularly mindful about. Or, it might encourage political philosophers to clarify the various political–philosophical ideals that vie for hegemony in democratic culture instead of merely defending one version as the best. In this way, political philosophy actively encourages the politicisation of various political–philosophical projects and the ongoing contest between theories of justice central to Rawls' ideal of justification.

How does the later Rawls envision the role of ontology in the three stages of justification? While the first stage, as said, only engages with 'freestanding' conceptions of justice, ontology can play a significant role in the second stage. That is, citizens only reach wide reflective equilibrium after 'general convictions, *first principles*, and particular judgments are at last in line' (Rawls, 1996: n. 16, 384. Emphasis added). With respect to the public, third stage deliberations about an overlapping consensus, Rawls argued in *Political Liberalism* that these discussions should only take notice of the existence of an overlapping consensus and 'not look into the content of other's doctrines' (1996: 387). In writings subsequent to *Political Liberalism*, however, Rawls abandoned that view and introduced a 'wide view of public political culture': citizens can introduce 'reasonable comprehensive doctrines' if they follow the 'proviso', that is, they eventually justify their position with 'freestanding' political conceptions of justice (1999: 152; 2001: 90).[7]

Although the later Rawls thus allows citizens some room to engage with ontology in justificatory deliberations about justice, he still places significant restrictions on the usage of ontology that need to be interrogated. First, Rawls never changed his view that political–philosophical discourse should exclude ontology in its presentation and defence of conceptions of justice. So, as in 'Independence', he does not envision that attending to ontology could help political philosophers in their tasks to stimulate the politicisation of justice and enhance the need for orientation.

However, Rawls' later insights about the contestability of political philosophy and the relevance of ontology for citizens may challenge the adequacy of avoiding ontology in political–philosophical discourse. For instance, in societies that are constituted by a plurality of conflicting ontological doctrines, it is not unlikely that the political philosopher lacks sufficient expertise to claim that his ontology is evenhanded: he might not be aware of competing ontologies or the potential conflicts between his own ontology and ontological commitments held by citizens and the effect of these ontological disagreements on conceptions of justice. Before realising reflective equilibrium citizens will thus have good reasons to examine critically whether conceptions of justice are as ontologically evenhanded as Rawls claims they should be. By explicating their ontology rather than leaving it implicit, political philosophers could do a much better job in opening up their ontological assumptions for the possibility of contestation and thereby stimulate the politicisation of justice. Furthermore, citizens could have an orienting interest in the ontological assumptions that support theories of justice. If citizens, as Rawls suggests, attribute ontology with a grounding status these citizens might find it important that political philosophers elucidate the ontological premises that foreground their conception of justice. This could help them understand better the normative ideals that they reflect upon when working towards wide reflective equilibrium.

A second problem in Rawls' later view is that his 'wide view' of public political culture does not allow citizens to critically engage with ontology in third stage deliberations about an overlapping consensus. For Rawls, the point of introducing comprehensive doctrines, like ontology, here is that citizens show each other 'on what basis they *support* the public conception of justice' (2001: 90. Emphasis added). Citizens thus introduce their ontology to reassure one another that the public conception under discussion is indeed part of an overlapping consensus, not to *challenge* this conception (including its ontology). In fact, many ontologies critical of political liberalism are excluded from third stage deliberations, because they are not considered 'reasonable'. For example, comprehensive doctrines are only 'reasonable' when they endorse political liberalism's central claim that the exercise of state power is grounded in a 'freestanding' conception of justice that does not discriminate between comprehensive doctrines (Rawls, 2001a: 191). However, the possibility of such a 'freestanding' conception of justice is one the main issues that political liberalism and views critical of political liberalism disagree about. For instance, the Foucaultian ontological perspective that I will develop here challenges that theorists can arrive at a evenhanded conception of justice and would thus not be allowed into the third stage deliberations. By excluding a critical engagement with ontology in the third stage, Rawls construes a problematic gap between this stage and the second stage deliberations and civil society. During the second stage, he concedes that citizens can, as said, benefit from critics of political liberalism and allows citizens to consider the critical ontology that these critics may employ. Furthermore, he leaves citizens ample room to present ontological critiques of political liberalism to others in the various associations in civil society (1999b: 134). But, when coming together to establish an overlapping consensus on justice,

citizens that disagree with political liberalism cannot elaborate upon the onto-logical reasons for withholding their consent. This restriction is unfortunate, because the third stage – which brings together the society as a whole – potentially engages with a much wider range of conflicting ontologies and theories of justice than citizens can encounter during their introspective second stage deliberations or, for that matter, in their associations in civil society. It is thus in this stage that citizens might learn most from a critical engagement with ontologies and their possible implications for theories of justice, including political liberalism.

These considerations about the relation between ontology and justice provide an interesting starting point for confronting Rawls' strategy of avoidance with Foucault's critical engagement with ontology. Foucault agrees with Rawls that the plurality of ontological worldviews cannot be represented in one theoretical outlook and that ontological ideas are conditioned by power relations in particular societies. Furthermore, like Rawls, Foucault calls for the politicisation of ideals of justice. However, Foucault's critique of justice does not call for avoiding ontology, but argues for the *politicisation* of ontological truth-claims. So taking to heart Rawls' suggestion that there is merit in engaging with a critic of liberal justice, the next section discusses Foucault's critique and shows that engaging with ontol-ogy might not, as Rawls suggest, work against the politicisation of conceptions of justice but, rather, support this aim.

The contestatory potential of ontology: Foucault's critical ontology

Foucault (1994, 2000a) presents a brief account of his critical philosophy in his late writings on Kant. On Foucault's reading, Kant established two radically opposed critical traditions in Western philosophy: one that aimed to establish universal, necessary conditions and limitations of subjectivity ('the analytics of truth' that can be found in Kant's great critical works) and a more historical interrogation of these conditions and limitations (emerging from Kant's reflections on the Enlightenment). Foucault identifies with the latter tradition and dubs it 'an ontol-ogy of ourselves' (1994: 147). Basically, an ontology of ourselves aims to deprive constitutive conditions of current self-understandings from their inevitability, because it reveals these conditions as revisable effects of historical struggles. In doing so, an ontology of ourselves aspires to open up possibilities of being, doing and thinking that have been marginalised by current self-understandings and to enable local transformations of the limitations conceived as necessary (Foucault, 2000a: 315–316).

Foucault was notoriously evasive about the ontology underpinning his critique. Indeed: one of the striking similarities between Foucault and Rawls is their refusal to explicate and elaborate upon the ontological assumptions of their thought.[8] Readers of Foucault have interpreted Foucault's silence about his ontology in various, conflicting ways. Whereas some praise Foucault for presenting a political theory without an ontological foundation (e.g. Brown, 2001), others argue that Foucault's project depends upon an ontology that is immune to contestation and revision (e.g. Habermas, 1998; Han, 2002). Another line of interpretation converges

with the latter view on the assumption that Foucault's perspective assumes implicit ontological claims, but suggests that his ontology exposes the instability of being and emphasises the contestability and changeability of ontological theories (e.g. Connolly, 1995; Oksala, 2010). My own reading converges with this last approach: I think that Foucault's reluctance to develop an ontology does not amount to a disavowal of ontological grounds altogether, but that it can be plausibly read as a rejection of ontologies which assume a static view of being and that he proposes an alternative ontology which reveals the instability of human existence and ontological theories. While I cannot give a full-fledged justification for this reading here, I will try to substantiate my interpretation by briefly turning to Foucault's critique on mainstream ontology in the essay 'Nietzsche, Genealogy, Power' (1984a) – an early text which sketches the philosophical underpinnings of his critical methodology.

In this essay, Foucault plays with an underdeveloped distinction in Nietzsche's work between 'Ursprung' (origin) and 'Herkunft' (descent). On Foucault's reading, the quest for 'Ursprung' denotes the search for stable foundations typical for traditional ontology that he rejects. But he concedes that his own critique – which traces historical descent ('Herkunft') – resembles traditional ontology in its attempt to conceptualise roots of subjectivity, knowledge and morality. In opposition to traditional ontological investigations, however, his ontological wager – a 'Herkunfthypothese' – does not provide knowledge, morality and identities with a stable foundation but, rather, 'introduces discontinuity into our being' (Foucault, 1984a: 88).

Throughout this essay, Foucault's own Herkunfthypothese illuminates power relations as a constitutive condition of human existence. On Foucault's reading:

> Emergence is always produced through a particular stage of forces. . . . The forces operating in history are not controlled by destiny or regulative mechanisms, but respond to haphazard conflicts (1984a: 83–88)

Foucault suggests here that human identities, morality and knowledge emerge as an effect of a dramatic quest for domination. What we are today originates in random social-historical struggles where some possibilities for thinking and acting became dominant and others were obliterated or marginalised. Foucault understands these power relations as a relatively constant condition of human existence: the play of dominations is 'endlessly repeated' (1984a: 85) and cannot be surmounted by intentions or treaties. Still, the ubiquity of power does not provide human existence with stable anchor points. Since power relations do not exemplify a law or specific design, but respond to 'haphazard conflicts', the identities, moralities and knowledge produced by power are *unstable* assemblages of 'distinct and multiple elements, unable to be mastered by the powers of synthesis.' This instability also affects the ontological wager about power itself. A 'Herkunfthypothese' does not articulate a stable foundation about the conditions of human existence, but, rather, presents 'an *unstable* assemblage . . . that threaten the fragile inheritor from within or from underneath (Foucault, 1984a: 82, emphasis added).'

Foucault's understanding of ontology suggests a relation between ontology and the politicisation of political philosophy that is missing in Rawls' account. To recall, Rawls ontological perspectives articulate ideas about personhood as fixed preconditions of politics and thus discourage the politicisation of political philosophy. But Foucault's ontology, in contrast, rather stimulates a critique of political thought. In highlighting that identities and knowledge about ourselves – including ontological claims and conceptions of justice – are partisan outcomes of social-historical power struggles that can be revised, Foucault's ontology invites us to attend critically to the exclusionary effects of hegemonic notions of identities and justice. That is to say, when political philosophers claim to offer a neutral representation of the heterogeneity of human thought and action – such as Rawls' suggestion that political liberalism is supported by an evenhanded ontology – Foucault provides an impetus to look for the 'distinct and multiple elements' (1984a: 94) that are marginalised by such representations. Foucault's ontology thus radicalises Rawls' insight that ontology is too controversial to forge an agreement about justice. On Foucault's account, every consensus about justice is marked by arbitrary power relations, including agreements that only tacitly appeal to an evenhanded ontology, such as political liberalism.

In what follows, I illustrate the usefulness of Foucault's critical ontology for the politicisation of political philosophy by putting his perspective to work in a critique of Rawls' conception of justice. This will help us see that the implicit ontological claims of Rawls' conception are not as 'freestanding' as Rawls suggests and that they usher forth exclusionary effects which are in need of contestation.

A Foucaultian critique of Rawls' conception of justice

To understand how Foucault's critical ontology unsettles Rawls' perspective, I need to say a bit about how Foucault develops his ontology further in his critique of the social contract tradition of which Rawls is part. In writings published after 'Nietzsche, Genealogy, History', Foucault challenges the 'juridico-discursive' idea of power that has predominated social contract theory (1978: 82, Cf. 1977, 2003: 1–41). The juridical model assumes that power functions in a negative way: it prohibits behaviour or represses subjects change into: Rawls claims that ontological and is 'capable only of posting limits' (Foucault, 1978: 85). Foucault, in contrast, highlights that power relations are productive: they are constitutive of the subjects involved in them and produces identities, thoughts, behaviour and interaction. Foucault also challenges the appropriative ontology of the juridical model: the assumption that power is a possession and transferable between actors. He sees power as a relation that is exercised continuously throughout the social body rather than a commodity. As force relations are constitutive of all social practices, subjects are always traversed by power and thus do not only confront power in relation to the state.

Foucault advances his ontology of productive power to expose mechanisms of power in liberal democracies that are obscured by the juridical model. Whereas the juridical model focuses primarily on laws – general prohibitions and commands that are enacted by the sovereign – Foucault highlights that power is increasingly exercised through informal social norms that emerge at the microlevels of society.

Unlike law, social norms do not ensure obedience through binary oppositions between legal and illegal, but by classifying conduct on a 'continuum from normal to abnormal' (Golder and Fitzpratrick, 2009: n.43: 43). Foucault demonstrates his ontological thesis about the productive effects of norms in his famous studies of disciplinary power – a historically specific form of power relations that in the 17th and 18th century has come to dominate institutions, such as workplaces and schools. The participants in these institutions are produced or 'disciplined' through local standards, such as the diligent student, that apply to the minute details of 'behaviour,... speech... the body... sexuality' (1977: 178). Through constant surveillance and repetition of required forms of conduct social norms are internalised and displayed in everyday behaviour.

Foucault claims that the productive effects of norms were not confined to the local institutions in which they emerged, but also played an important role in stabilising liberal democracies: 'juridical systems,... allowed the democratization of sovereignty,... at the very time when, to the extent that, and because the democratization of sovereignty was heavily ballasted by the mechanisms of disciplinary coercion' (2003: 37). Foucault suggests that the capacities of subjects needed for 'the democratisation of sovereignty' are produced through various informal standards (one of the 'mechanisms of disciplinary coercion') that are dispersed throughout society. The juridical model of power of the social contract tradition, however, blinds us to the effect of productive power relations upon liberal-democratic subject formation.

Now, how pertinent is Foucault's critique of the social contract tradition when we apply it to Rawls' conception of justice? On closer inspection, we can see that Rawls' account of power bear the traces of the ontological displacement of productive power relations typical for the social contract tradition. Consider, for instance, Rawls' account of the political relationship in democratic society:

> political power is, of course always coercive power backed by the state's machinery for enforcing its laws. But in a constitutional regime political power is also the power of equal citizens as a collective body: it is regularly imposed on citizens as individuals, some of whom may not accept...the general structure of political authority; or...they may not regard as well grounded many of the laws enacted by the legislature to which they are subject,...(2001: 182)

What this quote illustrates is that Rawls treats it as self-evident that power is appropriative. That is, he articulates power as something that can be owned by citizens (the 'power of equal citizens'), because they possess the capacity to deliberate about power ('they may not regard as well grounded many of the laws enacted by the legislature') and the capacity to consent to power ('some of whom may not accept... the general structure of political authority'). Rawls does not attend, however, to the productive power relations that precede democratic relations and that enable citizens to consent or deliberative about state power in the first place. For example, Rawls neglects the relation between democratic citizenship and social norms, that is, how the 'power of equal citizens' might be

shaped by informal standards that emerge at the microlevels of society and produce subjects through hierarchies between the normal and the abnormal.

A similar blind spot is discernable in Rawls' account of personal identity that foregrounds his notion of democratic citizenship. In what is arguably a response to his communitarian critics (who had claimed that Rawls adopted an overly individualist ontology in *A Theory of Justice*), Rawls concedes in *Political Liberalism* that individual identities are deeply influenced by collective attachments: 'They may have . . . affections, devotions, and loyalties that they believe they would not, indeed could and should not, stand apart from and evaluate objectively' (1996: 31). Yet, Rawls argues that individuals are not entirely determined by these attachments, but that something in our personal identities has sufficient permanency to withstand their influence. Rawls suggests that the relative permanence of personal identities can be based upon various ontological views, such as: '[the] Cartesian or a Leibnizian substance, or a Kantian transcendental ego, or as a continuant of some kind, for example, bodily or physical' (1996: n. 34: 32). By referring to a plurality of ontological positions rather than just one, Rawls obviously aims for an evenhanded treatment of ontological traditions and thus to avoid an ontological dispute. Yet, from Foucault's ontological perspective, this brief 'freestanding' defence – plural as it appears to be – is much more controversial than Rawls suggests. For example, Rawls does not attend to the effect of social norms upon personal identity formation. In doing do, Rawls thus overlooks how the constitution of personal identities can transmit collective pressure instead of safeguarding individuals against such power.

All this allows us to see that Foucault's critical ontology of power supports the politicisation of political philosophy because it raises serious doubts about the ontological evenhandedness of Rawls' conception of justice. Although Rawls' theory attempts to be 'freestanding' from ontological controversies, it transposes the silence about the productive power relations typical for social contract theory into its understanding of political power and personal identity. But how relevant is this politicisation of Rawls' conception really from a political liberal perspective? To recall, what Rawls considers critical about his ontology is not so much whether it is contentious in light of disagreements between ontological traditions, but, rather, whether its contestability has any impact upon the structure and content of conceptions of justice. In this regard, then, citizens who try to reach reflective equilibrium in the second stage of justification might consider Rawls' silence about productive power insignificant, because it has no discriminatory implications for his ideas about justice. So in this respect we should also examine whether Rawls' displacement of productive power affects his principles of justice. The remainder of this section will thus focus on one of Rawls' most important values: a fair distribution of the social bases of respect.

Rawls claims that the 'social bases of self-respect' are among the most essential primary goods that a liberal-democratic state needs to realise for its citizens.[9] Self-respect motivates citizens to enact their autonomy, it 'provides . . . a firm conviction that our determinate conception of the good is worth carrying out. Without self-respect nothing may seem worth doing, [or] we lack the will to pursue them'

(Rawls, 1996: 66). The ontology underlying Rawls' account assumes that self-respect consists of two psychological attitudes: the confidence that one's lifeplan is worthwhile and the confidence that one can carry out that plan (1996: 318–319). This confidence is not reducible to dispositions or actions of the individual, but dependent upon the 'social bases of respect' that consist of institutional features and certain forms of civic conduct. Rawls claims that institutions realise self-respect by providing citizens with the other primary goods: basic rights and liberties, jobs and educational opportunities and income and wealth. Furthermore, self-respect requires of citizens that they are 'publicly affirming [each other's] basic liberties' (1996: 319). This ontology about the conditions of self-respect, in turn, informs Rawls' normative principle for realising self-respect. Rawls claims that self-respect should be realised through a just distribution of the aforementioned other primary goods and the public affirmation of citizens of basic liberties.[10]

While Rawls's account emphasises crucial conditions for realising self-respect, he fails to consider how self-respect is constituted by the kind of social norms suggested by Foucault's ontology. Consider, for instance, an openly gay man who wants to run for political office. His confidence in his lifeplan will surely, as Rawls suggests, benefit from rights (such as laws that prohibit discrimination in light of sexual orientation) and the public affirmation of this right by his fellow citizens. But even when the Rawlsian conditions for self-respect are secured, his confidence can still be undermined by informal hierarchies, such as heterosexist norms about the public display of affection. For heterosexuals, holding hands in public or even a short kiss is generally considered appropriate in most Western societies and can even strengthen their confidence. That is, as moderate displays of affection confirm that one is a 'loving' partner or spouse, it is likely to get a positive response of others. Gays, however, are much more likely to be confronted with negative responses when they hold hands or kiss in public. So, for gays, norms about the public display of affection can significantly undercut their self-respect, because such norms raise doubts whether certain lifeplans – say, being an openly gay man and a politician – can be carried out.

Now if possibilities for realising self-respect are indeed constituted by social norms, then principles of justice that seek to secure respect should acknowledge the impact of these norms upon self-respect. Without doing so or, for that matter, without a plausible argument why Rawls' account of respect does not attend to social norms – it is questionable whether Rawls' conception is really evenhanded enough to become part of an overlapping consensus. That is, citizens who are burdened by social norms and who reflect on Rawls' conception through the lens of Foucault's critical ontology might during their second stage deliberations conclude that his conception cannot be brought in line with their conviction about the centrality about social norms in realising respect nor convince them that this conviction should be reconsidered.

So, in other words, the displacement of productive power is not merely an omission without practical consequences, but a limitation that shapes the content of one of Rawls' most important principles of justice. In this regard, critical

attention to ontological assumptions, such as elaborated in Foucault's critical ontology, can be a valuable instrument for politicising ideals of justice.

The orienting potential of Foucault's ontology of agonism

So far I have challenged the political liberal avoidance of ontology by focusing on the contributions of ontology to the politicisation of justice. To further unsettle the political liberal strategy of avoidance, I now argue that ontology can provide orientation upon normative possibilities for liberal democracies. To that end, this section introduces Foucault's ontological commitment to agonism in politics and shows how this ontology sheds light on the value of parrhesia or practices of frank truth-telling in democratic regimes.

In writings published after *The History of Sexuality 1*, Foucault reformulated his ontology of power relations as the 'government by men by other men' (2000b: 342). As in the earlier ontology, this new ontology rejects a state-centred notion of power: 'government', for Foucault, does not only refer to political institutions but designates the ways in which the conduct or actions of people are structured in the broadest sense, such as in families, communities and so on. However, in contrast to the earlier ontology, the 'others' or 'men' upon which power is exercised are much more explicitly understood as 'subjects' that are capable of actively challenging power relations. Drawing on the Greek word for contest (*agon*) Foucault now articulates agonism or, more specifically, agonistic struggles as central to power relations:

> At the very heart of the power relationship, and constantly provoking it, are the recalcitrance of the will and the intransigence of freedom. Rather than speaking of an essential 'antagonism, it would be better to speak of an "agonism" – of a relationship that is at the same time mutual incitement and struggle; less of a face-to-face confrontation that paralyzes both sides than a permanent provocation. (2000b: 344)

Power relations can be seen as agonistic struggles, because subjects are free to contest and transform the power relations that are exercised upon them. This freedom is not grounded in a capacity of the individual subject to transcend power relations, but, rather, immanent to ('at the heart of') power itself. That is, the exercise of power opens up 'a whole field of responses, reactions, results, and possible interventions' (Foucault, 2000b: 340) that foregrounds the subject's possibility for contestation and his participation in the critical, local transformations of power relations central to the ontology of ourselves.

While agonism is central to power, Foucault's ontology underscores that the existence of agonistic struggles is instable and never guaranteed. In fact, power relations may collapse into 'domination': a situation where power is consolidated or 'blocked, frozen' to such an extent that the possibilities to contest power relations are diminished, or reduced to a bare minimum (Foucault, 2000c: 283). This ontological commitment to the instability of agonism foregrounds Foucault's understanding of politics. As agonistic struggles cannot be taken for granted, the

political challenge for contemporary societies is to 'play games of power with as little domination as possible' (Foucault, 2000c: 298). Put differently, Foucault envisions our political task as an ongoing struggle against domination so that possibilities for agonistic experiments with power are expanded rather than undermined.

Foucault acknowledges that the political task to ward off domination calls for juridical institutions, such as the rule of law. However, his ontology warns us that agonism is 'never assured' by legal institutions and that agonistic struggles have to be practiced or 'exercised' (Foucault, 2000d: 354). The need to supplement the law with the ongoing exercise of agonism explains why the later Foucault puts so much emphasis on the cultivation of critical practices and contestatory dispositions. Such practices and dispositions empower subjects in their challenge and transformation of power relations and thus enable the widespread 'hyper- and pessimistic activism' that is needed as a counterpoint against domination (Foucault, 2000e: 256).

Foucault's ontological insight that the struggle against domination should not be outsourced to legal institutions, but requires the ongoing exercise of agonism, is reflected in his lectures on the role of parrhesia in Greek and Roman antiquity (2010, 2011). Parrhesia or frank truth-telling refers to critical practices to speak openly about what one thinks and believes to be true. Such speech is uttered under asymmetrical power relations: the parrhesiastes challenges the thoughts or actions of a more powerful interlocutor, be it the majority in the assembly or a tyrant or teacher. Foucault's discussions of Greek democracy indicate that parrhesia provides a crucial link between the juridical-institutional dimension of democracy (*politeia*) and the practice of power or 'game of politics' that enables some people to rule over others (*dunasthesia*) (2010: 158–159). That is to say, while democratic regimes need a juridical framework (indeed: parrhesia itself is dependent upon the constitutional right to freedom of speech), the actual exercise of parrhesia is what 'ensures the *appropriate* game of politics' (Foucault, 2010: 159. Emphasis added). In speaking truth to power, parrhesia provides a constant check upon rulership and potentially limits the abuse or 'foolishnes, madness, and blindness' of power (Foucault, 2010: 161). The ultimate effect of frank truth-telling, however, remains unpredictable: parrhesia does not produce 'a codified effect', but opens up 'a possibility, a field of dangers, or at any rate an undefined eventuality' (Foucault, 2010: 62). For example, the parrhesiastes who criticises majority opinions does not know whether he will convince the democratic public and transform the terms of collective decision-making or, rather, alienate his audience. Parrhesia is thus an inherently dangerous practice: depending on the context, the speaker exposes himself to the risk of exclusion or even death.

Although Foucault did not believe that the Greeks offered a solution for current politics, his interest in parrhesia is clearly connected to his commitment to contemporary struggles against domination. For instance, Foucault argues that parrhesia forms the root of his critical, Kantian ontology of ourselves (2010: 350) and his concern with the current 'problematic of a society's immanent power relations' (2010: 159). So in this respect parrhesia offers resources that can be reworked to empower contemporary democracies in the struggle against domination.

In relation to Rawls, Foucault's reflections on parrhesia highlight two normative possibilities for democratic regimes that are unforeseen by, but nonetheless relevant to, Rawls' conception of justice. First, Foucault's parrhesiastic perspective suggests that a critical engagement with ontology should be part of public deliberations about an overlapping consensus of justice. As noted earlier, Rawls envisions room for such a critique during the second individual stage of deliberations about conceptions of justice (and in civil society), but excludes a critical discussion about ontology from the public, third stage when an overlapping consensus ought to emerge. Foucault's reading of parrhesia, in contrast, suggests that public debates about truth, including ontology, are central whenever questions of ascendency or the rule of some citizens over others arise. So when citizens deliberate with others to establish a public standard of justice, the parrhesiastes will not keep his ontological reasons for disagreeing with public conceptions of justice to himself, but, rather, give a 'complete and exact account' of what he thinks and believes to be true (Foucault, 2001: 12). In reflections on contemporary politics, Foucault argues that introducing truth claims like ontology can support the challenge of domination in current democracies:

> It is within the field of the obligation to truth that it is possible to move about in one way or another, sometimes against effects of domination which may be linked to structures of truth or institutions entrusted to truth. ... the same holds true in the order of politics ... by playing a certain game of truth, by showing its consequences, by pointing out that there are other reasonable options, by teaching people what they don't know about their own situation (2000c: 295).

Contrasting the dominant ontology with an alternative ontology can encourage the struggle against domination: it can make the democratic public mindful of the biases and exclusionary implications of the dominant view and open up reflexive space to experiment with other options. Put differently, a critical public engagement with ontology can make citizens more vigilant about the ontological dimension of domination and help them to make the 'ethico-political choice ... every day to determine' (Foucault, 2000e: 256) which power relations run the risk of domination.

At times, Foucault suggests that one of the unexpected effects of public debates which include truth claims could be the construction of a new shared understanding – a 'we' – that might provide a basis for concerted political action (1984c: 385). Nonetheless, in later writings too Foucault emphasises that all collective viewpoints remain unstable, because they are marked by arbitrary exclusionary power relations which can be contested, reversed and diminished, but not entirely surmounted. Indeed, precisely because every consensus remains tainted by 'non-consensuality', processes of realising agreement should 'at all times' include a radical questioning of this agreement, including its ontology, interrogating 'what proportion of nonconsensuality is implied in such a power relation [a consensus], and whether that degree of nonconsensuality is necessary or not,...' (Foucault, 1984b: 379).

Although Foucault challenges Rawls' assumption about the possibility to realise a stable consensus on justice, political liberalism can learn from Foucault's reflections on parrhesia that a critical engagement with ontology in public debates about an overlapping consensus could provide a check upon the blind spots in standards of justice. As mentioned earlier, Rawls' later work underscored that all conceptions of justice, including his conception of justice, contain biases and are in need of contestation and renewal. Opening up the third stage to an engagement with critical ontological views, including those that challenge political liberalism, could make the deliberations about an overlapping consensus more self-critical, politicising limitations that citizens did not reflect upon in their (second stage) individual thought processes or in the various associations in civil society. For instance, let us assume that the third stage brings together citizens who support Rawls' conception as well as citizens who reject Rawls' view, because it pays insufficient attention to the effect of social norms upon self-respect. If the citizens who are critical of Rawls' view can advance their ontology, such as Foucault's account of productive power, this could help them to show their fellow Rawlsian citizens blind spots in their conception of justice. In this way, Rawlsians too may start to reflect upon the influence of social norms upon self-respect and perhaps rethink Rawls' understanding of respect at the crucial moment when a society will chose one conception of justice over another.

The second lesson to be learned from Foucault's reading of parrhesia is that citizens need to develop courage through the regular exposure to conflicts. Foucault emphasises that parrhesia is not only dependent upon the enactment of discursive practices (such as the critical exchange of ontological claims), but also requires the cultivation of certain character traits, such as courage. Parrhesia can only succeed when the parrhesiastes can face the dangers inherent in speaking truth to power and when his interlocutor is brave enough to endure the provocations of a painful truth (Foucault, 2011: 13). In his analysis of Cynic practices of parrhesia Foucault highlights the role of daily contestatory exercises or an ongoing 'test of resilience' to build up the courage of truth (2011: 194) (Rosenthal 2016). Rather than only relying on the transmission of doctrinal knowledge, the Cynics emphasised the need for the regular exposure to struggles so that human beings became better accustomed to the risks and discomfort inherent to truth-telling.

In highlighting the need for cultivating courage through the subjection to conflicts, Foucault's perspective highlights a normative possibility for democratic regimes that has been insufficiently explored by Rawls. Notwithstanding his commitment to the politicisation of justice, Rawls had trouble conceiving how this commitment could become part of the dispositions of citizens: there exists an unresolved tension in his work between, on the one hand, his ideal of a dynamic and contestatory democratic regime and, on the other hand, the account of motivation and virtues that supports democratic citizenship. Throughout *Political Liberalism* Rawls is concerned with the question of how a liberal democratic regime can secure the *allegiance* to public principles of justice, that is, how citizens become willing to act on behalf of principles of justice. But he never asks how citizens might develop virtues needed to *challenge* ruling conceptions of justice. For example, in Rawls'

account of education, the cultivation of virtues concentrates only on the need to teach children to *obey* justice, to 'honor the fair terms of cooperation in their relations with the rest of society' (1996: 199). Left out of this account is an understanding of practices that cultivate dispositions, such as courage, that can be put to use for challenging hegemonic principles of justice.

If we take seriously Rawls' later commitment to the politicisation of justice, it seems that his conception of justice should give the enactment of practices where citizens learn to face the discomfort of contesting hegemonic conceptions of justice much more normative weight than it has done so far. That is, rather than only explaining how virtues might support a stable society, it should also highlight that citizens should be courageous enough to challenge the public conception of justice that secures stability in a society. Concrete policy recommendations that cultivating courage would point to are beyond the scope of Rawls' conception of justice and this article, but in the context of education we could, for instance, think of exposing pupils to conflicts about social norms, such as the heterosexist standards on public affection that I referred to earlier. The point of such a confrontation would not be that pupils come to agree on a new social norm (let alone, a conception of justice that could structure the deliberations about dissenting customs). Rather, exposure to conflicts can learn pupils that disharmony can be endured and could eventually make pupils more brave when participating in democratic struggles, including parrhesiastic confrontations with competing truth claims. Foucault's reading of parrhesia offers a starting point for fleshing out this normative aspiration by indicating that the courage needed to engage in contestatory encounters calls for the regular subjection to conflicts.

Conclusion

This article argued that Rawls' strategy of avoiding ontology is at odds with two political liberal commitments: the politicisation of justice and the need to provide orientation on normative possibilities for liberal democracies. Supported by Foucault's critical ontology, I showed that critical attention to the ontological commitments of Rawls' conception of justice exposes that his ontology and normative proposal for distributing self-respect do not adequately contend with the role of productive power or, more specifically, social norms in developing respect. By avoiding ontological disputes political liberalism thus misses an important critical resource for politicising justice. Moreover, by following Foucault's ontology of agonism and its commitment to parreshia or frank truth-telling we can see that Rawls fails to see the orienting potential of ontology. The first implication of parreshia that political liberals should take to heart is that public deliberations about an overlapping consensus on justice can benefit from a critical engagement with ontology. Rawls' account of these deliberations requires, however, that citizens keep ontologies critical of public conceptions of justice, including political liberalism, to themselves. In doing so, I argued that Rawls limits possibilities for politicising exclusionary effects of these conceptions, such as the lack of attention for the relation between social norms and self-respect in his own conception of

justice. The second ideal highlighted by parrhesia, but missing in Rawls' conception of justice, is the cultivation of courage through the regular exposure to conflicts. Cultivating courage is relevant for Rawls, because his commitment to the ongoing contestation of justice needs a citizenry that is brave enough for engaging in such contests. So Rawlsians too would benefit from an ontology that highlights the need for exercises in contestation.

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Notes

1. White challenges the plausibility of Rawls' strategy of avoidance, but he does not discuss how much this strategy is at odds with commitments central to political liberalism itself (White, 2000: 17).
2. Rawls' 'early' writings refer to texts published prior to *Political Liberalism*, such as *A Theory of Justice* and the article 'Independence of Moral Theory'. The 'later' Rawls includes *Political Liberalism* and subsequent texts.
3. Rawls does not clearly define 'metaphysics', but his understanding of the term includes features central to the notion of ontology used by the current ontological turn. For example, Rawls says that 'metaphysical claims' may involve a thesis about agency: the 'nature of persons as moral or political agents' (1996: 29). Rawls also uses the term metaphysical for general views about the constitutive elements of social reality, such as Habermas' ontology of communicative action in the lifeworld (1996: 378–379). This essay uses the term ontological instead of metaphysical, except in the citations.
4. An intuition is a conviction that citizens have held over some time. It is more thought-out than opinions formed under deep emotional distress, but still 'pre-reflective' in the sense of not having been tested by a theory of justice (Rawls, 1999d).
5. Rawls' own conception of justice that I discuss further below is one of those conceptions.
6. These questions concern constitutional essentials (such as the rights specified by the constitution) and basic justice (the regulation of social and economic inequalities, such as the distribution of mutual respect).
7. Rawls elaborates the wide view in his discussions about public reason. This concept focuses on deliberations that *apply* conceptions of justice to determine the content of constitutional essentials and basic justice rather than the justification of these conceptions themselves that I concentrate on in this article. However, as Rawls claims that the wide view allows citizens to introduce comprehensive doctrines into public political discussions

'at any time' (1999b: 152), I assume that his remarks about the wide view also apply to the third stage deliberations about an overlapping consensus of the conception of justice itself.

8. For instance, with respect to power relations Foucault assumes that 'power as such does not exist' and emphasises that this wager is 'not designed to introduce by stealth a metaphysics or an ontology of power' (2000b: 336–337). Foucault avoids ontological questions about power, because he believes that these investigations distract us away from the local, empirical investigations. So, unlike Rawls, Foucault was not bracketing ontology to enhance normative inquiries – in fact, Foucault was just as evasive about the normative claims underlying his perspective as he was about ontology.

9. Primary goods are fundamental things that citizens need to develop and exercise their sense of justice and a conception of the good.

10. This implies equality of rights and liberties, but allows for inequality in educational and economic opportunities when these positions are open to all citizens with the same talents and willingness to use them. Inequality in income and wealth is permitted when it benefits the least-advantaged in a society.

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