

Democracy without the Demos: Rosanvallon's Decentering of Democratic Theory

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Abstract: This paper explores the core of Pierre Rosanvallon's revision of democratic theory. In his view, today's democratic institutions cannot make good on their 200 year-old promise of representation because their very nature has fundamentally transformed from merely representing to also governing. Moreover, due to the shift from an industrial to post-industrial society, homogeneous collective categories of representation such as class, nation or people have broken down. This process has undermined the mainstream assumption that democratic legitimacy stems mainly from "the people" as a unified collective subject that projects itself "positively" into the future with the help of universal suffrage and parliamentary legislation. Democratic theory has to adjust to these changes. It should stop insisting that the centre of democratic systems is the electoral expression of the people's will. Other, less direct forms of legitimacy have to be theorized and promoted while purely "negative" or "counter-democratic" civic practices of oversight, limitation and judging of established governments should be considered.

Keywords: the myth of the demos, democratic legitimacy, social generality, decentered democracy

"For two centuries the history of democracy was a history of polarization. It was as if the general will existed as a genuine force only when enshrined in a central government by way of an election. (...) Today (...) [a] logic of dissemination, diffraction, and multiplication has supplanted the previous logic of concentration (...) the search for generality through mere aggregation of opinions and wills has proved inadequate, and new negative, reflexive, and embedded forms have begun to develop."¹

1 Rosanvallon, P., *Democratic Legitimacy: Impartiality, Reflexivity, Proximity*. Princeton, Princeton University Press 2011, p. 219.

The core of Rosanvallon's contribution to democratic theory can be broken down to two parts: a diagnosis of contemporary democracies' malady (whose symptoms appeared in the 1970s and 1980s), and a proposal for its cure. Rosanvallon agrees with the contemporary conventional wisdom that democratic institutions are unable to properly fulfill their function of representation today. However, he departs from this wisdom in the way in which he specifies his claim and conclusions. In his view, the ideal cure for this illness has to be one that addresses the root cause; it should not strive to make institutions more representative, and should certainly stop investing exaggerated hopes of representation in them.

As for the diagnosis, Rosanvallon places the crisis of representation in the context of an in-depth analysis of modern democracies' long term transformation. This transformation consists of the shift in their center of gravity from a representative to a governing function. This is the root cause of the illness – its structural source. The current feelings of discontent and unease are not caused by minor or partial defects which can be fixed with some democratic engineering. Rather, they stem from false expectations. Hence, we should return to the question that was at the core of pre-modern and pre-democratic political philosophy: what is a good government?² Moreover, due to the shift from an industrial to post-industrial society, homogeneous collective categories of representation have broken down. Today's societies are internally diverse and heterogeneous. As a result, the task of their representation cannot be fully discharged by parliaments and has to be, to a certain extent, taken over by “parliaments of the invisibles” – various fora constituted amidst the civil society in which people share their life stories and experiences.³

The erosion of salient categories of class and nation through which the industrial society represented itself has also undermined the mainstream assumption that democratic legitimacy stems mainly from “the people” as a homogeneous collective subject that projects itself “positively” into the future with the help of universal suffrage and parliamentary legislation. Other, less direct forms of legitimacy – ensured by other institutions and practices – have to be theorized and promoted.⁴ Last but not least, the demise of the category of the homogeneous people allows us to appreciate a purely “negative” or “counter-democratic” side of democracy – institutions

2 Rosanvallon, P., *Le bon gouvernement*. Paris, Seuil 2015.

3 Rosanvallon, P., *Le Parlement des invisibles*. Paris, Seuil 2014.

4 Rosanvallon, P., *Democratic Legitimacy*, op. cit.

and practices through which citizens and non-governmental organizations oversee, limit and judge governments.⁵

This paper will elaborate on a few select aspects of Rosanvallon's revision of democratic theory. *The first section* will specify his idea of the shift from "representing" to "governing" (encapsulated in the term "presidentialization") as well as the shift from industrialism to post-industrialism. *The second section* will outline his enlargement of democratic legitimacy into three indirect forms: *proximity, impartiality and reflexivity*. *The third section* will explain his call for the replacement of a "democracy of identification" with a "democracy of appropriation".

Presidentialization and post-industrialism

Rosanvallon claims that whereas during the first hundred years or so after the French and American revolutions the practical and theoretical focus was on the relationship between the representatives and the represented, in the last hundred years or so, the focus has shifted to the relationship between the governing and the governed. Originally, the core of democracy was the legislative body – that is, the parliament. However, this has shifted now to the state's executive branch.

Two hundred years ago, the goal of democracy was to allow for an expression of the power of the people in legislative acts.⁶ While for the American revolutionaries "the people" were the "fountain of power", to the French revolutionaries it was the "sovereign". The main question was how to ensure that the people take their fate into their own hands. In the course of the last two centuries, various measures, procedures or institutions whose purpose was to increase the representativeness of the political institutions have been suggested or tried out. This includes for example primaries in the elections of the president in the United States, imperative mandates, political parties representing social classes or referenda on crucial issues. Recently, other remedies to the deficient representation have been proposed, including special quota for minorities (e.g. *parité* in France), various schemes of participative democratic institutions or even the suggestion to re-introduce ancient Greek procedures of drawing a lot. All of these measures were meant to make state institutions – and particularly the legislature – more representative.

In the meantime, however, the core of democracy's role and of its perception among large publics shifted from the representative to the governing

5 Rosanvallon, P., *Counter-Democracy. Politics in an Age of Distrust*. Cambridge, Cambridge University Press 2008.

6 Rosanvallon, P., *Le bon gouvernement*, op. cit., pp. 16–20.

function.⁷ What was increasingly at stake was not the relationship of the representatives to the represented but rather the relationship of the governing to the governed. By the same token, the focus shifted from the legislative to the executive power. This was the answer to what Carl Schmitt called “the crisis of parliamentary democracy”.⁸ In his view, the crisis could be overcome by the shift of democracies’ center of gravity from the parliaments’ legislative acts to the sovereign decisions of the heads of the executive branch. And, indeed, as Rosanvallon claims, there was a long term rise in the popularity of electing a president through a direct vote as a form of compensation for the frustration with parliaments.⁹ Even in countries in which parliamentary republics have been well entrenched, parliamentary elections have increasingly become “masked elections” of the head of the executive branch – prime ministers have taken over several responsibilities that have been traditionally expected from presidents. Simultaneously, the trend of personalization/polarization of electoral politics has set in. In Rosanvallon’s terms, a parliamentary-representative model of democracy has been replaced by a presidential-governing model: the dominance of legislative power has been replaced by the dominance of the executive power.

Since the end of the 19th century, this trend was driven by an incessant proliferation of the state’s obligations vis-à-vis society and, simultaneously, by their increasing complexity. On the one hand, parliaments became less and less able to participate in the completely professionalized functions of administering the society as a whole. On the other hand, to the extent that the parliamentary representatives could participate in such functions, they became themselves members of a professional governing class rather than representatives of the people. The same can be argued about political parties. Their crisis has been one of the symptoms of the aforementioned shift. Even if they have occupied the seats of parliamentary opposition they have behaved primarily not as the delegates of the people but rather as the alternative holders of governing powers. Consequently, their ability to fulfill the function of representation has weakened.¹⁰

If the first and long term cause of the shift in the democratic model is a quantitative increase and qualitative complication of governing tasks, the second and more recent cause is the transformation of western societies themselves.¹¹ They have shifted from an industrial to a post-industrial stage. This has amounted to the collapse of a clear class structure and the devel-

7 Ibid., pp. 20–23.

8 Schmitt, C., *The Crisis of Parliamentary Democracy*. Boston, MIT 1988.

9 Rosanvallon, P., *Le bon gouvernement*, op. cit., pp. 11–14.

10 Ibid., pp. 26–27.

11 Rosanvallon, P., *Democratic Legitimacy*, op. cit., ch. 3: The Great Transformation, pp. 60–71.

opment of highly individualized and diversified ways of life. As a result, the nature of social conflicts has changed. Because of its relatively clear societal frontlines, the industrial conflict was able to be represented in the parliamentary arena by class-based parties. The individuals were subsumed under wide socio-economic and status categories. The multicultural “politics of presence” (A. Phillips) have not changed this framework substantially, rather they have enlarged the range of categories to be represented by gender, race, ethnicity, etc.¹²

The increasing fluidity of socio-economic and status categories and a growing cultural diversification have led to an unprecedented individualization of life trajectories which in turn has rendered the concept of political representation less and less satisfactory. In Rosanvallon's view, people who want to have their social suffering or victimhood publicly recognized have to look for other spaces than parliaments. Their personal trials cannot be subsumed under sociological categories, but have to be presented in their singularity through narratives so that other people can empathize with them. In other words, their public recognition is mediated not by a macro-identity but rather by exemplary events and stories.¹³ In this sense, instances of invisible social suffering are too diverse and too many to be able to find their visibility on the parliamentary stage. Instead, Rosanvallon proposes, their subjects should share and exchange their experiences in extra-parliamentary fora of the civil society.¹⁴ From there, they should try to reach a larger public in order to gain recognition or reparation. The government's legitimacy rests, among other things, on the ability of those in power to be ready to receive their messages and take into consideration their demands. Rosanvallon calls this virtue “proximity” and conceives of it, alongside impartiality and reflexivity, as an additional source which complements the legitimacy stemming from electoral-representative procedures. This amendment of mainstream democratic theory is outlined in the next section.

From the general will to social generality

“The government of the people, by the people, for the people” – Abraham Lincoln's famous phrase from *The Gettysburg Address* (1863) encapsulates the idea of democracy as a political regime that arises from and expresses the will of the people. The most obvious and necessary condition for fulfilling this idea is universal suffrage. Thus, it is assumed that the closest approxi-

12 Phillips, A., *The Politics of Presence*. Oxford, Oxford University Press 1998.

13 Rosanvallon, P., *Democratic Legitimacy*, op. cit., pp. 188–190.

14 Rosanvallon, P., *Le parlement des invisibles*, op. cit.

mate of the general will of the people is the majority of votes which should therefore determine who will govern.

Besides the *procedural* legitimacy of the ballot box, there is the *substantive* legitimacy of the supposedly universal norms that are instituted and maintained by the knowledgeable and competent experts, civil servants and judges who are not *elected* but rather *selected* through meritocratic examinations. These two sources of legitimacy complement and correct one another. However, *substantive* legitimacy is often suspected to be rather a limitation than a constitutive part of democracy, the core of which presumably lies in the electoral-representative principle.

As has been argued in the previous section, most of the institutional amendments which have been suggested and/or tried out since the great democratic revolutions in the United States and France at the end of the 18th century have aimed at bettering the representativeness of political institutions and strengthening their ties to the people and their presumed will. In democratic theory, both the multiculturalist “politics of the presence” as conceptualized by Anne Phillips as well as Jürgen Habermas’ concept of deliberative democracy – not to mention the defense of populism by Ernesto Laclau – have conceived of a democratic deficit or crisis in terms of the government’s alienation from society.¹⁵ Accordingly, they have tried to bridge this gap so that the people could again identify with the government as an expression of their will and as their legitimate representative.

The distinctive nature of Rosanvallon’s contribution to democratic theory consists of the rejection of the key assumption that the most important source of legitimate government is the will of the people. He claims that the category of “the people” is a useful fiction similar to fictitious legal concepts recognizable as such in legal theory. Democratic theory should follow legal theory’s example and acknowledge that the *demos* endowed with a unified people’s will does not exist, without denying the usefulness of this fiction at the same time. Such recognition would lower the empirical majority’s elevated position as the primary channel of legitimacy. This high position is reflected in the assumption that a majority of votes is the closest approximation of a people’s general will. Once the concept of the people’s will is relegated to the status of a useful fiction, the rule of the ballot box cannot be fetishized any longer. Rather, “[m]ajority rule should [...] be understood, prosaically, as a mere *empirical convention*, which remains subject to the need for higher levels of justification. Its legitimacy is *imperfect* and must be

15 Phillips, A., *The Politics of Presence*, op. cit.; Habermas, J., *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy*. Cambridge, Polity Press 1997; Laclau, E., *On Populist Reason*. New York, Verso 2007.

strengthened by other modes of democratic legitimation.¹⁶ In other words, elections would be downgraded from the most important and foundational act of society's self-expression to one of the many ways in which "social generality" is expressed and government institutions are legitimized. Striving for the most direct ways of catching and institutionalizing the general will would be replaced by taking into consideration indirect expressions of social generality. This includes for example various independent regulatory and overseeing bodies whose authority is based on impartiality, or constitutional courts and similar institutions. The latter bodies would make the public arena increasingly self-reflexive by introducing new points of view other than the one supposedly emanating from the popular sovereign.

Both *impartiality* (taking equal distance from particular cases) and *reflexivity* (the proliferation of alternative points of view) look at democratic institutions, rules and conflicts from a distance – they reach social generality through "an ascent".¹⁷ Rosanvallon complements them with the above mentioned *proximity* which reaches social generality through "a descent": "It is by immersing oneself in particularities deemed to be exemplary that one gives palpable solidity to the idea of a 'people'. Generality is thus conceived as that which equally honors all particularities."¹⁸ This last kind of generality is not embodied in certain institutions but rather manifests itself in the art of governing – in the way those in power are present among the people, empathize with and care about their sufferings.

From Identification to Appropriation

Impartiality, reflexivity and proximity amount to three additional sources of legitimacy which enrich the electoral-representative axis of democracy. Only proximity, however, shifts our attention from this axis towards a different dimension in the relation between political authorities and society. Whereas the former perspective views this relation to be primarily between those who represent and those who are represented, the latter views it as the relation between those who govern and those who are governed. These dimensions of democracy cannot be reduced to one another. In this sense,

16 Rosanvallon, P., *Democratic Legitimacy*, op. cit., p. 14.

17 "The expression 'ascent into generality' describes the procedure by which analysis of facts leads to the enunciation of concepts. It is also the process by which the political field as such is constituted." Rosanvallon, P., *Democratic Legitimacy*, op. cit., p. 191. Similar to impartiality and reflexivity, proximity is neither a purely procedural, nor purely substantive approach, but rather "occupies an intermediate position" between them. *Ibid.*

18 *Ibid.*

they are incommensurable, but they co-exist as two complementary sides of democracy that are defined by opposite presuppositions. One implies an ideal of *identity* between the government and the society (expressed in the very term “self-government”), the other takes for granted their *difference*.

In Rosanvallon’s terminology, the former perspective conceives of democracy as a “regime”, the latter sees it as an “art of government”.¹⁹ Rosanvallon’s three additional sources of legitimacy may be divided according to which of those dimensions they refer to. While even indirect expressions of social generality such as impartiality and reflexivity still assume a continuity and, ideally, an *identity* between the government and the governed, proximity assumes their *difference* which is implied by the very definition of the government: in order to fulfill the governing function, those who govern have to be different from those who are governed.

If we want to criticize political institutions from an art of government standpoint rather than from a position of a regime, we have to replace the question of whether those in power *represent* their society well, with the question of whether they *govern* it well. Then, the goodness or badness of a government will not depend on the extent to which it incarnates its society (impossible task conjured up by various caesarists and populists, past and present) but rather on how well it exercises its governing tasks and functions. Rosanvallon sets the normative guidelines of such a “democracy of exercise” along three axes – legibility (accessibility to scrutiny), accountability and responsiveness (ability to listen to and interact with society).²⁰ The government that is able to live up to those demands will be able to re-establish the trust between itself and society without a pretension to embody it.

Such an approach goes against the grain of mainstream democratic theory. Its advocates assume that the more a government can be identified with the people, the better, although most of them acknowledge that a full identity (as preached by the proponents of direct democracy) is beyond reach. Some democratic theorists such as Claude Lefort and, in his steps, Ernesto Laclau propose an idea of democracy that consists of a dialectical contradiction between a government’s ideal identification with the people and its indefinite deferral or absence.²¹ According to them, the second term of contradiction is as necessary as the first: once a government acts on the assumption that it completely embodies the general will of the people, democracy reverses itself into tyranny. Hence, the democratic game consists of *both*

19 *Ibid.*, p. 11.

20 Rosanvallon, P., *Le bon gouvernement*, op. cit., pp. 215–303.

21 Lefort, C., *Democracy and Political Theory*. Cambridge, Polity Press 1988; Laclau, E., *On Populist Reason*, op. cit.

striving for such an identity, *and* its constant faltering. To a certain extent, Rosanvallon appropriates this line of thought, but takes it a step further when he distorts the balance between the two sides by giving less weight to the process of striving than to its failures. He does so by stressing the discontinuity between the government and society against the ideal of their unity. He arrives at this position precisely through the switching of perspectives from a democracy as a regime to a democracy as an art of government. Whereas in terms of the former any loosening of the ideal of continuity between the government and the people breaks one of the two legs on which democracy supposedly stands, the latter takes for granted the discontinuity between them.

Democracy as a regime reaches its prominence during the elections where people identify with their would-be representatives by voting for them. In the periods between elections, however, trust and hopes are often replaced by disillusionment and distrust. According to mainstream democratic theorists, these periods of alienation testify to the deficit or crisis of democracy. Having diagnosed the illness, they suggest various remedies. Some promote procedures to strengthen the representativeness of political institutions or they add participatory and deliberative procedures to standard electoral processes. Others propose to revive democracy through populism. All these approaches search for ways to overcome the government's alienation from the people which is characteristic of the periods between elections. They all want to facilitate the people's re-identification with the government.

Rosanvallon diagnoses the periods of distrust and disillusionment in-between elections differently. In his view, such sentiments do not stem only from the mistakes and failures of politicians but also – and more fundamentally – from the structural impossibility of fulfilling the promise of an identity between the people and the government. Instead of fueling new attempts at reaching this impossible goal, we should realistically acknowledge its illusory nature. Rather than strive to close the gap between society and the government or maintain the dialectics between this striving and its constant failing (as Lefort and Laclau, each in his own way, suggest), we should build as many bridges over the gap as possible. Democracy does not consist of the society's *identification* with the government but rather of an *appropriation* of the distance between them.

Finally, and in contrast to the “minimalist realism” of Joseph Schumpeter or Karl R. Popper – who are, according to Rosanvallon, ready to forgo democracy for purely liberal proceduralism and elitism – Rosanvallon proposes “positive realism”. This form of realism divorces democratic expectations from their exclusive fixation on the electoral-representative axis and marries them with other sources of legitimacy such as impartiality, reflexivity and

proximity.²² Another amendment includes complementing democratic practices such as electoral trust and identification with “counter-democratic” practices of post-electoral distrust and alienation including for example an *oversight* of the government by non-governmental organizations, civil resistance to and *vetoing* of government decisions and permanent scrutinizing and *judging* of government actions by independent civic bodies.²³ In these practices and institutions “the people” are not a positive source of governmental power but rather its external overseer, veto-holder and judge.

To sum up, according to Rosanvallon, both the additional sources of legitimacy, and the negative powers of citizens who place limits on what and how the government can do, are not to be conceived of as an *ad hoc* reaction to an exceptional emergency situation of withering democracy in the 1970s and 1980s. Rather, they should be understood as part and parcel of the fully-fledged concept of a “decentered” democracy after the demise of its centre in the myth of “the people” and their general will.²⁴ No matter how convincing Rosanvallon’s argument seems to be in theory, the question is whether contemporary democracies are ready to bury their foundational myth in practice. The upsurge of various kinds of populism in recent times seems to show rather the opposite. Only the time will tell whether this populist wave is merely a last gasp or a beginning of a new life of the *demos*.

22 Rosanvallon, P., *Le bon gouvernement*, op. cit., p. 221.

23 Rosanvallon, P., *Counter-Democracy. Politics in an Age of Distrust*, op. cit.

24 For Rosanvallon’s sketch of the processes of “a vast ‘decentering’ of democratic systems”, an abbreviation of which serves as a motto to this article, see *Democratic Legitimacy*, op. cit., p. 219.