SYMPOSIUM

LE BON GOUVERNEMENT

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A PRÉCIS

BY

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© 2017 – *Philosophy and Public Issues (New Series)*, Vol. 7, No. 3 (2017): 3-26
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

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A Précis

Pierre Rosanvallon

From One Democracy to Another

Our regimes are democratic, but they are not governed democratically. This apparent paradox is at the root of the disenchantment and dismay that is so widely felt today. Our regimes may be said to be democratic in the sense that power comes from the ballot box at the end of an open competition, and that we live in a legally constituted state that recognizes and protects individual liberties. To be sure, democracy has by no means been fully achieved. People often feel abandoned by their elected representatives; once the campaign is over, they discover that they are scarcely more sovereign than they were before. But this reality must not be allowed to mask another phenomenon: bad government. Though it is still poorly understood, no one doubts its power to erode the foundations of our societies.

Political life is organized around institutions that together define a type of regime. But it is also bound up with governmental action, which is to say with the day-to-day management of affairs of state, the authority to decide and command. It is where power--which in constitutional terms means executive power--is exercised. Politics are what citizens deal with directly, every day of their lives. By the same token, the center of gravity of democratic societies has imperceptibly

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shifted. Whereas it had long been located in the relationship between representatives and those who are represented, now it is the relationship between governors and those who are governed that matters. This shift does not signify a complete break with the past, however. The question of representation continues to occupy a prominent place in public discussion; indeed, one is forever being told that there is a "crisis of representation." I will come back to this point. For the moment it is important to emphasize that the feeling there is something wrong with democracy, that it is not working as it should, now clearly derives from some deeper discontent. The chief failing of democracy in the minds of citizens is that their voice is not heard. They see their leaders making decisions without consultation, failing to take responsibility for their actions, lying with impunity, living in a bubble--in short, a government shut off from the world, a government whose workings are opaque.

Politics never used to be thought of in this way. Democracy has traditionally been understood as a kind of regime, very seldom as a specific mode of government. The fact that, historically, the words "regime" and "government" were used more or less synonymously is proof of this.[1] Considering the earliest modern form of democratic regime, the *parliamentary-representative* model, in which the legislature dominated the other branches, the question may well appear to be of only minor interest. But it is now the executive that has the upper hand, inaugurating a *presidential-governing* model of democracy. Whereas dissatisfaction once sprang from a sense of being poorly represented, lately it has come out of a feeling of being poorly governed. In what follows I examine the history of this shift, and the reasons for the mistrust of executive power that preceded it. I then go on to lay the foundations of a democratic theory of government.

I
The Presidentialization of Democracies

Let us start out, then, from the fact that for some thirty years now the growth of presidentialism has marked a major change in the nature and form of democracy. The change is immediately detected, since presidentialism is defined in the simplest and most natural fashion as the election by popular vote of the head of the executive branch. Events everywhere today constantly remind us of the central place it occupies in the political life of people in all parts of the world. At the same time the implications of this change have yet to be fully appreciated. One reason for this is that in the new democracies, and they are many--in Asia, in Africa, in Latin America, in the countries that emerged from the break-up of the former Soviet Union, in the Arab world--the move toward presidentialism was made without much thought being given to it, as though it were a logical consequence of the overthrow of a despotic regime and the recognition of popular sovereignty, a transition whose legitimacy had no need of being justified (even where highly illiberal impulses took hold, as in Russia or Turkey, no one dreamed of challenging it). In all these new democracies, presidential election is identified with the very fact of universal suffrage.

Nor has the change attracted much comment in the United States, home to the oldest modern democracy, though here for different reasons. Because the American presidency existed from the beginning, as part of the Constitution of 1787, and because as a procedural matter it involves two stages (direct election and ratification by an electoral college), the election of the head of the executive has now for more than a century, ever since the establishment of a system of primary voting in the various states, been equivalent with popular election. It is also true that the principle of separation of powers, to which the American system

owes much of its special character, acts as a check on executive power. For both these reasons, among others, Americans have the sense less of a transformation having taken place[2] than of a gradual evolution in which particular events, such as the crisis of the 1930s or the attacks of September 11, 2001, have played a decisive role in enlarging the sphere of presidential authority. Indeed, the perceived imperatives of the struggle against terrorism have won general acceptance for emergency measures that bring the country closer to a "state of exception" in which almost unlimited executive power in certain areas is felt to be warranted on grounds of national security.

In Europe, universal suffrage was achieved everywhere more than a century ago. At that time it was associated with the election of representative assemblies; except under the Second Republic in France, in 1848, and the Weimar Republic in Germany, in 1919, it was never used in its early stages for the purpose of electing the head of the executive branch. The distinctive thing about the great majority of European countries, from the constitutional point of view, is that they remained stuck in this first age of democratic life. Again, there are several reasons for this. First, because the rise of democracy was accompanied in many countries by the persistance of constitutional monarchies. This is the case still today in the United Kingdom, Belgium, the Netherlands, Luxembourg, Denmark, Sweden, and Norway, creating the impression of something rather like a museum of the institutions of liberal democracy as they existed in the nineteenth century. Under these monarchies the question of electing a chief executive, the prime minister, by universal suffrage never arises. Indeed, it could not arise, for that would be to undermine in its very principle the accepted preeminence of the crown. It was always in his or her capacity as leader of the party, or of the coalition, that had prevailed in the elections, and therefore won a parliamentary majority, that the prime minister was appointed to

this office. Next there is the case of the countries that survived Nazism and Fascism, Germany and Italy. They are both provided with a president of the Republic, but this person is elected by the parliament and has only a representative function; here the prime minister is named by the president, again in acknowledgement of the majority formed by the election of parliamentary representatives. Germany had experimented after 1919 with the popular election of the president of the Reich, which ended with Hitler's rise to power, and in Italy Mussolini had established a dictatorship in 1925. The memory of this tragic period between the wars led both nations after 1945 to adopt their current institutions. The countries of southern Europe that belatedly emerged from dictatorship in the 1970s, Spain, Greece, and Portugal, took what might be called a cautious view of the return to democracy. In Spain this was done through the reestablishment of a monarchy, in Greece through the adoption of a traditional parliamentary regime in which the president is elected by the parliament without acting as head of the executive. Portugal was the exception, instituting the election of a president by universal suffrage. And yet this arrangement concealed a novel conception of the presidency, shaped by the importance attached to the old liberal idea of a moderating power. If political theory inspired the Portuguese view (in no other twentieth-century country could one have so thoroughly annotated the writings of Benjamin Constant as a resource for the present), it was nonetheless political practice that gave the chief executive a peculiar position from 1976 onward: relatively unassertive in ordinary times while intervening more actively in case of crisis, his relationship with the government depended on having to bring to bear both his moral and his electoral legitimacy as a function of circumstances. The countries of eastern Europe, for their part, unlike the new ones issuing from the dismemberment of the Soviet Union proper, subsequently made much the same

kind of choice by equipping themselves for the most part with prime-ministerial regimes[3] after the break-up of the Communist bloc in 1989.

With the exception of France--evidently a major exception,[4] since it may be considered to have set in motion the modern history of presidentialism with the adoption by referendum, in 1962, of the election of the president by direct universal suffrage--European countries seem in their various ways to have stood apart from the movement toward presidentialism that has swept the rest of the world. The French example supplied a universalizable model for a form of constitutional government that, in its American version, devised in a more distant past, had not been able to be reproduced in the twentieth century.[5] Embraced by a majority of voters, while long remaining suspect in the eyes of the political class, the presidentialization of democracy in France had its formal basis in a constitution that was felt by some to be potentially dangerous for reviving memories of Caesarism. Those who criticized the Gaullist regime on this ground, though they failed to grasp why it was welcomed by a great many people as a step forward, nonetheless grudgingly admitted the lack of any viable alternative. The phrase "unavoidable but troubling" was often heard, suggesting that presidentialism was regarded as a sort of national disease for which a cure would have to be found, and not as a promising attempt to construct a new form of democratic government.

II
The Predominance of the Executive

Putting aside these differences in historical development, presidentialism can be seen to be the consequence of a more profound phenomenon: the growing influence of the executive

branch. Today, when one speaks of *government,* what is really meant is executive power. Directly and continually active, inseparable from the decisions it makes every single day, constantly expressing and asserting its will, it is this power that citizens expect to positively manage the conditions under which they live and work. They therefore require both that the executive give proof of an effectual will, that is, of being able actually to accomplish what it sets out to do, and that it be held accountable for its actions.[6] This is the source of the tendency of executive power to polarization and personalization. While presidentialism in the formal or procedural sense--the practice of electing the head of the executive by popular vote--has not everywhere been adopted, the twin effects of polarization and personalization associated with the modern preeminence of the executive are themselves universal.[7] It is therefore very much a global transformation of democratic life that has taken place, whatever differences there may be in constitutional expression.

A satisfactory account of this transformation will have to consider what may be called *governing organs,* as distinct from the presidency itself, even if it is this institution that unites the various agencies of government and guides their operation in the great majority of countries today. These organs are an indispensable part of the new presidential-governing form of democracy. The term "executive power," though it is almost invariably used still today, does not really convey a sense of the initiative and the influence such agencies now enjoy, in large part because of the passively mechanical connotation that has clung to it for so long. The legislative branch itself, as we shall see shortly, has become effectively subordinate to the business of governing. It is therefore necessary to regard all these organs as forming an integrated whole. We are today so accustomed to taking for granted the supremacy of governing in relation to representation that the dramatic shift of power from the legislature to the

executive that has taken place over the last two centuries seems scarcely to be of any interest. Looking at the matter with the eye of a historian, however, one cannot help but see that it amounts to a complete reversal of perspective by comparison with the founding vision of modern democracy, particularly in the form given it by the American and the French Revolutions. If we fail to work out what this shift in perspective implies, we will be unable to understand the real reasons for the current mood of disenchantment--and therefore incapable of deciding what must be done if democracy is once more to flourish.

III
The Parliamentary-Representative Model

The parliamentary-representative model of democracy, as it was originally conceived by the authors of the American and French constitutions, rests on two principles: the rule of law and the idea of the people as its own legislator.[8] Law was understood as the vehicle of impersonal rule, an essentially non-dominating kind of authority. Because impersonality was considered to be the highest political virtue, indissociably liberal and democratic, a government could be good only so long as it embodied this quality. The break with absolutism, which is to say the structurally arbitrary power of a single person, was motivated by exactly this assumption. One need not look any further to see how far the modern presidential-governing model, founded on personalization, differs from the eighteenth-century conception.

With the advent of the people as legislator, in accordance with the second principle, they were henceforth recognized as the generative source of all powers of government. In America the people were called the "fountain of power," in France "sovereign." Law could then be seen as "the expression of the

general will," in the famous phrase of Article 6 of the Declaration of the Rights of Man and the Citizen of 1789, which stipulated furthermore that "[a]ll citizens have the right to take part, in person or through their representatives, in its formation." The central power was therefore understood to reside in the legislature, whereas the executive was considered secondary, not only in view of this theoretical primacy but also because the practical opportunities for public action were limited by comparison with our own time. How the legislative branch should be organized therefore became the major question in debates about democratic institutions during the eighteenth and nineteenth centuries. At the heart of this question was the nature of representation itself.

Public attention was concentrated on three main issues. First, the *democratization of election,* which was recommended as a way of reducing partisan influence on popular opinion. In France, both in 1848 and under the Second Empire, workers' groups vigorously opposed the domination of electoral committees by lawyers and journalists. A generation later, at the turn of the twentieth century in America, the same impulse led to an ultimately victorious campaign by progressives to create a system of primaries aimed at curbing the power of party bosses over political life. Battles were also fought, though much less often crowned with success, to limit the concurrent holding of public offices and the duration of terms of office. There was much talk in the nineteenth century, too, of instituting a system of imperative mandates.[9] Although incompatible with the classical doctrine of parliamentarism, which was based on the principle of the independence of the representative in relation to his constituents,[10] the idea gained indirect support with the drafting of programs and platforms that, even if they lacked the force of law, nonetheless implied a recognition that elected officials were in some sense constrained by the will of voters.

The second issue involved a search for ways of *improving the representative character* of elected bodies, chiefly with regard to the representation of various social groups. This was to be the driving force behind the formation of class-based parties; indeed, the call for "special representation of the proletarians" had first been heard in Europe as early as the 1830s. In the decades immediately following, a campaign on behalf of proportional representation mobilized support for strengthening the "expressive function" of Parliament, as it was called in Great Britain, where the movement had first been given a theoretical foundation and where it was to become the object of intense political rivalry.

There was a great debate, finally, about the introduction of referendum procedures in both Europe and the United States in the last decades of the nineteenth century, especially in connection with the idea of *direct legislation by the people,* championed by American progressives, German and French socialists, and the heirs of Bonapartism. Even some conservative figures, notably in Great Britain, expressed their approval, reasoning that under certain circumstances granting the people a veto power might usefully serve as a safety valve.

The inspiration for these various proposals for strengthening parliamentary-representative democracy may be traced back to the time of the French Revolution, when bitter complaints about "representative aristocracy" first began to be heard in the autumn of 1789. Two centuries later, it is striking to observe that fits of impatience and disappointed expectations of democratic progress very often continue to crystallize around the same three issues. Some things have changed, of course. Demands for greater minority representation and for gender equality, for example, have supplanted the cause of class representation. In other respects, however, the degree of continuity is remarkable. The

only real innvovation has been the idea of a *lottery*. Nonetheless, because at bottom it amounts to substituting for voting a procedure thought likelier to improve the representative quality of political institutions, a lottery does not depart in any fundamental way from the parliamentary-representative paradigm.[11] Similarly, the notion of *participatory democracy* is inspired in large part by a desire to remedy the defects of representative democracy, by going beyond the status quo. In all these cases, it is the nature and the quality of the relationship of representatives to constituents, as well as the possibility of direct citizen involvement, that are seen as cornerstones of the democratic ideal.

IV
The Relationship between Governed and Governing

In an age when the power of the executive branch is predominant, the success of a democracy depends on society's ability to exert some measure of control the executive. The crucial issue, in other words, is the relationship between those who govern and those who are governed. The aim cannnot be an unattainable ideal of complete self-government (as against some more feasible arrangement, such as the people as legislator), inasmuch as the very notion of government presupposes a functional distinction between governed and governing.[12] The aim must be to preserve the strictly functional character of this relationship, by setting forth the conditions of legitimate governmental action, that is, the conditions under which government will be government of, for, and by the people, and not an instrument of domination, an expression of oligarchic power cut off from society. The problem is that the only way of doing this that so far has been devised is direct popular election of the head of the executive. But this amounts merely to

establishing a *democracy of authorization,* a democracy that grants permission to govern--nothing more, nothing less. One has only to look around and see how many of world's elected presidents behave undemocratically to realize that this cannot be regarded as a satisfactory solution.

While election may be considered an adequate means, under certain circumstances, of determining the relationship between representatives and constituents,[13] the same cannot be said of the relationship between governors and governed. The point is essential. Historically, the designation of a representative has consisted in principle in expressing an identity and in transmitting a mandate--precisely the two things that one wants an election to accomplish. Election, it was held, establishes a representative's intrinsic status *and* his functional role, together with the sense of permanence that the notion of holding a public office implies. The election of a governor, by contrast, serves only to legitimize his institutional position, without conferring any distinctive status or quality on him. The democratic value of electing a governor is in this sense inferior to that of electing a representative.[14]

Hence the urgent necessity of extending a democracy of authorization by means of a *democracy of civic duty* (*démocratie d'exercise*), that is, a responsibility exercised by citizens themselves for the purpose of reaching agreement about the qualities that are to be insisted upon in those who govern and about the rules that ought to order their relations with the governed. It is the very absence of such a democracy that permits the election of the head of the executive to open the way for an illiberal, and indeed in certain cases a dictatorial, regime. In the nineteenth century, the French tradition of Caesarism inaugurated by Napoléon Bonaparte furnished the outstanding example. The murderous and destructive pathologies of democracy that gave rise to totalitarian regimes in the twentieth century were, at bottom,

pathologies of representation. Here what one saw were governments claiming to be able to break through the impasses inherent in the representative system, and to overcome its inevitable incompleteness, by perfectly embodying society. Their absolutism was justified on just this ground, as a consequence of the need to make the governed identical with the governor. While it is quite true that pathologies of representation are with us still, the new pathologies of the twenty-first century are of a different kind. Now they arise from the identification of democratic governance with the simple procedure of authorization. If presidentialism is diseased today, it is owing to a sort of atrophy.[15]

My chief purpose in this book is to describe the mechanisms of vigilance and oversight on which a democracy of civic duty relies. These mechanisms are what in an uncertain and very general way community activists and people in many areas of civil society are trying to create today, whether they call for greater *transparency,* or for the construction of a *networked democracy,* or for the practice of *open government,* to mention just a few of the most common catchphrases. My aim is to organize these aspirations and ideas by identifying the qualities that those who seek to govern must display and the principles that sustain a healthy relationship between governors and governed in a democracy. Taken together, these things form the basis of *good government.*

Among the principles that ought to regulate the behavior of those who govern toward those who are governed, three are paramount: *legibility, responsibility, responsiveness.* They mark out the contours of what elsewhere I have called a *democracy of appropriation,*[16] in which citizens are able more directly to exercise democratic functions and duties that have long been monopolized by parliamentary power. Implementing these principles will also make it clear that power is not a thing, but a relation, and that it is therefore the characteristics of this relation

that separate a situation of pathological domination from one in which a properly functional distinction between governors and governed makes the civic appropriation of power possible.

With regard to the personal qualities that a good governor must have, I am not interested in drawing up a list of traits from which a composite portrait of an ideal ruler could be assembled, a sort of IdentiKit superposition of all talents and all virtues, but to consider in a practical way which ones are necessary for creating the bond of mutual confidence between governors and governed that a *democracy of trust* requires. Trust is one of a number of "invisible institutions" whose vitality has assumed a decisive importance in the present age of personalized democracy. I shall examine two such institutions: *integrity* and *plain speaking*.

Democratic progress in an era of presidential government depends on constructing both a democracy of trust and a democracy of appropriation. The principles of good government they embody must be applied not only to the various agencies of the executive branch, but also to all persons and institutions having a regulatory function, including non-elected officers of independent authorities, magistrates appointed to the courts and other bodies of the judiciary, and indeed everyone holding an office of public administration. These are persons and institutions that in one manner or another exercise a command over others and, in this capacity, serve to direct the organs of government.

V
Decline and Redefinition of Parties

Political parties have historically played a major role in the functioning of parliamentary-representative democracy. With the advent of universal suffrage (male, to begin with), they helped to shape the expression of public opinion once it had been

channeled in a preferred direction. They were an instrument for organizing and rallying the "many," as the masses used to be called in the nineteenth century, particularly by regulating electoral competition through the selection of candidates. Alongside this function, they structured parliamentary life through the formation of disciplined groups whose interaction, either directly or in the form of alliances, allowed majorities to emerge. In both these respects they marked a break with the old interlocking circles of notables that dominated political and parliamentary life in an earlier age of property-based suffrage and two-round voting.

At the same time, and in a progressive sense, parties were mass organizations. Beyond their electoral and parliamentary functions, they promoted social representation by giving voice to classes and ideologies, which is to say to particular interests and competing visions of a better society. And yet, though they were an integral part of the parliamentary-representative system of the period, their bureaucratic and hierarchical character very quickly provoked sharp criticism. In France, beginning in 1848 with the first elections based on universal direct suffrage, the electoral committees that drew up lists of candidates came under withering attack from one of the leading political theorists of the day. "The first time that you exercise your public right," Lamennais warned prospective working-class voters, "you are ordered to assemble, a list is put in your hand that you have never discussed or even read, and you are instructed in no uncertain terms: drop that in the ballot box. You are made into a voting machine."[17] The same case was made still more vigorously, and in harsher terms as well, by many authors at the turn of the twentieth century, most notably in two seminal works of political sociology: Moïseï Ostrogorski's *La démocratie et les partis politiques* (1902), devoted to the United States and Great Britain, and Robert Michels's *Zür Soziologie des Parteiwesens in der modernen Demokratie* (1911), treating

the Social Democratic Party in Germany. Both authors described the ways in which aristocratic tendencies were automatically recreated within parties. Ostrogorski stressed the conversion of parties into "machines" that in the hands of professionals could be made to operate in an almost autonomous fashion, while Michaels analyzed the success of party leaders in establishing themselves as a new type of oligarchy. It is scarcely surprising, then, that parties should have aroused highly ambivalent feelings. But in spite of institutional inertia, and notwithstanding a determination to impose their will on party members--variable in its extent, to be sure, depending on levels of education and training, but nowhere more extreme than in the case of the discipline enforced by Communist parties--it cannot be denied that parties gave a voice, a face, and access to a public forum to people who had previously been kept out of political life.

The traditional representative function of parties began to erode in the 1990s, before finally disappearing altogether. There were two reasons for this. The first, and the most obvious, has to do with the fact that society itself had become more opaque, to the point of illegibility in some respects, and therefore less easily represented than the old class society with its well-defined gradations and boundaries. We have entered into a new age that I call the individualism of singularity,[18] marked not only by a growing complexity and heterogeneity of social relations, but also by the fact that the course of people's lives is now determined as much by their personal history as by their social standing. Representing society in this sense means having to take into account new social conditions, in an age when capitalism itself, now shaped by the economics of permanent innovation, has gone beyond the highly organized industrial society described by Galbraith fifty years ago, and at the same time, having to take into account all the situations, all the trials, fears, and expectations that influence individual destinies. The social invisibility from which

so many people suffer in democracies today is the result of failing to do either of these things. The old parties had a representative capacity that might be called identitarian, owing to the very fact of their mass character. They no longer have this. Because the nature of society has changed, accurately mapping a new and far more complicated social landscape--honestly representing it, in other words--means that politics must henceforth have a "narrative" dimension that parties are not presently capable of imagining. Worse still, because parties have distanced themselves from the world of everyday experience, their highflown language, filled to overflowing with abstractions that have no point of contact with people's daily lives, echoes into a void.

The sociological roots of this new age of malrepresentation, as it may well be called, are now better understood than they once were.[19] But another factor, less noticed and more important for the purposes of the present work, has also powerfully contributed to the decline of parties, namely, their retreat from the responsibilities of good government. They no longer see themselves as intermediaries between society and political institutions. Two reasons stand out. The first is that parliaments themselves have ceased to be lawmaking bodies in any true sense. Once the motive force of legislation, now they are content to cede the prerogative for proposing and drafting new laws to the executive. But the main reason is that the principal function of parliamentary majorities today is to support the government, or, in the case of opposition parties, to criticize the government while waiting to take its place. As a consequence, parties have become auxiliary forces in the wars of executive action, whether they lead the charge in support of the government's policies or prepare the way for its defeat in the next elections by demonstrating their harmful character.[20] In either case they are more concerned with the interests of governments than the interests of citizens. Parliamentary deputies, no matter that they

are always elected in their constituencies, represent these districts only as an afterthought, since their primary duty is to carry out the political tasks assigned to them by their party.[21] They constitute the dominated, or at least the relatively passive, part of the governing oligarchy. It is this shift in orientation toward the executive that explains why elected officials are increasingly cut off from society, having become professionalized to the point that they are now purely political creatures.[22] Their "reality" is the world of insiders, a product of the collision of policy agendas, party congresses, and bureaucratic in-fighting that determines the balance of power from which governments emerge.

In the meantime party activity has been reduced mainly to managing the election calendar, whose most important date, superseding all others in the nation's political life, is the presidential election. The number of regular party members[23] is now in sharp decline almost everywhere, on account of this withdrawal into an auxiliary governing function, with the result that parties make an effort to attract them again only with a narrow view to controlling primary outcomes (where a primary system exists). Here their ability to get out the vote remains a decisive asset. In this and all other respects, one cannot help but conclude that parties' democratic function is confined solely to assisting the smooth operation of an authorizing democracy of the sort I described earlier.

The representative dimension of democracy having effectively been abandoned by the parties, life must now be given to it through other channels. New forms of narrative representation, new ways of representing social problems, as it were, must be developed in cooperation with civic associations in all walks of social and cultural life in order to combat the debilitating sense of malrepresentation that gnaws away at democracies and weakens their will to resist the sirens of populism. In my last book,[24] which

served as a manifesto for the "Raconter la vie" project launched in 2014,[25] I proposed instruments of analysis and action for bringing about just such a "post-party" revitalization of representation.

VI
Toward New Democratic Organizations

Now that parties have become subsidiary structures of executive organs, they are no longer in a position to play an effective role in giving the governing-governed relation a properly democratic form. This is plain when they participate in a coalition government. But it is no less true when they find themselves in opposition, for in criticizing the government their interest is much more in regaining power than in improving the situation of the citizens for whom they are deputized to speak, however often they may call for the increased use of referendums.[26] Their attention is focused instead, and especially, on the relationship of the government to the parliament, while taking the side of the latter.[27]

It is in this context that political entities quite different from the old party organizations have emerged. There are new-style parties that compete in elections while trying hard not to compromise their participatory character, such as Podemos in Spain, the most successful example of its kind (no doubt in part because it is headed by a highly charismatic leader); protest movements of a new style as well, such as the Indignant movement, which appeared in various countries in the early 2010s, or Occupy Wall Street, which described itself in 2011 as a "leaderless resistance movement" claiming to speak for the 99% of a population that is no longer willing to tolerate the greed and the corruption of the 1%; also spectacular mass demonstrations

in capitals across the world that have rocked the foundations of hated regimes. In combination they have had the effect of revitalizing the notion of representation, and with it the notion of a democratic forum. Alongside these spontaneous outbursts of activism, which have been widely covered in the media and commented upon at great length by political analysts, more deliberate and possibly more enduring citizen initiatives have taken shape, known in Anglo-American countries as good government organizations. The aim of these initiatives is not to take power, but to monitor and restrain it. Less well known than the others, they now work on five continents to hold governments accountable, to force them to tell the truth, to listen to citizens, to behave in a responsible fashion, to lift the veil of secrecy behind which they often dissemble. Doing these things, I maintain, will give still greater scope for citizen involvement. The present work is meant to clarify the role of organizations of this type, and to examine the initiatives they have so far sponsored and the expectations their work has aroused. It is meant also, and not less importantly, to situate these organizations in an enlarged theory of democracy that can account for governmental practices. By showing how a presidential-governing regime can be made more truly democratic, it will become possible to cast off the spell of ideas that would have exactly the opposite effect.

VII
A Different Democratic Universalism

A democracy of civic duty is not something that only countries in the West can imagine being theirs one day. The same prospect inspires citizens to take action even in countries where they are still prevented from going to the polls. This is what is happening today in China, to take only the most prominent example. Ordinary people have rallied there against corruption,

governmental indifference, the lack of transparency in policy making, the irresponsibility of political leaders. What they are demanding, in a word, is accountability.[28] In countries under authoritarian rule, people are insisting that governments display at least certain minimal democratic qualities. Here one finds further evidence that the establishment of a system exhibiting the rudimentary features of a democracy of civic duty may precede the establishment of an electoral democracy. Historically, this is what occurred in the oldest democracies, particularly in Europe. But it need not happen again today. Many new democracies, alas, have gone no further than a mere democracy of authorization,[29] and some have installed illiberal, populist regimes (in the case of Belarus and Kazakhstan, ones with frankly totalitarian overtones). A democracy of authorization is a fragile thing: under presidential rule, its institutions are open to manipulation and may even be perverted by the corrosive dynamics of personalization and polarization. A democracy of civic duty, by contrast, owing to its decentralized and multiform character, is much less likely to be corrupted. This is why it represents the positive face of democratic universalism today.

VIII
The Four Democracies

This book concludes a cycle of works that began to appear almost ten years ago on the transformations of contemporary democracy, considered in its four dimensions: civic activity, political regime, form of society, and form of government. Citizenship was constructed in stages, beginning with the achievement of universal suffrage, of which I made a preliminary study more than two decades ago.[30] In this first stage, suffrage at once defined a political right, which is to say a power, that of being an active citizen, and a social status, which allows each

person to be recognized as an autonomous individual participating on a basis of equality with fellow citizens. Suffrage then came to be expanded and supplemented, citizens no longer being content with voting as a way of affirming their sovereignty. Alongside the original electoral-representative sphere there gradually developed a whole set of practices of oversight, preventive action, and judgement through which society exercised powers of correction and coercion. In addition to the primary responsibility of the people as voter, these practices gave a voice and a face to a broader conception of the people as monitor, as gainsayer, and as judge. But with this crucial difference: whereas voting is a mechanism for instilling confidence, oversight and its companion forms of supervision entail a duty of distrust. I examined the history and the theory of this new way of thinking about citizenship, which played a major role in political developments in France and elsewhere during the 1980s, in the first book of the quartet, *La Contre-démocratie* (2006).[31]

Democracy as regime is defined by institutions and procedures designed to shape the general will. The institutions are of two types. On the one hand, there are institutions of representation. Again, I had first examined their history and the antinomies that structure them in an earlier book, published in 1998.[32] On the other hand, there are institutions of sovereignty, whose problematic development I retraced in my next book, published two years later.[33] Then, in the second volume of the present tetrology, *La légitimité démocratique* (2008),[34] I showed how a new understanding of the general will has sought to go beyond the limitations of strictly majoritarian expression. On this view, a government can be considered to be fully democratic only if it is submitted to procedures of formal review and control that are at once in conflict with and complementary to the will of the majority. It is expected to satisfy a three-fold requirement of neutrality with regard to partisan positions and special interests

(legitimacy of impartiality), tolerance in the face of rival conceptions of the common good (legitimacy of reflexivity), and recognition of particularities (legitimacy of proximity). This why independent public authorities and constitutional councils now occupy an increasingly large place in democracies. I have recently analyzed the contemporary crisis of representation, and considered what must be done to overcome it, in an essay on what I call the parliament of invisible people.[35]

Democracy as a form of society constitutes its third dimension. Here again I had begun to study this topic more than twenty years ago, with the aim of showing that the modern revolution in politics was first and foremost a revolution of equality, where equality was now understood as a relation, a way of constituting a society of fellows; from the first it was seen as a democratic quality, a figure of communality, and not only as a mode of wealth distribution.[36] But it was not until I came to write the third volume of the quartet, *La société des égaux* (2011),[37] that I was able to consider this question more fully, and to demonstrate that the breakdown of this idea of equality was an essential cause of the explosion in inequality that today threatens to undermine democracy as a form of society, and in so doing to bring about a more general abandonment of democratic ideals.

With this fourth volume I turn finally to *democracy as a form of government,* reviewing the stages by which it acquired its current preeminence with the advent of the presidentialist system. No one should suppose that, having now completed the task I had set for myself, I have exhausted all the questions that led me to undertake so vast a project in the first place. Far from it. There are many more books yet to be written if we are to understand the history of democracy and how it has changed. But I may at least hope to have provided other scholars with a set of tools they will find useful in carrying on with the work that remains to be

done. History is now breathing down our necks. Perhaps never before has it been a more urgent necessity that we try to make sense of it. Rushing headlong into the future, the present is in danger of losing its balance. Beneath lies the abyss.

SYMPOSIUM

LE BON GOUVERNEMENT

GOOD GOVERNMENT, LIBERALISM AND DEMOCRACY

BY

PAOLO BELLINI

 Philosophy and Public Issues (New Series), Vol. 7, No. 3 (2017): 27-43
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

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Good government, Liberalism and Democracy

Paolo Bellini

Pierre Rosanvallon's new book, *Le bon gouvernement (The Good Government)*[1], published in France in 2015, puts forward a large number of interesting questions on the meaning of democracy, its actual effectiveness as a form of government, its origins and its future outcomes.

Within the globalised mesh in which all the political systems of the post-modern technological age operate, Western democracies seem to be, as Rosanvallon himself claims, caught between the rock of an executive power which tends to take on more and more areas of competence and prerogatives, and the hard place of needing an effective and democratic way of sharing the decisions taken, which often appear to be determined by political dynamics falling outside popular control. This kind of situation, which is in part contradictory, as Rosanvallon himself clarifies, is conditioned by the necessity to respond effectively and rapidly to the demands of an interconnected and fast-evolving world, which are often in contrast with the natural slowness of the democratic procedures and the ever broadening gap between the ruling class and the sovereign people. It is not infrequent that the latter, in turn, interpret the executive's decisions as extraneous to their interests, when not in sharp contrast with them, feeding the perception that government *élites* pursue murky schemes whose

[1] Pierre Rosanvallon, *Le bon gouvernement* (Paris: Éditions du Seuil, 2015).

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objective is not to promote the material wellbeing and the cultural development of the people they represent, but rather to satisfy the thirst for gold and power of a limited class of individuals who manage the world on a global scale.

This is reinforced by increasingly generalised instances of corruption and maladministration which are deeply calling into question the liberal-democratic order and political culture, so painfully restored within the Western civilisation after the defeat of the totalitarian, fascist and authoritarian regimes which raged in Europe until the end of the Second World War and beyond (cf. Spain, Portugal and Greece).

In this perspective, *Le bon gouvernement* intends not only to reconstruct the history of democratic theories and their applications, but also to promote new forms of future democracy capable of effectively responding to the challenges put forward by the new world order.

From both an analytical – i.e. concerning the history and interpretation of democracy – and a synthetic – regarding the elaboration of new models of government and representation – point of view, the perspective adopted by the author inevitably stimulates critical reflections and objections which can be summed up in the following thematic nuclei, which will be taken into consideration in this short essay:

1. The need for a distinction, within democratic theory, between form of government and the principle of legitimation of power.

2. An analysis and theoretical-practical reformulation of the democratic forms of government on the basis of the complex articulation which connects knowledge and power.

3. A relationship between direct democracy and the preservation of liberal principles.

I
Form of Government and the Principle of Legitimation of Power

Since the XIX century, modern political culture has known a formidable semantic extension of the term *democracy*, which ceased to characterise, as in the past, a particular form of government (no longer practised after the experience of the Greek *poleis* and considered dubious in its practical effectiveness), and became a synonym for any legitimate political order. It currently embodies a normative and prescriptive ideal so that only being qualified as democratic identifies a *good, just and lawful* regime, as well as a political vision of reality where fundamental human rights are respected[2].

The post-modern political and cultural horizon is therefore marked by a widely shared imaginary, where democracy becomes the very emblem of Western civilization and its lifestyle, and its dramatization on a narrative and mass-media level becomes synonymous with what is good and fair, not only from a political point of view, but also on an ethical and moral sense. As a matter of fact, all its enemies also become, by extension, the enemies of the West, taking on monstrous, morally reprehensible and ethically controversial features, so that they are condemned to

[2] Cf. "Démocratie", in *Dictionnaire de philosophie politique*, under the direction of Philippe Raynaud and Stéphan Rials (Paris: P.U.F., 1996).

exercise a radical evil which transcends the very same boundaries of the political domain[3].

The unfolding of such a symbolic and ideological mechanism depends on the fact that democracy as a form of government and the democratic ideal of legitimation of power, in the course of the modern era, have come to coincide in an inseparable unit, melded together in a long-lasting way. This connection, for the enormous implications that are involved, in relation to all modern political regimes that call themselves democratic, requires careful examination and cannot be assumed as a mere self-evident postulate.

In short, in modern Western political systems of liberal-democratic nature, the ideological and symbolic horizon is determined on the basis of this dual meaning of the term

[3] A good example is the description that Ronald Reagan and George W. Bush gave, respectively, of the U.S.S.R. and of the "non-democratic" regimes that supported Islamic terrorism. "So, in your discussions of the nuclear freeze proposals, I urge you to beware the temptation of pride – the temptation of blithely declaring yourselves above it all and label both sides equally at fault, to ignore the facts of history and the aggressive impulses of an evil empire, to simply call the arms race a giant misunderstanding and thereby remove yourself from the struggle between right and wrong and good and evil" (Ronald Regan, "Remarks at the Annual Convention of the National Association of Evangelicals in Orlando, Florida", March 8, 1983 https://reaganlibrary.archives.gov/archives/speeches/1983/30883b.htm).
"States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic" (George W. Bush, "The President's State of the Union Address", January 29, 2002.
http://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html).

democracy, so that it schematically identifies a regime in which: 1. Power belongs to and comes from the people (in a secularised sense); 2. The only acceptable form of government is representative democracy; 3. This power has limits, which are expressed by the liberal doctrine and concern the fundamental rights of individuals (life, liberty, property and *habeas corpus*)[4], the

[4] "Man being born, as has been proved, with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of Nature, equally with any other man, or number of men in the world, hath by nature a power not only to preserve his property— that is, his life, liberty, and estate, against the injuries and attempts of other men, but to judge of and punish the breaches of that law in others, as he is persuaded the offence deserves, even with death itself, in crimes where the heinousness of the fact, in his opinion, requires it. But because no political society can be, nor subsist, without having in itself the power to preserve the property, and in order thereunto punish the offences of all those of that society, there, and there only, is political society where every one of the members hath quitted this natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it" [John Locke, *Two treatises of government,* ed. Thomas Hollis (London: A. Millar et al., 1764), 225].
http://oll.libertyfund.org/titles/locke-the-enhanced-edition-of-the-two-treatises-of-government-1689
With *habeas corpus*, generically referring to the legal instrument of the English law, we intend the constitutional rights designated to ensure the exercise of personal freedoms by the citizens. "Literally, 'that you have the body'. A writ directed to a person who has someone in detention or custody and commands the detained person to be produced before a court. It dates back to Edward I's reign and was not the intended to get people out of prison but to ensure that they were in lawful custody in prison. … Habeas corpus is used to test the validity of detention by the police, detention in cases of deportation and in cases where there is an alleged breach of immigration regulations" ["habeas corpus" in *The concise Oxford dictionary of politics*, ed. by Iain McLean and Alistair McMillian (Oxford – New York: Oxford University Press, 2009].

doctrine of the separation of powers (executive, legislative and judiciary) as developed by Montesquieu[5] and economic freedom.

Liberal-democratic regimes therefore consist of two elements: a myth or ideological narrative about the idea that the sovereign people is the only legitimate source on which political power can be validly founded; the fact that to exercise such a power there is a regulatory model which identifies representative democracy as the only acceptable form of government. It is clear that the overlap between the principle of legitimation of power founded on popular sovereignty, the form of government based on representative democracy and the scrupulous preservation of the briefly-aforementioned basic liberal principles (separation of powers, individual rights and economic freedom) allows the creation of a virtuous mechanism capable of keeping in check the tyranny of the majority and their possibility of violating fundamental individual rights.

[5] "In every government there are three sorts of power: the legislative; the executive in respect to things dependent on the law of nations; and the executive in regard to matters that depend on the civil law. By virtue of the first, the prince or magistrate enacts temporary or perpetual laws, and amends or abrogates those that have been already enacted. By the second, he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions. By the third, he punishes criminals, or determines the disputes that arise between individuals. The latter we shall call the judiciary power, and the other simply the executive power of the state. … There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals" [Charles-Louis de Secondat Baron de Montesquieu, "Of the Constitution of England", in *The spirit of laws,* trans. by Thomas Nugent, rev. by J. V. Prichard (London: G. Bell & Sons, 1914). 220-221]. https://www.ucc.ie/archive/hdsp/Montesquieu_constitution.pdf

In other words, the principle of legitimation of power based on the idea of the sovereign people has some peculiar features that make it particularly effective in a narrative sense. However, the power established on such ideological premises must be kept in check by the introduction of other principles and operating mechanisms designed to contain its totalitarian impulses, deriving from Rousseau's theorization[6] of the *general will* as a unitary will which is expressed through the *will of the majority*[7]. This latter, if it is not properly channelled within a regulatory framework which carefully preserves the inalienable rights of the individual, inevitably produces strong anti-liberal tendencies. Indeed, when the majority of the electoral body approves or rejects a law or a decision which affects the lives of all the individuals, as for example in the case of referenda, whereby direct democracy is carried out, it tends to represent itself and to be represented by the media as an expression of the popular will in its whole, id est as the *general will*. In that case, either its power is limited by non-negotiable general principles and inalienable rights designed to

[6] Cf. Jacob Leib Talmon, *The Origins of Totalitarian Democracy* (London: Penguin, 1986).

[7] "Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.' … (11) In order then that the social compact may not be an empty formula, it tacitly includes the undertaking, which alone can give force to the rest, that whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing less than that he will be forced to be free; .. (14) When in the popular assembly a law is proposed, what the people is asked is not exactly whether it approves or rejects the proposal, but whether it is in conformity with the general will, which is their will. Each man, in giving his vote, states his opinion on that point; and the general will is found by counting votes" [Jean-Jacques Rousseau, *The social contract or principles of political right,* trans. by G. D. H. Cole (Public Domain, 1762), 11, 14, 84]. https://www.ucc.ie/archive/hdsp/Rousseau_contrat-social.pdf

protect individual liberties and people's dignity and to respect the will of the minorities, or it irreparably becomes a mechanism that annuls freedom of thought and the freedom to disagree and promote opinions that are not aligned with the will of the majority (whose rationality and wisdom are rather dubious) and with those who control its moods. This inevitably leads to oppression, dictatorship, authoritarianism, and to the emergence of totalitarian tyrannies of all kinds, because, contrary to what Rousseau himself[8] maintained and to what is implicit in every

[8] Although Rousseau strives to clarify that the *general will* should be the result of the expression of a rational choice which can be activated in every individual through public education and attachment to their homeland, in order to avoid that everyone should only express a point of view conditioned by their own personal and selfish interest, it is historically evident that such a programme is unattainable and impracticable on a large scale. As a matter of fact, in spite of the huge efforts made by the Western civilisation to improve school education and the political culture of their populations, the complexity of the fields of knowledge and the cultural indolence of most citizens make this effort a partial, and sometimes a useless, one. In fact, the presumed existence of a political subject defined as an individual who, in his or her secret ballot, is called to express his or her will in accordance with a careful and rational assessment of the society in which he or she lives and the common good that could derive from his or her decision is a pure conceptual abstraction, since in reality such an individual does not exist, and has never existed. It is instead far more realistic to consider the political subject who expresses his or her own will as an individual who is, on average, badly or poorly informed, driven by the force of his or her own selfish impulses and governed by emotional reactions which affect and constantly influence his or her own judgement. "It follows from what has gone before that the general will is always right and tends to the public advantage; but it does not follow that the deliberations of the people are always equally correct. Our will is always for our own good, but we do not always see what that is; the people is never corrupted, but it is often deceived, and on such occasions only does it seem to will what is bad. There is often a great deal of difference between the will of all and the general will; the latter considers only the common interest, while the former takes private interest into account, and is no more than a sum

Jacobin theorisation of democracy, the will of the majority, intended as *general will,* is by no means infallible, since most of the individuals who constitute it possess neither the political education nor the knowledge necessary to make a decision in accordance with their own interests.

As a result, a real *good government* requires the contribution of a well-read ruling class, qualified and ready, on the basis of a clear popular mandate, to make decisions not conditioned by the fleeting moods of the electorate[9], but pondered and based on the complex systemic balances typical of the new world order[10].

II
Knowledge, Power and Democratic Order

It seems rather evident that a *good government* should be founded, as Rosanvallon himself maintains, on a relationship of trust between who governs and the people who are governed[11]. Such a relationship is inherent in the articulation which connects, in every liberal-democratic order, knowledge with power.

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of particular wills: but take away from these same wills the pluses and minuses that cancel one another, [7] and the general will remains as the sum of the differences. If, when the people, being furnished with adequate information, held its deliberations, the citizens had no communication one with another, the grand total of the small differences would always give the general will, and the decision would always be good" (Rousseau, *The social contract or principles of political right,* 21).

[9] In the political behaviour of the masses rational analysis and conceptual rigour seldom prevail; those behaviours are more commonly determined by narratives and symbols which, as mentioned above, awaken in every individual ancestral impulses and irrational desires. Cf. Elias Canetti, *Crowds and Power,* trans. by Carol Stewart (New York: Continuum, 1978).

[10] Cf. Henry Kissinger, *World Order* (New York: Penguin, 2014).

[11] Cf. Pierre Rosanvallon, *La démocratie de confiance,* in *Le bon gouvernement.*

In the modern cultural context and, in particular, within the globalised technological civilisation, we can easily notice how power is undoubtedly distinct from knowledge, since it obeys very different logics, connected to the democratic processes of legitimation, to the art of government and to the social construction of consent. However, in spite of the macroscopic differences which separate power from knowledge, subjecting the latter to choices which are political in nature, it is not possible to deny that there is a dialectical relationship between them which is fundamental for the established order.

In particular, the emergence of the biopolitical paradigm[12] and the resulting biopower[13] it expresses within the globalized technological civilization calls for a more thorough and in-depth examination of this relationship. In this context, marked by a transformation which invests the entire society on the basis of performative projects of virtual nature, power penetrates deep into every aspect of existence and regulates the totality of human

12 "The theme was to have been *biopolitics,* by which I meant the attempt, starting from the eighteenth century, to rationalize the problems posed to governmental practice by phenomena characteristic of a set of living beings forming a population: health, hygiene, birth-rate, life expectancy, race…" [Michel Foucault, *The Birth of Biopolitics. Lectures at the Collège de France 1978-1979,* trans. by Graham Burchell (New York: Palgrave Macmillan, 2008), 317].

13 "Biopower is a form of power that regulates social life from its interior, following it, interpreting it, absorbing it, and rearticulating it. Power can achieve an effective command over the entire life of the population only when it becomes an integral, vital function that every individual embraces and reactivates of his or her own accord. … The highest function of this power is to invest life through and through, and its primary task is to administer life. Biopower thus refers to a situation in which what is directly at stake in power is the production and reproduction of life itself" [Michael Hardt – Antonio Negri, *Empire* (Cambridge, Massachusetts – London, England: Harvard University Press, 2000), 23-24].

relations[14]. What matters most to the people who are governed in this way is the idea of *salvation*, not meant in a metaphysical sense as a reward to be obtained after death for one's own ethical and moral merits, in an otherworldly and spiritual afterlife, but as preservation of one's own earthly existence, lifestyle, health and wealth, access to technology and everything that is inherent in bodily and material wellbeing.

In this sense knowledge, with respect to power, carries out a dual function: it establishes as scientific knowledge the dominant worldview and determines a collective imaginary on which the narratives that help generate the necessary consent for the legitimation of the political order proliferate[15]. In other words, power builds consent on the basis of the possession and implementation of a knowledge that acts on the material level through technological production and on the symbolic and narrative level on the basis of its own vulgarised performance, as a way to respond to any kind of emergency (environmental, social, health emergencies, etc). Therefore, the art of government consists of exhibiting narrative strength, supported by the knowledge of the experts, who are called to solve the current problems. For example, in Italy in 2011, in the midst of the economic crisis, the Presidency of the Council of Ministers was directly entrusted to a competent *technocrat*, knowledgeable in economics and finance (Mario Monti), and the ministries to people who had the respective technical and operational skills (a scholar was in charge of the Ministry of Instruction, University and Research, a prefect of the Ministry of Interior, a university professor of criminal law of the Ministry of Justice, an

[14] Cf. Michael Hardt – Antonio Negri, *Empire,* 24.
[15] Cf. Paolo Bellini, *L'immaginario politico del salvatore. Biopotere, sapere e ordine sociale* (Milano-Udine: Mimesis, 2012).

ambassador of the Ministry of Foreign Affairs, an admiral of the Ministry of Defence, etc.). The difference between this kind of attitude and what used to happen in the past lies not so much in the fact that power resorts to knowledge to solve the many problems that have always plagued human societies, but rather in the political use of the available knowledge, called to justify the relationship of command and obedience upon which, ultimately, every kind of political regime is founded. There is indeed a substantial difference between a power which is legitimised by a specific ideology or through a precise sacral conception of reality – as can be the case, for instance, in totalitarian or dictatorial regimes and as is the case for all those relationships of domination which draw their raison d'être from some divine will – and a political/hierarchical order based on the presumed possession of a knowledge capable of solving the problems of the administered populations. The trust the governed have in their governors therefore arises from the ability of the latter to be credible in solving problems and socially implement technical-operational skills suitable for such a purpose. From this point of view, the art of government basically consists of the *leaders'* ability to promote themselves as *Saviours*, capable of making the political system, within which they occupy a top position, work in a perfect way. The current President of France (Emmanuel Macron) is a paradigmatic example of this mechanism, since he was able to appear before his electoral body both as the man of economic and political rebirth (salvation from poverty and from a marginal role on the international scene) and the man who would keep the nationalist and xenophobic tendencies of a part of the population in check (salvation from right-wing extremists).

In relation to the political framework hereby laid out, a *good government* must therefore coincide with a rulers' attitude to give the most appropriate answers to their people's expectations of *salvation*, in terms of fundamental preservation and improvement

of their lifestyle, while at the same time trying to generate the necessary consent for their own legitimation. For this purpose, and in accordance with what has been said, as a clear illustration of the irreducible gap between reality and its representation, even more evident after the revolution brought about by new technologies in terms of dramatization and virtualization of the real, the precepts enunciated by the great Machiavelli are ultimately still relevant. As a matter of fact, rather than pursuing real integrity (*intégrité*) and frankness (*parler vrai*)[16], every political leader must instead appear good, upright, honest and sincere, while trying by all means not to be all that as far as government action is concerned[17].

Such an attitude, of course, with regard to an authentic *good government*, has nothing to do with obtaining personal benefits, but it is functional to the pursuit of the impersonal interests of a specific political system.

III
Direct Democracy and Liberalism

New technologies have made the political implementation of direct democracy, on the model which was practised in ancient

[16] Cf. Pierre Rosanvallon, "Les figures du bon gouvernant" in *Le bon gouvernement*.

[17] "Therefore it is unnecessary for a prince to have all the good qualities I have enumerated, but it is very necessary to appear to have them. And I shall dare to say this also that to have them and always to observe them is injurious, and that to appear to have them is useful; to appear merciful, faithful, humane, religious, upright, and to be so, but with a mind so framed that should you require not to be so, you may be able and know to change to the opposite" [Niccolò Machiavelli, *Concerning the way in which princes should keep faith,* in *The Prince*, trans. by W. K. Marriot (Campbell CA: FastPencil, 2010), 73].

Greece, possible[18]. However, a form of government of that kind, if it were to be implemented extensively and without corrective measures, would inevitably lead, as a natural outcome, to a totalitarian or, in the best-case scenario, to an authoritarian or dictatorial regime.

First, it is clear that the ideology of direct democracy very easily takes root within the modern narrative of the sovereign people as source of power legitimation. It seems almost natural that the people, from whom all power emanates, when having the concrete possibility, can effectively govern themselves, setting aside representation whenever possible. However, this perspective does not take into account some fundamental objections:

1. The people are not a unitary subject with a univocal form of expression; for every decision, they are always divided in at least two opposing factions with distinct opinions; in order to avoid a violent confrontation which may lead to civil war, it is always necessary for the minority to have stable representation. When direct democracy is exercised, that is not possible, since every time a political matter is put in front of the sovereign people, the will of the minority disappears immediately after the vote.

2. Without representation there is always the real risk that a charismatic leader, strengthened by the support of an organised minority, may obtain from the majority of the population the grant of all powers (legislative, executive and judiciary), since they all reside, uncostituted[19], entirely in the

[18] Cf. Aristotle, *Politics,* Book IV, 1298a.
[19] Cf. Emmanuel Joseph Sieyès, *What is the third estate?* (London; Dunmow: Pall Mall Press, 1963).

sovereign people. In that way, the same organised minorities that usually run society[20] could just claim for themselves an absolute power, which would be lacking the usual mechanisms (*checks and balances*) typical of modern constitutionalism.

3. As we have shown, the sovereign people not only do not have the competences to manage the complexity of globalised civilisation, but they are also driven by emotional, irrational and anti-scientific impulses which are extraneous to any culture of government[21].

In this respect, the introduction of forms of democracy and direct control by the governed over their rulers outside the electoral competition seems very dangerous for the stability of the liberal institutions. Institutions such as a *Council for the Democratic Functioning* (assessing the integrity of the governing people and the transparency of the institutions), *Public Commissions*

[20] "If it is easy to understand that a single individual cannot command a group without finding within the group a minority to support him, it is rather difficult to grant, as a constant and natural fact, that minorities rule majorities, rather than majorities minorities. But that is one of the points – so numerous in all the other sciences – where the first impression one has of things is contrary to what they are in reality. In reality the dominion of an organized minority, obeying a single impulse, over the unorganized majority is inevitable. The power of any minority is irresistible as against each single individual the majority, who stands alone before the totality of the organized minority" [Gaetano Mosca, *The ruling class,* trans. by Hannah D. Kahn (New York – London: McGraw – Hill Book Company, 1939), 53].

[21] Cf. Graham Wallace, *Human Nature in Politics* (New Brunswick: Transaction Books, 1981); Gustave Le Bon, *The crowd: a study of the popular mind* (Mineola New York: Dover publications Inc., 2002); Sigmund Freud*, Group psychology and the analysis of the ego*, trans. by James Strachey (New York: Bantam books, 1960); Serge Moscovici, *L'Age des foules: un traité historique de psychologie des masses* (Paris: Fayard, 1981); Jaap Van Ginneken, *Crowds, psychology and politics* (New York: Cambridge University Press, 1992).

(in charge of evaluating political choices) or *Surveillance Authorities* (responsible for monitoring the rulers)[22], intended to oversee all major political activities, in the attempt to make the demands of the people more pressing, would rather turn either into a useless instrument to bog down the bureaucratic-administrative machine or, in the worst case, into a powerful means of pressure in the hands of organised groups which would act in the attempt to promote their specific interests. In the age of new technologies, in order to preserve what personal freedoms are left, it would be more appropriate to use the ability to communicate with every citizen in a widespread and personal way to guide their behaviours and carefully measure the approval rating of government action, so that everyone may be convinced to approve choices that, although in apparent contrast with their own selfish advantage, are actually in the public interest and seek to generate a greater level of wellbeing for all.

IV
Conclusion

The *good government* is an art which only a few people are fit to practise, since it requires a lot of preparation; all kinds of populistic tendencies sprout and take root when everyone presumes to know what he or she actually does not and, without humility, believes to be able to make a decision about any possible topic based on hearsay or on a superficial and inaccurate preparation. The liberal culture is today more than ever called to defend not only people's fundamental rights, but also the Western political systems, which are subject to the pressure of

[22] Cf. Pierre Rosanvallon, "La première révolution démocratique" in *Le bon gouvernement*.

poorly-informed populations, ready to follow the music of any *Pied Piper* who promises them a cheap salvation.

Qui habet aures audiendi audiat.

Università dell'Insubria

SYMPOSIUM

LE BON GOUVERNEMENT

LEGIBILITY AND TRANSPARENCY IN CONTEMPORARY DEMOCRACY

BY

NATASCIA VILLANI

© 2017 – *Philosophy and Public Issues (New Series)*, Vol. 7, No. 3 (2017): 45-61
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

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Legibility and Transparency in Contemporary Democracy

Natascia Villani

With the essay *Le Bon Gouvernement*[1], on the transformation of modern democracy, by Pierre Rosanvallon, we are able to reach a new step, as well as a keen analysis on the political-institutional set-up of contemporary States. The third dimension of "democracy as a form of society" such as the one he intends to define[2], based on the constitution of a "social equality", has undergone a kind of heterogeneity of purposes. Although democracy was born from the revolution to achieve social equality, it now seems an order where all modern inequalities are gathered: "Political citizenship advances while social citizenship regresses."[3]

[1] Pierre Rosanvallon, *Le bon gouvernement* (Paris: Seuil, 2015). From now on, *BG*.
[2] In the book's introduction, Rosanvallon himself summarizes the studies on the democracy he had carried out in his previous works. In *Le Sacré du citoyen. Histoire du suffrage universel en France* (Paris: Gallimard, 1992), he analyses democracy as "citizenship", and highlights how the achievement of universal suffrage not only meant a political right, but also a social status. The second dimension, democracy as a "regime", is the one that originates from two main elements: the representative institution (*Le peuple introvable. Histoire de la représentation démocratique en France*, Paris: Gallimard, 1998), and the sovereign institution (*La démocratie inachevée. Histoire de la souveraineté du peuple en France*, Paris: Gallimard, 2000). The third form of democracy is democracy as a "form of society", which he analyzes in *La société des egaux* (Paris: Seuil, 2011), where the deepest principle of modern revolution is the revolution for equality.
[3] Pierre Rosanvallon, *La société des egaux* (Paris: Seuil, 2011, 11).

 Philosophy and Public Issues (New Series), Vol. 7, No. 3 (2017): 45-61
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

Democracy has now entered a fourth dimension, a "governmental democracy" in which, consciously or less, we can appreciate a gradual – however inexorable and irreversible – process of "presidentialisation", a result of the "movement of presidentialisation and personalization of democracies"[4]. Over the last decades of the XX century, we assisted to a global change of democracies: the rise of the executive power. "This is the starting point of presidentialisation".[5] By now, the citizens believe that the political power is almost exclusively the executive one, in its tendency to "presidentialisation" and personalization[6]. In fact, this latter form is the one that better responds to the social demand for imputation, and therefore to the taking of political responsibility by 'one' towards the citizens. The political responsibility is polarized, and therefore radicalized, thereby becoming an attraction for the masses. Furthermore, this form better responds to a social need of participation in the political life, as well as to needs of legibility, transparency, and clarity.

These are the duties of the philosophical meditation on contemporary democracy. There is a need to outline the specific features of the democracy of civic duty, and a need to describe and highlight what Rosanvallon defines as the "democratic quality of a government"[7], so as to prevent their drifts. Among

[4] *BG*, 111.
[5] *BG*, 15.
[6] Mauro Calise, *Il partito personale. I due corpi del leader* (Roma Bari: Laterza, 2010); Leonardo Morlino, *Changes for Democracy. Actors, Structures, Processes* (Oxford: Oxford University Press, 2011), trans. Luciano Berti, *Democrazia e mutamenti. Attori, strutture, processi,* (Roma: Luiss University, 2014); Michele Prospero, *Il partito politico* (Roma: Carocci, 2012); Yannis Papadopoulos, *Democracy in Crisis? Politics, Governance and Policy* (Basingstoke: Palgrave Macmillan, 2013).
[7] *BG*, 213.

democratic qualities, he identified the three concepts of legibility, responsibility, responsiveness.

More specifically, legibility – which literally refers to the citizen's legibility of the decisional processes of public institutions thereby feeling like integral parts of them – is a pertinent issue that constantly draws the attention of public opinion. It leads us back to the origins of democracy: being a "visible power", and contrasting any form of concealment of the power, as a "lethal virus" for democracy itself[8]. In order to be "legible", this power must be "visible", and in order to be visible, in a democratic sense[9], it must not have veils. In the last chapter of his book, Rosanvallon talks about three forms of transparency[10].

The first form of transparency, conceived by the author "as a utopia", historically dates back to Rousseau's conception, as defined in his masterpiece *The Confessions*. "I should make my mind, as it were, transparent to the reader, and I am therefore trying to display it from every angle, to show it in every light, and to ensure there is no movement taking place within it that it does not observe, so that he may be able to judge for himself what

[8] Cf. Vincenzo Sorrentino, *Il potere invisibile. Il segreto e la menzogna nella politica contemporanea* (Bari: Dedalo, 2011, 16), which reconstructs the conceptual plot with which the problem of invisible power has been faced in the course of modernity.

[9] Think about the Hobbesian sovereign, who is a "visible power" (Thomas Hobbes, *Leviathan or the Matter, Forme & Power of a Common-Wealth Ecclesiasticall and Civill* (London: 1651, Ch. XVII). Visibility cannot be considered transparency, "since it is destined to consolidate the subjugation of subjects and not to let the goals and terms of the exercise of sovereign power be accessible" (Sorrentino, *Il potere invisibile*, op. cit., 31).

[10] *BG*, 356-365.

principles it is that produces such effects"[11]. Being "legible" and transparent "like a crystal" is not simply a moral quality, but "it was understood as a form of *social tie*"[12]. When men and women recognize themselves as individuals, they become citizens fully in tune with each other in the pursuit of the social good.

The second form of transparency is transparency as "ideology", aimed to uncover – as a political action – what is hidden: scandals, corruption, lies and private interests, always in the view of the public good. "This is quite an original vision of democracy: a sort of regime defined by transparency more than by general will"[13]. Its ideological form stands in the fact that, at the beginning of the XXI century, transparency manifested itself, becoming widespread as a new religion.

In conclusion, transparency in its instrumental function is the third (and final) form found by Rosanvallon. "Instrumental transparency" is the one that must lead, through transparent procedures, to an "atmosphere of integrity".[14] It is certainly a "democratic quality" of a good government.

Starting from these three ways of understanding transparency, we can quickly seek to advance some cues of reflection, by joining three concepts closely linked to transparency, and often called into question when dealing with this subject: *intimate,*

[11] Jean Jacques Rousseau, Les *Confessions*, in *Œuvres complètes*, ed. "Pleiade", t. I, (Paris: Gallimard, 1959, 175); trans. Angela Scholar, ed. P. Coleman, (New York: Oxford University Press 2000, 170).
[12] *BG*, 358.
[13] *BG*, 362.
[14] *BG*, 365.

private, and *public*[15]. Is it possible to have "a transparency of the intimate"? Or do we end up reaching a "utopian transparency", as described by Rosanvallon himself? Is a private transparency possible without ending up with an ideological instrumentalization? Then, what does the transparency of public affairs mean? Does it have just an instrumental function, does it consist only of clearer procedures, or – again – does it refer to the democratic quality of legibility?

In order to define the *intimate transparency* – without invading other fields – we need to be helped by a definition given by Hobbes in his *Leviathan*: "The secret thoughts of a man run over all things holy, prophane, clean, obscene, grave, and light, without shame, or blame; which verbal discourse cannot do, farther than the judgment shall approve of the time, place, and persons. An anatomist or physician may speak or write his judgment of unclean things; because it is not to please, but profit: but for another man to write his extravagant and pleasant fancies of the same is as if a man, from being tumbled into the dirt, should come and present himself before good company. And it is the want of discretion that makes the difference". [16] Who else can lift this 'veil' of discretion if not the individual himself? This place of intimacy is like a secret box in which the deeper personal experiences, those that escape from a clear formulation, and not just because you do not want to express them, but also because

[15] For the definition of these three concepts, see Hannah Arendt, *The Human Condition* (Chicago: The University Chicago Press, 1958, 22-78); Ernesto Garzòn Valdés, *Tolleranza, responsabilità e Stato di diritto. Saggi di filosofia morale e politica* (Bologna: il Mulino, 2003, 97-133).

[16] Thomas Hobbes, *Leviathan or the Matter, Forme & Power of a Common-Wealth Ecclesiasticall and Civill*, op. cit., Ch. VIII).

they are inexpressible[17], find their room. Every individual is sovereign of this sphere, and any intrusion could damage his/her intimacy as human being[18].

At the opposite side of intimacy stands the public sphere, characterized by free accessibility to behaviours and decisions of people who live in the society. To clarify this term, we can refer to the definition given by Kant: "All actions relating to the rights of other men are wrong, if their maxim is not compatible with publicity. This principle is not to be regarded merely as ethical, and as belonging only to the doctrine of virtue, but it is also to be regarded as juridical and as pertaining to the rights of men. For a maxim cannot be a right maxim which is such that I cannot allow it to be published without thereby at the same time frustrating my own intention. My intention would necessarily have to be kept entirely secret to succeed, and I could not publicly confess it without inevitably arousing thereby the resistance of all men against my purpose. It is clear that this necessary and universal opposition of all against me on self-evident grounds, can arise from nothing else than the injustice which such a maxim threatens to everyone".[19]

Therefore, if opacity is a feature of the intimate sphere, the public is the place where transparency is. "Between these two

[17] Cf. Hannah Arendt, *The Human Condition* (Chicago: The University Chicago Press, 1958, 46); Maurice Merleau-Ponty, *Le Visible et l'Invisible* (Paris: Gallimard, 1964).

[18] Saint Augustine in his *Confession*s claims his sovereignty over his own intimacy: "People are curious to know the lives of others […] Why are they anxious to hear from me what I am? […]And how can they tell when they hear what I say about myself whether I speak the truth, since no man knows what is in a man (Book X, 3).

[19] Immanuel Kant, *Perpetual Peace: A Philosophical Sketch* (1795), from *Principles of Politics*, trans. by William Hastie (Edinburgh: Clark, 1891).

extremes had better be placed the private, in which a relative transparency reigns"[20]. Transparency is relative as it requires the presence of at least two actors, *ergo* it is not possible to have a total opacity, otherwise there would be neither communication, nor a total transparency like there is in public: the private sphere would cease to exist, identifying itself in the public sphere. Therefore, in the private sphere there is neither the discretion which characterizes intimacy, nor the transparency which characterizes publicity, but a *set* of unruly behaviours. The private sphere, which should not be confused with intimacy, is the "recognized personal sphere"[21]. It is the world of the close relationships that people establish. Resuming Waldron's spatial approach, "the public/private distinction is primarily a matter of geography rather than a matter of the different nature of the moral standards involved".[22]

As for the transparencies identified by Rosanvallon, the first one, the utopian transparency of Rousseau's model, could be defined as a "revealed intimacy". Not only as a voluntary act of revelation (when one voluntarily reveals his/her secrets to another), but also in the reverse sense, where access itself is seen as a control of the most intimate thoughts, until you reach the last unbreakable barrier. Basing the social union on this form of transparency is not only utopian, but *dystopic*. In this way, one would have access to dark areas mixed with areas of light, where the personality has its origins, and whose manifestation would lead to uncontrolled manipulations, to an *Orwellian Thought Police*,

[20] Ernesto Garzòn Valdés, *Tolleranza, responsabilità e Stato di diritto. Saggi di filosofia morale e politica* op. cit., 109).

[21] Cf. Amartya Sen, "Liberty and Social Choice", *Journal of Philosophy* 80 (1983): 5-28.

[22] Jeremy Waldron, *Liberal Rights. Collected Papers 1981-1991* (Cambridge: Cambridge University Press, 1993, 128).

thus running the risk of invalidating our ego. This is the same fate of Hugh Person, a character in Nabokov's novel *Transparent Things*, who, having killed his wife some years before, is projected in a mysterious dystopian dimension, where it is possible to move in time and space, and to see our intimacy and that of the others from the outside[23].

The second transparency, the *ideological* one, appears as 'the rhetoric of the third millennium', as one of the myths of our time[24]. It is the faculty of the public opinion to expose the illicit, and to call out corruption, in the name of a democracy, which should have no secrets. On one hand, we rely on direct data access, bypassing any *firewall,* compulsively accumulating information. On the other hand, social media seems to urge people to get things off the chest[25], making their private public. New technologies have facilitated this overcoming of the 'public-private limit', with the strict conviction that only transparency as well as the elimination of the barriers can make the truth become a true "unvarnished truth*"*. They are actual political programs: "Thanks for being a part of making Facebook what it is today, and for helping to make the world more open and connected" – stated the Facebook founder Mark Zuckerberg in an open letter on 2nd December 2009. Alternatively, just keep in mind the Wikileaks Case: despite its controversies, its mission was to make accessible some documents with the aim of demonstrating how

23 Vladimir Nabokov, *Transparent Things* (London: Mc Graw - Hill International, 1972).

24 I refer to the following essays: Maria Albergamo (ed. by), *La trasparenza inganna* (Bologna: Luca Sossella Editori, 2016); Byung-Chul Han, *The Transparency Society* (2012), trans. by Erik Butler (Stanford: Stanford briefs, 2015).

25 "Western man has become a confessing animal ": Michel Foucault, *Histoire de la sexualité I: La volonté de savoir* (Paris: Gallimard, 1976, 80).

crimes and private interests had been obscured with lies. According to scholars, the Wikileaks Case stems out of the belief that free information could increase transparency, and that transparency *is* a sufficient condition for a better society[26]. It is what Levy defined "a caricature of the electronic democracy"[27]. This ideological transparency forces the private to hide itself until it gets lost in the realm of intimacy or, on the contrary, to expose itself until it blends into the public.

According to Han's analysis, this ideological use of transparency is a 'setback to philosophy', relinquishing both hermeneutics and dialectics. It relinquishes hermeneutics, insofar as in the accumulation of data, in the obsession with accessing everything, and in spreading what has been learned, there is no concern about the interpretation, nor about "grasping" the meaning and value of its "legibility", as Rosanvallon would state. In addition, such an ideological use of transparency is also far from being dialectic, since in its attempt to penetrate things like crystals, with the intent of claiming the need to break the veil of the *arcana imperii,* it is unable to look at the negative and to deal with it[28].

Nevertheless, if neither "revealed intimacy" (utopian transparency) nor ideological transparency are qualities in the exercise of democracy, still we have to talk about *instrumental* transparency. As for the latter, we can clearly refer to the

26 What is Wikileaks? https://wikileaks.org/What-is-Wikileaks.html; Fabio Chiusi, *Nessun segreto. Guida minima a Wikileaks, l'organizzazione che ha cambiato per sempre il rapporto tra internet, informazione e potere* (Milano: Mimesis, 2011, 80-96); David Leigh and Luke Harding, *Wikileaks: Inside Julian Assange's War on Secrecy* (London: The Guardian, 2013).

27 Pierre Lévy, *Cyberculture* (Minneapolis: University of Minnesota press, 2001, 166).

28 Gianni Vattimo, *La società trasparente* (Milano: Garzanti, 2011).

"minimal" and procedural concepts of democracy, as provided by Bobbio. Democracy is intended by Bobbio as a form of government "characterized by a set of rules (primary or basic) which establish who is authorized to take collective decisions and which procedures are to be applied"[29]. Such rules and procedures must be made visible. "Modernity has occurred at the same time when methods have been made up to read and measure human activities"[30]. The latter is demonstrated by Rosanvallon in the *Legibility*-chapter, which gives an account of how initially State accounts were made legible. In fact, the first step in order to break the veil of the *arcana imperii* was financial transparency, which was first implemented in England, and subsequently in France. Not by chance, during the Reign of Louis XVI, Finance Minister Jacques Necker, in his *Account to the King* (1781), wrote: "I wish that such publicity could make more and more indifferent to those obscure writings that try to trouble the administrator's rest. Their authors are sure that an elevated mind could not descend into the arena to give an answer to them, and take advantage of his silence to shake some opinions with lies".[31] This was the first step towards a concept of transparency – an instrumental one –, capable of reinvigorating public trust in the government.

Again, according to Waldron's spatial approach, "the borders were moved": we can identify the second stage during the French Revolution, when people wanted to know the activities of their representatives. The long path towards this direction ended with the accessibility, for everyone, to all activities related to the

[29] Norberto Bobbio, *The Future of Democracy: A Defense of the Rules of the Game*, trans. Roger Griffin (Minneapolis: University of Minnesota press, 1987, 24).
[30] *BG*, 215-252: 215.
[31] *BG*, 218-219.

government actions[32]. Bobbio used the expression "government of democracy" to refer to the "governance of public power in public"[33], quoting as an example a text coming from Neapolitan Revolution of 1799: *Republican Catechism, to instruct the people and make the tyrants fall*[34]. "Is there nothing secret in Democratic Government? All the activities of those in power must be known to the Sovereign People, except for some measures of public security, details of which must be divulged once the danger has ceased"[35]. Here are some ingredients of a Democratic State. Publicity is the rule. The secret is the exception. Time is limited.

If democracy, as Rosanvallon – albeit in different words – argued in his previous works, failed at "keeping the promise"[36] of equality, is it able to keep the promise of overthrowing invisible power? Georg Simmel deals with the item of the secret as an organizational principle, whose aim is to subvert information to the governed, thereby consolidating domination relationships. He states that leaders must know that the secret exists. "In other words, the invisible power has to be in some sense clearly

[32] In March 14th 2013, Legislative Decree no. 38 stated the principle of transparency as total accessibility to information relating to the activities of public administrations or publicly owned companies.

[33] Norberto Bobbio, *The Future of Democracy: A Defense of the Rules of the Game*, op. cit., 79.

[34] The 37 questions and answers are attributed to Michele Natale, bishop of Vico, and executed in Napoli on August 20th, 1799.

[35] Norberto Bobbio, *The Future of Democracy*, op. cit., 6.

[36] I am using both Bobbio's expression "the broken promises" of democracy (*The Future of Democracy*, 27), and the expression by Giovanni Sartori's "Democrazia. Ha un futuro?", in *Lezioni Bobbio. Sette interventi su etica e politica*, presentation by Marco Revelli (Torino: Einaudi, 2006, 41).

visible"[37]. As for the transitive property, visibility of power gives no guarantee that there is no invisible power, as Foucault argues. Visibility of power is necessary as a mean of concealment of power itself. Rosanvallon himself makes reference to Louis XIV, who appeared very much in public, but who spoke very little. Therefore, it seems that the *Ancien Régime* has never been overcome, and that democracy has disregarded its promises.

Can the "instrumental transparency" Rosanvallon talks about in the "democracy of exercise" – be functional to the "legibility" of power? Can the promise of democracy still be fulfilled? If we refer to Kant's theory to define the public, we may find a useful starting point to establish a criterion of "instrumental transparency". The Kantian principle could be used a litmus paper to distinguish a good government from a bad one, and instrumental transparency from an ideological and utopian one. If you have made public an act or a series of acts that had so far been kept secret, because if made public, that act or that series of acts could not have been accomplished,[38] you are going to face a scandal. In this case, transparency is instrumental.

The Kantian approach analyses a series of facts which are not included in the instrumental transparency, but which inflate irrelevant news for the purpose of democracy, and for the purposes of good government. Yet, in a context such as the current one of cyberspace, the legibility of the power, both *ex*

[37] Vincenzo Sorrentino, *Il potere invisibile* (Bari: Edizioni Dedalo, 2011, 121). Cf. Georg Simmel, "The Secret and the Secret Society", in *Sociology*, trans. by Kurt H. Wolff, (Glencoe: The Free Press 1950, 307-376).

[38] Cf. Norberto Bobbio, *The Future of Democracy*; Ernesto Garzòn Valdés, *Tolleranza, responsabilità e Stato di diritto*, cit.

parte principis and *ex parte populi*, opens up scenarios that cannot be neglected.

On the basis of the subjective or objective function that the genitive can take on, when we talk about the legibility *of* power, meanings multiply. Legibility of power can be seen as the rulers' ability to 'read' the governed people, but also as the quality the power has to be seen. The function is subjective from the first point of view, and objective from the second one.

At this point, we cannot ignore the *Panopticon* model proposed by Bentham, nor its symbolic interpretation given by Foucault, according to whom "the disciplinary power, on the other hand, is exercised through its invisibility; at the same time, it imposes on those who are subject to the principle of compulsory visibility"[39]. According to this model, the couple to see–to be seen is thus dissociated, establishing a disparity that the supervised subject is seen but he/she cannot see, or rather he/she sees the high shape of the tower from where he is spied, but he/she can never verify it[40].

By inverting the prospective, *ex parte populi*, the legibility of power can also be understood as the governed people's chances of reading the power (the rulers), which in turn is (are) watched by the people. Any group or individual, whatever are its origins or cultural background, or whatever are its financial resources, can enter the cyberspace and acquire data, get in touch with other

[39] Michel Foucault, *Discipline and Punish: The Birth of the Prison,* trans. by Alan Sheridan (London: Penguin books, 1991, 187).
[40] Cf. Vincenzo Sorrentino, *Il potere invisibile*, op. cit., 119-128; Gianfranco Pellegrino, "Il potere di Foucault in Bentham. Frammenti di un confronto", *Lo Sguardo. Rivista di Filosofia*, 13 (2013): 231-248.

groups, and spread news to a large audience[41]. Bentham's model is thus overthrown: if the goal of the *Panopticon* was to prevent anyone from escaping, now the main issue of databases is to prevent someone from coming in from the outside.

Therefore, in the cyberspace world, the model is not simply bi-directional, as a kind of information highway, which, as Lévy argues, would be unhappy and inappropriate as it would tie it to a stream of channelled information. In the cyberspace, communication is qualitatively different. Its character is varied and customizable, transversal and hyper-textual, collective and interactive, with more guidance and more dimensions.

It is as if the Bentham's *Panopticon* had been lined with mirrors, with images bouncing, multiplying, inverting, and refracting until the source of the sight was lost. It is no longer a matter of distinguishing "the seeing from the being seen", as suggested by Foucault in his *Panopticon*'s reading. We are observing polycentric surveillance networks, where we all can see and we all can be seen[42]. In this 'game of mirrors', it does not matter if what it is reflected is real, because as a reflection, it is true. This vortex of images seems to generate an explosion and a multiplication of "visions of the world", a chaotic society, as Vattimo states, where the individual is thrown into a "Babel-like disorientation". Is it worrying for the democracy?

41 Cf. Pierre Lévy, *Cyberculture*, trans. by Robert Bononno (Minneapolis: University of Minnesota press, 2001, 207).
42 David Lyon, *Surveillance Society. Monitoring Everyday Life* (Philadelphia: Open University Press, 2001), *La società sorvegliata. Tecnologie di controllo della vita quotidiana*, trans. by Adelino Zanini (Milano: Feltrinelli, 2003, 205).

In 2016, the Oxford English Dictionary chose "Post-Truth" as the word of the year. It defined it as "relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief"[43]. The 'Post Truth Society' is a society in which the concept of 'truth' is related to circumstances in which the use of emotions and personal beliefs is able to affect the formation of the public opinion much more than the objectivity of facts themselves.

In the century of the Internet, of the Open Society, and of the 24/7 information flow, the possibility of accessing any content without mediation exponentially increases the legibility of the power both by rulers, and people governed, and also the risks of the conditioning of the public opinion increase. In 2013, the World Economic Forum[44] included the digital disinformation in the list of "global risks", capable of having political, geopolitical and even terroristic implications[45]. In this sense, new technologies seem to make the concepts of 'false' and 'true', at a perceptive level, interchangeable, and this is the reason why the issue of

[43] https://en.oxforddictionaries.com/word-of-the-year/word-of-the-year-2016

[44] http://reports.weforum.org/global-risks-2013/risk-case-1/digital-wildfires-in-a-hyperconnected-world.

[45] The Information Operations (IO) deserve to be deepened by the degree of the perfection achieved, and the intrinsic possibilities of informational and psychological manipulation: such information is the basis of decision-making moments, which can support the achievement of strategic goals, as well as the Information Warfare (IW). It is a methodology that, in times of crisis and conflict, provides the management and the use of information in all its forms and at any level, in order to secure the military advantage. *"Information is becoming a strategic resource that may prove as valuable and influential in the post-industrial era as capital and labour have been in the industrial age"* (John Arquilla and David Ronfeldt, "Cyberwar is coming!", *Comparative Strategy*, 12 (1993): 141–165).

information and mediation is raised, as well as their ability of acting and influencing the targets on a one-way basis.

Maybe, we are not facing the "world visions", such as those defined by Vattimo, which would bring us back to a sphere of *mundus intellegibilis,* made of abstract ideas and abstract words recalling a way of thinking made for concepts understood without being seen. There is the risk of facing "images of the world" that do not turn to concepts, and which atrophied our ability to understand and to proceed by ideas. It is the concern expressed by Sartori on the future of the Democracy in the age of the *Homo Videns*, where abstract and conceptual language is systematically replaced by a poorer perceptive language. In this scenario, the concern for democracy is that the public opinion can be controlled and that "there will be no public opinion but opinion among the public".[46]

Maybe, the instrumental transparency could be a 'minimum' quality for the democracy of exercise. Maybe, before legibility as a quality of a good democratic government, we need for everyone to recover the 'geographical' difference between intimate, private and public. Maybe, in democracy meant as a government of well-understood, reasoned and shared ideas, those latter ideas that have seen in the invisible power a "virus to fight", it is necessary to retrieve confidence in the power of thought, even if it is shared on the net, and in its ability to know how to crack in the world of fakes. Therefore, in a democratic government, it is necessary to create the conditions so that everyone could navigate without being overwhelmed in this cyberspace. Education, training and

[46] Giovanni Sartori, *Democrazia. Ha un futuro*, op. cit., 47; Id., *Homo videns. Televisione e post-pensiero* (Roma-Bari: Laterza, 2011).

cultural promotion must be able to regain the helm. After all, we can conclude these reflections getting back to what Montesquieu suggested*:* "In the republican government, you need all the strength of education."[47]

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[47] Charles-Louis de Secondat, baron de Montesquieu, *Lo spirito delle leggi,* ed. by Antonio Genovesi (Venezia: Francesco Andreola, 1821, IV, Ch. V).

SYMPOSIUM

LE BON GOUVERNEMENT

OBSERVATIONS ON PIERRE ROSANVALLON'S *LE BON GOUVERNEMENT*

BY

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© 2017 – *Philosophy and Public Issues (New Series)*, Vol. 7, No. 3 (2017): 63-76
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

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Observations on Pierre Rosanvallon's *Le Bon gouvernement*

Emmanuel Picavet

Prof. Pierre Rosanvallon's important contributions to the history and understanding of democratic culture have revitalized the analysis of the gaps between the ideals associated with formal democracy on the one hand, and the concrete exercise of power by leaders in democratic States on the other hand. With their distinctive and illuminating references to French political history, his books have enabled numerous scholars to become aware of the difficulties associated with the expression of a democratic culture in real power (or transformative capacities), beyond the rules of formal power and valid legal prerogatives.

Isn't the expression of democratic values endangered by the move towards the centrality of executive power in many democratic States? More particularly, isn't it clear that the general move towards a general-election choice procedure for the supreme holders of executive power has remained unmatched by beliefs in the virtues of general elections for the regulation of the relationships between the governing elite and the governed?[1] There is a fairly consensual acknowledgment of the value of this problematic. However, the motivations for renewed analyses usually originate in less-than-consensual ideas about the crisis of

[1] *LBG*, p. 159.

© 2017 – *Philosophy and Public Issues (New Series)*, Vol. 7, No. 3 (2017): 63-76
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

representative democracy, the specific problems of political power in France and the appropriate remedies.

I
A Study of Power in Present-Day Representative Democracies

I have had the opportunity to examine a number of these complex issues in another publication, in connection with P. Rosavallon's work[2]. For the purposes of this symposium, I'll concentrate on a few dimensions in the author's handling of the basic problems which surround power-exercising in itself, in *Le bon gouvernement*.

An examination of the distinctive features of his approach should start from the first steps of the political argument, a series of stylized facts about the fate of democracy in the contemporary world. These facts are loaded with normative assumptions and, although they have normative content, there is no denying that they are also descriptive. While a rigorous separation of empirical facts and normative statements is a valuable goal generally speaking, it has been convincingly argued that this ideal is not always a realistic one[3]; in addition, most significant statements about political facts are partly empirical, partly normative because the common root of their identification and interest is the

[2] E. Picavet, « Démocratie et contre-démocratie : apports et présupposés de la contribution de Pierre Rosanvallon », in A. Viallat, ed., *La démocratie : mais qu'en disent les juristes ? Forces et faiblesses de la rationalité juridique* (proceedings of the May 2012 colloquium, Law Faculty of the University of Montpellier, France), Paris, Librairie Générale de Droit et de Jurisprudence, 2014.

[3] Hilary Putnam, *The Collapse of the Fact/Value Dichotomy and Other Essays,* Cambridge, Mass., Harvard University Press, 2002.

connection of actions (or states of affairs) with politically relevant norms. The connection of facts and norms in P. Rosanvallon's opening statements about the present state of democratic politics and the disappointment of citizens is well worth a discussion. The first pages in *Le bon gouvernement* provide ample evidence that P. Rosanvallon's diagnosis refers to a critical context: democracy is in dire straits. Citizens feel abandoned by politicians once they are elected, and the behavior of politicians exemplifies *mal-gouvernement*, an insidious evil within democracy.

There is no denying that democratic regimes can be considered *democratic* for good reasons (thanks to political competition in elections, the rule of law and the protection of individual freedom); this is fully acknowledged in the book. Nevertheless, according to P. Rosanvallon, the quest for a full-fledged democratic life is patently unended and, more particularly, it should be allowed that the concrete use of power, especially executive power, falls short of democratic ideals. This creates room for an investigation of the roots of our unsatisfactory democratic experience, and the first step is to recognize that the governing/ governed dichotomy has regained prominence (over and above the representative/ represented pair[4]). In-depth examination of the historical fate of executive power (with a special focus on French political history) plays an important role in the book as it reveals a series of tensions between mutually incompatible desires or beliefs. In *Le bon gouvernement*, historical analyses are all the more illuminating as they help identify crucial changes in the real allocation of power. For example, the role of political parties has undergone significant changes across history in connection with evolving normative beliefs about people's sovereignty or the connection between law and executive power.

[4] *LBG*, p. 9.

The acceptability of power allocation and re-allocation is connected with elections but elections themselves must be justified in a principled way[5] and the ways of justification are complicated by divergent aspirations.

The "crisis" diagnosis is qualitative. One may ask: how deep is the disappointment? In the case of France, statistics provide ample evidence of the widespread distrust of governed citizens towards the governing rulers. This is worrying indeed: the Republic doesn't achieve a level of "trust" by any means comparable to, say, democratic regimes in Scandinavia. For all their ability to capture important features of widespread psychological states, statistics about values and perceptions are perhaps not the most appropriate sources of evidence here. Reflective attitudes and practical commitments do not easily scale down to quick answers in opinion polls.

For example, the extraordinary development of long-term unemployment, poverty, homelessness, social segregation in secondary schools and higher education, and sheer deprivation in France in recent years, accompanied by declining State support for public institutions and the public industry, and the ideology-driven gradual abandonment of active (growth and employment-oriented) fiscal and monetary policies, has not been associated with significant trends of revolt, much less revolutionary movements. In these extraordinary circumstances, shouldn't we consider that the enduring loyalty to existing institutions is quite striking after all?

Neither can we rely exclusively on a massive contrast between past and present (let's say, between the blooming years of the 3d Republic in France and the sad examples of clearly deplorable

[5] *LBG*, p. 167.

individual misconduct among rulers in the 5th Republic). To be sure, French political life in recent years has been marred by mediatic financial scandals, clear examples of cynic abuse of power on the part of a number of politicians, as well as a shocking harshness towards the poor. It has showcased insensitivity to important needs in the population, as well as refined ways to use public means to promote the personal career and fortune of friends and political companions. Nevertheless, these problems have been highlighted by journalists whose audience is clearly more numerous, more influenced by media coverage of events, and more politically conscious, compared with the population of France back in the times of the 3rd Republic. Moreover, present-day journalists can rely on powerful digital means of investigation which have only existed in the last decades. For all the recent, perhaps deplorable restrictions on freedom in speech and publication in France, it can safely be said that journalists enjoy extensive rights to investigate and explain political scandals.

II
The Nature of Problems in Contemporary Democratic Regimes

Following P. Rosanvallon's insightful analyses in *Le bon gouvernement*, a number of basic problems of democracy today amount to bad properties of ruling processes. This point of view is no doubt much more illuminating than straightforward moralistic attacks on the lack of virtue in subgroups of the population, such as the influent circles and the "ruling elite" (on any understanding of these fuzzy concepts), MPs and other elected officials. The encountered problems have to do with the structure of administrative processes, public debates and

collective decision-making – sometimes also with the absence thereof.

Paying due attention to decision-making processes, the author is able significantly to contribute to the analysis of the highly important topic of the use of social and administrative models in effective power-exercising. Owing to the growing importance of specialized (technical) topics and regulatory activities in government, this topic is more vital than ever. For example, financial regulation and monetary policy, with their widespread effects, heavily rely on economic models of the social world and on models of risk and probability, human values and attitudes, administration and dialogue. Discontent, distrust and open criticism are, more often than not, the outcome of reasoned judgments about the inadequacy of such underlying models.

These attractive general features in P. Rosanvallon's work allow it to be illuminating in several ways indeed. The implications are both stimulating and relevant. These are positive reasons to believe that the underlying methodological choices about the delineation of the relevant topics in a study of democracy are well worth a second look.

P. Rosanvallon's grasp of the "democratic deficit" revolves around the awareness of citizens. The latter are well aware that the interest politicians take in the everyday problems and legitimate claims in the population is insufficient. More often than not, politicians prove unable to initiate in-depth institutional dialogue and go beyond their tiny sociological sphere. On top of this, they appear to have specific problems with the acknowledgment and practice of accountability, transparency and "reactivity" in day-to-day governmental practice. All this makes it urgent for political analysts to deal with the effective use of power and its shortcomings. While the relevance of the chosen viewpoint and the resulting research agenda can hardly be denied,

a number of questions can arise about the spectrum of the highlighted topics. These topics have to do with the everyday management of public affairs. They are at the heart of practical political problems. But, one may ask, what about the spectrum of the public affairs themselves?

My guess is that a number of phenomena which lie at the core of P. Rosanvallon's statements about the present state of democracy – such as the rise of populism and the widespread distrust of mainstream politicians – are in fact connected with the gradually narrowing spectrum of public affairs. Even though "new" issues regularly come up in political debates and keep stimulating the legislative imagination of associative leaders, journalists, lobbyists and politicians alike, these are often symbolic and comparatively minor issues, when contrasted to the big problems of national industry, employment and State planning. These big problems are in turn regularly described as irrelevant for concrete political action on the part of national political rulers, for reasons which are deeply connected with the set of ideas associated with "economic constitutionalism" on a neoliberal understanding[6].

This evolution is connected with supra-nationalism on the one hand, and with the growing influence of ideologies and irrational beliefs on the other hand. In the case of France, supra-nationalism is first and foremost associated with the power of EU institutions, and especially with the authority recognized to these institutions when it comes to delineating the proper domain of State action at the level of democratic State power. Supra-nationalism isn't a matter of State failure, or elite treason as populist discourse tries to frame it in public discourse. Historians

[6] The political dimension of this brand of neoliberalism is elegantly discussed in *LBG*, pp. 181-183.

know better: it is obviously connected with the evolution of ideas and practice in the national political sphere. In the case of France, it is also very much rooted in evolving beliefs about the proper meaning of public action, nation, independence, autonomy, etc.

In addition, the success stories of the Commission and of the European Central Bank in the EU power games convey the notion that democratic control, accountability and people-related decision-making are not central after all. They have a role to play, but the official "truths" about economics on the one hand and "good governance" on the other hand are somehow more important in the end. Economic liberalism and its political safeguards are at the core of the quasi-federal political system. This creates problems because the typical democratic concerns are best understood in connection with local or national issues which have no systemic connection with the abstract economic rules of competition which lie at the core of the European structure, nor with large-scale economic stability as framed by the mental setup which is typically associated, in economic matters, with the European Commission and the European Central Bank. Similar issues can be raised in connection with other international or supranational institutions.

A basic problem, then, is the possibility that popular judgment might, after all, be completely divergent. In a country like France, it is widely held that economic rules (including the basic rules of production, exchange and redistribution) and the legitimate range of political action in the field of macro-economic affairs are not alien to the government's prerogatives. Indeed, for many of us (French citizens), they lie at the core of what politics is and any picture of politics which tends to underrate their importance or legitimacy is routinely viewed as a distorted, deeply ideological one. Quite simply, many people believe that politics isn't centrally concerned with the regulation of "free-market"

competition or the management (through the provision of public goods and other policies) of "market failures". Widespread criticism is understandable, then, but it has little to do with accountability, procedural guidelines or the setup of open discussion fora.

Another concern is the connection of practice and principles. Good practice in politics can hardly be severed up from the relevant interpretations of principles. Correct political action has a lot to do with the ability to rely on matters of principle, in the light of the plurality in the defensible, consistent interpretations of the underlying guiding principles. Instrumental efficiency, conscious rule-following, procedural accountability and the rejection of manipulative opacity won't suffice in this respect, for the purposes of restoring trust in politics. P. Rosanvallon's project of a "lucidity" and "knowledge" revolution is a fascinating one, as it associates the understanding of social functionings and the "readable" character of political action[7].

Progress in making politics "readable" is decisively associated with responsibility and reactivity in the general scheme for letting people "appropriate" democracy again. In P. Rosanvallon's book, these new tasks rely heavily and correctly on cognitive processes. As Necker understood, transparency and trust follow from intertemporal cognitive tasks[8]. The visible character of processes doesn't warrant a correct grasp on the part of citizens[9].

[7] See *LBG*, p. 252.
[8] See *LBG*, p. 219.
[9] *LBG*, p. 232 and p. 234.

III

Legitimacy and Changes in the Practice of Government

While P. Rosanvallon's historical studies focus on the practical relevance of general principles, his advice for change goes beyond the architecture of power, interpreted as a priviledged expression of general political principles. In other books – especially *La Démocratie inachevée* and *La Contre-démocratie* – the author had advocated a pluralistic view of democratic ideals (beyond the majority rule) and a serious examination of the way citizens, groups and institutions are able to control the exercise of power as it is, in a way which doesn't reduce to simplistic ideas about authorization. In *Le bon gouvernement*, a remarkable achievement is the simultaneous development of an institutional theory of democratic control and a political theory of democratic, principle-based action. This involves a searching conceptual analysis of the principles of democratic action in politics generally speaking[10]. Argument along these lines suggests the importance of a "readable" society"[11], in which both trust and consent to justifiable changes is made possible.

Such developments are crucially important in times which give evidence of the regained popularity of conspiracy theories[12], of irrational diffidence towards the elected rulers and also of absurdly hyperbolic views of responsibility and imputation (a "crisis of imputation"[13]). However, pairing trust and the "readable" character of social and political processes is no easy task in the end. It involves the ability to grasp the use and the

[10] *LBG*, p. 384.
[11] *LBG*, p. 22, p. 25, p. 246.
[12] *LBG*, p. 239.
[13] *LBG*, p. 265.

direct expression of principles in the processes, otherwise distrust may be rational even for people who are not tempted to endorse conspiracy theories. Given the plurality of officially endorsed sets of principles in modern democracies (with both national and international sources), given the difficulties in the understanding of complex procedures in political decision-making and given the contingent aspects in the procedures through which principles are served[14], the lack of wholehearted identification with the spirit of democratic institutions is explainable after all. It has a lot to do with interpretation and issues of expressiveness, beyond the safeguards provided by procedures and the checks and balances among institutional actors.

As it turns out, some of the major problems of present-day democracy originate in the identification of the relevant principles behind legitimate power. In the case of France, for example, we cannot overlook a number of basic principles which account for the democratic character of State action, assessed from the point of view of Republican thought and tradition. These principles are part of the nation's "public reason" (in the parlance of philosophers) and they appear to be crucial for the validation of the democratic character of public action within the framework of the kind of State democracy informs – namely, a Republican State with its own tradition in the interpretation of universal moral values and political claims.

Quite simply, these elements of democratic decision-making are not fully shared (or at least, shared in the same format) across

[14] Such complex procedures as the EU ones give credit to the hypothesis of « oblique » politics I have defended elsewhere: principles do impact decision-making but they do so in a way which is heavily dependent on institutional details, fragile strategic expectations, the contingent associations of the goals or interests of various groups, and so on.

EU countries. Such essential guideposts of legitimate State action in France as the fight for effective *laïcité*, the eradication of arbitrary economic power in private hands (as classically expressed in such a landmark document as the *Conseil National de la Résistance* program), responsible and forward-looking State economic industrial action (beyond vague speeches about "strategy"), State involvement in the implementation of social equality and social security ideals, etc. are not fully shared across Europe, to say the least. Agreement on a number of *other* central concerns or contemporary democratic culture and social ideals is important to be sure; it shouldn't be underestimated and it is at the root of many progressive, dynamic processes in the EU. Such an agreement, however, says nothing about the comparative importance of the *other* concerns which play a vital role in the interpretation of the scope and challenges of democratic procedures in the Republican national State. They are important in their own right indeed and they cannot be overlooked, unless we accept the risk of letting State power be perceived as an arbitrary set of inconveniences.

As a result, given the predominance of EU power over State power in many respects, the global picture is a confused one, which fuels popular distrust and the political exploitation of popular discontent in electoral competition. The central virtue of democratic politics which is most at risk is the ability of all citizens to make sure by themselves, in a convergent way, that public action can validly be interpreted in the light of common-knowledge moral and political principles, as plausible (if contestable) expressions of these very principles. If political life falls short of this, how can we escape the development of disloyal feelings? Decision-making procedures, transparency or accountability play a role but the substance of norms and the scope of legitimate power might be a more decisive one after all.

These are reasons to believe that the analysis of democratic discontent about democracy as it is should cross the borders, and deal with concerns which have to do with the understanding of the margins for action to be associated with legitimate democratic power- not just the proper exercise, reactivity, transparency and accountability of power. The analyses in *Le bon gouvernement* are extremely useful but they rely extensively on the logic and functioning of democracy itself. The meaning of democratic procedures is also connected with the extension of people's power: the range of substantial choices and the collective ability to select the appropriate principles or general maxims of political action.

Along these lines, for the purposes of understanding the problems of democracy in France today, the study of ideology – economic beliefs and doctrine in the EU institutions for instance – is necessary. After all, the recent economic bodies of thought have had a significant impact on the understanding of the functions, goals and other attributes of core political institutions. Owing to their impact on EU authorities, they are part of the picture of democratic legitimacy, although their generative processes are far from democratic in themselves as journalists, activists, political consultants, writers, celebrated professors (and more obscure academic researchers) and lobbyists play the central roles.

Similarly, evolving concepts of "good governance" connect up with (sometimes controversial) ideas about gender, respect for cultural communities, equality, the value of "the market" and the public/ private divide. Diffidence towards the ruling elite is fueled by disagreement on such matters. Given the growing importance of supranational government (especially in the case of the EU), international jurisdictions and standardized international doctrines of good governance, the ability of popular decision-

making to make a substantial difference in the choice of values is a problem once again.

P. Rosanvallon tries to help the public gain insights about the best ways to achieve change in political life. His inquiry gives a major role to such entities as "people", "nation", "the general will" and the law in the development of democratic legitimacy. His constructive suggestions deal with principle-based government in an appropriately systematic way; the substantial advice to be gained from *Le bon gouvernement* is most welcome indeed. The resulting picture of present-day democratic perplexities is convincing but it raises further questions about democracy. Dominant views about "good governance" in democracies on the one hand, supranationalism on the other hand challenge people's power in new ways. Indeed, they impact both the practice of power-exercizing and the choice of the underlying moral and political principles. This impact is certainly not easily separable from normative judgments about the quality of (or discontent about) democratic political life and procedures. P. Rosanvallon takes the reader to the border of the sphere of political reasoning about democracy, along the lines of the modern concept of responsibility, with significant improvements and original insights. Moreover, *Le bon gouvernement* can be perceived as an invitation to further examine the interactions between procedures and governmental action at the national level and the broader international language of good governance, ethics and economic wisdom. Some of the major challenges of democracy today originate in the tensions between popular choice and expert wisdom, because the latter has a major impact on the understanding of the legitimate domain of popular choice.

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SYMPOSIUM

LE BON GOUVERNEMENT

A DISCUSSION ON THE FUTURE OF DEMOCRACY WITH PIERRE ROSANVALLON

BY

SALVATORE MUSCOLINO

© 2017 – *Philosophy and Public Issues (New Series)*, Vol. 7, No. 3 (2017): 77-95
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

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A Discussion on the Future of Democracy with Pierre Rosanvallon

Salvatore Muscolino

To read the books of Pierre Rosanvallon is always a stimulating experience. The author's competences and interests span from history to political science, from philosophy to sociology; and in a cultural age such as ours, which is characterised by a sort of obsession for "specialization", scholars who manage a multidisciplinary scope represent a source of enrichment for us all.

In this issue of *Philosophy and Public Issues,* we discuss his book *Le Bon Gouvernement* and this is an excellent opportunity to critically reflect on the transformations which democratic western societies are undergoing today. It would not be a mistake, in my opinion, to consider this book as a *Summa* into which the themes and the problems dealt by the Author during his career converge, with particular reference to his recent and famous trilogy dedicated to contemporary democratic societies. I refer to: *La contre-démocratie. La politique à l'âge de la défiance* (2006), *La légitimité démocratique. Impartialité, réflexivité, proximité* (2008) and *La société des égaux* (2011).

Thanks to these works, Rosanvallon is one of the protagonists of the widespread debate, which has developed in recent years, which concerns the future of what are generically defined as "Democratic Societies". However, just glancing at the titles of some of the books published since the beginning of this Century gives a feel of how there is a sense of mistrust and a cloud of wariness towards the object "democracy": the controversial and

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famous book by C. Crouch *On Coping with "Post Democracy"* (2001) to the more recent one by J.-W. Müller *Contesting Democracy: Political Ideas in Twentieth-Century Europe* (2011) and, in the case of Italian publications, the one by the political scholar A. Mastropaolo *La democrazia è una causa persa?* (2011).

Rosanvallon is amongst the many that legitimately moves criticisms against the transformations which have affected democratic western societies in recent decades. His analyses are broad on a historical-descriptive level as much as on a suggestive one, therefore this contribution of mine will focus on some theoretical key aspects which are inspired by his latest publication, but also, when required, contextualising the latter on the trail of his previous works.

The core thesis of *Le Bon Gouvernement* is that democracy's recent history is constantly affected by the dynamics of growth of the executive powers. If the affirmation of the democratic utopia was the result of the need to allow sovereignty to the people, and therefore legislative (parliamentary) power as the most suitable instrument for the purpose, contemporary democratic societies' histories instead are characterised by a slow, but inexorable, growth of executive powers. This represents a *de facto* betrayal of the great dream of the American and French Revolutions.[1]

Several reasons can be identified to understand this *changement de paradigme* from an historical and conceptual point of view and these are examined in depth by Rosanvallon in his book.

I will attempt a dialogue with the author on three aspects of his analysis, which I believe play an important role when reflecting on the future of democracy: 1) the democratic ethos 2)

[1] P. Rosanvallon, *Le bon gouvernement* (Èditions du Seuil 2015), p. 16.

the relationship between economic globalisation and the crisis of democracy 3) the role of the new media.

I
The democratic Ethos

From Rosanvallon's earlier studies, it is clear that his main aim is to rethink the relationship between Democracy and Socialism. He writes in his introduction to *La société des égaux* «l'avenir de l'idée socialiste au XXI siècle se jouera autour de cet approfondissement sociétal de l'idéal».[2]

If I understand well, the author's aim is to give new foundations to a project of democratic society able to overcome pathological aspects of what can be labelled as "liberal" vision of democracy.

In synthesis, the liberals would be content to assert that "democratic" societies are those in which citizens choose their own representatives by means of free elections. For this view, Rosanvallon uses the expression *démocratie d'autorisation*: to his view, the main limitation of a society conceived in such a way is that it is left frail and subject to the centralization dynamics of growth of the executive power as *de facto* occurred over the course of the 1900s.

The premise of *Le Bon Gouvernement* is that, for about three decades, the *présidentialisation* movement, which resulted from the strengthening process of the executive powers, has also characterised the development of contemporary democracies. Substantially this *présidentialisation* process has led to the

[2] P. Rosanvallon, *La société des égaux (*Èditions du Seuil 2011), p. 23

pathological transformation of democracy in a simple *procedure d'autorisation*.[3]

In the Author's diagnosis, contemporary democratic societies seem to have lost the holistic vision with a common *ethos* and the relation of trust (*confiance*) between the rulers and the ruled. It becomes clear that in order to renew the democratic project it is necessary that the citizens stop being mere "spectators" and return to being protagonists of the political life of society. Using the Author's words, it is a matter of «définir le conditions d'une democratisation de la nuovelle forme présidentielle-gouvernante du régime démocratique»[4] in order to avoid its drifting.

Once the difference is established between rulers and ruled, which has been justly stressed by the theorists of the élites,[5] the scope is to reflect on how to avoid this necessarily asymmetric relation becoming a pathological aspect of democracy, where domination forms against the citizens find place whilst being incompatible with the authentic democratic spirit which has characterised modernity.[6]

Rosanvallon's proposals contextually encompass both the rulers as much as the ruled.

In relation to the former, he clarifies first that being "democratically elected" is not a sufficient requirement, unless associated with "democratic ruling". Rosanvallon points out some specific qualities that rulers need to possess in order to regain the now lost trust-relationship with the ruled ones. To reach this objective, meaning to allow the government to be

[3] Id., *Le bon gouvernement*, p. 21.
[4] *Ibid.*, p. 30.
[5] *Ibid.*, pp. 208-209.
[6] *Ibid.*, pp. 208-212.

recognised as "democratic", it is necessary that this is exercised in respect to three qualities: legibility (*lisibilité*), responsibility (*responsabilité*) and the reactivity (*reactivité*):[7] Only when the government makes clear its own lines of action, only when it is subject to scrutiny and accountable for its decisions and, lastly, only when it is committed to answer to "questioning" from the bottom, this qualifies it as "democratic".

Forgetting these qualities has meant that the executive power, in the so-called democratic societies, has defaulted into a bad-governing regime (*mal-gouvernement*) and a bad representation (*mal-représentation*).[8]

In the third part of *Le Bon Gouvernement*, Rosanvallon looks at the role of the ruled ones, dealing with the possible ways to re-activate citizen's participation in the government of a city with the scope to gain back the relationship of trust between themselves and the rulers. In particular, he refers to the introduction of "new democratic organizations" to facilitate the migration from a *démocratie d'autorisation* to a *démocratie d'exercice*. The Author indicates three of these: the *Conseil du fonctionnement démocratique* (*CFD*), the *commissions publiques* (*CP*) and the *organisations de vigilance citoyenne* (*OVG*).[9]

The *CFD* would monitor the transparency and the integrity of the rulers; the *CP* would monitor the quality standard of the public policies and the administration powers; lastly, the *OVG* would have the double role of supervising the

[7] *Ibid.*, p. 212.
[8] *Ibid.*, p. 297. It is interesting that Rosanvallon explains the recent populist movement phenomenon as a consequence of this crisis of "trust" in Europe which characterises nowadays representative democracies (ibid., p. 385).
[9] *Ibid.*, p. 385.

"reactivity" of the rulers and to organise ways to secure education and information of its citizens.[10]

It is important to stress that, aside from individual historic reconstructions and theoretical solutions proposed, for the Author the general scheme of reconstruction of democracy passes by a strong reference to the idea of "commonality" intended in a "formal" way **(**as equality of all in front of the law**)**, but mostly in a "substantial" way, in the sense of a possibility to be incisive in the management of the public interest.

This is the reason that suggested me to title this paragraph "Democratic Ethos": for Rosanvallon the presence of a bunch of mere electoral procedures does not represent "proof" of the existence of an authentic democracy; instead, what is necessary is the existence of an internal "tension" aimed at overcoming the obstacles to the accomplishment of a true "commonality".[11]

At this stage, I would like to present some brief considerations on the issue of the democratic *ethos*, because in my view the "commonality" presented by Rosanvallon is not a target which can be achieved only by a greater involvement of the citizens, although this remains an important element upon which reflect.

To give life to a *démocratie d'exercice* which is characterised by a genuine relationship of trust between the rulers and the ruled (where this trust is without doubt an essential component of a

[10] *Ibid.*, pp. 384 ss.

[11] «Cela implique de penser la démocratie à partir des problèmes de sa mise en ouvre et des riques permanents de la voir se dégrader en gouvernement oligarchique. C'est-à-dire de l'appréhender comme un travail sur elle-même, liant le débat sur ses conditions de fonctionnnement à l'apprèhension des conditions de production d'une communalité plus forte. Ce à quoi renvoie la notion même de démocratie d'exercice dont la mise en ouvre constitue pour cela le couer de la nuovelle révolution démocratique à accomplir» (*ibid.*, p. 392).

true democratic *ethos)* Rosanvallon clarifies that those who are elected must effectively pursue the "common good" or in other words, that the citizens have the perception that who rules has a "dévouement au bien commun".[12]

It seems to me that this is one of the main problems of our democracies: the strong pluralism characterising our societies, in fact, makes the concept of "common good" a difficult entity to define beforehand. In reality, here two separate strands become intertwined: the first being the commitment to "dedication" to the common good, intended as the will of the elected ones not to work to take personal advantage, no matter if this is done lawfully using loopholes or illegally; the second instead is the interpretation of the "common good" in terms of content.

Only if we step up the discourse onto this new level do we perceive the difference between "liberal" conceptions of democracy on one side, and its "socialist" conceptions (namely some forms of republicanism) on the other.

If the concept of democracy, as recognised by Rosanvallon, is an undetermined[13] one, and as a such it requires a serious and long reflection process, it is just as reasonable to assert that the same intensity of efforts are to be dedicated to the concept of "common good". In both cases we deal with *contested concepts,* which means that they have two closely intertwined dimensions, one descriptive and one normative; this, resulting in the complex, if not impossible, task of gaining a neutral point of view towards the two aspects in question.[14]

12 *Ibid.*, p. 324.
13 *Ibid.*, p. 340.
14 Q. Skinner, *Visions of Politics. Regarding Method* (Cambridge: Cambridge University Press 2001).

Today, a substantial part of the conflicts within democratic societies concernbioethics or rights recognition for specific communities or groups: for instance, I am referring to the surrogate uterus, to the stepchild adoption, to the family arrangements as much as conscientious objector medics who work in state hospital infrastructures…

These issues represent some of the main clashing topics in our societies as a direct consequence of the different interpretations of what "common good" is. I agree with Rosanvallon about the need for claiming greater participation from the citizens; or for underlining the need of a relation of trust between rulers and ruled. I am not so sure that ultimately this could be so decisive to solve the delicate questions I referred to earlier, and which represent a central aspect of the life of the citizens in democratic societies.

I have raised this issue because in my opinion Jürgen Habermas has had the right intuition when he stated that the existence of a truly democratic society «depends on the motivation of a population *accustomed to liberty*, motivation that cannot be generated by administrative measures».[15] This means, as demonstrated by Habermas' recent work,[16] that one of the most pressing questions of today is the one related to the

[15] J. Habermas, *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy* (Mit Press 1996) p. 461.

[16] Recently Habermas has focused his interest to the relationship politics-religion in order to overcome the limitations of the secular philosophical approach. In his opinion, while the latter is unable to adequately guarantee the basis for the "social solidarity", the great religious traditions, which have begun a dialog process with modernity, can become important agents for the defense of this fundamental value that is necessary to contrast the excesses of the neoliberal paradigm: J. Habermas, *Between Naturalism and Religion: Philosophical Essays* (Polity Press 2008).

background values of our society, particularly, in an era characterised by a scientific nihilism on one side and by a neo-liberalism on the other.

The key point onto which is important to reflect is that the democratic principle itself, which is the search for the consent or the active participation by the citizens, does not always guarantee the spread of democratic values in a society or the natural development of a democracy following the fall of a dictatorial regime. I will provide two examples to clarify this point.

The first relates to what has happened during the so-called "Arab Springs", in particular in the case of the Egypt. Following the fall of the dictator Mubarak, the first democratic elections in the spring of 2012 resulted in the rise to power of the Muslim Brotherhood, who have started a process of Islamization of the Egyptian society, interrupted then by the coup of the General Al-S□ s□ .

A second example instead is that of the death penalty, a pressing debate in modern and contemporary democratic history. In a stimulating study, the US sociologist of law David Garland has shown how the issue of the permanence of the death penalty in many US states depends on a calculated strategy by the political candidates: given that often the majority of the electorate is in favour of the death penalty, the candidates prefer not to deal with the subject for fear to impact their consent in the voting polls. Paradoxically, often it has happened that the abolition of the death penalty has occurred by "chance". This is the case of the state of Michigan, where reformist elites once raised to power

in 1846, repealed this institution (with reference to common crimes) with a sort of coup and against the people's will.[17]

These two examples are useful to understand how in the realization of a Democracy, the Democratic Principle represents a necessary condition, but not a sufficient one. This needs to be joined to liberal principles in order for it to play a positive role in the safeguarding of democratic values, or in the case of the construction of a democratic society after a dictatorship, with the scope to prevent illiberal movements, or fundamentalist ones, from taking power even by means of free elections.

These short considerations allow me to develop a second discourse referring to the dynamics of executive power's strengthening as envisaged by Rosanvallon.

My fear is that, in his rich and profound reconstruction, these dynamics risk becoming a sort of "autonomous variable" in the history of contemporary societies. I say this because in various places the Author aims at linking it to phenomena like caesarism, totalitarianism and populism which would have in common the «même prétension à dépasser les limites de l'elèction et a méttre en place une forme, considèreè par eux radicalement démocratique, de personnalisation du pouvoir».[18]

Of course, the phenomena of personalization of power is a real problem but in order to full understand the XX century totalitarian systems, as well as South American and European populisms, I prefer to underline other common elements: I refer to a Manichean vision of reality, a narrative based on a

[17] D. Garland, *Peculiar Institution: America's Death Penalty in an Age of Abolition* (Harvard University Press 2010).
[18] P. Rosanvallon, *Le bon gouvernement*, p. 320.

philosophy of history, and a general rejection of capitalism and liberal values.

If we observe reality trough the latter interpretative grid, it seems to me that some of the most recent political experiences cited by Rosanvallon can be interpreted in a different way. It should not be forgotten, for instance, what lately is happening in Turkey: the current authoritarian turn depends significantly on a certain Theocratic tendency that is historically present in that geographic/cultural area, and which is aimed to scale back the secular achievements started with Ataturk. Maybe, what is happening in Turkey becomes more comprehensible by reflecting on the classic question of the relationship between religion and politics in the Islamic world, rather than considering the illiberal results of the current Turkish regime as a logical consequence of a general dynamics of reinforcement of the executive power.[19] On the contrary, the latter could be mistaken as a sort of autonomous variable from the context into which it develops.[20] In the case of Turkey, as well as in other contexts, the difficulties of their "Democracies" are not the primary result of the reinforcement of the executive powers, but rather the consequence of factors related to their own circumstances. For this reason, in the next paragraph I would like to discuss the relationship between the economic globalization and the crisis of Democracy.

[19] *Ibid.*, p. 166.

[20] On the other side, Rosanvallon himself admits that in the French case the risk of an illiberal drift has been only a potential one, as it remains a State of law. The Author finds, on the contrary, an illiberal tendency "effective" in regimes like the ones of Putin or Erdogan (*ibid.*, p. 166). However, if we accept my interpretative grid, then the strengthening of the executive power is understandable, in some contexts, as an "effect" or as "instrument" of the betrayal of the democratic ideals rather than as "the main cause of" democracies' pathology.

II
Relationship Between the Economic Globalization and the Crisis of Democracy

The proposals discussed in *Le Bon Gouvernement* fit into—or at least this is my interpretation—the process of re-nationalization of Democracy hoped for by Rosanvallon in the last part of *La société des égaux*[21] where multiplying citizens' occasions for participation in the political life and the control of the executive power are for the author the best way for the «réalisation d'une société des égaux».[22]

There is an aspect to which Rosanvallon briefly refers which, if examined in depth, could offer an enhanced understanding of the transformations of contemporary democracies; this is the relationship between economic globalization and the crisis of democracy. The author is doubtlessly conscious of the influence that the globalization process has had on the strengthening of the executive powers. However, my feeling is that such influence, in his analysis, does not have a pivotal role, which instead I consider essential in the understanding of the "crisis" of the democratic societies, particularly in Europe.

I would like to try to sustain this thesis by recalling the interesting theory of the economist Dani Rodrik. In his book: *The Globalization Paradox. Why Global Markets, States and Democracy can't coexist*, Rodrik represents how it is necessary to reflect on the relationship between capitalism and democracy by re-thinking the economic-political model which has characterised the second half of XX century.

21 P. Rosanvallon, *La société des égaux,* p. 411.
22 Id., *Le bon gouvernement*, p. 392.

Today, according to his view, the world states would be in front of a triple lock to untie if they want to harmonize the global markets and the democratic institutions.

This is because there are three main interests on the table: *Hyper*-Globalization, National Sovereignty and Democratic Politics.

Currently for Rodrik it is not possible to simultaneously grant the interests of each of these parties: opting for *Hyper-Globalization* and *National sovereignty* would go against the democratic *policies*, given that the existence of a State would require a deficit of Democracy in order to survive the globalised competition (as it currently happens in the case of EU). The second option is to prioritize *Hyper-Globalization* and *Democratic Politics* with the consequence of undermining *National Sovereignty*. Like the previous, this second alternative would be impassable, as the end of the National States would require the formation of a Super World State. Currently, this is inconceivable due to enormous socio-cultural global differences.

The only realistically pursuable option is to re-think *Hyper-Globalization* (not globalization!) in a way that would safeguard the *National Sovereignty* of the National States and the possibility of *Democratic Politics*. This can only be reached via drawing up new international agreements aimed at avoiding the same excesses, which have characterised the financial capitalistic approach of the last thirty years.[23]

As I outlined earlier, my conviction is that Rodrick's triple lock is helpful for a general thought on the crisis of western democracies, particularly in Europe. Without doubt, as

[23] D. Rodrik, *The Globalization Paradox. Why Global Markets, States and Democracy Can't Coexist* (Norton & Company 2011).

emphasized by Rosanvallon, in recent decades there has been a process of strengthening of the executive power resulting in the weakening of the legislative one.

However, if Rodrick's thesis is correct, one could wonder if attempting to allow the citizens greater involvement in the administration of the power could not risk proving insufficient, or worse detrimental, particularly if this attempt at involvement should precede the solution of the issues with *Hyper-Globalization?*[24]

III
The role of the Media

A typical aspect of today's democracies is the feeling of general mistrust towards the political class, as demonstrated by the election turnout results which at times can be very poor.

This is a point on which Rosanvallon insists recalling the need to re-establish a trust relationship between the rulers and the ruled. To reach this aim, it is necessary to work on both sides: the elected and the electors. Some instruments are known and available. For instance, I am referring to systems of control of the executive power's policies or of the local administrators via institutions like the *recall*, in use in the Anglo-Saxon world, which Rosanvallon also makes reference to.

[24] As previously said, not always the "choices" of the citizens appear as the "best ones". For instance we can think to the recent referendum on the Brexit. Even in the presence of "adequately informed citizens", like in the model of deliberative democracy, one cannot be sure that the "choices" made or majority orientations will always be "preferable". To sustain the opposite, would mean to deny pluralism.

There is an element, which the author briefly mentions, and which I would like to expand upon a little, that is the role of the new media in contemporary society.

One of the functions of the great parties throughout the XX Century has been to function as a conveyor belt between the citizen and the world. The great ideologies of modernity were the answer to this need for orientation within the public debate.

Today, the predominant function of the Internet in the circulation and spreading of ideas has had a final role in the crisis of traditional parties' ideologies, because the citizens can directly access the information they require.

The opportunities offered by the web are undeniable. However, there are already many studies which look at the not always positive role covered by the new media in the construction of an authentic democratic *ethos*.

I am referring, for example, to those from the American scholar Cass Sunstein who has shown how, paradoxically, the Web democratization of information presents side effects for society. Sunstein's thesis is very clear: often, the internet search is unconsciously aimed at finding a confirmation to one's ideas, rather than to their denial. The short term result of this being the reinforcement of one's prejudices rather than the enhancement of one's critical-dialogical ability, which is the necessary condition to create an authentic democratic *ethos*. Whilst the face to face dialogue *imposes* us, as citizens, to argue and face-off different positions from ours, the browsing of the Web carries a serious risk: that of freeing ourselves from this "cognitive weight". The main result of this been the process of radicalization of political

beliefs, ultimately leading to the increase of social conflicts rather than their mitigation.[25]

It is not coincidental that many populist movements rely on the potential of the Web to find consensus and to develop programming platforms. This is particularly clear in Italy with the *5 Stars Movement* that tends to use a simplistic and captivating language, often of Manichean style, which obstructs a real critical confrontation.

Furthermore, as it is known, the Web is the ideal place for the proliferation of conspiracy theories of all sorts, which are aimed at undermining the trustworthiness of the State and the institutions. Still in relation to Italian affairs, I want to recall a recent example concerning the medical vaccines.

Although one of the positive aspects of modernity is the advance of scientific progress, particularly in the field of medicine, for a while now the Web has been the battlefield of a media campaign aimed at discrediting official medicine, in particular in relation to vaccinations. In some Italian regions, this campaign of misinformation has contributed to generate a fresh outbreak of potentially lethal illnesses, especially for the youngest, so as to require an urgent and firm intervention from the Italian government.

I have presented this example as it seems to me that it is particularly supportive of Sunstein's theories on the potential dangers that new media could represent for our democracies. In my opinion, this is one of the crossroads on which the future of the democratic societies will be played: sooner or later there will

[25] C. Sunstein, #*Republic. Divided Democracy in the Age of Social Media* (Princeton University Press 2017).

be the need for a sort of regulation without, of course, beginning any form of Web censorship.

I would like to add that a recent work of the Byelorussian Evgenij Mozorov shows how a number of values so dear to the World Wide Web are at risk of causing a backlash for the democratic societies, particularly in relation to the rulers/ruled pair.

For instance, if the value of transparency is given absolute priority, a potentially perverse consequence might arise in the process of legislating: politicians, aware of being constantly monitored by the citizens, might be too conditioned to the point of avoid going against the grain of the public opinion, for fear to loose consensus in subsequent polls. In other words, considering transparency as the paramount value could risk compromising other fundamental values in the democratic process. What Mozorov argues is that making transparency the main value and, consequently, diminishing the rulers' full autonomy would put at risk the quality of the legislative production rather than guaranteeing, *a priori*, its automatic enhancement.[26]

IV
Conclusion

In conclusion, I believe that it is important to go back to the issue of the values. If, as I mentioned earlier, our societies are characterised by a plurality of values which is now stronger than ever, than the issue is to find shared "narratives" which are

[26] E. Mozorov, *To Save Everything, Click Here: The Folly of Technological Solutionism* (The Perseus Books Group 2014).

necessary (as correctly underlined by Rosanvallon) to reconstitute a positive relationship with the future.[27]

At this moment, my personal feeling is that the crisis of democracy depends upon the absence of such an element, which is the lack of a shared "narrative" able to sustain a democratic *ethos* in western societies. The absence of this "narrative" is a problem that relates to different levels of contemporary politics, from the national one to the supranational one as it is plainly evident in the case of the EU.

The elements to which I have referred, which are the crisis of political parties, the negative effects of a certain way of interpreting globalization and the crucial role of the new media, have undoubtedly a fundamental role in the crisis of the "narrative" that until yesterday was in the background of the democratic project.

Of course I can't argue this point with sufficient adequacy, but my feeling is that the democratic project has been constructed on a patrimony of Christian and Enlightened ideals: therefore, many aspects of the current crisis are the result of the collapse of these ideals in the democratic citizen's imaginary.

For this reason, I believe that for *retrouver un rapport positif à l'avenir*, as hoped for by Rosanvallon, a cultural reflection is the "fundamental requirement" to safeguard the democratic project in its deepest sense: to protect all human beings' dignity.[28]

Therefore, all the proposals aimed at increasing the participation of citizens in the life of a democratic society, or in

[27] P. Rosanvallon, *Le bon gouvernement*, pp. 391-392.
[28] H. Joas, *The Sacredness of the Person: A New Genealogy of Human Rights* (Georgetown University Press 2012).

empowering the responsibility of those who are in charge, have to be considered with great interest. This is because they represent the only way to ensure the sacred value of pluralism, which instead is undermined by the cluster of Manichean, populistic and anti-liberal political conceptions, which today are particularly aggressive.

For this reason, Rosanvallon's book, beyond specific aspects onto which it is possible to differ, represents a precious instrument for reflection on how to allow the citizen into the centre of life in a democratic society.

Università di Palermo

SYMPOSIUM

LE BON GOUVERNEMENT

ON "PARLER VRAI"

REFLECTION OVER THE POLITICAL LANGUAGES OF THE (DIS)TRUST IN *LE BON GOUVERNEMENT* BY PIERRE ROSANVALLON

BY

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© 2017 – *Philosophy and Public Issues (New Series)*, Vol. 7, No. 3 (2017): 97-122
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

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On "parler vrai"

Reflection over the political languages of the (dis)trust in *Le bon gouvernement* by Pierre Rosanvallon

Erasmo Silvio Storace

There will be good governance
only when philosophers become kings
or the kings become philosophers
[Plato]

Having devoted a large part of his own research to the history of democracy, and in particular focusing on the French political model, Pierre Rosanvallon developed, among the basic ideas of his thought, the concept for which between citizens and political class there was an increasingly unbearable distance, thus producing the loss of trust that ruled people could pin on leaders, and creating a wide space of "active distrust". Hence, first of all, the idea of establishing a "counter-democracy", founded on new ideals on which the daily work of "counter-democracy" citizens should be based: "monitoring", "prevention" and "judging". (As evidenced from one of his own reference texts, *Counterdemocracy*[1], dated 2006, in which the idea of current democracies citizens abandoning the streets in order to take refuge in the sphere of private life, for example, is reconsidered, etc.). In addition to that, it is necessary to reflect on

[1] P. Rosanvallon, *La contre-démocratie. La politique à l'âge de la défiance* (Paris: Seuil, 2006).

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the languages of politics: this theoretical framework, in fact, imposes some serious thinking about political rhetoric and its own evolution within the troubled detours of democracy, in the history of Western thought.

It emerges, then, how necessary, on a linguistic and communicative level, it might be to return to meditate on the new languages and rhetoric of Contemporary Politics, that need to be radically reformulated, facing the inedited scenarios in which new democracies are evolving (or involving) and the new mechanisms linked to their legitimacy and legitimating. As a matter of fact, democratic life is nowadays assuming a new face and it is re-building itself through new linguistics registers.

The disaffection of citizens towards the traditional democratic Institutions contributes to making these more and more breakable and to creating new "counter-democracy" spaces, which are symptoms of the profound crisis of traditional politics, of its own languages and especially of the democratic form of Government. People tend to set themselves up as judges and overseers of the Institutions, leading to a sort of "impolitic democracy", where the "supervisor citizen" seeks to replace the "elector citizen", threatening to restrain as much as possible the activity of the rulers. This gap, which is more and more evident between rulers and ruled, paves the way to various forms of populism, sometimes destructive, always shared by protest and feelings of distrust, along with fear and hatred, often encouraged by new languages, of which new leaders of populist movements cleverly become masters[2].

[2] As Pierre Rosanvallon asserted: "A democracy certainly cannot continue to progress if, among the individuals, the sense of belonging to a common and shared society lacks. Populism might worm its way into the social fracture that

If the mechanism of power ceases to be founded on the principle of consensus (traditionally built on elections), given that democracy of elections must be accompanied by democracy of government action, it goes without saying that the new model of active citizenry created by Rosanvallon is not based only (nor mainly) on the electoral principle, but on the activity of control that citizens are supposed to be able to exert. Hence, the need for a new rhetoric, no longer just founded on the ability of persuading, aimed to build the consensus-machine, but on the idea of "true speech", towards which the conclusive reflections of one of the latest works of Pierre Rosanvallon, titled *Good Government*[3] tends.

This book opens with very strong words:

> Our systems can be said democratic but we are not governed democratically. This is the big hiatus that makes people disenchanted and confused. Precision. Our systems are said to be democratic, that is to say that power comes from voting as a conclusion to an open competition, and that we live in rule of law which recognizes and protects individuals' rights and freedom. This model of democracy may be far from achieved. Represented often feel abandoned by their representatives, and the people, when votes are closed, feels much less sovereign. However, this reality

is to say the pathology of the democracy-regime that takes advantage from the deconstruction of the democracy-society. In the face of the sense of belonging crisis, populism responds with exaltation of a sense of fictitious community, based on a nationalist ideology made of exclusion, xenophobia and illusory homogeneity. In order to reply to populism, it is therefore necessary to promote a society where the word equality may be again meaningful." (Pierre Rosanvallon, "The myth of meritocracy can destroy society.", interview released to Fabio Gambaro, *Repubblica*, November 8th 2011, my translation).

[3] Cf. Pierre Rosanvallon, *Le bon gouvernement* (Paris: Seuil, 2015).

> must not hide the other fact, still not completely identified in its specificity: the fact that a bad government is deeply consuming our societies[4].

In the following pages we will be questioning ourselves on the new languages of politics, that are imposing themselves in new forms of counter-democracy: to do so, we are going to try to reconstruct the genesis of the notion of "parler vrai" (elaborated in *Good Government*) initially examining some previous texts of Rosanvallon, such as *The Nowhere to Be Found People* (1998) and *Counterdemocracy* (2006).

II

Genesis of Rosanvallonian reflections on (dis)trust democracy languages

i. *On the malaise of the "imperfect democracy" and on the "voice of the people" (in The Nowhere to Be Found People, 1998)*

The theme of the crisis of democracy has accompanied the reflections of Rosanvallon since his first publications, which date back to the 1970s. One of the first texts in which this theme was tackled, with particular reference to the problem of representation, is *The Nowhere to Be Found People*, dated 1998, from which we can gain important reflections on the theme of the languages of democracy, whence a guideline starts, leading to the argumentations of *Good Government* dedicated to the theme of the language of politics, rhetoric and of the "true speech".

In this quest, dated 1998, Rosanvallon diffusely examined the "malaise" of democracy, showing how "the main difficulty lies in

[4] Pierre Rosanvallon, *Le bon gouvernement*, 9.

the distance between the political principle – the affirmation of the supremacy of the general will – and sociological reality":

> There is, thus, a contradiction between democracy political principle and sociological principle. The political principle consecrates the power of a collective subject whose sociological principle tends to reduce consistency and visibility[5].

For these and other reasons, Rosanvallon could, therefore, affirm that

> Democracy has been for two centuries the point of reference for our political heritage. Yet, it continues to be unfinished[6].

The incompleteness of democracy goes together with that malaise, to be intended both as a pathology of the democratic system (malaise in democracy) both as the discontent of people who feel less and less represented by the Institutions, in which places increasingly losing faith (malaise of democracy).

This is connected to many aspects, one of which, certainly not irrelevant, concerns a problem of language and communication of politics. Par. 3 of the first chapter is, in fact, entitled: "The body of the people, the people's voice". If the idea of people (as shown in the previous pages) has a related "constitutive abstraction" (hence the central notion of the text: "The Nowhere to Be Found People", precisely), the question of Rosanvallon sounds like this:

> How to give a voice and a face when the forge of the revolutionary events has finished producing its effects and forging a clear unit?[7].

[5] Pierre Rosanvallon, *Le Peuple introuvable. Histoire de la représentation démocratique en France* (Paris: Gallimard, 2015), "Introduction".
[6] *Ibid.*,

In this text by Rosanvallon, the matter of the language of politics is evoked and inflected in relation to the concept of "vox populi": about that, he recalls authors such as Michelet e Proudhon. By Michelet, in particular, he reports expressions like: "The world has enough rhetoricians and empty abstractions"[8], or "What could I give to this big dumb people! What I had, a voice..."[9]. From this, the idea of distance between people and politicians follows: if the latter use rhetoric in order to obtain consensus, on the other hand, the people's voice remains unheard: hence, the need of the intellectual, in general, (and of the historian in particular[10]) to give back to the people a voice and a language through which to communicate with the Institutions, in order to assert their own instances. Aim of Rosanvallon, especially in *Good Government*, which we are going to analyse in more depth, is to rethink a new language of politics: through a normative approach, he prefigured the need of a "true speech", founded on principles such as honesty and sincerity, through which to recompose the gap between rulers and ruled. These themes are already prefigured in *The Nowhere to Be Found People,* dated 1998, where he tried to outline a "sociological road to build the people"[11] – referring, for that purpose, especially to Proudhon's instructions. If Michelet proposed to unify the people through an identity and unitary principle by which its voice should emerge, Proudhon's lesson, followed in the same direction but via a different path, intended to give voice to the

[7] *Ibid.*, Chap. I, Par. 3.
[8] Jules Michelet, "Course of 1847 at Collège de France", cit by Paul Viallaneix, *La Voie royale. Essai sur l'idée de peuple chez Michelet* (Paris: Flammarion, 1971).
[9] Cf. Jules Michelet, *The People* (Whitefish MT: Kessinger, 2010).
[10] Cf. P. Rosanvallon, *Le Peuple introuvable*, *op. cit.*, Chap. I, Par. 3.
[11] *Ibid.*

pluralisms of which the people are composed. According to Proudhon, in fact, "people seem to have a mystical existence: they manifest themselves rarely and in predestined times"[12]: "once the revolution has been made, people become silent again"[13]: according to him "it is assumed that people can be consulted, can respond and that their will may be verified"[14] but, "as being collective […], they have no mouth to talk"[15]. Hence some of the contradictions on which Rosanvallon concentrates his own reflections, recognizing the difficulty in making people speak and act. Clearly, suffrage does not seem to be most the appropriate way of giving voice to people, because it reduces them to an abstract and arithmetic entity, in which, simply, votes are counted. Moreover, suffrage expects in vain to give voice to people through "a simple mechanical sum of electoral cards"[16]. As a result, the necessity – typical of the XIX century – of the quest of a "good representation" (to which Rosanvallon opposed, in 2015, the quest of a "good government"), in order to imagine a "new work of representation"[17].

ii. "Counterdemocracy", "distrust" and "impolitic democracy" (in Counterdemocracy, 2006)

One of the most famous works of Pierre Rosanvallon, published in France in 2006 is titled *Counterdemocracy. Politics in an Age of Distrust*. In this text, as well as in his other works,

12 Pierre-Joseph Proudhon, *Solution du problème social,* cit. in *Œuvres complètes* (Paris: Verboeckhoven & Cie éditeurs, 1868), 44.
13 Pierre-Joseph Proudhon, *Solution du problème social*, 37.
14 *Ibid.*, 39.
15 *Ibid.*, 38-39.
16 Cf. Pierre Rosanvallon, *Le Peuple introuvable*, Chap. I, Par. 3.
17 *Ibid.*, "Conclusion".

Rosanvallon focused on the importance of political language, whose evolution has contributed to generating distrust, thus producing the growing distance between politicians and citizens[18]. Among the causes of this "diagnosis" that Rosanvallon wished to make, he mentions, for example, "the betrayal of the promises made"[19] during the election campaign, recalling the famous theme of dichotomy between overpromising and underperforming. The spectacularization of the election campaign is likely to become the only way in which the political class speaks with citizens in order to gain consensus: after that, it locks itself away in the ivory tower of a caste who returns to dialoguing with people only to justify the impossibility of keeping the promises made during the election campaign. This constitutes, indeed, one of the mechanisms from which the distrust, that undermines the basis of contemporary representative democracies, is generated.

Throughout the text, Rosanvallon indicated, as essential steps for the healthy keeping of a new face of democracy, a series of actions and tasks in the hands of citizens (but associations as well, responsive organizations and, and in general all anti-democratic movements that deviate from the representation function), such as "guarding", "denouncing" and "verifying": all this, if a proper "trust" relationship (which must always accompany "legitimacy") is missing, may result in populism, product of "distrust", in which the "people" of the governed is opposed to the "power" of the rulers. We, therefore, have two forms of "distrust"": a positive

[18] "Democratic ideology is now unchallenged, but the regimes that make reference to it arouse almost everywhere harsh criticisms. It is the great political problem of our time. The erosion of citizen trust in their leaders and political Institutions has become one of the most studied phenomena of political science over the last twenty years". Pierre Rosanvallon, *La contre-démocratie*, "Introduction".
[19] *Ibid.*

one, on which the "counter-democracy" must be founded as a counter product of institutional and institutionalized democracy (in order to exercise a real control over the latter), and a negative one, we might say, irreversible, typical of the populist movements. In this sense, so-called "counter-democracy" is proposed as a preventive countermeasure against populism which is made possible by transforming the "unreachable people" into a living community.

Rosanvallon deals with the theme of populism in the Fourth Chapter of his text titled "Impolitic Democracy". Here too, the connection with language is really strong, since populism is first and foremost a language, as Marco Revelli wrote:

> [An] American scholar [Michael Kazin, *The Populist Persuasion. An American History*, Cornell U.P., Ithaca-London, 1998] considered populism 'more an impulse than an ideology', and even a 'language'. So, above all, a 'political style', a 'form' rather than a set of contents. But he came to the same conclusions of Mudde [Cas Mudde, *The Populist Zeitgeist*, in 'Government and Opposition', XXXIX (2004)] with regard to the fundamental 'bipolar' or 'bifocal' characteristic of 'populist syndrome': the determination to divide political space in 'high and low', in the contrast between 'the powerful and the powerless', the 'too powerful' and 'too little'[20].

Rosanvallon, in another work of his, titled "A Reflection on Populism", wrote:

> Populism can be understood as a form of simplifying and distorted response to these difficulties. Therefore, it cannot be conceived only as 'political style', as some define it, reducing it to its demagogic dimension[21].

[20] Marco Revelli, *Populismo 2.0* (Torino: Einaudi, 2017), 15.
[21] Pierre Rosanvallon, *Pensare il populismo* (Roma: Castelvecchi, 2017), 16.

> If we want to understand democracy better, we must better grasp what populism is: because the understanding of democracy is inseparable from the understanding of its distortions[22].

Populism, therefore, represents a revolt of democracy against itself, and has become "a global structural fact of contemporary democracies."[23]. The essential feature of populism is, according to Rosanvallon, to simplify both the language and the Institutions of politics, reducing it very often to a Manichean combination that contrasts "good" and "bad" or "high" and "low". In order to cure this degeneration of democracy, according to Rosanvallon, it is necessary not to try to simplify it, but to complicate it, adding, for example, control counter-democratic forms and structures. Hence, in our opinion, the need of a new language of politics, capable of reconstructing the interrupted communication and the dialogue between rulers and ruled, making the demarcation line between Institutions and people, subtler. In other words, the dialogue between the two parts cannot be reduced to the rhetorics implemented during the phase of election campaign, but it must be constant and must also assume the forms of control, verification and judgement.

The theme of language, therefore, plays a central role also in counter-democratic activity, which, according to Rosanvallon, should be corroborated and partly institutionalized.

[22] *Ibid.*, 17.
[23] *Ibid.*, 20.

III

On "true speech" in *Le bon gouvernement*

i. *About "good government" and "democracy of trust"*

Consistent with his path of thinking, Pierre Rosanvallon, in his text dated 2015, *Good Government*, returns to question himself about the crisis of the democratic form of government, which needs to be refounded precisely through an attempt to "make society" through the reintroduction of diversity, and "control" by citizens. The latter, in fact, have gradually lost their trust in the political class, who has reduced its interaction with citizens to the mere media spectacularization that takes place during the election campaign. This has created a profound crisis in the representation of democracy, which linked to a "bad government" recurs in all Western democracies.

The Rosanvallon's aim is thus to revitalize the democratic system, introducing new lifeblood which, coming mainly from the citizens themselves, may help to improve their relationship with the Institutions. True democracy, or "good governance", must be based, in his opinion, on a new pact of trust, which is only possible by recovering the Greek sense of "*parrhesia*", which he expresses as "true speech" ("parler vrai"), as opposed to bad rhetoric, based on lies and no dialogue (but rather pure monologue) that distinguishes today's political class. With these words, Rosanvallon prefigured a hypothetical "fourth estate", on which he promises to work in his subsequent research.

In summary, this work by Rosanvallon describes, albeit through a historic reconstruction, the transition from a democratic ideal of "good representation" to an ideal of "good

government" that must be based on a new relationship between rulers and ruled.

The first chapter shows the genesis of the form of representative and parliamentary government in France and England, especially analysing the different relationship between Executive Power and the Parliament within the two nations. The second chapter deals with the French presidential government form, related to the idea of personalization of power in the figure of the political leader, as a response to the need of people, who desire to recognize themselves in him: in this juncture, he also dedicated himself to highlighting the limits and problems associated with this form of government. The third chapter, "Democracy of appropriation", discusses a democratic theory of government action, reflecting on the fact that ruled, unlike the rulers, may be called to participate in legislative but not in executive power: according to Rosanvallon, on the contrary, the true sense of democracy is supposed to consist in a way of exercising power, so that ruled people, even cooperating with non-governmental city organizations, may take part in the exercise of power. The fourth and last chapter, on which we will be focusing in the following pages, tries to isolate the qualities and the characteristics through which a new "democracy of trust" can be built: among those, Rosanvallon focused on the "true speech", based on the ideals of transparence, honesty and sincerity, from which citizens could return to rebuild a new relationship of trust with the Institutions.

ii. *About "true speech" and its utopias*

According to Rosanvallon, the current language of politicians of profession has become obsolete and outdated:

> Public speech has become a dead speech [Manuel Valls, 'Discours de politique générale du 8 avril 2014'], claimed a French politician lately. This statement referred to the idea that language has become incomprehensible and inaudible[24].

Contemporary politics comes to talk to citizens only during the spectacularization of the electoral competition, but it is no longer able to speak to people in order to offer, for example, an account of its political action or to outline the horizon of its goals: public acts, laws and measures have become increasingly incomprehensible to the average citizen, whose distance from the democratic Institutions becomes more and more unbearable. According to Rosanvallon, if "true speech" is connected with the citizens' control activity (in order to build a positive relationship with political life), "fake-speech" is what amplifies the gap between citizens and Institutions: only "true speech" can consolidate a real relationship of trust, whose failing might undermine the foundations of contemporary democracies [25].

Democratic discourse, in order to be such, must not confine itself to guaranteeing freedom of speech, but must be grounded – according to Rosanvallon – on wider moral and social dimensions, an imperative of frankness, on a direct mode, on the absence of computation in expression and on a dialogical and empathic value with the others. It is easy to see how this resumes the classic canons of ancient rhetoric, which should not only be based on the five elements of the discourse (invention,

[24] Pierre Rosanvallon, *Le bon gouvernement*, 327.

[25] "True speech increases the citizens' power on themselves and allows them to create a positive relationship with politics. False speech or empty speech, on the contrary, increases the gap. In stronger words, political language is at the very heart of the building of a trustful relationship because it is in the feeling of rightness that lies the possibility to link present to future". Pierre Rosanvallon, *Le bon gouvernement*, 328.

arrangement, style, memory and delivery), but that – according, for example, to Cicero and Quintilian – should have, as well, the moral and cultural qualities of the speaker, who must possess an encyclopedic culture and offer an integer image of himself [26]. According to Rosanvallon, however, – in spite of what Cicero and Quintilian asserted – the ancient world already created the gap between politics and citizens, distinguishing between "parrhesia" (freedom of speech in the molar sense) and "rhetoric", recalling how the rhetorician had first of all to be convincing and not necessarily "to tell the truth". From here onward, according to Rosanvallon, two directions should be followed: the one of "parrhesia", or "true speech", and the one of "rhetoric", connected with seduction and flattery.

Rosanvallon continues by noting that true democracy can only be based on "true speech":

> This kind of 'false speech' has a more dreadful effect on democracy than the one of a rhetorician. Indeed, language has not only in this situation a function of seduction or dissimulation, it creates an artificial and caricatured world which banish any opposition or even the possibility of questioning the public affairs' management. It leads to, as a famous way of words says to 'eliminate reality in the mind instead of making the object more intelligible'[27].

Contemporaneity, added Rosanvallon, heir to this dualism, faces a general impoverishment of the language of politics:

> This kind of false speech, when it sustainably dominates, makes the *Country of the Disconcerting Lie* described by Anton Ciliga happen: where the poor

[26] For a closer look at these topics, cf. Erasmo Silvio Storace, *I linguaggi politici della civiltà occidentale. Retorica, democrazia e populismo* (Milano: Jouvence, 2016), 103-110.

[27] Pierre Rosanvallon, *Le bon gouvernement*, 334.

> power's language decreases and simplifies the world, in which there isn't contradictions and where individuals have resigned themselves to find some kind of comfort. This is far beyond the common art of polical lie described by Swift. Such a way to impose the simplification of language has been indeed driving the devitalisation of the notion of politics itself. Newspeak described by George Orwell in 1984 corresponds to the entry into such a literally decerebrate world[28].

In the continuation of his speech, Rosanvallon focuses on the languages of revolutionary utopias, and in particular on the strategies put into place to counteract true speech: among them, the most interesting, especially for the purpose of this discourse, is the one that deals with "the hatred of speech and the consequent worship of the slogan"[29]. Rosanvallon noted that one of the common traits of revolutionary movements (but also, we might add, of populist movements) consists in apostrophizing as "men of word" ("hommes de parole") the politicians of profession, underlining how the speech of the latter is flattened to the sterile slogan, effective during the performance of the electoral competition. The word, the custodian of an inexpugnable power, puts itself to the service of "fake-speech", in other words of "bad rhetoric" which fights against the "good rhetoric" of "true speech", in which the citizen ceases to be valid as an elector for as long as the electoral competition lasts, but becomes a "controller" and "guarantor" of the Institutions and their political action. Every revolutionary movement condemns these forms of "fake-speech", by asserting that the word itself is the true enemy (for example, the Leninist Regime expected to oppose to the "speech of hatred" a new attitude, based on dialogue, reseeing the Party as a "discussion group").

[28] *Ibid.*, 334-335.
[29] *Ibid.*, 335.

iii. *About "genesis" and the "battles" of "true speech"*

Even then, in ancient times, Greek civilization became aware of the value and power of rhetoric: it is no coincidence that precisely in the world in which democracy developed rhetoric was born as a "technique of persuasion" and "machine of consensus", and, right from the start, its potential was clear and exploited in different ways. Thus, "good rhetoric" is developed, in the pursuit of a collective good, and "bad rhetoric", for the profit of the rhetorician. Historically, politics have always used most the second of these two aspects, relegating the "true speech" (parrhesia) to the logical and philosophical sphere of the search for truth. In this scenario, the political discourse –Rosanvallon asserted – rises more and more to the "condition of power of action"[30], getting closer to that practical dimension from which the "true speech" gradually moved away. We might say that the summation of this thought is perceivable in *The Prince* by Machiavelli, in which he described what "benefits a Prince, so that he may be respected" and, among these characteristics, sincerity is not listed[31] – theme, the one of sincerity, very important to Kant, in the pages of *Pragmatic Anthropology* quoted

[30] Pierre Rosanvallon, *Le bon gouvernement*, 342: "La parole s'élève au rang d'une puissance d'action".

[31] Machiavelli wrote: "Therefore, a wise prince should take a third course, choosing wise men for his state and giving only those free rein to speak the truth to him, and only on such matters as he inquires about and not on others. But he should ask them about everything and should hear their opinions, and afterwards he should deliberate by himself in his own way. And with these counsels and with each of his advisers he should conduct himself in such a manner that all will realize that the more freely they speak the more they will be acceptable to him. Besides these things, he should not want to hear any others, he should follow through on the policy decided upon, and he should be firm in his resolutions". Niccolò Machiavelli, *The Prince* (Oxford: Oxford University Press, 1998), Chap. XXIII.

by Rosanvallon. Sincerity should, therefore, become the paradigm not only of individual virtues, but also and above all of the say and of political action: it is, however, not so according to Rosanvallon, who distinguished, in the "bad rhetoric" of contemporary politics, an "electoral language", solely for the purpose of obtaining as many votes as possible, and a "government language", aiming to justify its own actions:

> True speech of ordinary times certainly more modestly lies on the idea of sincerity. However, it is not only a product of individual virtue, it is also the result of the quality of democratic life. We need to start from the fact that true speech has been undermined by a structural dualism of political language in democracy. The latter spreads into two levels which responds to various objectives. On the one hand, the language in electoral times, dominated by the fact that there is a competition to win the highest number of polls. On the other hand, governmental language, which aims to justify an action[32].

The two rhetorics, "electoral language" and "government language", are thus in other words two languages of politics, both extremely distant from "true speech" that has quit, according to Rosanvallon, the sphere of politics (or, at least, professional politics). The first one arises from seduction and accusations in order to gain the support of public opinion and discredit opponents, the second focuses on the justification of government actions, emphasizing, for example, the constraints of activity. According to Rosanvallon, this gap creates a real paralysis of democracy[33]. In addition to that, this gap tends to widen more and more, also because governmental rhetoric seeks to justify not being able to accomplish (we might say: under-maintaining) the

[32] Pierre Rosanvallon, *Le bon gouvernement*, 343.
[33] *Ibid.*, 343.

promises of the electoral program (we might say: over-promising)[34].

In so doing, the citizen's commitment to "true speech" must be regarded as a task, in other words as a condition for its development:

> 'Citizens' engagement in favor of true speech must be understood as a condition to their development. Indeed, in the same way there is no demagogues without a crowd which is satisfied to be flattered, there is no double political language without schizophrenic citizens[35].

In this sense, Rosanvallon is able to conclude that "true speech" has a reflective dimension: it is not really a harbinger of a truth waiting to be revealed, but because it is based on the "recognition of the structural indetermination of the democratic idea, in which the fluctuation of words is often rooted"[36]. "True speech", in other words, refers to the fact that:

> democracy is defined from the permanent work of exploration of the terms of its own indetermination. In this way, it is enhanced by the tensions and contradictions that structurates it[37].

Once investigated the genesis of "true speech", Rosanvallon ponders its "battles": he lists here three terrains on which these battles take place: the "lie", the "monologues", and the new "language of intentions".

[34] In this regard, Rosanvallon added the following: "The methods of the confrontation between the opposition and the governing majority enhances this effect by creating a form of permanent electoral campaign which mixes in an inextricable way both languages ". *Ibid.*, 344.
[35] *Ibid.*
[36] *Ibid.*
[37] *Ibid.*, 345.

First, the battles of "true speech" are fought on the ground of "lies" ("mensonge"). In other words, the first battle should be to uncover "lies, approximations and the semantic games contained in the political discourse"[38] – we might say, to see the rhetorical mechanisms put into effect in the construction and display of the content of a political discourse. This necessitates a new type of supervision and control by citizens, linked mainly to the world of association or "responsible media", who should cooperate in this democratic work.

Second, the battle for true speech must assume the form of criticism against monologues in politics:

> The monologue is the autistic speech, the one of the no-conflict, rationalized with others. Indeed, the political debate happens to be emptied of its substance. It is reduced to a sterile juxtaposition of theses monologues. This pattern is the one of the trench war. It shows a very weak capacity to bring information and doesn't lead to argumentation. This is why it almost never leads to enlightening choices and to position problems[39].

The monologue represents the culmination of a zero-degree reduction of political debate, where speeches are gradually transformed into a succession of monologues, producing an "impoverishment of democratic life"[40]:

> The monologue indeed consists in a kind of speech that doesn't take any risk, that is never challenged, hidden behind the fortress of its statements. It contributes to stick to the existing positions as it invites citizens to flatly take a side by electing a given kind of speech rather than determines

[38] *Ibid.*

[39] *Ibid.*, 346-347. Hence, Rosanvallon passed to analyze history of monologue in politics, showing a contraposition between the English and French models.

[40] *Ibid.*, 349.

> themselves by examining and comparing facts and arguments. Citizens are in this way quartered to the role of passive citizens[41].

Thirdly, the battle for true speech concerns the advent of a "language of intentions" ("langage des intentions"):

> This is a new language, which has emerged in politics quite recently. It is correlated to the merge of a "powerless atmosphere" and of a feeling of confusion. This can be explained in two ways: citizens are confronted to a world in which the impersonal forces of the market and governance seem to reign whereas they can't have any influence on them. Citizens seem to conceive the way they exercise their power only in a way that we qualified as projective. This new speech emerges as the political speech increasingly becomes autonomous, which doesn't correspond to actions or reality but rather to intentions[42].

In Rosanvallon's opinion, this refers to a "positive universe", in which a " sense of moral control over things"[43] is restored. With "language of intentions" he does not refer to the classical language that puts certainty, makes promises, which is expressed through monologues or in a "politically correct" manner, but that tends to trap its listeners into a fictitious universe. This new language represents "something different":

> This is a language which corresponds to a way to perceive the world governed by intentions from which every reality would come. The idea to change the world consists of crossing swords from which a different world could emerge. This new language is becoming increasingly popular[44].

41 *Ibid.*
42 *Ibid.*, 350-351.
43 *Ibid.*, 351.
44 *Ibid.*, 350-351.

It is a language that binds to the perception of a world governed by the intentions from which all the realities should proceed. The idea of changing the world consists, in this case, in fighting to impose other intentions from which a different world may emerge. This new language has the wind in its sails.

In other words, this new language, according to Rosanvallon, is becoming increasingly important in the various dimensions of current politics, especially in relation to the topics of current affairs economic policy, and foreign policy.

Rosanvallon concludes the second chapter of the fourth part of his volume dedicated to the "Good Government", concerning the languages of politics, by asserting that that it would be trivial to reduce this category of "true speech", as outlined here, to a mere act of control by citizens: it should rather be thought of as a category of political action, that "exists only as a permanent labour of critic reflection on political language"[45]. This matter, in the hands of citizens, of responsible press and of associations, should be considered as vital to democratic activity.

IV

Conclusions

The Good Government by Rosanvallon can certainly be considered an important work of history, focused on the different forms of democracy have taken place since the French Revolution, and up until the introduction of universal suffrage in the presidential elections in France. Writing the history of Democracy and Representation, means evoking some primary stages, such as the ones connected to Constituent Assembly and

[45] *Ibid.*, 352.

the Legislative Assembly of the French Revolutionary (which embodied popular sovereignty), or the French parliamentary system of the nineteenth century – which Rosanvallon punctually compared, in particular, with the English system. The following "Presidentialization" of French Democracy, in the twentieth century, also related to the extension of the universal suffrage, contributed, in Rosanvallon's opinion, to widen the gap between rulers and ruled, almost to suggest a sort of paradoxical "Republican Monarchy" in which the figure of the charismatic leader becomes central, following a logic of personalization that would only partially respond to social demand. In other words, Rosanvallon asserted, this process is likely to lead to "Caesarism" and is increasingly diverted from the idea of "Good Government" which, on the contrary, he intended to propose, hoping for political candidates who might be much closer to the citizens. Hence, his own democratic theory of government action (content of the third chapter, "Democracy of appropriation"): citizens should regain the democratic mechanism, not just by aspiring to legislate, or by participating in the drafting of laws, but by taking control of the decision-making centers of the executive power, transforming current oligarchies, disguised as democracies, into real democracies. Thus, there is a need to recreate a "democracy of trust" (fourth chapter), based on values like "true speech", which we discussed above, and on values such as transparency, honesty, integrity, and moral rigour, whereby people can return to put their trust and esteem in the rulers, today at the lowest historic level. In other words, according to Rosanvallon, it is not just about working in order to perfect the formal aspect of current representative democracies, but to intervene on its own content, acknowledging that history of universal suffrage, having reached its own climax, should allow that metamorphosis from a "democracy of authorization" to a "democracy of exercise", in which citizens should be allowed to

be present beside the rulers not only in the legislative aspect, but even more in the executive one.

In this sense, Rosanvallon's text is not limited to historical reconstruction, but comes to very interesting political and philosophical considerations, which deserve more space to be discussed in an exhaustive way, given that it recalls central aspects of how western life and culture are meant and rethought. Rosanvallon, starting from a descriptive approach, suggested a real regulatory political theory, denouncing the fact that the "vox populi" is not listened by the rulers (as can be seen in the aforementioned *incipit* of the text, "Our systems can be said democratic but we are not governed democratically"). The idea proposed by Rosanvallon, although well articulated in its concrete, practical implementation possibilities, is likely to lead to the philosophical-literary genre of utopia, which, from Plato onwards, imagines that the ideal State (from platonic "kallipolis" to the ideals cities described by Augustine, Moro, Campanella, Bacon, etc.) should be based on fixed and stable ideas-values, which today, in the analysis of Rosanvallon, are no longer called "idea of good" and "justice in itself" but "true speech", "honesty", "transparency", etc. It would be trivial to note how all this differs from the real attitudes of human souls: not only for the rulers, but for the ruled too, this demarcation line becomes very tenuous when it comes to probe vices and virtues of the single person. In other words, a possible wider interference of citizens within current democracies' decision-making agencies is not, in itself, assurance of greater transparency and honesty in the management of public affairs: it would suffice to recall the platonic tale of the Ring of Gyge[46], from which it is easy to

[46] Cf. Plato, *Republic*, in *Plato in Twelve Volumes*, Vols. 5 & 6 translated by Paul Shorey (London: William Heinemann Ltd., 1969), 359d et seq.

understand how even the most honest among the humble shepherds, when he realized he could do whatever he wanted without risking capture and punishment, would act to pursue his own benefits and not the common good. We may briefly recall that in this myth, Plato, tells of a pastor, Gyge (who is a dependent of the king of Lydia), who had descended into an abyss opened after an earthquake found, in the bowels of the earth, the corpse of a giant with a gold ring to the finger. After stealing the ring, during a meeting of shepherds, he realized that, by turning the ring cast, he could become invisible. Having understood the power of the tool, he used it to seduce the queen and, through her help, kill the king and take his place.

From this Platonic myth it is evident that

> no one is just of his own will but only from constraint, in the belief that justice is not his personal good, inasmuch as every man, when he supposes himself to have the power to do wrong, does wrong. For that there is far more profit for him personally in injustice than in justice is what every man believes […]. For if anyone who had got such a licence within his grasp should refuse to do any wrong or lay his hands on others' possessions, he would be regarded as most pitiable1 and a great fool by all who took note of it[47].

In other words, everyone, if given the absolute power of immunity, that is impunity, in case he used his power to commit crimes, would be led to exercise it in order to obtain personal gains. This is to say that, the more those who do not understand politics are called to govern, the more they face problems that are even bigger than those inherent to the representative system – which, certainly, is dealing with a profound crisis, that can hardly be overcome by abandoning a "democracy of authorization" in

[47] Plato, *Republic*, 360c-d.

favour of a "democracy of exercise". Plato, who it is no surprise was already critical towards the form of democracy that we would call today "direct democracy", considered it necessary to acquire a long political, moral and philosophical education in order to gain access to public affairs: a pedagogy, or even better a psychagogy that, as Plato explained, for example in Phaedrus[48], should go hand in hand with "good rhetoric". The latter, unlike "parrhesia" evoked by Rosanvallon, should be thought as a synonym of "dialektiké techne", in other words "dialectic", as an essential moment of reasoning (discursive and dialogic) on which philosophy is based, as it is to investigate the "idea of good". This latter should not abstractly be understood as a principle that is transcendent and disconnected from reality, but it might be explained through the idea of "collective good", which true politicians, provided with an adequate formation, are supposed to follow. This is not to assert, here, that professional politicians are morally superior to ordinary citizens. On the contrary, hoped for is a competent political class, who might be able to conduct its work successfully in order to achieve the collective good of which it should have clear cognition, result of studies and experience. Of course, even the professional politician (like the ordinary citizen) can act dishonestly: the problem is, though, that ordinary citizens, albeit moved by the best intentions and the most rigorous honesty, may not always have the necessary time, will, competences, preparation and maturity to discern the technical and delicate issues. There are countless examples in this regard, also connected to recent issues, such as the Italian referendum on drills, or the Italian debate on whether or not to vaccinate infants: these are extremely sensitive matters that require a great deal of

[48] Cf. Plato, *Phaedrus*, in *Plato in Twelve Volumes*, Vol. 9 translated by Harold N. Fowler (London: William Heinemann Ltd., 1925).

knowledge that the common citizen normally does not possess, unless he abandons job and daily occupations, in order to dedicate himself not only to government activity but to the study of all these issues to become an active part in the legislative and executive mechanisms.

Rosanvallon intended to transform all citizens into professional politicians. We would be happy to entrust decisions to a political class which, if it can never be based on honesty and sincerity, may at least have the best possible preparation, not only from a technical point of view, but above all in the field of political science (which is no longer so obvious among politicians, especially when members of populist movements). That is to say that while Rosanvallon would like to make it easier and more affordable for everyone to become a politician: we, on the contrary, would like to make this accessibility even more difficult and tortuous, so that it may be managed, if not under the aegis of the utopian ideas of honesty and sincerity (cf. "Idea of Good" understood in a transcendent way), at least under the aegis of competence – in the conviction that an appropriate training course can also help to reflect not only on what the politician has to be competent, but also on the notion of responsibility (cf. "Idea of Good" as "common good"). However, these brief notes would need another venue to be elaborated.

SYMPOSIUM

LE BON GOUVERNEMENT

ABOUT THE COMMENTS ON *GOOD GOVERNMENT*

BY

PIERRE ROSANVALLON

 Philosophy and Public Issues (New Series), Vol. 7, No. 3 (2017): 97-109
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

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About the comments on *Good Government*

Pierre Rosanvallon

My warmest thanks go to the four contributors for their comments on *Good Government*. This book is but one stage in my cogitations regarding contemporary democracies, and therefore naturally presents some shortcomings. Thus, Salvatore Muscolino has a point when he states that I have not analysed in depth the role of the media, nor have I addressed the effects of economic globalisation. The comments made by Emmanuel Picavet also stress this last point. Furthermore, as rightly pointed out by Natascia Villani, my analysis of the transparency issue merely scratches the surface. This is attributable to the limited purpose of the book- to compare the democratic ideal with the unprecedented primacy of the executive. Future volumes I intend to write on democracy will to some extent answer the questions that have been raised. The next volume will deal with populism, the one after that with the relevant territory for democracy, and the third will discuss the long term in democracy. I believe they will go some way towards answering several of the questions that have been raised. Indeed, I view my work on democracy as an integrated whole, which is still only partway through. And that is precisely the point that I would like to make here- recognising first and foremost the partial nature of the documentation I rely upon in *Good Government* as in the other books, but at the same time demonstrating the methodological continuity that runs

 Philosophy and Public Issues (New Series), Vol. 7, No. 3 (2017): 97-109
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

throughout my work, creating its unity whilst at the same time setting its limits.

If it is to be totally meaningful, no conceptual history of democracy can be limited to the history of modern revolutions in the West, as is mine. The Greek *polis* and republican Rome should clearly also find their place therein. The two examples were widely analysed and discussed on both sides of the Atlantic in the 18th century. One need only read the constitutions of the two countries to grasp the strength of their attachment to Antiquity. It was central to education in their times, and one should not forget how much ink Montesquieu and Rousseau dedicated to the ephors and the tribunes. Recent works on politics in Rome and Greece have, moreover, considerably deepened the scope of conceptualisation of the history of democracy (regarding control by the magistrates in Greece or the role of the censors in Rome, to name but two examples). But it is not enough to simply establish this link with western Antiquity. Amartya Sen's «other people's democracies» should also be included, as should the experience of the Italian cities in the Middle Ages! I have carefully avoided commenting on Lorenzetti's frescoes in Sienna, despite their huge bearing on my subject (my colleague Patrick Boucheron has written an excellent book about them).

The history of democracy can neither be limited to the history of the institutions with which we are familiar today, nor to that of the conditions under which the people as a body were required to take decisions or appoint governments or representatives. The scope must necessarily be broadened. There is no doubt that our contemporary democracies have a formal prehistory (take, for example, the majority principle first tried out in the medieval Church, or the drawing of lots and recruitment of professional governments in the Italian cities). But they must also be set against the vast diversity of mankind's experience with collective

deliberation or the expression of the common sentiment as in the struggle for emancipation, protection against the misguided ways of the authorities, and for equality. It is for this reason that I enthusiastically took part in the radical comparativism project launched to this end by the Hellenist, Marcel Detienne, and prefaced the ensuing book[1]. Expanding the field in this way could, I believe, be highly fruitful in respect of the executive power.

In *Good Government,* as in my other books, my arguments are proposed and structured by my chosen principles of method. I have been known to speak of "problem history» to describe what for me was inextricably a historic investigation and a theoretical project. This approach is linked to what I have called democratic indeterminacy, a point to which I have consistently returned since *Le Sacre du citoyen*. This notion, on which my entire approach hinges, probably requires clarification. This publication provides me with the appropriate opportunity thereto.

Let us start from the indeterminate nature of the very definition itself. Bertrand de Jouvenel affirmed that "All discussions of democracy, all arguments whether for or against it, are stricken with intellectual futility, because the thing itself is indefinite"[2]. "As many definitions as authors", he went on. And that must be our underlying premise- the cacophony of definitions of democracy. Nowadays, democracy would appear to

[1] See *Qui veut prendre la parole?,* published under his guidance (*Le Genre humain*, n° 40-41, Paris, Seuil, 2003). It includes texts that talk of contemporary deliberative practices amongst the Ochollo in Ethiopia as well as 17th century Cossacks, Japanese monks in the Middle Ages, or Pacific island societies. Marcel Detienne had earlier published a stimulating *Comparer l'incomparable* (Seuil, 2000).

[2] Bertrand de Jouvenel, *Du pouvoir : histoire naturelle de sa croissance*, Geneva, 1945, p. 411.

be an asset as universally desirable as it is elusive. The word democracy may well be universally celebrated, embodying the most highly regarded political system in the eyes of our contemporaries, yet its definition is far from achieving the same consensus. At least if one does not stop at the usual set phrases and paraphrases along the lines of "democracy is the power of the people", or its minimalist procedural definition. There can be few other words in political parlance open to so many variations, hence the persistent tendency to shore it up with an adjective, democracy only taking on any real shape when it is qualified-liberal, popular, real, radical, socialist, procedural, etc. Hence also the constant difficulty with drawing a clear line of demarcation between democracy and its pathologies, call them demagogy or populism as in modern-day parlance, or Caesarism and totalitarianism as in days of yore. Thus, the word democracy appears to be both solution and problem, in which both the good and the vague coexist. This coexistence is not mainly to be ascribed to the fact that democracy is a distant, utopic ideal about which everyone would agree, the discrepancies regarding its definition referring purely to the type of means required to achieve it. Far from simply corresponding to uncertainty about how it should be implemented, the meaning of the word democracy pertains rather to its history and its essence.

Hence the problem: is it possible to theorise about an indeterminate object, when the definitions supposed to characterise it diverge so enormously? The answer to this question is obviously no. A theory must be universal in scope and apply across the board. It must also allow for a unified reinterpretation of the historic steps preceding consideration of the phenomenon in question. The aim of my work is to overcome this impossibility by formulating a *theory of democratic indeterminacy*, in other words the elements that constitute its

piecemeal nature. This is the conceptual switch I am aiming to achieve.

The premise underlying this project to formulate a theory of democratic indeterminacy is that the definition of democracy was always open and contentious; that democracy was presented as being a regime always marked by incompleteness and non-accomplishment, which could never be boiled down to an easily decipherable and straightforward formula[3]. Thus, the conceptual history of politics that I have developed has meant permanently monitoring the labour of the constituent shortcomings of our experiments with democracy. It was about picking up the historic thread of perplexity and questioning, of trial and error, in order to grasp history in the making as the continuation of an experiment. This has led to me writing a history that could be described as comprehensive, with intellection regarding the past and questioning of the present both having fed into the process[4].

It is with the same methodological concern that I will very briefly attempt to set out this theory of democratic indeterminacy[5]. Let me start by saying that my understanding of this notion differs from that of Claude Lefort and Hans Kelsen. "Democracy, wrote Claude Lefort, is instituted and inaugurated by the *dissolution of the markers of certainty*. It inaugurates a history in

[3] Claude Lefort noted in this respect: "Democracy, it is a dream to suppose that we already know what it is […]. It is simply a play of open possibilities, inaugurated in a past still close to us, and we have barely begun to explore it» (*Éléments d'une critique de la bureaucratie*, Geneva, Droz, 1971, p.28).

[4] Thus I have also embarked upon a history of resonance between our experience and that of men and women from the past, this way of envisaging the job of historian prompting a rethink of links between scholarly work and civic and political concerns.

[5] Here I am picking up on certain aspects presented during my course at the Collège de France in 2012.

which people experience a fundamental indeterminacy as to the basis of Power, Law and Knowledge, and as to the basis of relations between *self* and *other* at every level of social life"[6]. He is making reference here to a very broad definition of indeterminacy, which in fact in this quotation refers to a world in which social order is no longer deemed to be based in nature or governed by supernatural powers. All indeterminacy does in this case is to characterise modernity in general, in other words the advent of a world deemed secular and artificial[7]. Thus his understanding of democracy is not in the narrow sense of a type of political regime. It denotes in broader terms the social state of a world forced to establish itself, in which humankind can no longer fall back on beliefs, traditions or the vision of a global order that pre-existed them in order to determine the rules of justice and the conditions governing community life. Indeterminacy that is almost metaphysical in nature and brings with it consequences verging on the psychological. Thus he talks of "vertigo", the "feeling of disintegration», of the "fear" gripping the modern individual "destined to remain racked with uncertainty" as regards his identity, his own ends and those of society[8]. In other words, democracy is fragile, unstable and likely to see its path thwarted, disrupted or even reversed.

But the notion of democratic indeterminacy also has a second meaning for him. It characterises the fact that the place of democratic power is empty. Is, or rather should be. Because in this case the notion of indeterminacy is used in a prescriptive

[6] Claude Lefort, *Essais sur le politique, XIX^e –XX^e siècle*, Paris, Seuil, 1986, p. 29. See also his article entitled "L'incertitude démocratique", *Revue européenne des sciences sociales*, n°97, 1993.

[7] Hence the importance of Lefort's work on theologico-political issues.

[8] *Ibid.*, p.214.

manner to support a definition of totalitarianism as the internal subversion of this democratic ideal, a perverse outcome, a forced resolution of the ambiguity and uncertainty that underlies it. Indeed, totalitarian regimes again claim to perfectly align Power and Law, to establish a power that fully embodies society, to suitably superimpose the symbolic and the real and to have re-established a One-Society. They thus restore the representation of the old in the new, causing the theologico-political to re-emerge[9]. Indeterminacy in this case is therefore a *quality* that cannot be separated from the workings of a free world, which must be carefully guarded.

In *The Essence and Value of Democracy*, written in 1920, Kelsen also saw indeterminacy as a democratic quality, but in a more limited, epistemological sense. For him it was about stressing that the democratic regime cannot be separated from a degree of relativism as concerns political convictions, which implies distancing oneself from any claim to possess or achieve a form of truth. For him, therefore, indeterminacy constituted the expression of philosophical scepticism. Democracy, according to Kelsen, was the regime that renounces the absolute, which led him to reject the idea that could really be defined as the "general will." In this context, he viewed democracy as a simple "method for creating the social order» that endowed the majority vote with a power to guide that should not be confused with any claim to embody the good and the fair.

I would take a different approach to this definition of democratic indeterminacy, adopting a different angle to these two authors. What I mean by that is the fact that the subject of

[9] An analysis of totalitarianism that Claude Lefort shares on this point with Louis Dumont (see his *Essais sur l'individualisme. Une perspective anthropologique sur l'idéologie moderne*, Paris, Seuil, 1983).

democracy, its object and its procedures, are structurally linked to tensions, ambiguity, paradox, shortcomings, asymmetry and overlaps, that make it difficult to define and design, and which consequently give rise to myriad forms of disillusionment. I will distinguish six types of indeterminacy.

1. *Core tensions*. Created when diverging objectives are simultaneously pursued. Let us take two examples. During the vote, two qualities are sought in the representative: ability and proximity, which constitute two ideal types. Proximity relates to the representation-figuration category: the representative as the double, the faithful expression and the voice of the represented, familiar with his problems and expectations in order to experience them too. Ability, on the other hand, relates to the representation-delegation category: the representative chosen for his capacity to implement a programme, to govern in the interests of the represented. The problem lies in the fact that these two qualities are often mutually exclusive, difficult to encounter in one and the same representative; and also that very often they relate to two separate moments in politics: the electoral campaign and the period of government action. Another example of core tension could also be that of number versus reason: democracy being both the effective power of numbers, seat of passion, and the pursuit of rational action.
2. *Constituent ambiguities*. These are formed by the lack of overlap between two constituent definitions of the same object. The populus is thus both a civic body relating to an idea of unity, a type of totality (the general *will*, to use Rousseau's expression) and a *social form*, implying diversity, plurality, even division. Each of these two types is linked to different representations of legitimacy. Thus it is difficult to match the political and sociological principles

of democracy: the majority is but a distant, purely conventional approximation of the civic body-populus (itself linked to an idea of unanimity), whilst on the contrary being a form of arithmetic expression of the social-populus.

3. *The effects of complexity/confusion*. They result from the non-distinction of different elements. Here, indeterminacy is the effect of confusion. Locke described this in his *Essay Concerning Human Understanding*[10]. "A confused idea, he explains in this text, is not sufficiently distinguishable from another, from which it should be different"[11]. Locke stresses that several defaults may occasion this confusion. He focuses on three. I will quote him at some length[12]:

> First, when any complex idea (for it is complex ideas that are most liable to confusion) is made up of too small a number of simple ideas, and such only as are common to other things, whereby the differences that make it deserve a different name are left out. Thus he that has an idea of barely the simple ones of a beast with spots, has but a confused idea of a *leopard*: it not being thereby sufficiently distinguished from a *lynx*, and several other sorts of beasts that are spotted. So that such an idea, though it hath the peculiar name *leopard*, is not distinguishable from those designed by the names *lynx* or *panther*, and may as well come under the name lynx as leopard. How much the custom of defining of words by general terms contributes to make the ideas we would express them by confused and undetermined, I leave others to consider. This is evident, that confused ideas are such as render the use of words uncertain, and take away the benefit of distinct names. When the ideas, for which we use different terms, have not a difference answerable to their distinct names, and so cannot be distinguished by them, there it is that they are truly confused […].

[10] See chapter XXIX, "Clear and obscure, distinct and confused ideas".
[11] *Op.cit.*, p.289.
[12] *Op.cit.*, p.289 ff.

> Another fault which makes our ideas confused, is when though the particulars that make up any idea are in number enough, yet they are so jumbled together, that it is not easily discernible whether it more belongs to the name that is given it, than to any other […]." He then quotes the example of those pictures where everything seems indistinct, the clear image only appearing once it is reconstituted by a cylindrical mirror.
>
> Thirdly, a third defect that frequently gives the name of confused to our ideas, is when any one of them is uncertain and undetermined. Thus we may observe men, who not forbearing to use the ordinary words of their language, 'til they have learned their precise signification, change the idea they make this or that term stand for, almost as often as they use it.

In line with these comments, the notion of populus belongs to this category of confused ideas, given the range of configurations to which it refers. Besides the previously mentioned fact that the civic body-populus and the social form-populus do not overlap, the arithmetic populus (electoral), the event-populus, the history-populus and the principle-populus should, at least, be singled out; various notions that are "stifled" by the use of the single word "populus." These differences are important to the extent that it may take specific procedures or institutions to express or represent them.

4. *Functional asymmetries.* These arise from the contradiction between the implementing means for parallel functions. Considering that the dual definition of democracy is to legitimise those that govern and to protect the governed, it has to be noted that these two roles are not parallel. Legitimisation is based on the development of a bond of trust between governors and the governed, whereas protecting the governed calls, on the contrary, for the organisation of defiance. This asymmetry is often assimilated to that of liberalism and of democracy (in impoverished fashion, since the issue does not stop at simply limiting power, but also involves the mismatch

between an authorisation-focused approach that creates power, and one based on permanent protection). Thus democracy has sometimes appeared to risk giving rise to a tyranny of the majority, when those in power deemed themselves authorised to govern in unbridled fashion. Conversely, the aim of protecting the individual has appeared to render meaningless the idea of a collective project, the society of individuals undermining all thought of political community. 19th and 20th century political history was to a great extent shaped by this contradiction, which helps us understand the typically French oscillation between times of *illiberal democracy* (Bonapartism) and periods of *non-democratic liberalism* (the Restoration and the July monarchy, for example).

5. *Variables*. Time and space. The fact is that each element constituting democracy is not only determined socially, institutionally or procedurally, but also varies considerably according to the timescale or the types of space into which it fits. This question has tended only to be addressed from the point of view of dimension (democracy originally having been perceived as necessarily linked to a small scale *politie*).
6. *Finally, plurality of form and domain*. Democracy is clearly a type of political regime, but it also defines other forms of civic activity besides simply taking part in elections- forms of deliberation, speaking, information, participation and involvement. It also refers to a specific mode of government, the features of which I defined in the last volume of my tetralogy, *Good Government*, which is being published at the same time as this volume. Finally, it is also a form of society, based on the project to establish a world of equals. Since specific instruments are required for it to be implemented in each domain, the democratic idea can

> only be imagined by specifying the dimension or dimensions to which one is referring. Therefore one cannot talk about it with reference to only one of its four dimensions.

These various forms of democratic indeterminacy explain how democracy can be an "essentially contested"[13] concept, source of constant quibbling over its definition. This indeterminacy is rendered all the more active through being constantly maintained, reconstructed even, by the conflicts of interest, ideological clashes, fears and expectations of groups and individuals. The democratic experience has thus been inseparable from permanent conflict and debate over its definition and the shape of its development. In this perspective, democratic accomplishment cannot be seen as a model open to definitive characterisation. It can only be understood through reasoned exploration of its various modes and dimensions, as well as their activation or institutionalisation. Contrary to Tocqueville's belief[14], "democratic progress», implies as such a *complication* of democracy, its pathologies on the contrary always consisting of a problematic simplification or a reduction. Schumpeter's minimal democracy limits it, for example, to the competitive election of leaders, populism sees the people only as a homogeneous whole defined by what is external to it, whilst totalitarianism claims to

[13] See W. B. Gallie, "Essentially Contested Concepts", *Proceedings of the Aristotelian Society*, New Series, vol. 56 (1955-1956), p.167-198.

[14] Describing the advent of the democratic world he was witnessing, Tocqueville wrote: "The idea of government is being simplified: number alone determines what is law and what is right. All politics is reduced to a question of arithmetics" (*Considérations sur la Révolution* (material for *L'Ancien Régime et la Révolution*), *in* Tocqueville, *Œuvres*, Paris, Gallimard, "Bibliothèque de la Pléiade", 2004, t. III, p. 492).

have solved the difficulties of representation-figuration by the establishment of a power-society.

Democratic indeterminacy is not only the indeterminacy of its forms, but depends also on what I call its *variables*. Particular attention should be paid to the variable of the *territory* of democracy, and that is why, as previously mentioned, I intend to write a book on the subject with, as its central question: why has modern democracy historically developed within the framework of the Nation State? *Practically* this can be understood in the sense that Nation States were built up around the principle of sovereignty, thus providing the framework already given to democratic revolutions and their emancipation campaign. *Philosophically,* however, the major democratic experiments, first and foremost the French Revolution, were built on the universalist ideal of a human rights realm, seeing humankind as the only relevant subject of emancipation. This distinction/opposition between the "philosophical territory" of democratic accomplishment and its practical realisations can only be justified if the nation is deemed in classical mode to constitute the space in which to experiment with limited universalism. This lay at the heart of its definition in the late Middle Ages, when the imperial ideal was abandoned- the king was then defined as "emperor in his kingdom», responsible in other words for activating the values of universality within a necessarily restricted scope.

The problem is that this view of limited experimentation with the universal is nowadays contested on two fronts. On the one hand by those who dream of a *democracy without "demos"*[15], having acquired a cosmopolitan dimension. But this also comes at the

[15] This is the title of a recent work by Catherine Colliot-Thélène (PUF, 2011).

cost of a decrease in the democratic ideal to the defence of human rights and forms of regulation (economic or other), at the same time setting aside the goal of achieving a society of equals. On the other hand by those who stress the *identity aspect* of the democracy-society and thus only see it through its link with a type of ethnicisation of the social or forms of separatism intended to abolish the universalism dimension that exists in Nation States. Each time, therefore, the democratic ideal further atrophies, with negligence or criticism of Welfare States, such as they exist, almost always lying at the heart of these two approaches. To this extent, defending the framework of the Nation State remains of democratic relevance, even though it should always be linked to a broader cosmopolitan horizon[16].

It has been pointed out that I have on several occasions concluded my books with certain ideas deemed "sketchy." Such was already the case in *Utopian Capitalism,* that concluded with an annex entitled "Vers une économique de l'autonomie, *first draft*». More recently, the last part of *The Society of Equals* picked up the title with the rider "initial draft", the idea being to suggest the practical and institutional consequences to be drawn from the historic analysis and the conceptualisation it set out. 'Suggest', because there could be no question of presenting what would have been akin to a detailed programme of reforms or some specific institutional device (this limitation is to be found in *Good Government* and explains some of the criticism that has been levelled at me here). For several reasons. Firstly, that type of approach would have risked polarising attention and leading

[16] Europe currently looks like a limited space for positive experimentation with this type of cosmopolitan democracy; but definitely not like the embryo of a new form of Nation State, with the redistribution or solidarity mechanisms that would imply.

readers to neglect the historic and conceptual input by limiting the comments to superficial considerations regarding the practical provisions. Secondly, and more importantly, the debate on these provisions had to be kept open, without giving the impression that the analysis leads to the imposition of a model. It is the view I hold of the link between intellectual work and political life that has made me always resist the incessant requests to provide such a model. The aim is to provide the tools for analysis, to increase the citizen's ability to become involved in city life, rather than make them subscribe to a system. Voluntarily limiting myself to sketching out a "spirit of the institutions" is what, for me, makes it possible to allow present-focused thinking with the view to bringing alive an actively deliberative democracy. Indeed, my historic and theoretical project also comprises a genuinely citizen-focused dimension.

SYMPOSIUM

LE BON GOUVERNEMENT

THE PRESIDENTIALISATION OF THE FRENCH SYSTEM IN THE CRISIS OF POLITICAL REPRESENTATION

BY

CHIARA D'ALESSANDRO

© 2017 – *Philosophy and Public Issues (New Series)*, Vol. 7, No. 3 (2017): 157-185
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

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The Presidentialisation of the French System in the Crisis of Political Representation

Chiara D'Alessandro

I
The need for Presidentialisation

After ten long years, Rosanvallon completed, with his *Bon Gouvernement*[1], a remarkable historical and theoretical study on the changes taking place in contemporary democracy, leading him to publish three more volumes: *La Contredemocratie*[2], *La Légitimité démocratique*[3], and *La Société des égaux*[4], as well as numerous further ancillary studies on the subject. The recurring theme of his research, albeit examined from different angles, is that of a general crisis of democracy, and he even states at the beginning of his most recent work that, 'Our systems can be considered democratic, but we are not governed democratically'.[5] This situation translates into an attitude of disenchantment and dissatisfaction among citizens faced with governments that do not respect rules of transparency and accountability, proposing increasingly confused and illegible policies.

1 P. Rosanvallon, *Le bon gouvernement* (from now on *BG)*, Le Seuil, 2015.
2 *La Contre-Démocratie: La démocratie à l'âge de la défiance*, Le Seuil, 2006.
3 *La légitimité démocratique. Impartialité, réflexivité, proximité* (from now on *L.D.*), Le Seuil, 2008.
4 *La société des égaux*, Le Seuil, 2011.
5 *BG*, p. 9.

 Philosophy and Public Issues (New Series), Vol. 7, No. 3 (2017): 157-185
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The central idea in his latest work, supported by a careful and in-depth comparative analysis of the political and institutional set-up of contemporary States, starts with this statement: in contemporary political reality there has been, almost everywhere, a gradual but inexorable process of presidentialisation and personalisation of democracies. Such process, in fact, marked the last decades of the twentieth century and brought with it an enormous increase in the power of the executive. In Rosanvallon's view, it is necessary to become aware of a specific fact: presidentialisation is only the effect of the progressive increase in executive power, "which is where the presidentialisation comes from"[6].

Rosanvallon identifies the causes of the increasing centrality of executive power in a process that began between the late 19th and early 20th centuries, and concerning France in particular, the many scandals that marked the first decades of parliamentarism[7]. However, the move towards a stronger executive was determined by the demand for a unifying command that increased at the time of World War I. Tocqueville[8] had remarked how war tended to dramatically increase the attribution of civil powers. The outbreak of war in France, which proved to be unprepared, especially for

[6] *Ibid.*, p. 15.

[7] With specific reference to France, of particular note is the so-called Panama Canal (1889) scandal, when the bankruptcy of the largely French-owned limited Channel company, the brainchild of Ferdinand de Lesseps, brought to public eye a remarkable number of corrupt members of the French parliament, in order to finance the company with public money. The case, and its legal consequences, leading to the sentencing of ministers and members of parliament, went on until 1898. In Italy, in the same period, government institutions and members of parliament found themselves embroiled in the so-called Banca Romana scandal (1892-1894).

[8] Cf. A. Tocqueville, *De la Démocratie en Amerique*, vol. 2, 1840, Vrin, Paris, 1990, p. 223 ff.

such a long duration, created the need to unify forces and thus for a strong and unifying government.

Léon Blum himself, albeit a champion of French socialism, noted in 1917 that the French Councils of Ministers were unfit to take real decisions and still less to carry them out. Blum therefore hoped for the establishment of a true President of the Council: "the role of the President of the government is the same as the one the leader of an industry"[9]. Blum needed a man to command, a *temporary monarch*, revocable at any time, but empowered as long as the confidence of Parliament kept him alive, by the sum of the living forces of the Nation.

George Clemenceau, as of November 1917, would be the one to break with the previous tradition of 'government by assembly' and to embody in his writings and in his government actions the new ideal of a stronger executive, free from defeatism or, to use his own words, "lords of the official parliamentarism"[10].

Indeed, it was at the end of World War I that the first signs of broadening the sphere of public action appeared, signs that would strengthen even more after World War II, giving rise to the creation of the so-called Welfare State. There would be a concrete expansion of the sphere of public action starting with the conclusion of the Great War, an increase brought about by the enormous social, industrial and economic problems in the wake of the conflict. Nineteenth-century liberal politicians had theorised and practised a virtually 'empty' economic policy, limited to being in harmony with the laws of the market on the monetary level and being able to maintain, as far as possible, the

[9] L. Blum, *L'oeuvre*, vol. 3, 1928-34, Albin Michel, Paris, 1972, p. 511.
[10] G. Clemenceau, *L'homme enchaîné*, 9 Septembre 1917.

budgetary balance[11] without worrying about the heavy social effects that such economic policies brought with them.

Everything changed after the Great War, and even more so after World War II. The government had to address the question of full employment, the national product, price trends, the public budget, healthcare, schools, and so forth. The previous supremacy of parliamentary law began to give way to a true *teleocracy*[12]: what counted was the result. And the result, obviously, is produced by the executive.

This extremely brief historical *excursus* is sufficient to show how, in reality, the balance of powers underwent a '*torsion*' towards the executive throughout the whole of the twentieth century. These are some of the reasons more than ever before for the majority of citizens, power means – according to Rosanvallon – principally executive power. This is the power that they expect to successfully manage the circumstances of their activities and their personal lives; the power that they identify as a possibly trustworthy interlocutor.

[11] It is well known that one of the main objectives of the post-unification political class in Italy was to balance the books, and this was only achieved thanks to the great sacrifices the lower classes (above all). On 16 March 1876, the President of the Council, Marco Minghetti, announced the balanced budget.

[12] The concept of *teleocracy* is used by M. Oakeshott, (*Rationalism in Politics and Other Essays, Methuen*, London, 1962) in opposition to that of *nomocracy*. The latter is represented by a community governed by a multiplicity of individual objectives that are not ordered according to a hierarchy binding on its members. *Teleocracy* reflects instead the idea of a society characterised by the common objective of an ultimate goal to be achieved by employing certain means in a certain way or responding in a specific way, and according to a hierarchical order, to specific kinds of situations as they arise.

With the passing of time, the executive has therefore changed its skin; it is no longer a passive body and executor of the will of Parliament, as it had been at the dawn of the parliamentary democracies, and in the same way, legislative power has also changed significantly, becoming, in fact, subordinate to the office of government.

It was therefore in the context of these needs, and as a result of this overall trend towards a government headed, as Blum put it, by *a temporary monarch,* that the necessary shift towards the presidentialisation of the executive[13] took root.

Although it was, according to the author, an almost global movement[14], this clear predominance of executive power was most evident in France. In 1962, with a remarkable 62% of the votes in favour, and despite strong and very fierce opposition from all political fronts[15], France consented to the constitutional

13 For a further examination of the tendency to presidentialise the executive in Europe and beyond, see T.E. Frosini, C. Bassu and P. Petrillo*, Il Presidenzialismo che avanza*, Carrocci, 2009.

14 Cf. T. Pouguntke and P. Webb, *The Presidentialization of Politics: A Comparative Study of Modern Democracies*, Oxford University Press, 2005. The comparative study of 14 countries shows how governments now tend to follow a presidentialist line, in particular from the following three points of view: 1) greater executive power and autonomy; 2) greater executive independence from political parties; 3) the emergence of election procedures centred on leadership.

15 There were strong political reactions: the Communist party became the firmest defenders of traditional parliamentarism, and the socialists, including Léon Blum, complained about a plebiscitarism in which every aspect of public life would be dominated by just one man and his personal power. François Mitterand, future President of the Republic of France, spoke of 'domesticated executive power' (*Le Coup d'État permanent*, Plon, 1964, Paris). Nor did the right wing and the liberals fail to express their dissent; Raymond Aron, who had been a *Rassemblement du peuple français* (RPF) militant spoke of a "return to

reform that General Charles De Gaulle sought, with the direct election of the President of the Republic—who would become in most cases the de facto 'Chief of the Executive'.

II

Presidentialisation, réssorts, risks and inadequacies

According to Max Weber, all forms of democracy have always had to address the problem of choosing a Head. The German sociologist also understood how the social perception of political will was no longer a question of an indeterminate general will, but of specific, immediately perceivable decisions, and that in order to achieve this it was necessary to establish a new relationship between rulers and ruled identified by him in the form of a plebiscite democracy that Weber sought to achieve through the 1919 Weimar Constitution[16], for which he was one of the main inspirations. It is precisely in the Weimar Constitution that Rosanvallon sees the prelude to the presidential government-model.

In traditional European political and constitutional thought, theories of the legitimisation of power have always been theories regarding the *authorisation* of the exercise of power, and it is no coincidence that in his *Pouvoir*[17]*,* Guglielmo Ferrero, reiterating Weber, argues that power always has a problem of legitimation,

Bonapartism", and denounced "the General's passion for the absolute" ("La République gaulliste continue", *Preuves*, No. 143, January 1963).

16 The political initiative with which Weber accompanied the birth of the Weimar Constitution was summarised in a series of articles published in 1917, *Parlament und Regierung im neugeordneten Deutschland.*

17 Guglielmo Ferrero, *Pouvoir, les génies invisibles de la cité*, New York, Brentano, 1942.

so even if power comes from above, legitimation always comes from below, because it always requires consensus. And the question that never ceases to arise, even in the presidential government model, is precisely this: the legitimisation of the role that those who govern assume and, even more so, the legitimacy of their action.

With what Rosanvallon calls "the first democratic revolution"[18], i.e., the achievement of universal suffrage, a democracy of authorisation was created, and this was not only what the author calls a democracy of civic duty, in other words, one limited to establishing, through electoral mechanisms, *who* should govern, but not *how* and according to *what* rules.

And in fact, the need to grant legitimacy to the choices of the rulers and to understand the mechanisms of their action is just one of the '*ressorts*' that Rosanvallon identifies as the origin of the movement of presidentialisation, which tries to provide a response to both the social demand for *imputation*, that is, we might say, the assumption of political answerability to the governed by one who governs, and also to an instance of the *willingness* of the citizens themselves to be actors in political life through the one whom they elect. Lastly, but perhaps even more importantly, the drive towards presidentialisation responds to a need for 'legibility', namely transparency or clarity of operation on the part of the institutions and decision-making mechanisms. In a world where decision-making processes have become complicated and bureaucracies increasingly powerful, the legibility of the Chief Executive is almost a form of re-appropriation of politics by the citizenry.

[18] *BG*, p. 383.

What we wish to analyse here, however, is not so much the origins and characteristics of this movement as the critical issues inherent in the phenomenon, especially from the point of view of the question of representativeness, which in any case does not cease to make itself felt.

As it stands, the phenomenon of the presidentialisation-personalisation of the executive simply risks remaining a significant development in a democracy of authorisation. And indeed, even where, as in France, the movement de presidentialisation has not limited itself to the functional and institutional dimension alone, as has happened in many countries[19], but has also found a transposition in constitutional terms, the direct election of the Chief Executive alone does not prove sufficient to ensure the democratic nature a government's action. It also risks paying the price for, if not even worse, the

[19] There is no shortage of examples from the comparative perspective: in the United States this was a process that was considered almost a natural historical and political course of events, so that, although the President is actually elected in a two-stage procedure (the citizens select the Electors, who then vote for the President), the election of the Head of the Executive is tantamount, in the minds of the people, to a popular vote. The situation in the so-called new democracies is very different. These, such as those in Asia, Africa, and Latin America, or those that came into being after the collapse of the Soviet bloc are much more numerous: in many of these realities, the birth of what might be termed presidential democracies has been considered a logical and natural consequence of coming out of despotic or dictatorial regimes and acknowledgement of the sovereignty of the people. In Western Europe, the situation is different again. Europe was for a long time the place where the institutions of parliamentary democracy were preserved as they came into being in the 19th century. Suffice it to say that in many European countries (Belgium, the United Kingdon, the Netherlands, Denmark, etc.) the advent of democracy was accompanied by the presence of Constitutional Monarchies, which have remained constant over time. Their presence is in clear contrast with the possibility of establishing any explicit forms of presidentialism.

more traditional problems of representativeness and the legitimisation of power, which have been perceived as obvious critical points in contemporary democracy for some time now.

These risks lie, in particular, in a very majority-based conception of democracy itself that inevitably creates a tension between the question of the *selection* of a governor and that of his *legitimisation*. And in fact, the election of a single person, inevitably, almost never guarantees general representation, as they cannot represent everyone, so the one elected most certainly suffers from a legitimacy deficit.

First in *Contredémocratie*[20], then in *Le parlement des invisibles*[21], Rosanvallon noticed that many citizens no longer feel represented by those elected through the political parties. There is a feeling of a representative deficit which, according to the French author, is behind the increasing weight of populist movements, one of the most significant political phenomena of the early 21st century in Europe and beyond. The voice of public opinion (citizen expression) no longer exists apart from in the social networks, which means there is a weakness vis-à-vis the ability of governors to listen to the governed. In some way it is as though the Internet, and *only* the Internet, has become the locus of public opinion[22]. And it is precisely in this context that, as the traditional parties go into decline, new protest movements have found fertile ground; one thinks of Podemos or the Indignados in Spain, or

[20] Cf. note 1.

[21] *Le Parlement des Invisibles* (from now on *LPI*), Seuil, 2014.

[22] It is no coincidence that T. E. Frosini speaks of a right to the Internet as a new right to be constitutionally guaranteed. It is no longer just the exercise of the free manifestation of individual thought but the ability of individuals to form relationships, to transmit and request information...' in *Liberté, égalité, internet,* Editoriale Scientifica, 2015. p. 22.

the Five Stars Movement in Italy, to cite just a few possible examples[23]. These phenomena are strongly nourished by the feeling of abandonment felt by many citizens who no longer feel represented by traditional parties or even the trade unions.

Nevertheless, for Rosanvallon, it would be wrong to label this phenomenon simply as 'citizen apathy'. It is true, in fact, that the current (low) indicators of citizens' confidence in government are a reflection of a certain degree of disaffection with politics, like the growth of abstentionism, which has been a widespread phenomenon in all democratic countries over the past twenty years or more. It is also true, however, that these indicators and data are to be reconsidered and re-read from a different and broader perspective; they need to be analysed more authentically as a general transformation of citizen participation, which has changed over time.

For the author, it is therefore essential to recognise that democracy has changed profoundly and that citizens are now spokespersons for new forms of representation. Although, after the 'first democratic revolution', the election of a representative assembly was considered sufficient to guarantee the relationship between representatives and the represented, today, this is no longer enough to guarantee the relationship between *governors* and *the governed.* And if, on the one hand, the spread of the model of the presidential government, as we have said, is a tangible sign of this evolution as a significant 'step forward' towards the abandonment of mere democracy of authorisation, the realisation of a democracy of civic duty is still far off. The full

[23] Other examples are the AFD in Germany, which turned out to be the third party in the last parliamentary elections, the anti-Europe Ukip in the United Kingdom, and the xenophobic and anti-Islamic movements like the PVV in Holland.

accomplishment of the latter would imply the concretisation of a number of fundamental qualities that rulers ought to possess.

In the described context, the governor should, in fact, possess at least three essential qualities: *legibility* – meaning transparency, or literally, the 'readability' by the citizens of the decision-making processes of public institutions, allowing them to feel they are an integral part of them. Then *responsibility*[24] – which Rosanvallon believes forms the other side of the coin of the exercise of authority, a key element in the relationship between those who govern and those who are governed. Lastly, *responsiveness,* namely the opportunity for the citizens' expression to actually make its voice heard and to receive some kind of answer. The putting into practice of the mechanisms of a democracy of exercise, would also make possible a democracy of appropriation, capable of making citizens feel really part of it, and a democracy of trust, able to renew the by now worn out relationship of trust between the governors and the governed[25].

[24] Rosanvallon recalls that an early form of responsibility for political subjects came into being in England in the Middle Ages thanks to the system of impeachment*,* even if it is important to point out that, in its earliest version, the king could never be impeached because his power was considered divine, so he could never 'do wrong'. For this reason, the only persons who could originally be subjected to this instrument were the King's Ministers or his senior officials, and *only* for criminal reasons (charges of corruption and high treason) and not for a purely political form of responsibility. The impeachment procedure has changed since the early seventeenth century, coming to gradually include forms of purely political responsibility. (*BG*, pp. 255 ff.)

[25] "This is the huge problem of our times : citizens do not trust their leaders and political institutions anymore", P. Rosanvallon*, La Contredémocratie* (Paris: Seuil, 2006, p. 9). Rosanvallon opens the first of his volumes inaugurating his cycle of studies on the changes in contemporary democracy.by specifically introducing the theme of a "society of mistrust*"*.

Faced with growing dissatisfaction with the model of parliamentary representation deemed capable of solving the problem of democracy, and faced with the inadequacy of the presidential government model, of which the author also appreciates some positive aspects, Rosanvallon does not fail to explore different possible forms of legitimation of public decision-making within the context of the contemporary institutional systems. Hence his study of the so-called *legitimation of impartiality* and *legitimation of reflexivity*.

III

In search of new forms of legitimation: legitimation through competence and legitimation through impartiality

At the close of the nineteenth century and the beginning of the twentieth century, many theorists[26], disappointed with the failings of parliamentarianism, had come to wonder whether a more efficient administrative machine with greater room for manoeuvre and more aggressive technical ability might not, at least in certain areas, serve the public interest better than the democratically elected political personnel.

[26] Rosanvallon refers here primarily to the American Woodrow Wilson, future president of the United States who, at the end of the 19th century ("The study of administration", *Political science quarterly*, Vol. 2, No. 2, 1887) raised the question of the new science of administration, followed by Frank Goodnow, who, in *Politics and administration* (1900) raised the issue of the perception of the executive as an *internal way* of manifesting the sovereignty of the people. In the case of France, the discourse on efficient administration would be taken up by Henri Fayol, who even spoke of industrialising the State in terms of result-oriented organisation (*Industrialisation de l'Etat*, Paris 1921).

In fact, according to Rosanvallon, for a long time, and almost up to the late 1980s, there was widespread international, and especially French, approval of a kind of cooperation between two types of legitimation: electoral for politicians, and public selection for civil servants, the so-called *jacobins d'excellence* of the senior civil service: "these two dimensions of the sacred order of the universal suffrage and of the public service have explicitly imposed their values onto republican ideology"[27]. Generally speaking, however, trust in the senior civil service is greatly diminished today, and the public currently shows increasing lack of confidence in it – while the social elites, put off by low remuneration, no longer have any interest in joining its ranks. A systematic and, so to speak, broader reading of Rosanvallon's work shows how, alongside the crisis besetting the traditional models of legitimation, a sort of silent restoration of the locus of representation has taken place. This restoration is taking the place formerly held by the Sovereign, and subsequently occupied, increasingly unsatisfactorily, by the people represented by its Parliament.

In this way, other institutions of representative democracy have been added to those that, despite their ancient origins and their distant and various provenance, today find a new and vast international stage in the search for different forms of legitimation. We are talking about the legitimacy of impartiality and that of reflexiveness: namely the independent authorities guaranteeing impartiality, and the Constitutional courts guaranteeing *'réflexivité'*.

For Rosanvallon, independent authorities have been the subject of long reflection, both in historical and comparative legal

[27] *L.D.*, p. 13.

terms, in the field of research into new forms of democratic legitimation. The starting point for this investigation is the observation of how, in the different institutional realities taken into consideration (especially the American, considered original, and the English and French), they have, albeit in a great variety of forms, a hybrid nature, because "they detain an executive dimension while carrying out normative and judiciary functions"[28]. For Rosanvallon, they profoundly revolutionise the traditional conception of the division of powers.

In the French case – perhaps the most interesting from the point of view of the systemic and institutional gap resulting from the strong tradition of what goes under the name of 'Jacobin State', namely a State solidly grounded in its centralism – it was a matter, from the first time the new institutional model was imported[29], of subtracting powers from the executive in order to counter the suspicion of Government partiality in a very sensitive area (the freedom of communication for the rights of citizens). In other words, certain competences were denied to the legitimately constituted powers on a democratic basis, because, in reality, suspicion of partiality led to the loss of legitimacy[30]. This was how

[28] *Ibid.*, p. 121.

[29] The first independent authority established in France was the *Commission Nationale de l'Informatique et des Libertés* (CNIL), established in 1978.

[30] In France there are currently 26 Autorités administratives et publiques, 19 of which are administrative and 7 public. It is interesting to note that from 1978 to date the number of authorities has grown enormously, at a rate of almost one per year, totalling over 40. The subject has recently been overhauled thanks to two different but coordinated laws issued at the same time. This is Organic Law 2017-54, containing general rules on the constitution, composition, and control of the authorities, and Organic Law 2017-55, containing a Statute of Independent Authorities and the Independent Public Authorities.

France and others[31] sought, in ever wider areas, a source of legitimation other than democratic election for important public decisions, one defined by Rosanvallon as legitimacy by impartiality.

But what is the democratic legitimacy of the independent authorities, and what is their impartiality? First of all, Rosanvallon recalls the significant historical precedent of 17th-century English public law, which completely dissociated the notion of representation from that of parliamentary election, notions that did not necessarily go hand in hand. In fact, in that particular institutional philosophy, representation was associated with, and derived from, the ability to be a means of safeguarding the individual freedoms of the represented and a limitation of government power. The task of the political representative was therefore to render the vested powers impartial towards society, and to do so there was no need for elections but for the ability to be truly representative and effective.

In reality, independent authorities have a democratic legitimisation that does not derive from electoral investiture, but from their make-up. Their members are appointed but in no way depend on those who appoint them, and they cannot be revoked. They do not all belong to the same party or represent the same interests. In the way decisions are made, they are typically

31 For the English-speaking tradition, Rosanvallon refers to articles by P.L. Strauss, "The place of Agencies in Government, separation of power and fourth branch", *Columbia Law Review*, Vol. 84, No. 3, 1984, and C. P. Miller *Independent Agency: The Supreme Court Review,* 1986. For a comparative look at this point see R. Caranta, M. Andenas and D. Fairgrieve, *Independent Administrative Authorities,* British Institute of International and Comparative Law, 2005. Still more recent but with a critical vision, see the article by Juliette Roussin, "*Démocratie contestataire ou contestation de la démocratie?: L'impératif de la bonne décision et ses ambiguïtés*", *Philosophiques*, Vol. 40, No. 2, 2013.

collegial bodies. They listen to all petitions, taking decisions that, far from excluding the various points of view, are the result of the mediation of the different opinions.

It is a sort of epistemic democracy*,* the result of constant research, whose strong point lies in the cognitive diversity of the members of the collegial body on the one hand, and their interlocutors, on the other.

Another characteristic that contributes to the impartiality of the independent authorities is what Rosanvallon calls 'negative generality'. This generality comes from the fact that the authority ensures that no one in the community can enjoy advantages or privileges over others. From this point of view, the ability of an individual authority to distance itself from particular interests in order to ensure the pursuit of the general interest is fundamental.

In conclusion, Rosanvallon sees these bodies as new forms of political representation, since, for contemporary society, the concepts of *impartiality* and '*negative generality*' are fundamental for the legitimisation of public decisions: "their democratic history is starting right now"[32].

IV

Once again in search of new forms of legitimation: legitimation of reflexivity

Rosanvallon examines the role of Constitutional Courts in modern democratic regimes in his volume *La Légimitimité démocratique,* seeing them, as we will see further on, as part of the so-called legitimation of reflexiveness. This consists in a constant

[32] P. Rosanvallon, *L.D.*, p. 166.

correction of the democratic incompleteness resulting from the well-known crisis of political representation.

It might even be said that they are by far the most important institution of reflexivity in the modern constitutional systems. It is no coincidence that from the original experiences of the United States, India and the Federal Republic of Germany, the concept of judicial review has become, albeit in very different forms, the core of the institutional and democratic mechanisms on every continent. In fact, there is no recent Constitution, from those of Eastern and Central Europe to all the more recently approved ones, that does not consider the British constitutional model outdated and lacking in formal constitutional control and that does not give a prominent role to constitutional courts. [33]

It is clear that today's idea of a Constitutional Court is very different from that of the liberal era propounded by Sieyès[34] or Constant, who saw the control of constitutionality as a brake and a limit to the sovereignty of the extemporary initiatives of the lawmaker. Nor is it the twentieth-century Kelsen-like approach where the role of the Constitutional Court is simply that of

[33] On the expansion of Constitutional Courts in the 80s and 90s, see C. N. Tate, T. Vallinder (ed.), *The Global Expansion of Judicial Power*, New York University Press, 1997, and more recently, and, largely focusing on European Constitutional Courts, see the comparative study by A. Stone Sweet, *Governing with judges*, Oxford University Press, 2000. For a look at the Asian world (Taiwan, Mongolia and Korea), see the study by T. Ginsburg, *Judicial Review in New Democracies*, Cambridge University Press, 2003, in which the author emphasises the importance of the role of the Constitutional Courts in the development of democratic institutions in these countries.

[34] Sieyès explicitly stated that the function of the constitutional jury was to act as a "salutary stop" with respect to the Parliamentary Assembly and to "contain each action in the domain of the special delegation" (*Opinion de Sieyès sur les articles IV et V du projet de Constitution- 2 Thermidor an III).*

internal control over the legislator's work and, therefore, a negative legislation entirely internal to the legal system.

In this regard, Rosanvallon develops an interesting analysis through dialogue with some of the most important contemporary scholars of constitutional law, and law in general, such as Cristopher Eisgruber, Stephen Holmes, and Lary Kramer in the United States, Dominique Rousseau in France, and Gunther Teubner in Germany. Rosanvallon's reasoning takes as its starting point the consideration that constitutional law and, consequently, the functions carried out by Constitutional Courts, are implemented over a long period of time, unlike the much shorter time for the decisions of the executive and the deliberations of the Legislative Assembly. Their role of enriching democratic decisions is above all manifested in the context of the creation of fundamental rights and their principles (the people-principle) and (unlike the negative generality of the independent authorities) a form of inclusive generalisation within a single *polis*. In other words, a constitutional judge embodies the inclusive representation of equality, as a possibility for everyone to be considered in terms of his or her existence and dignity: fundamental concepts, as we will see, for Rosanvallon in a contemporary democracy. It is in the nature of the *people-principle* to figure on a typically juridical horizon and to find, therefore, in the language of the Constitutional Courts the privileged locus of its being. Constitutional Courts carry out, in this regard, the fundamental task of tracing decisions back to long term principles and enriching the quality of legislation and political decision making.

The example of France and the preventive control of constitutionality, accessible also to a small parliamentary

minority[35] following the 1974 reform, is, for Rosanvallon, a clear confirmation of this. The resulting proliferation of parliamentary appeals has greatly increased the scope for debate and dialogue in the Court, in scholarship, and in Parliament itself. In addition, the formulation by the French Conseil Constitutionnel (1985) of the *obiter dictum* whereby "a law that has been voted upon expresses the general will in compliance with the Constitution" has introduced an element of rupture and quality, bringing a decisive change of direction to the framework of French constitutionalism and the very models for interpreting law. In conclusion, Rosanvallon sees the procedures of constitutional justice as a way to increase the methods, places and times of public deliberation, introducing the equivalent of a "pause for reflection"[36].

Constitutional Courts, in the modern meaning of the term, therefore make it possible to set up of a sort of 'stage for deliberation', whose composite and reflexive character allows a focus on objectives that would be difficult to reach through public political debate or a mere deliberation. This is why also the Constitutional Courts have the right to sit in the place where the political will is legitimated.

[35] Constitutional Law 74-904, which modified art. 61 of the Constitution, acknowledged the possibility of presenting a seisin to the Conseil Constitutionnel as well as to 60 senators or 60 deputies, thus also allowing a not too large parliamentary minority to take recourse to the Council and to supervise Parliament's respect for the Constitution.
[36] *L.D.*, p. 196.

V

The Parliament of the invisible, a narrative democracy

In January 2014, Rosanvallon published a short book, little more than a pamphlet, *Le parlement des invisibles*, in which he set out the ambitions for his new project, one with a highly significant name: *Raconter la vie*. But whose life did this French intellectual mean to recount?

The main topic of this 'story' is the life of the citizens who feel excluded from the official country by those in power, the institutions, and the media. According to Rosanvallon, there are growing numbers of citizens who feel forgotten and misunderstood. These are the people who sometimes seem to capture the public attention when, for example, they oppose projects likely to cause territorial upheaval or demonstrate for the recognition of their rights. one thinks of the case of the 'No-TAV' (against high-speed trains) in Italy, or other environmentalist movements in Italy and Europe. Theirs is, however, a passing visibility and protagonism, in which only the best-organised contingent comes to the fore, the tip of an immense *iceberg* that remains invisible and threatening, manifesting itself here and there, not so much in protest but in bitter disillusionment. The familiar message remains that "the country does not feel to be represented"[37]. Too many lives are deemed to be unimportant. Too many initiatives are left on the sideline, too many people feel unseen and unacknowledged.

In any case, for Rosanvallon, it is not possible to restore the strength of democracy without decoding contemporary society, without listening to the needs and ideas that are manifested in its

[37] *Le Parlement des Invisibles (*from now on *LPI*), p. 10.

complex whole. The factors that oppose the ability of politics to represent society are structural and well known in the modern democracy analysed by Rosanvallon (election systems, difficulty in identifying with elected rulers, distrust of parliaments, etc...), but there is also another one that has to do with the model of socialisation typical of our day.

Universal suffrage should represent the people, through the vote, but in this way individuals are transformed into numbers, so the people is nothing more than a majority of individuals. But the people remains something indeterminate, bodiless in any real sense. However, one must not give in to facile populist analysis: the distance that separates the world of politics from society is not only the product of the culpable indifference of the world of political jargon. It stems, in fact, also from the increased opacity of a society that is no longer divided into the 'estates' of the *ancien régime* but no longer even into 'classes', as in the capitalist production system.

First of all, the mass workers of the Ford era exist no more. Whereas workers used to be considered to be without initiative, to slot into the anonymity of the assembly line, today we are witnessing the valorisation of individual skills such as creativity, focus, commitment, and the ability to react when problems arise. The worker in the contemporary production system is increasingly seen as an individual.

For Rosanvallon, we are now living in the age of the 'individualism of uniqueness': a new stage in human emancipation in which the destiny of individuals is determined more by their personal history than by their social *status*. "The story of the individual, which is necessarily singular, has now placed itself on top of the condition of the individual, which was permanently

identified with a group, which was itself built upon a main characteristic"[38].

This mutation of the individual is necessarily accompanied by a different request for recognition, which is no longer that of counting 'like the others' (as in traditional democracy, universal suffrage) but of being counted 'as oneself', with one's own personal history, with one's proposals and ideas, to be recognised as a bearer of values.

This then is the specifically democratic ambition, not one of mere documentation and research, of the *Raconter la vie* project that Rosanvallon has actually set up and which is still ongoing[39]. It is a question of building up a form of representation/narration capable of rehabilitating the democratic ideal by proposing a single mode of being for all demands for recognition in order to bring them together into an explicit movement and give them a positive value and coherence[40].

Giving people a voice and visibility means helping individuals to rally to make their lives become part of a meaningful story. It means making individuals' stories become part of a collective story. This looks like a decisive element, especially in today's

[38] *Ibid.*, p. 22.

[39] The *Raconter la vie* project came closer to fruition through the creation of a website (www.ecrire-un-livre.net/raconterlavie.net) set up in January 2014 on Pierre Rosanvallon's personal initiative. It had the specific aim of creating a free 'library of life stories' open to all. The site is still active and has been widely used from the start. Only 4 months after the opening it had 150 authors and 163 stories.

[40] For an in-depth study of concrete and further experiments to find new forms of direct citizen involvement, as an alternative to representative democracy, see the experiences described by C. Bassu, "Le nuove frontiere della democrazia rappresentativa", in *Percorsi Costituzionali*, I, 2017. For the author, these are examples of a "democracy of the modernists" (p. 33).

world where the changing conditions and even places of work have produced a reproletarisation, a new working class dispersed across thousands of invisible work places: "those that INSEE[41] classifies under this definition are essentially the armies of drivers, deliverers, handlers, storekeepers, order pickers etc..."[42].

According to Rosanvallon, thousands of other everyday difficulties – apart from working conditions – ranging from transport and safety to more personal ones such as continuing to live together despite being divorced, or a young person wishing to leave the family home, are still waiting to be seen as real 'social issues'. The democratic political project cannot be limited to a mere democracy of accounting and delegation: there must be a move toward a democracy where everyone in society counts.

It is from this perspective that the project for a *narrative democracy* comes into its own. "This is the condition to build a society of individuals which may be fully equal in dignity, equally recognized and considered, and effectively able to build a common society"[43].

Essentially, it is a project to give a voice to the governed once more, but at the same time it enhances the work of those who, albeit unable to understand a large number of social expectations, govern today.

On the other hand, telling the story of one's life means opening oneself up to others, stimulating an interest. Words and listening are, in themselves, producers of communities and social ties. The *Raconter la vie* website has become, for Rosanvallon, a

[41] Institut nationale de la statistique et des études économiques.
[42] *LPI*, pp. 24-25.
[43] *Ibid.*. p. 27.

"*Facebook societal*" connecting a project for social transformation to personal change[44].

VI

New proposals for a good government

In the conclusions to *Le Bon Gouvernement*, the author tries to systemise his research with some concrete proposals for reforming the political scenario, almost producing a general theory of public law in terms of democratic participation, 'extended' also to the workings of government.

The project envisages the "construction of new democratic organizations" to "restore democracy" in digital society, also contributing to the restoration of the "invisible institution"[45] based on trust and the creation of new social ties able to address the individuality of the unique, which, as we have seen, is the hallmark of the contemporary world. This would be achieved by ensuring that citizens, also through these new democratic institutions, cease to be 'sovereign for one day', but would permanently have means of controlling of those in power, allowing them to submit the action of those in government to compliance with specific obligations[46].

[44] Quite rightly T.E. Frosini sees in these forms of 'direct interventionism' that seek in the Internet the ability to externalize and decide, an even more 'confused' way to replace the traditional option of political representation through the vote ("The struggle for constitutionalism", in *Percorsi Costituzionali*, I, 2017).

[45] Cf. *La légitimité démocratique*. In the text, Rosanvallon states that he takes the expression from K. Arrow, *The Limits of organisation,* New York, Norton, 1976, p. 26.

[46] *LBG*, pp. 383 ff.

Rosanvallon imagines a democracy that would revolve around three new institutions yet to be created: a) Le *Conseil du fonctionnement démocratique,* 'guardian' of the principles of democracy of exercise, such as, for example, fundamental obligations regarding the integrity of governors and transparency of their actions. Imagined in these terms, this safeguarding would require powers of investigation, to ensure that the *Conseil* is also able to impose real *injunctions* in the event of the violation of the principles and obligations it is meant to protect. This would imply the creation of a 'fourth power' in addition to the legislative, executive and judicial, and would even go beyond the powers currently granted to the Independent Authorities already operating in this field, in some cases taking some of their powers on itself. In particular, the powers currently entrusted to two Independent Administrative Authorities present in the French system would be enhanced and transferred to the Council: *l'Haute Autorité pour la transparence de la vie publique*[47] and *la Commission d'accès aux documents administratifs*[48]. The democratic character of the Council would be guaranteed by the method of selecting its members, currently, however, envisaged by Rosanvallon only as the general provision of a preliminary parliamentary hearing, with the obligation of the Council to provide citizens with information to ensure the transparency of its operations.

b) A series of public committees would constitute the second permanent body necessary to bring about the democracy of exercise. These commissions would be tasked with carrying out

[47] Instituted by Organic Law No. 2013-906 of 11 October 2013, with the task of receiving and checking declarations regarding the assets and interests of government members and elected officials.

[48] Established by Law No. 78-753 of 18th July 1978, it aims to facilitate access to administrative documents by issuing opinions in the event of refusal by an administration to allow the exercise of this right.

permanent control of the democratic quality of the government's political choices, from the point of view of both public participation and the legibility of the economic and social effects of the decisions taken. The public committees would deal with major political and social issues, from public health and education to employment. They would organise public debates on these topics to ensure the greatest amount of information and the maximum involvement of the citizens themselves.

Rosanvallon goes as far as to imagine that, following this model, the Commissions would lead to the enlargement, and a stronger democratisation, of the tasks currently carried out by the Parliamentary Assemblies, with even greater effectiveness and freedom of action[49], being free of party influence. In this case too, the fundamental democratic character of these organs would be assured thanks to the extremely heterogeneous composition of the committees. The committees would combine the principle of objectivity – through the involvement of technical experts in the various subjects –, the principle of 'citizens equivalence' – thanks to the presence of citizens drawn by lots – and, lastly, the principle of 'functional representativeness', thanks to the presence of members from the 'citizen agencies' working in all the fields of interest.

c) Lastly, the third body in his political institutional project would consist of all the organisations of citizen vigilance specialised in the supervision of those in power, which would then lead to the informing and training of the citizens.

These organisations could take the form of associations and foundations working in the field of the protection of the public interest and could also benefit, in order to keep them working,

[49] *Ibid.*, p 387.

from public funding, as is already the case of political parties and trade unions. Organisations of this kind would aim to create a new form of public participation, aimed at combating corruption, lies or concealment, to ensure a form of government as open and ligible as possible.

Indeed, Rosanvallon remarks that similar organisations already exist, albeit in a less developed fashion, in the form of a number of environmental and charitable organisations. This, as the author points out, is the case of the American *Common Cause*, a non-governmental organisation with the aim of promoting the fundamental values of American democracy, or *Transparency International* in its various forms present in European countries. It too is an international non-governmental organisation that aims to fight political and other forms of corruption. It is through these organs, albeit only 'in outline', and on which Rosanvallon foresees the necessity to deepen his research in another book, that the exercise of democracy might eventually be achieved.

And so, just as it took decades to achieve universal suffrage after the first democratic revolution, so too it is only to be expected that the working rules of a democracy of civic duty will take time to finalise, but they will eventually pave the way for the second democratic revolution.

VII

Conclusions

In these short pages, we have tried to explore one of the fundamental themes addressed by Pierre Rosanvallon in le *Bon Gouvernement* and many of his other writings, namely the crisis of political representation that translates into a feeling of abandonment and distrust of their rulers among citizens, and the

inability of rulers to represent the multiple interests present in contemporary society.

The need to feel represented has led, within the institutions themselves, to the search for and creation of new *loci* of representation, which in some cases has proved to be effective despite their not having been elected. As we have seen, this can come about in the cases of 'legitimacy by competence' (the senior civil service), 'legitimacy by impartiality' (Independent Authorities), and legitimacy by reflexivity (Constitutional Courts). Rosanvallon himself has proposed, and in some way achieved, as the result of the ability of civil society to make its voice heard and to influence the decisions of the rulers, a sort of new Parliament, with broad public participation: *Le Parlement des Invisibles*. In *Le Bon Gouvernement*, Rosanvallon sees the phenomenon of presidentialisation, analysed internationally but focussing especially on France, as a response in terms of visibility, responsibility and transparency to the crisis of institutional legitimisation. Yet this is only a partial response, to which Rosanvallon adds, as we have seen, a proposal for new institutions.

The new proposals, certainly in need of further reflection if they are to become concrete, tend in some way to mediate between the institutional path of citizen participation and a less formal and direct one. But if the analysis of the crisis and the various attempts to remedy it appears very wide and exhaustive, on the comparative juridical level, the remedies still appear very sketchy: the existing ones and those yet to be implemented appear to be attempts to provide a cure for an ailing representative democracy, but to a jurist they are in no way sufficient to substantially modify, still less replace, what is the most ancient, tried and tested, form of government.

In any case, the jurist cannot fail to observe that it is the law, especially from the perspective of its public and constitutional values, which ultimately guarantees the effectiveness of the democratic process.

Good Government and Participatory Democracy A Model of Social Partnership

Franco Manti

I

The issue of good government and of the relationship between the rulers and the ruled is not a new one, nor are the principles that Rosanvallon considers fundamental to good government.[1] The debate on sovereignty, representation, executive power, constitutionalism that has gone through the English and French Revolutions finds a synthesis in the thinking of Constant, who, though affirming the indispensability of representative democracy, deemed it necessary to take into account the need for participation in the political decision-making process and in the control of management of public affairs as the expression of a citizenship that doesn't only express itself in the vote. My thesis is that we must start from here by taking into account the effects of globalization and of a long and heavy economic crisis that has generated mistrust, a sense of impotence, and rage against politicians and politics. The answer that some give is direct democracy that, thanks to ICTs,[2] could take the shape of a cyber agora capable of reviving the democracy of the ancients and Rousseau's ideal of general will. What I propose, even in the light of the building process of modern Western

[1] Legibility, responsibility, responsiveness, true-speech, integrity (*lisibilité, responsabilité, réactivité, parler vrai, intégrité*). See P. Ronsavallon, *Le bon gouvernement* (Paris: Editions du Seuil 2015), pp. 215-301 e pp. 327-379.
[2] Information and Communications Technology.

 Philosophy and Public Issues (New Series), Vol. 7, No. 3 (2017): 123-156
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

social consciousness, is a participatory democracy model, based on social partnership, capable of strengthening representative democracy by introducing elements of direct democracy. With an awareness, though, that seems to be missed by many, including Rosanvallon: the theme of good government, requires a *glocal* approach.[3] Local administrative experiences such as the formulation of participatory budgets can be an example of good practice that, at least as far as method is concerned, can find an extension at the national and global level.

II
A look at history

The issue of good government, of which institutions are best suited to practice it on the basis of a proper rulers-ruled relationship, is a central theme faced by philosophers and constitutionalists in 17th century England. This debate had as background the one on the source of sovereignty. Jurists and constitutionalists such as H. Bracton,[4] J. Fortescue,[5] and A. Horn[6]

[3] See R. Robertson, *Globalization. Social Theory and Global Culture* (London: SAGE Publications Ltd), pp. 97-114.

[4] See H. Bracton, *De legibus et consetudinibus Angliae* (London: published by Richard Tottel 1569).

[5] See J. Fortescue, *De laudibus legum Angliae* (London: *Companie of stationers* 1616); *De Laudibus Legum Angliae: A Treatise in Commendation of the Laws of England* (Rochester - N Y: Scholar's Choice Edition 2015).

[6] See A. Horn*, La somme appelle Mirroir des iustices, Vel Speculum Iusticiariorum* (London: Printed by E. Griffin for Matthew Walbanke and Richard Best 1642); A. Horn, *The Mirror of Justices* (London: Bernard Quaritch, 1895). Locke quotes Horn as the author of *The Mirror*, see: J. Locke, "Letter to the Reverend Richard King", August 25, 1703, in *The Works of J. Locke*, Vol. 10 (London: printed for T. Tegg; W. Sharpe and Son, G. Offor; G. and J Robinson; J Evans and co; also R. Griffin and co. Glasgow; and J. Cumming, Dublin; Reprinted

are the sources that Hooker[7] and Locke draw upon. The common key idea was the one already stated by Bracton: "lex facit regem", that is, "rex nihil potest nisi quod iure potest" from which Fortescue and Horn derive the rightness of the people's disobedience to princes when they do not act in the respect of laws and for the people's good. The king's power is above all and in every way limited[8] and ruled by the laws.[9] This thesis is emphasized and strengthened by Locke, according to whom all are equal for the law, the source of legitimacy and coercive force of which lies in the people's consent.[10]

During the 17th century, the Whigs had elaborated the contract of government theory as the foundation of mixed monarchy:[11] a sovereign who does not respect the covenant renders null and void the legal rights to rule and dissolves the subjects' obedience obligations. Locke, starting with the *Epistola de Tolerantia*, moves away from that theory by proposing a de-

by Scientia Verlag Aalen 1963), p. 308. In this letter Locke quotes, also, a law-book known as *Fleta,* dating back to the kingdom of Edward the 1st, see *Fleta* (London: Bernard Quaritch 1955 e 1984).

[7] See R. Hooker, *The Ecclesiastical Polity*, in *The Ecclesiastical Polity and other Works of Richard Hooker* (London: Holdsworth and Ball 1830), pp. 1–447; R. Hooker, *Of the Laws of ecclesiastical polity* (Cambridge and London: Belknap Press of Harvard University Press 1977).

[8] See R. Hooker, *The Ecclesiastical Polity*, pp. 242-246.

[9] See Ph. Hutton, *A Treatise of Monarchy*, www.yorku.ca/comninel/courses/3025pdf/Treatise.pdf.

[10] See J. Locke, *Two Treatises of Government*, in *Works*, vol. 10, II, Ch. XIII, & 149, pp. 426-427.

[11] See R. Ferguson, *Brief Justification of the Prince of Orange's Descent into England*, in *State Tracts* I (London: Printed for J. S. and sold by Richard Baldwin 1689), in *State Tracts* I (London 1705), p. 136.

contractualization of the people-rulers relationship and a new view of the legal and constitutional nature of revolution.[12]

The sovereign, but also the members of Parliament, stipulate neither a *pactum subiectionis* nor a government contract, but are fiduciary administrators. The model Locke drew inspiration from, which derived from his concept of property right, is that of the fiduciary management of goods. When trust fails, because of bad administration, resistance and withdrawal of empowerment are legitimate. The rulers who repeatedly demonstrate to govern without taking into account the common good must be removed. Theirs is a very serious crime so that if the possibility of resolving the conflict with the law fails, nothing remains but the use of force.[13] Such removal is not a contract termination, but it finds its justification and legitimacy in the betrayal of trust on which the empowerment to rule is based. Therefore, preventive actions are desirable so that the situations do not degenerate thus creating the conditions for the dissolution of the government and the revolution.[14] In addition, the trust pact[15] allows the possibility to prevent and manage conflicts, and does not require the

[12] See F. Manti, *Locke e il costituzionalismo. Etica, politica, governo civile* (Genova: Name 2004), pp. 216-218.

[13] See J. Locke, *A Letter Concerning Toleration*, ed. M. Montuori, (The Hague: Njhoff 1963); J. Locke, *Two Treatises of Government*, Ch. XIX, §§ 240-243, pp. 483 -485.

[14] See J. Locke, *Two Treatises of Government*, Ch. XIX, § 220, p. 468-469.

[15] This theory has been preceded in little-developed and ambiguous terms by R. Williams in his book *The Bloudy Tenent of Persecution* published in London in 1644, where, sometimes, the trust delegation gets confused with the *mandatum* contract of Roman law. See R. Williams, *The Bloody Tenent of persecution for Cause of Conscience*, in *Publications of the Narragantsett Club*, First Series, (Providence: Providence Press Co., 1867), Vol. III, pp. 249-250. It seems that the first to support a theory of trust delegation was Ponet, see J. Ponet, *Short Treatise of Political Power* (Menston: Scolar Press, New ed. of 1556, 1970).

stipulation of a government contract, even after a revolution, since rulers are legitimized by the people's trust. The consequence of this is that even if the sovereignty is popular, the people, once the legislative – which is the only supreme power to which others must be subordinated – is constituted,[16] has no power to exercise, even the constituent power, if not the "supreme" one to remove or alter the legislative if it decides against the trust which is placed in it.[17] The executive power, in turn, has the task of enforcing the laws and can in no way override, alter or replace the law.

If this were to happen, it would put itself in a "state of war with the people, who have a right to reinstate their legislative in the exercise of their power"[18]. Actually, the formula that "salus populi suprema lex esto"[19] was generally shared[20] so much that it is taken as a reference both by Hobbes and Locke, but was also deeply ambiguous. The most urgent problem was, however, from Whigs' the point of view, that of the predominance of the executive through the use of the prerogative, since it constitutes a rather large discretionary power.[21] The prerogative, in fact, can be exercised "without the prescription of the law, and sometimes

[16] See J. Locke, *Two Treatises of Government*, II, Ch. XIII, §§ 149-150, pp. 426–427.

[17] Nothing to do with the idea of constituent power elaborated by da Sieyès, see F. Manti, *Locke e il costituzionalismo*, pp. 44–45.

[18] J. Locke, *Two Treatises of Government*, II, Ch. XIII, § 155, p. 430.

[19] See *ibid.*, II, Ch. XIII, § 158, p. 432.

[20] See T. Hobbes, *Leviathan*, (New York: The Crowell-Collin Publishing Company 1962), Ch. XXX, p. 247 e pp. 255-256; J. Selden, *Table Talk*, (London: E. Smith 1689) p. 112; B. Spinoza, *Tractatus theologico–politicus* (Napoli: Bibliopolis 2007), Ch. XIX, pp. 456–477.

[21] See J. Selden, *Table Talk*, pp. 82–83; R. Filmer, *Patriarcha or the Natural Power of Kings* (London: R. Chiswell 1680), III, Ch. VIII, pp. 101–105; J. Locke, *Two Treatises of Government*, in *Works*, II, Ch. XIV, § 159, pp. 434–435.

even against it".[22] Locke notes that the incapable prince ingests the golden pill of arbitrary power by mistaking it with prerogative and forgetting that the latter is legitimate and justified only if its effects are beneficial to the people and the latter recognizes them as such.[23] Phenomena such as the pursuit of personal gain, the concealment of the truth by the rulers together with the lack of certainty in the law and with their impunity are the ones to create such distrust that rulers and ruled are opposed and the latter are given "an occasion to claim their right, and limit that power, which, while being exercised for their good, they very consent should be tacitly allowed".[24] One last note: although corruption and dishonesty are widespread among the rulers, the failure of trust in them cannot be general and indiscriminate, because responsibilities are individual, but honesty and fairness, which are the requirements of good government, are not enough. Ignorance about corruption and in the act of government is actually a serious form of political responsibility.[25] Therefore, rulers must be able to interpret the people's needs so that everyone, in compliance with the laws, can pursue his own well-being and happiness.[26]

Locke's and English constitutionalists' idea of popular sovereignty finds its foundation in making the subject (later on

[22] J. Locke, *Two Treatises of Government*, in *Works*, II, Ch. XIV, § 160, p. 435.
[23] See J. Locke, *Old England's Legal Constitution, to Mr.___ a Member of Parliament*. The text was published in H. R. Fox Bourne, *The Life of John Locke* (London: H. S. King 1876), II, pp. 318-324. It must be stressed out how the *Petition of Rights* (1628), written by Clarke e Selden, already excluded from prerogative taxation without Parliament's authorization.
[24] J. Locke, *Two Treatises of Government*, in *Works*, II, Ch. XIV, § 164, p. 437.
[25] See, J. Locke, *Old England's Legal Constitution*, pp. 321-322.
[26] See, H. R. Fox Bourne, *The Life of John Locke*, I, p. 164.

the citizen) sovereign for one day, the one of the vote,[27] as Rosanvallon points out, referring to representative democracy.[28] Just what will be the object of criticism by Rousseau, on the one hand, and by Sieyès on the other. The former considered direct democracy the only form of government with which popular sovereignty expresses the general will to the extent of considering the political trust delegation as degrading.[29] The latter, distinguishing constituent power from constituted power, representative mandate of public law and imperative mandate of private law, distanced himself both from English constitutionalism and from Rousseau's idea of democracy.[30] He considered, in fact, that the constituent power, which he does not hesitate to define almighty as belonging to the Nation itself, could be an expression of the trust granted to representatives who gather only for constituent purpose and must not exercise any of the constituted powers. In this way the Constituent Assembly becomes the depositary of sovereignty. Moreover, the election of representatives is not a delegation of power, but it proves the

[27] Here I do not discuss the question of census suffrage since for the discussion that is carried out it is relevant the form in which delegation and representation are expressed.

[28] See P. Rosanvallon, *Le bon gouvernement*, p. 384.

[29] See J. J. Rousseau, *On the Social Contract*, trans. G. D. H. Cole, (New York: Dover 2002), Ch. XV, pp. 360-362. Rousseau affirms openly: "The idea of representation is modern; it comes to us from feudal government, from that iniquitous and absurd system that degrades humanity and dishonour the name of man" ("L'idée dés représentants est moderne: elle nous vient du gouvernement féodal, de cet inique et absurde gouvernement dans lequel l'espèce humaine est dégradée , et où le nom d'homme est en déshonneur").

[30] See also E. Sieyès, *Qu'est-ce que le Tiers État?* (Paris: Au Siège de la société 1888), pp. 27-93. In particular, Sieyès is against the imperative mandate (see *ibid.*, pp. 49-50 e 70-71).

public character of the representative function.[31] As Compagna points out, in Sieyès' thinking there is no clear distinction between constituent power, auditor power and legislative power. Constitution, Representation, Nation, and Third Estate are, therefore, contiguous and in continuity among themselves.[32] The adjective 'almighty' attributed to the constituent power, the Nation with capital N, mean that he "lies in the vicinity of Rousseau more than what he would have liked".[33]

The need for a distinction between sovereignty and freedom leads Constant and Laboulaye to definitely distance themselves from constitutional models based on direct democracy (Constitution of 1793) and to reflect on their relationship starting from the very definition of freedom. The dichotomy freedom of the ancients – freedom of the moderns, according to Constant, shows that the former is incompatible with the ethical and political values of modernity due to the individual's subjection to the social body that characterizes it.[34] Laboulaye, in turn, underlines how the Conventions, "being imbued with Mably's and Rousseau's Greek and Roman ideas, they tried to build public freedom on the ruins of individual liberty, causing oppressive despotism".[35] However, it has to be emphasized that, by

[31] See L. Compagna, *Gli opposti sentieri del costituzionalismo* (Bologna: Il Mulino 1998), note 45 e 46, p. 41.
[32] See *ibid.*, p. 25.
[33] *Ibid.*, p. 69
[34] See B. Constant, *De la liberté des anciens comparée à celle des modernes*, in *Cours de politique constitutionnelle et collection des ouvrages publiés sur le gouvernement représentatif* (Paris: Guillaumin 1872), Vol. II, pp. 549-550.
[35] E. Laboulaye, *Questions Constitutionnelles* (Paris: Charpentier et C[ie,] Libraires – Editeurs), Préface, p. III. See also E. Laboulaye, *Etudes morales et politiques* (Paris: Carpentier 1866), pp. 276 -303, where French and American Revolutions are compared.

recapturing aspects of Sieyes' thinking, Constant supports the need to combine direct democracy and representative democracy, since the citizens "must nevertheless consecrate their influence over public affairs, call them to contribute by their votes to the exercise of power, grant them a right of control and supervision by expressing their opinions; and, by forming them through practice for these elevated functions, give them both the desire and the right to discharge this".[36] Not only that: according to Constant the municipal power must be valorised and protected from central interference by guaranteeing some form of direct participation of the citizens in the administration.[37]

III
Insecure and demanding

Issues concerning good government and representation are not a legacy of the past: they still arise, but in a very different context.

First of all, there is no longer a question of the origin of political society and of the forms of representation, but there is the one of their functioning with particular reference to social security. Substantial parts of the population of Western countries are perceived as increasingly marginal, deprived of the possibility of planning their own future, considered as losers in a sort of social lottery. It could be argued that security is a fundamental

[36] B. Constant, *De la liberté des anciens comparée à celle des modernes*, p. 560; trans. B Fontana, in Id. *Political Writing*s (Cambridge: Cambridge University Press 1988, p. 327).
[37] See B. Constant, *Principes de politique applicable à tous les gouvernements* (Paris: Eymery 1815) p. 203; on this topic, see G. Bedeschi, *Storia del pensiero liberale* (Roma-Bari: Laterza 2003), p. 168.

aspect in the various theories and the concrete practices of the modern State. In fact, these are two different types of security that respond to different vulnerabilities. The former can be defined as civil security with the aim of protecting individuals from aggression and abuse of others by means of a system of certain rules and the function of a third judge who is responsible for inflicting proportionate penalties, based on such rules, for infringements. With the emergence of social rights, the State also exercises a social one.[38] As a matter of fact, Welfare State has as its aims: protection of work, access to social property, that is to a substitute property of the private one for those who were excluded from the protections that the latter guaranteed. The right to pension and then the right to survivor's pension for spouses and children is made starting from work and wages.

The State presents itself as an institution whose fundamental task is not only civil security, but risk reduction: it is perceived as a large insurance[39] and as a provider of services. Therefore, the main trend line, in the West, was not so much that of redistribution of income, but the one of social security and social protection. However, such a protection system can be supported by a strong economic expansion, such as the one occurred between the 50s and the 70s of last century[40], and by the development of a concertation between collective groups made of homogenous social and professional categories, substitute of individual bargaining. The State, in short, acts as a balancer of economic and social development by governing the economy according to Keynesian policies. World economic crises that have

[38] See R. Castel, *L'insécurité sociale. Qu'est-ce qu'être protégé* (Paris: Editions du Seuil 2003).
[39] See P. Ewald, *L' Etat Providence*, (Paris: Grasset 1986) p. 343.
[40] At that time in the West productivity, consumes and wages triplicate.

occurred since the 1970s up to the present one, which can be dated starting from 2008 and not fully finished yet, along with the construction of the E.U. according to an essentially economistic and functionalistic view, the tensions induced by globalization have created a breakthrough: the shift from the centrality of the State in the economic-social programming to that of the enterprise, especially multinationals. The social protection system guaranteed by the State appears as being fragile and expensive. Moreover, owing to the slowness of the political system, governments are unable to make quick decisions. Many of these, above all in economic and financial terms, transcend their jurisdiction, while the E. U. has a limited political role. In this context, social security is beginning to be perceived as counterproductive, a source of excessive costs that weigh on work and of legal constraints imposed on companies that limit their competitive capabilities in a globalized economy, in which countries that do not have such constraints emerge.

The answer, which is actually prevalent in the West, can be summarized as: limitation of the pressure created by wages and social burdens, through tax reduction, deregulation, rigorous fiscal policies, and labour flexibility. It is a true subordination of politics to economy in which markets are presented as independent entities having decision-making power and where the financial dimension of the economy often prevails over production. In this way, the responsibilities for the choices are de-personalized. Generalized outcomes, although in different proportions, are the decrease of the purchasing power of wages, mass unemployment (especially for young people), precariousness of work relationships. I believe that it is from here that we must begin to understand the depth of the problems that, today, lie beneath the relationship between rulers and ruled, and, more generally, the role of politics and its relationship with ethics. The shift from a condition of social security to one of insecurity is

deeply affecting the way in which significant parts of society recognize themselves not only of traditionally vulnerable sectors, but of the vast majority of the middle class. In the life experience and, above all, in the collective consciousness the expectation is to live in permanent insecurity, which creates mistrust in the ability to handle the present and planning the future in a positive way. Moreover, a result of unemployment and precarious work relationships, besides eroding the reasons for the forms of collective organization of defense of the wage earners (the lack of planning and organization of trade unions is evident) is the growth of disparities and competition among equals that emerged in the late nineties of the last century and increased in the last fifteen years.[41]

The predominant model that the collective consciousness projects over the future is that of telematic work online where individuals or very narrow groups directly manage production, its quality and negotiate working and salary conditions. In this biographic model, to say it with Beck, each one, individually, is confronted with and has to deal with the risks of a career path characterized by the discontinuity in the required performance, in the type of contracts and also in the profession.[42] Some believe that the self-employed worker is a great opportunity for affirming skills and merit, an expression of everyone's freedom in the free market. Others have stressed that workers are, in fact, obliged to be free and in ruthless competition among themselves with the threatening risk of unemployment. I think it can be realistically stated that, in the face of the undeniable success of some, there

[41] See J. P. Fitoussi e P. Rosanvallon, *Le nouvel âge des inégalités* (Paris: Editions du Seuil 1997).
[42] See U. Beck, *Risikogesellschaft: auf dem Weg in eine andere Moderne* (Frankfurt: Suhrkamp 1986), pp. 205-219.

are the difficulties of many, with their frustration of feeling unable to influence reality, unheard regarding their needs, victims of economic and political dynamics for which they pay the costs without seeing any possibility of compensation. The fact is that politics has not been able to create real conditions for equal opportunities as a credible response to the crisis of social protection.[43] The lack of prospects and the conviction of being victims of injustices create, historically, rage and resentment with the resulting discovery of responsible persons and scapegoats at the individual and collective level.[44] These may be, from time to time, politicians (commonly referred to as one category considered as a privileged caste) or vulnerable persons, such as migrants, with the request of repressive policies that echo those on the vagrancy of the 17th and 18th centuries.

Anger and resentment, especially of young people, are found in ICTs, particularly in social networks, a privileged tool for expressing discomfort and, sometimes, organizing the protest. The idea of those who support the democratic potential of the web is to give voice to the citizens and to allow civil society self-government by replacing a representative system dominated by political parties reduced to political committees and by a caste of politics professionals who, without distinction of ideal or membership, act in their exclusive interest. The novelty is that all can have access to events without filters and mediations and can also make their views known and communicate with the others (whom, for the most part, they do not know personally). It is a more participative and diversified flow of information and opinions than the one we have known so far, but it is also much

[43] Protections like that of family (most of all) or groups people belong to or get in touch with become relevant again.
[44] See P. Ansart (ed.), *Le ressentiment* (Bruxelles: Bruyant, 2002).

more partisan. Moreover, a characteristic of digital natives is the tendency not to distinguish between official news of agencies, newspapers, television (for which professionals assume responsibility) and those produced by their own fellows[45] which are given greater credit as they are not the expression of power groups or economic lobbies.[46] The social and political effects of the web are being debated, but I think it is important to take the conclusion, which I think it is still valid, to which *Italty Watch* came in 2011: considering the entrance of the majority of the population in the digital society, the cultural and press divide increases. The proliferation of messages, the hybridization of languages create serious problems of quality and independence of information in the web since "in the world of reality shows, it becomes increasingly difficult to understand the border between truth and fiction".[47] It is the "society of inexperience" in which

[45] See M. Dassù, *Media 2.0, Potere e libertà*, in *Aspenia* (Milano: Gruppo 24 ore 2011) p. 6.

[46] According to the 9th Censis/UCSI Report on Communication regarding Media Reputation, 76.9% of Italians agree that the internet is a powerful tool for democracy, allowing everyone to express themselves freely, while TV is at the last spot in the ranking of reputation, see Censis/Ucsi, *Nono rapporto sulla comunicazione. I media personali nell'era digitale* (Milano: Franco Angeli Editore, 2011). The 49th Censis Report on the Social Situation of the Country, published in 2015, points out that, for the Italians, the media that have increased their credibility in recent years have been the new media: for 33.6% social networks, 31.5% all TV news, 22.2% and 22% respectively online newspapers and other information websites. What is the credibility of an information medium based on? For Italians, credibility is based primarily on clear and understandable language, appreciated by 43.8% of the population. Independence from power (36.1%) and professionalism (32.8%) follow. The recipe for credibility is complemented by other key ingredients: objective adherence to the facts (31.7%) and the speed of news updates (31.1%).

[47] M. Valerii, *Italy Watch*, in *Aspenia*, p. 10.

everything is present, we assume that we know events, have culture and critical skills without experience, study, reflection.[48]

Whatever the judgment on the impact of ICT and on the issues they pose, it should be kept in mind that the opportunities offered by web 2.0 and 3.0[49] allow the creation of new social organizations characterized by modes and forms of communication deeply different from an alternative to the traditional ones.

The growth of social insecurity,[50] caused by the economic crisis and the crisis of traditional welfare, and of inequalities perceived as profoundly unfair and generated by incapable, corrupt politicians, enslaved by so-called strong powers, have found broad expression on the web, helping to determine, above all, but not only, among young people, a new type of citizen insecure and demanding at the same time. Unsure about his future, demanding as he claims, from those who govern, civil and social protection based on knowledge, conceptual schemes, etc. they learned, to a great extent, through the web and sometimes convinced that the "web government" should replace, being more honest effective and efficient, the parties system and the representative democracy.

[48] See *ibid.*, p. 25.

[49] With Web 2.0 I mean a Web in which users participate and interactive. The user can interact with the Web, for example, through blogs, chats, forums, wikis or platforms such as come Flickr, YouTube. Web 3.0 seems today to embody the possibility of a reinforcement and further extension of the Web's interactivity that allows the development of a *social reference* whose *feedback* effect on the Web generates forms of auto-organization and the creation of telematics communities.

[50] See R. Castel, *La montée des incertitudes. Travail, protections, statut de l'individu* (Paris: Points 2013).

IV
Good government or government of good?

In the face of the demand for security and morality, government action in many Western countries shows slowness and difficulty in responding to emergencies. The personalization and
spectacularization of politics, the identification of parties with individual characters to which they link their consensus and their fate, cannot compensate the gap between electoral programs and real capability to govern. TV talk shows and, even more so today, the use of ICT accentuate the possibility of direct and immediate contact between governors and governed by giving, moreover, the illusion of a relationship that is capable of overcoming the limits of the language of politics and of the so-called political correctness. The show-State, essentially based on the visual image, tends to be replaced by the show of a simplified and simplifying language, but a one that is also able to impress with its immediacy and, above all, to support frustration and rage. In the face of the still undeniable personalization of politics, made more evident by the overwhelming role assumed by the executive, whose weaknesses and risks are underlined by Rosanvallon,[51] it must be taken into account how many political leaders, through the use of social networks, are not only trying to propose themselves as "close" to the citizens, but also as their spokesman. The attempt to gain consent, in the immediate future, thus brings into play the mediation and synthesis function of political decision-making. Nevertheless, the degree of credibility of politics is so low[52] that ethical requirements, which are pre-political, end

[51] See P. Ronsavallon, *Le bon gouvernement*, pp. 15–16.
[52] The report Italians-State 2016, made by *Demos*, shows how the confidence in political institutions (communes, regions, EU, State, President of the Republic)

up being considered as a feature of political activity. In other words, it is significant that telling the truth, integrity, etc. are considered political "virtues" on which to establish a society of equals.[53]

A vision that, as Rousseau wished, recomposes the modern fracture between man and citizen and makes congruent ethics and politics. The task of the latter, then, is not to ensure welfare conditions or everyone's right to pursue happiness, but to build a community committed to promoting the virtues and morals of its members. For this reason man and citizen join together in a vision of democracy in which he does not only emanate laws but applies them without any delegation. The people are the only subject that, together, is the depositary of sovereignty and exercises it. It follows that if man and citizen are fully identified, what must be pursued is not good government, but the government of good that educates on civic virtues. The interpretation of it given by Robespierre is well known[54]: the

decreased from 41% in 2005 to 26% in 2016, while there is a strengthening of the participation to Internet-based political discussions that go from 14% in 2015 to 24% in 2016. Eurobarometer 2017 has variable data on the various items and for individual States. European citizens show dissatisfaction with the state of democracy in the EU, with 43% of respondents satisfied and 47% of dissatisfied. The results vary from country to country, for example in Greece only 20% express satisfaction. Europeans are also concerned about social inequalities. Overall, many people think that the Union is heading in the wrong direction, although the percentage is decreasing compared to last year (from 54% in September 2016 to 50% in March 2017).

[53] See P. Ronsavallon, *Le bon gouvernement*, p. 392

[54] See M. Robespierre, *Discours sur les principes de morale politique qui doivent guider la Convention*, in *Œuvres de Maximilien Robespierre* (Paris: Sociétè des études robespierristes 1961–1967, vol. X, pp. 350–366: 351); trans. R. Bienvenu in *The Ninth of Thermidor* (New York: Oxford University Press 1970, p. 33).

purpose a government must tend to is "the peaceful enjoyment of liberty and equality; the reign of that eternal justice whose laws have been inscribed, not in marble and stone, but in the hearts of all men […]. We seek an order of things in which all the base and cruel passions are enchained, all the beneficent and generous passions are awakened by the laws; In our land we want to substitute morality for egotism, integrity for formal codes of honor, principles for customs, a sense of duty for one of mere propriety, the rule of reason for the tyranny of fashion, scorn of vice for scorn of the unlucky; self-respect for insolence, grandeur of soul for vanity".[55] Therefore, public officials and rulers must be controlled by the people, judged at the end of their mandate and punished if they do not act according to virtue.[56] We know the dramatic results of this vision. Nobody today refers to Robespierre as his ideal reference, unlike Rousseau, who was the philosopher he drew inspiration from.[57] Therefore, I believe that the ideas of general will, sovereignty, citizenship of the philosopher from Geneva cannot, so to speak, be taken "lightly". The Rousseauvian individual is, in fact, the total citizen[58] "called to participate from morning to evening to exercise his [...] duties.

[55] *Ibid.*

[56] *Ibid.*

[57] See *ibid.*, M. Robespierre, *Discours sur la constitution*, vol IX, pp. 495-508.

[58] See R. Dahrendorf, C*ittadini e partecipazione: al di là della democrazia rappresentativa?*, in G. Sartori and R. Dahrendorf, *Il cittadino totale. Partecipazione, eguaglianza e libertà nelle democrazie d'oggi* (Torino: Centro di Ricerca e Documentazione Luigi Einaudi, *Quaderni di Biblioteca della libertà*, n. 3, 1977), pp. 33-59.

And the total citizen is nothing, at a closer look, but the other face not less threatening of the total state".[59]

The idea that direct democracy, imperative mandate, judiciary control but also popular one, the reference to general will as a source of legitimization of government action can be the basis for the (first of all moral) regeneration of politics questions the social consciousness which is prevalent in Western modernity by identifying the notion of good government with that of government of the good.

Based on the definition given by C. Taylor,[60] social consciousness has to do with the ways in which individuals imagine their social existence, how their existences relate to those of others, how they structure their relationships, the expectations that are normally met, and the deepest notions and normative images on which these expectations are based. In addition, social consciousness is a common knowledge that makes common practices and a widely shared sense of legitimacy possible.

If, as C. Taylor affirms, and as I think we can agree with, the ethical and political conceptions of Grotius and Locke constitute the theoretical background around which the modern social consciousness prevailing in the West was formed,[61] it is characterized by the secularized vision of society, the predominance of the centrality of the individual, the distinction between the political and the private sphere, the acceptance of the inevitability of competition in the market and of the conflict

[59] N. Bobbio, *Il futuro della democrazia* (Milano: RCS 2010), p. 41, trans. Roger Griffin, *The Future of Democracy: A Defense of the Rules of the Game*, (Minneapolis: University of Minnesota press, 1987).
[60] See C. Taylor, *Modern Social Imaginaries* (Durham - London: Duke University Press 2004), p. 23.
[61] See *ibid.*, pp. 3- 22.

between different concepts of good life. In *Prolegomena al De jure belli ac pacis*, Grotius highlights how the rationality of law makes it autonomous both from human arbitrariness and from faith. The spheres of law, morality and faith are therefore to be regarded as autonomous.[62] Locke, in turn, believes that Political Society (Body Politic) is a company of men whose purpose is exclusively to preserve and promote the civil goods.[63] The task of the parliament is to legislate in this sense, the task of the civil magistrate is not to affirm morality, but to ensure compliance with the laws. Therefore, the State must be neutral with respect to the controversial concepts of good life.[64] In the social consciousness that is affirmed in Western modernity only a civil society governed according to the principle of trust delegation and where there is a functional distinction of powers provides the most appropriate conditions for everybody to fully express their abilities. In a society founded on the, necessarily unstable, balance between cooperation and conflict (both in the economic field and in terms of religious conceptions and the ones concerning good life), the maintenance of social peace and, together, the possibility for everyone to achieve economic success and to profess and

[62] See H. Grotius, *De jure belli ac pacis libri tres. Prolegomena* (Oxford: Claredon Press 1925), § 9, p.13.

[63] See J. Locke, *A Letter Concerning Toleration*, ed. M. Montuori (The Hague: Njhoff 1963, p. 15): "The Commonwealth seems to me to be a society of men constituted only for the procuring and advancing of their own civil interests. Civil interests I call life, liberty, health and the indolency of body. And the possession of outward things such as money, lands, houses, furniture and the like".

[64] See *ibid.*, pp. 67-71.

practice their own vision of good, constitute the very reasons for the existence of that society.[65]

That is why, in the scope of economy, civil government must guarantee freedom of enterprise and competition against monopolies, in the scope of ethics, i.e. visions of good, must be politically neutral if they are not a threat to social peace, and adopt tolerance policies. The Greek *polis* and the Roman *respublica* are not, therefore, models of societies to take as a model. Indeed, in the social consciousness that is determined by taking as a background the reports of Grotius and Locke, the space reserved to the private and to non-political social relations is too relevant.[66]

V
E-democracy as a new frontier for direct democracy?

The questioning of the social consciousness prevalent in Western modernity and of political institutions that are its expression could be justified by the fact that we have entered into a new reality: digital society. Therefore, if the model of direct democracy of derived from Rousseau and the reference to *agora* can be appealing, actually the direct democracy that is now taken as a reference is e-democracy. To sum up, ICTs and, in particular, social networks would make it different from that of the ancients

[65] See *ibid.*, pp. 73-97. See J. Locke, *Two Treatises of Government,* in *The Works of J. Locke*, § 149, pp. 426-427.

[66] In this view it is interesting the new meaning that Locke gives to the term 'civility' that becomes similar to 'politeness', i.e., courtesy, good manners, kindness. See L. Smith Pangle and T. L. Pangle, *The Learning of Liberty* (Lawrence: Kansas University Press 1993), pp. 69-70; B. Casalini, *Nei limiti del compasso* (Milano: Mimesis 2002), pp. 37-38; F. Manti, *Kultur, Zivilisation, Decivilisation. L'immaginario sociale moderno di fronte alle sfide della globalizzazione* (Genova: Name 2008), pp. 18 -21.

and in line with our time direct democracy that, in its classical form, would not in fact be appropriate. Actually, according to the supporters of e-democracy as an alternative model to representative democracy, the latter represents a contingent response due to the inability to participate directly (at that time it meant to be physically present) at parliamentary meetings. The web, instead, makes technically possible remote synchronous communication and, with it, a model of democracy that can disregard trust delegation and the mediation and synthesis functions that parties and parliaments perform in representative democracy. Since, still according to the most convinced supporters of e-democracy, the web would be, in itself, democratic, direct democracy would live again in a new form, purified by the limits of the ancient one which belonged to an elitist and slavery-supporting society, in the *cyberagoras*. Citizens would be free from the rules of the market economy as well as the ones of the State.[67]

The blog would inaugurate the new era of "disintermediation" by creating a virtual public space open to everyone and where everyone can freely discuss:[68] electors and elected get confused in the electronic parliament.[69] However, it has to be emphasized how the interventions in the web in support of direct democracy often express other needs that are related to what has been said about the insecurity and the crisis of the welfare state: good government, transparency in the use of resources, tax equity, reductions or absence of privileges (always of so-called politicians almost never of other categories such as magistrates, senior

[67] See P. Becchi, *Ciberspazio e democrazia. Come la rete sta cambiando il mondo*, in *e-democracy?*, a cura di F. Chiarenza, *Paradoxa*, VII, 3, luglio-settembre, p. 72.
[68] See *ibid.*, p. 74.
[69] See *ibid.*, p. 79.

officials and Public Administration officials, etc.). The request for participation in political deliberation is limited, and even more so, are the identification and discussion of project proposals. In fact, the majority of those who intervene, besides the sometimes improper manners and the expression of anger, mistrust, helplessness, ask to be (well) governed. Hence the (ingenuous) consensus that proposals such as the introduction of imperative mandate receive (many intend such proposals as a way of controlling the acting of the representatives). Hence, also, the everlasting "myth" of the simple citizen representative as the citizens' "spokesperson". All this, however, has little to do with the real direct democracy.

As Bobbio points out, it implies that the individual participates personally in the deliberation that concerns him, i.e., it is necessary that there is no intermediary between the deliberative individuals and the deliberation. The delegate or spokesman, though revocable and subject to imperative mandate, is an intermediary. First of all because, although he has to comply with the instructions received from the base, he has in fact some freedom of movement and if, together with him, this freedom wasn't also given to all the others who have to come to a collective deliberation, the latter would be impossible. Secondly, because he cannot be revoked at any time and replaced with another without the risk of paralyzing the negotiation.[70] In fact, the processes of building consensus and of political deliberation that are proposed by the supporters of the integral e-democracy appear , nowadays, reserved for an elite, very unclear,[71] and, in

[70] See N. Bobbio, *Il futuro della democrazia*, p. 51.

[71] See E. Morozov, *The Net Delusion. The Dark Side of Internet* Freedom (New York: Public Affairs 2011), pp. 275-276, 288-298, 314-315, 319-320; M. L Best and K. W. Wade. *The Internet and Democracy: Global Catalystor Democratic Dud?*, in

some respects, similar to the ones of the Athenian "model". Rarely in the agora, there were three thousand participating people, while the seats available were for 25,000 people standing and 18,000 seated, and there was actually a small number of people involved, and the majority was exposed to the conditioning of rhetoric of demagogues. Even the participants in the *cyberagoras* (or a pseudo one) are a small minority[72] and high is the risk of conditioning of the demagogue in charge.

Another aspect, not to be underestimated, is what Farrel calls the dilemma of web democracy. Those who use it to affirm direct democracy also point out that they are not interested in persuading other people, but in organizing political actions. "Left wing blogs readers do not read right wing blogs and vice versa."[73] Therefore we have, on the one hand democracy that should favor an exchange between different opinions, on the other hand active political participation that refuses to confront those with different opinions since that is not considered possible in advance. It is no coincidence that the politics based on dialogue and discourse, that the supporters of direct democracy through virtual agoras wish for, does not have the purpose of confronting, mediating and synthesizing between different orientations present in civil society, but sees as protagonists movements capable of expressing a "molecular politics "and whose purpose is not to

Bulletin of Science, Technology & Society 30, n. 4, August 2009, pp. 255-271; F. Chiusi, *Dittature dell'istantaneo* (Torino: Codice Edizioni 2014); F. Chiusi, *Critica della democrazia digitale. La politica 2.0 alla prova dei fatti* (Torino: Codice Edizioni 2014).

[72] The data published by Eurostat for 2012 show that 63% of Italian families use Internet, but 40% of the population has never used. In addition, only 6% creates websites or manages blogs (EU average is 9%), of course not all of them with a political aim.

[73] H. Farrell, *Le conseguenze di Internet per la democrazia*, *Reset*, 20 settembre 2012.

improve politics, but to create something better than politics itself.[74] This "millenarian" vision of the *cyberagora* appears to be illusory in the state of facts. In any case, it has to deal with the fact that Becchi himself points out, that control over the network by large economic groups has strengthened and they are now the intermediaries of new information and cultural production, while surfing on the web is less free than it seems and paths are getting more and more uniform.[75] Not only that, the risks that web 3.0 is creating are also to be underlined regarding the choices made and the autonomous ability to give reasons for it. Indeed, instead of the individual who, by comparing himself with others, conducts experiences and creates content that remains online, "... there is the nomadic individual, and still only with his tablet, an instrument he uses, but of which he has by now reduced, lucidly, the ability to involve him in ever-new relationships".[76] Such an individual, especially if uncertain and demanding, not only has serious difficulties in managing relationships with those who express different views and opinions but is exposed to risks of instrumentalization both in terms of his private life and in terms of the formation of consensus and of political commitment".[77]

[74] See P. Becchi, *Ciberspazio e democrazia*, p. 82.
[75] See *ibid.*, and P. Ronsavallon, *Le bon gouvernement*, p. 279.
[76] A. Fabris, *Etica e Internet*, in A. Fabris (ed.), *Guida alle etiche della comunicazione*, Nuova Edizione (Pisa: ETS 2011), p. 99.
[77] See F. Manti, "L'utopia della ciberagorà. Problematicità, limiti, possibilità della democrazia digitale", in *Free Speech, meriti, limiti, dilemmi*, *Biblioteca della Libertà,* IX, No. 211, September–December 2014, pp. 75-76.

VI
Participatory democracy: care and social partnership

For the supporters of representative democracy, trust delegation (without imperative mandate), the existence of party forms, as representative of the pluralism and complexity that characterize our society, are indispensable. In any case, on the one hand a real direct democracy today is not plausible even for structural and operational reasons, on the other, the model of the *cyberagoras* appears utopian and, together, dangerous, exposed to demagogic instrumentalization and tyranny of majority (of those involved in platforms, blogs, meetups, other social networks, etc.). Is it really possible to exercise citizenship beyond sovereignty for one day (that of elections)?[78] Is this exercise compatible with representative democracy? As it has been said, Constant believes that a combination of direct democracy and representative democracy must be reached to allow citizens not only a function of control and surveillance, but also so that they are able to compete with the exercise of power. I think this is a very topical point of view for at least two reasons. 1. It empowers, through a request for proactive participation and not just criticism and opposition, the citizens making them less uncertain and isolated, enabling them to "involve" their own needs and to compare proposals and projects.[79] 2. It provides the opportunity to use ICT as a means of comparison in the perspective of cooperative resolution of social and political problems.

If the social consciousness we inherited from Western modernity was based on a moral background view that allowed philosophers such as Grotius and Locke to lay the foundations

[78] See P. Ronsavallon, *Le bon gouvernement*, p. 384.
[79] See *ibid.*, p. 299.

for what has become, over time, liberal-democracy, the empowerment of the citizen so that he is effectively competent on the ethical and political level implies an update. Such an update should be caused by a context in which it would be premature to think of good government as a national matter and as a matter of moralization of politics through instruments of control of it. In an increasingly globalized world, the combination of direct democracy and representative democracy leads to an idea of glocal participatory democracy, capable of dealing with local problems and emergencies related to individuals or groups, also in a global perspective. As for (2), participatory democracy does not mean that citizens vote at the same time on other people's proposals (as would be the case of direct democracy), but in encouraging the elaboration of projects, possibly identifying priorities based on availability to cooperative confrontation and co-responsibility between those who govern at different levels, public officials and citizens. The conscious use of ICT can be an important tool for making citizens' participation possible by overcoming, at least in part, difficulties related to space and time typical of political communication but also of accountability of local governments and administrations.

For this reason, the assumption of moral responsibility by rulers and ruled is possible by thinking of a moral order based on the general principle of care that can be expressed as follows: *we should take care of ourselves, of others, of what surrounds us and of the ecosystem in which we live.*[80] As I will try to demonstrate, this principle can be the reference for the building of institutions and for the taking of political and social decisions from local government to international relations. At the same time, the

[80] Among "the others" I think that also non-human animals deserve moral consideration.

permanence of a representative system, at various levels, capable of listening to needs and operating political synthesis by identifying priorities, assuming the responsibility of them and accounting for them, constitutes an antidote to the total citizen and total state evoked by Bobbio. Care is[81], in fact, practicable, as a political ideal, only in the context of liberal, pluralistic and democratic institutions. It concerns not only individual morality, but also politics: taking care, describes the qualities necessary for living as citizens of a liberal, democratic and pluralistic society, and together it opens new prospects for democracies. Therefore, good governance is only practicable if responsibility for care is placed at the center of political programs and if citizenship is expressed in taking care, in a cooperative way, of democracy and its institutions,[82] also assuming responsibility towards the future generations.

The most appropriate model for translating into effective practice of relationship between rulers and ruled implied in care as a political ideal (taking inspiration from Austrian experience and adapting it) seems to be that of social partnership,[83] that is, a system of cooperation between self-organized associations representing citizens, and the national and local government. Laws do not rule the Austrian social partnership system. The essence of partnership is the commitment of the most representative groups of interest to pursue a common long-term social and economic policy and their shared conviction that these

[81] For an analysis of the phases in which the care takes place, see J. Tronto, *Caring Democracy. Markets, Equality, and Justice*, (New York: New York University Press 2013), p. 22.
[82] See *ibid*., Preface, p. X, where Tronto states: "what it means to be a citizen in a democracy is to care for citizens and to care for democracy itself. I call this practice 'caring with'".
[83] *Sozialpartnerschaft*,

goals can be better achieved through a debate oriented towards cooperation and coordinate action rather than through conflict. This does not imply that the existence of conflicting needs and interests is denied, but that a method of comparison is adopted which enhances cooperation with respect to finding solutions negotiated in the interests of all parties. Social partnership is characterized by the desire to take into account, in the negotiation process and in the decision-making, the general interests of society. In the Austrian experience, for example, through their profound involvement, interest groups have developed a strong sense of responsibility in the awareness that decisions do not only affect their members, but also the economy and society as a whole. In this respect, social stability is also considered as a competitive asset in the international market. It must not be omitted, however, that in Austria, from the eighties and nineties of the last century, social partnership has experienced a downsizing which can be related to two concomitant factors: the new economic conditions that result from globalization and a progressive loss of recognition of the traditional representations of the social parts.

It remains, however, operative, since: "While it is safe to argue that the Austrian social partnership model had reached its high point in the 1960s and 1970s, the past decade has shown that the social partners can still wield significant influence in times of economic crises, adapting to changes in the social, political, and economic context".[84] The Austrian model can be a reference point, above all, for the principles and practices that characterize it, with respect to a participatory democracy. The evident limits, in the face of the globalization processes, lead to develop the

[84] *The Austrian Way*, http://www.austrianinformation.org/winter-2015-16/the-austrian-way.

model in glocal terms. At a global level, it appears as necessary to think of a system of international relations that could be defined as multistakeholder, i.e. one that involves in the planning and decision-making processes on issues that are important and relevant to them not only the national states, but also representations of international and regional organizations, NGOs, cultural institutions, enterprises, trade unions.[85] At the local level, partnership implies ways of involving citizens and civil society organizations in territorial planning. I think this is the most propitious and immediately practicable ground for building a profitable relationship between citizens and local political representatives.

It has been said earlier that Constant deemed it necessary to give value to the municipalities and, together, to ensure some form of direct citizen participation in local government. Participatory democracy, at the local level, responds to the citizens' necessity to be heard for the needs they express and to be recognized as stakeholders in decision-making processes. The transparency of the procedures, the accountability and the ability to implement the deliberations do not therefore constitute petitions of principle, but principles that work in the concrete action of local government and are placed as foundation of the trust relationship between governors and governed. A local social partnership system also makes the decision-making process the result of a knowledge path, of the building of a common language, of recognition among partners, and the assumption of co-responsibility regarding the choices made, their effectiveness and efficiency. In this way, direct democracy can be combined with the representative one by focusing on the care of the

[85] See S. Maffettone, *La pensabilità del mondo* (Milano: Il Saggiatore 2006), pp. 38-47; F. Manti, *Kultur, Zivilisation, Decivilisation,* op. cit,, pp. 98-100.

environment, of the community, and of the local institutions. The administrators get consent and are elected on the basis of programmatic commitments that they take as their responsibility to implement, for which they commit themselves to account towards the citizens. The latter exercise their co-responsibility in acquiring knowledge about the administration, in making proposals and in exercising control over the timing and modalities of implementation of what is stated in the Administration's program and of the outcome of the consultation between the parties.

VII
A tool for local social partnership: participatory budgeting

The instrument that seems most useful to develop social partnership at the local level and co-responsibility between administrators and citizens is participatory budgeting. This is an instrument that, although born in Porto Alegre in 1989, still has a rather limited spread, probably because it implies a deep review of the way in which the relationship between administrators, officials of local authorities and citizens is understood. In addition, its elaboration and effective implementation imply project commitment, assumption of responsibility, negotiation skills, and availability to accountability from all the stakeholders. Participatory budgeting is, to sum up, an instrument to promote a real opening up of local authorities to direct citizen participation in territorial planning and decision-making on goals and the distribution of public investment, overcoming the traditional forms of consultation. This is not the place to describe in detail the steps needed to develop and manage a participatory budgeting. Based on the experience of Porto Alegre and other realities that, in various countries, have adopted this budgeting, the following moments can be identified.

1. Citizens are invited to participate in public neighbourhood district assemblies to define needs and priority. 2. Thematic commissions are set up, composed of significant representatives of civil society (trade unionists, entrepreneurs, students, members of associations, etc.) in order to add to the point of view expressed by the district assemblies another one that is able to face the general problems of the city (economic development, employment, education, etc.). These working groups also define their priorities. Representatives of the administration and municipal officials attend meetings with the task of providing the necessary technical and financial information. 3. A program cabinet is set up which, taking into account the indications which emerged from the assemblies and the thematic commission, elaborates the program and defines its budget. 4. The program and the budget are subject to further discussion and verification at the assemblies and thematic groups. 5. Beginning of the audit work carried out by the above-mentioned partnership organizations on the implementation of the program and the use of the budget while verifying at the same time how much of what was foreseen in the budget of the previous year was actually carried out. It should be emphasized that the municipal administration is present at all stages and how it continues to maintain, entirely, the deliberative responsibility. In this way, not only there is not a, impossible anyway, replacement of direct democracy with the representative one, but a participatory democracy system that enhances the function of both. The municipal administration intervenes in order to ensure that the quality of essential services is not affected by an excessive spending target on sectors that most closely match the expectations of the assemblies. As for the choice of priorities, it is

possible to proceed, as is the case in Porto Alegre, on the basis of a thoughtful voting system that takes into account various factors such as the number of residents, the lack of services, etc.[86]

Drawing up the participatory budgeting is therefore the outcome of a process that, in addition to requiring a responsible and aware approach to local governance by all the stakeholders through social partnership, promotes accountability and trust relationship between citizens and public administrators. It should also be kept in mind that participatory budgeting is the expression of a specific context and, therefore, there are no standard models valid in any situation. However, there are some conditions for the partnership to be effective and the building process of the participatory budgeting is successful: municipal administrations should not do a selective listening to the projects and reports that emerge from the consultations. There should not be privileged pressure lobbies; a spending budget must be set aside for the implementation of what is foreseen in the participatory budgeting.[87] Eventually, starting from the experience of drafting participatory budgets and considering the development of web 2.0 and 3.0, the question remains: can ICT favour and speed up social partnership processes? If e-democracy cannot be considered as a substitute for representative democracy, can it be a support to social partnership and participatory democracy?

[86] For a more in depth description of the experience of Porto Alegre, see T. Genro and U. De Souza, *Orçamento partecipativo: a experiência de Porto Alegre* (São Paulo: Fundação Perseu Abramo 1997).

[87] See, C. Rogate, T. Tarquini, *Fiducia e responsabilità nel governo dell'ente pubblico* (Santarcangelo di Romagna: Maggioli Editore 2008), pp. 332-337.

I think it is possible to give a positive answer to both questions, provided that e-democracy is conceived as a form of citizen participation in government and public administration through the use of ICT that implies practices of e-government and e-governance. In particular: 1. the direct participation of citizens, individually or through associations, in the formulation of proposals and projects concerning the administration of the territory. 2. The consultation of citizens according certain and shared rules. 3. The access of citizens and associations to documents that allow them to verify, evaluate and formulate possible proposals regarding legislative and administrative procedures, allocation of resources, governance in and of the public administration. In conclusion, the social partnership model, which I have briefly outlined, is immediately practicable at local level, as exemplified by the building process of a participatory budget. At the same time, at the method level, it can be a point of reference for how citizens are involved, both in the national perspective and that of a new global governance.

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SYMPOSIUM

LE BON GOUVERNEMENT

GOOD GOVERNMENT AND PARTICIPATORY DEMOCRACY.

A MODEL OF SOCIAL PARTNERSHIP

BY

FRANCO MANTI

© 2017 – *Philosophy and Public Issues (New Series)*, Vol. 7, No. 3 (2017): 123-156
Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

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SYMPOSIUM

LE BON GOUVERNEMENT

CITADELS. CRISIS OF REPRESENTATION AS AUTHORITARIAN. THE RULING CLASS IN ADORNO AND ROSANVALLON

BY

JACK COOPEY

© 2017 – *Philosophy and Public Issues (New Series)*, Vol. 7, No. 3 (2017): 187-203
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Citadels
Crisis of Representation as Authoritarian
The Ruling Class
in Adorno and Rosanvallon

Jack Coopey

> According to theory, history is the history of class struggles. But the concept of class is bound up with the emergence of the proletariat. Even when it was still revolutionary, the bourgeoisie called itself the third estate. By extending the concept of class to prehistory, theory denounces not just the bourgeois, whose freedom, together with their possessions and education, perpetuates the tradition of the old injustice[1]

> Democracy is manifesting its vitality as a regime even as it withers as a social form. The sovereign citizenry has steadily increased its ability to intervene in government and magnified its presence. […] The very vigor of their criticism of the representative system demonstrates their determination to keep the democratic ideal alive. This is a characteristic of our times. The aspiration to expand freedom and establish powers responsive to the general will has toppled despots everywhere and changed the face of the globe[2]

It appears on the offset of the crisis of democracy that the essence of its breathing as an organism resides in the productivity of the ruling class as elected governors of the governed to produce an appearance of equality, justice and direct delegation of representation. It is then, as Adorno and

[1] Adorno, Thedor. *Reflections on Class Theory*. In *Can One Live After Auschwitz?*. Ed. Rolf Tiedemann. USA: Stanford University Press, 2003, pp. 93-110.
[2] Rosanvallon Pierre, (trans.) Arthur Goldhammer, *The Society of Equals*, Harvard University Press, (Cambridge, 2013), p. I.

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Luiss University Press
E-ISSN 2240-7987 | P-ISSN 1591-0660

Rosanvallon suggest, that the crisis of democracy resides in the failing reconfiguration of the ruling elites and their ability to fulfil their role as representatives of 'the people' as such. And as a consequence, the crisis of democracy appears as the loss of faith, trust and conviction in the rulers by the ruled. However, what is the nature of this distrust and lack of faith? Is it merely a political shift stirred by an economic crisis as its basis? Or can the rhetoric and discourse of the rulers be transformed to restore democracy to its former basis, and to turn away from authoritarian possibilities? This failure of representation manifests itself not in the lack or disparity suffered by the ruling class itself, but by the appeal from the people who no longer trust in, possess faith of, or believe for the continued democratic practice. But a definition is needed of the former democratic practices that kept the organism of democracy living before this supposed 'crisis' in order to demonstrate a solution or way out of authoritarian practices, that is, if we are to defend the notion of democracy and its ideals of justice, equality and freedom, no matter how vague or elusive. Thus, as a consequence as Adorno and Rosanvallon also correctly state that whilst this democratic dream may be coming to an end, the last apparent death throes of its defence are also being made apparent.

It appears then, democracy is somewhat dialectically bound in its health and in its crisis, only in the shadow of its lingering death, to we truly grasp in the light of what we wish to defend and continue. But, if former democratic practices no longer work in the contemporary context, the proposal of new democratic practices must be differentiated to the former to reproduce a new democracy, and one, namely, that is 'not' in crisis as such. However, it shall be seen that perhaps one weakness of Rosanvallon's and Adorno's diagnosis of contemporary democracy, is that on the face of it, it appears contradictory, but perhaps in these last attempts to bolster the shores of democracy

against a tide of authoritarianism, it is in fact these very same attempts that push democracy away from itself and into its brother, totalitarianism. The second part of Adorno's and Rosanvallon's analysis lends itself to a very much debated question in academia, media and abroad, on the incompatibility and compatibility of industrial capitalism with democracy itself. The work of Martin Wolf as an economist points towards their incompatibility unless we are to globalise more, and extend the global market outwards away from national sovereignty, domestic markets and closed borders.

Therefore, whilst the dream of democracy is absolutely an idea worth fighting for, the struggle towards, for and against it appear dangerously linked in a way that democratic practice as it is normally conceived gradually results in its supposedly moral enemy, authoritarianism. In this paper, I wish to firstly take a compressed account of Adorno's and Rosanvallon's conception of the ruling class and its role in democracy, and draw parallels to the relevance of their philosophies to the public issues facing today, being the failing of democracy and our need to simultaneously defend it, but to defend it by other means outside the current failing democratic practice-paradigm, and perhaps lending itself to authoritarian measures to preserve the democratic dream. However, it is my argument in order to accomplish this task, we need to take lessons from both Adorno and Rosanvallon in understanding that whilst democracy in its decay will reveal its' authoritarian heart, we must fight in a differentiated way to preserve the ideals of justice, equality and freedom as fundamental notions worth preserving regardless of political ideology. Therefore, if any this paper shall serve as a theoretical footstep towards conceptualizing the crisis of democracy through the failings of representation of and on behalf of the changing ruling classes and the governed through the work of Adorno and Rosanvallon. It is apparent that this

paradox of democratic practice to defend democracy is one that both Adorno and Rosanvallon examine in detail. This paper for its purpose therefore, wishes to examine the notion of the ruling class in Adorno and Rosanvallon conceptually. Such that, it has no interest nor reason to examine the historical context of both writers nor the reception of their thought in general, the purpose of this paper is to probe philosophically the meaning and interpretation of both their accounts solely. By probing this specific question of the ruling class this paper hopes to diagnose the contemporary malaise, which has produced populism and its derision of the new ruling elites and experts in order to examine Adorno and Rosanvallon in turn and point to a precisely new historical moment of democratic capitalism. The parallels between Adorno and Rosanvallon are present however they differentiate not only on their diagnoses of this shift in the capitalist mode of governance but also in their solutions.

It is distinctly democratic to conceive of a future promise to come of a new moment of recognition, whilst ignoring class divisions themselves, the very disparate elements of the body politic are bound together and simultaneously clothed over with the garment of democratic equality and justice. However, to what extent can democracy *apropos* survive in a period of crisis in which the dream of democracy has been realised both by the governed classes and the governing, ruling class not as a cliché failure, nor as a success, but simply as a game no longer worth playing? It appears both in the work of Adorno and Rosanvallon that its democracy's decadence is rife both in the minds of the ruling class and their governed people, so whence do we go from this realisation?

It seems that both in the work of Adorno and Rosanvallon that an emphasis on the ruling class and their existence proves vital either in the destruction or prolonging of the democratic

idealisation of political life. However each philosopher deals with the problem of the ruling class in differing manners, perhaps amounting to Adorno's pessimism on one side, and Rosanvallon's optimism on the other, the ruling class is failing the dream of democracy itself regardless. And perhaps the direct election of the president is a possible remedy to this problem as Rosanvallon suggests, or some form of wider socio-economic reconfiguration of the political economy is needed to adjust the ruling classes as Adorno advocates. Or perhaps a combination of both their diagnoses as a solution?

This essay shall attempt to take account of both of their works specifically emphasising the place of the ruling class and deciphering the role it plays in their analysis of democracy and its potentiality to reconcile the current catastrophe of representation and the coming tide of authoritarianism beneath the veil of democracy. The decisive differences in both their conceptions of the ruling class, is that Adorno constructs an hisotricized account of the transition from market to monopoly capitalism, such that the former ruling class has been displaced and as a consequence the disparate formation of many different plateaus of ruling classes then produces a necessary diaspora of power and representation amongst the ruling classes themselves which then leads to a realization of the crisis of representation amongst the governed peoples as a dialectical result.

On the other hand, the ruling class for Rosanvallon is not as clear and concise as Adorno's view, Rosanvallon on the other hand focuses on the former American and French revolutions and their ideas of democratic citizenship as a means by which to traverse the differing classes, this

genealogical aspect to Rosanvallon's account points to a major weakness in Adorno however. By taking account of Adorno and Rosanvallon and their analyses of the ruling class, this essay shall

firstly suggest that the crisis of representation democracy faces in fact does not represent a failure of democratic practice, which can then be fixed as such, but this mechanism of the failure of delegation is democratic practice proper. Thus, it shall be argued that the crisis of representation in democracy logically leads to more authoritarian praxis within democratic spheres of delegation, not as a transformative process but merely as an unveiling of the truer, inner essence of democracy itself. Thus, authoritarian politics are not a completely different phenomenon from the democratic condition, but a handmaiden or sister of democracy in its inverted form, perhaps best expressed by the analogy of a hydra in which democracy manifests itself as, and then authoritarian merely becomes a singular version in which the heads become one. Democracy is a *katechontic* dream, however the nightmares of authoritarianism are under the bed of the handmaiden of delegation, in which in the continuing impotence of representation breeds a blind faith to a moment of decisionism to a given sovereign, but we must divert away from former modes of democratic practice which no longer work as they did in the moment of 'non-crisis'.

Firstly, Adorno's account of the ruling class in capitalist democracy attempts to at once clarify Marx's account of class and the new need to account for a new theory of class, without which, Adorno sees any critique of culture or democracy itself is meaningless. This aspect is perhaps Rosanvallon's flaw in not emphasising the profound effect the change in the ruling class and their representation has in the crisis of democracy. Adorno argues in his essay *Reflections on Class Theory* (1942) that in the transition from free-market capitalism to monopoly capitalism a blurring or blanket or invisibility has been made over the class system itself, in the sense that in the wake of the Frankfurt School they tried to understand why the German worker was not aware of his own exploitation. Thus, for Adorno the failing of

democracy is directly linked to the transformation of the ruling class into many different subsets as opposed to a former unified order, and that the reconfiguration is directly linked to the failures of delegation and representation as a result. In this sense, for Adorno either the modes of representation have to radically be changed because the modes and structures of the governing and governed have been changed, or a radical change to the political economy must be considered to account for the increasing tensions and contradictions between the ruling classes themselves.

> The latest phase of class society is dominated by monopolies; it tends toward fascism, […]. While it vindicates the doctrine of class struggle with its concentration and centralization, extreme power and extreme impotence directly confronting one another in total contradiction, it makes people forget the actual existence of hostile classes. […] The diabolical image of harmony, the invisibility of the classes caused by the petrified mold in which they are held fast, can only gain such power over people's minds because the idea that the oppressed, the workers of the world, might unite as a class and put an end to the horror seems doomed in the light of the present distribution of power and impotence.[3]

Therefore, it seems that according to Adorno any attempt to take account of the failings of democracy must be historicized in order to understand the contemporary transitions to a more authoritarian vocation. The contradiction which both Adorno and Rosanvallon identified as addressed in the opening quotes is that any call for more extreme democratic practice to save democracy perhaps leads to its logical consequence, being more

[3] Adorno, Thedor. *Reflections on Class Theory*, cit., p. 96.

authoritarian politics. Additionally, as a note to Adorno's comment regarding fascism, as a broad comment it can be seen that the rhetoric of the fascists most explicit in the Italian fascist regime, was that their system of removing the bureaucracy, parliament and other modes of delegation and representation was in fact, the 'true democracy', uniting the people directly with the State and the Duce. Thus Adorno's analysis above analyzes the shift from market capitalism to monopoly capitalism as a feature of fascism in two senses, firstly as a disruption of the delegation of the ruling classes and the 'forgetting' of the existence of classes themselves as more authoritarian practice of supposedly 'democratic' politics attempts to save democracy but in fact replaces it with more centralized, non-representative, nondelegation politics. To note here in reference to Rosanvallon and democratic praxis, it seems that any attempt to reconcile a democratic dream through a reconfiguration of the ruling class and their activities and consciousness to better the *demos* must be mediated through a concrete, material emphasis of the historical conditions of the body politic and their respective classes. To put it simply, the ruling class are the owners of the means of production, and so their relation to the exploited must be taken into account in any attempt to democratize a state of affairs if democracy does not remain a paradox. Thus Adorno declares: "The omnipotence of repression and its invisibility are the same thing"[4].Therefore, because the transition to monopoly capitalism has rid the consciousness of the exploited classes such that ideology masks the ever present reality of wage slavery and the class system, a new theory of class and how that relates to the ruling class in democratic capitalism is thus required. Therefore, in order to understand how the ruling class must better represent

[4] *Ibid.*, p. 97.

and become delegates for the governed classes means a total reevaluation of this change in the political economy, the ruling class must recognise the suffering of the most vulnerable in order to restore faith in the people. The shift from market to monopoly capitalism not only estranged the ruling classes from one another, but the previous ruling class in the times of a strengthening of democracy had far more democratic legitimacy, proximity and representation of the governed classes, but the shift has estranged them from democratic practice. Even in Marx, there is not an explicit analysis of class albeit that class is one of the central components of historical materialism itself. However, Adorno makes clear that any critique of the democratic failures of liberal society is inexplicably linked to the concept of class and beyond: "The critique of liberal society cannot stop short at the concept of class, which is both as true and as false as the liberal system itself"[5]. What is crucial for Adorno in his understanding of the role of the ruling class in the immanent authoritarianism of his time, is not only the transition from free-market capitalism to a monopoly version, but also how the "ruling class disappears behind the concentration of capital"[6]. Here, there is something to note in the historicization of the ruling class and its historical moment of capital, perhaps the crisis of representation is furthermore linked to this concentration which not only deprives the toiling classes, but deprives the ruling class of any further need to innovate and stimulate any form of culture to represent other class interests, and more importantly act as elected delegates by the governed classes. Additionally, a parallel here behind the claim of Adorno's 'concentration of capital' and the 'inequality' Rosanvallon argues against is the predominant reason

[5] *Ibid.*, pp. 98-99.
[6] *Ibid.*, p. 99.

for the crisis in the ruling classes, and as a result, the consequence being a loss of faith by the people in democratic institutions and practice, and therefore a gradual demand towards non-democratic measures are needed in response to this seemingly unending circle. Thus, for Adorno the change in the fundamental structure of the form of capitalism thus dialectically produces a crisis of representation which tends towards more authoritarian modes of life. "This development has put an end to the episode of liberalism; the dynamics of yesterday are unmasked as the ossified prehistory of today, namely, the anonymous class as the dictatorship of the self-appointed elite"[7]. However, this does not mean that the ruling class is not completely autonomous from the system of democracy or capitalism, "the ruling class is not just governed by the system; it rules through the system and ultimately dominates it"[8]. In the *Editor's Afterword* to the *Dialectic Of Enlightenment* the question of class is raised: "The planned economy has become inevitable; the only decisive political question is whether it will be democratic or totalitarian, that is, the question as to how access to the administrative control of the economy and thus to the new ruling class is regulated"[9]. Therefore, it seems inevitable that the state regulated capitalism therefore produces a new stage in which the previous modes of democratic delegation and representation are therefore put into crisis because the fundamental ground of their previous form of praxis has shifted which creates a contradiction between the new ruling class who are now enfranchised, and the former ruling class is cut out failing to represent itself, yet alone other classes.

[7] *Ibid.*, p. 100.
[8] *Ibid.*, p. 104.
[9] Horkheimer Max and Adorno Theodor, *Editor's Afterword*, in the *Dialectic of Enlightenment, Philosophical Fragments*, (eds.) Noerr Schmid Gunzelin, (trans.) Jephcott Edmund, Stanford University Press, (California, 2002), p. 233.

The second aspect of Adorno's analysis of the ruling class takes place mostly in the latter half of his philosophical and cultural analysis, the culture industry. If monopolistic capitalism has produced a new ruling class that ostracizes the former ones, then the forms of domination such as wage slavery must also be transformed, and so, the culture industry is born in line with the monopolistic version of capitalism to keep the other classes subdued in entertainment where play mimics work itself.

Formerly, it attacked the cultural privilege of the ruling class. But today, when that power of the banal extends over the entire society, its function has changed. This change of function affects all music, not only light music, in whose realm it could comfortably enough be made innocuous. The diverse spheres of music must be thought of together. Their static separation, which certain caretakers of culture have ardently sought – the totalitarian radio was assigned to the task, on the one hand, of providing good entertainment and diversion, and on the other, of fostering the so-called cultural goods, as if there could still be good entertainment and as if the cultural goods were not, by their administration, transformed into evils – the neat parcelling out of music's social field of force is illusionary[10].

Thus, the fundamental shift to monopolistic capitalism gives birth to the operations of the culture industry which attempts to capture the masses in new forms of domination within entertainment itself. To use Adorno's analysis of the beginnings of mass entertainment today, one would need to convert its hypothesis into the realm of new media that politics is mediated on, such that contemporary forms of media such as the internet and politics television shows are primary modes of entertainment

[10] Adorno Theodor, *On the Fetish Character in the Culture Industry. Selected Essays on Mass Culture*, (ed.) Bernstein J. M., Routledge, (London, 1991), p. 34.

which simultaneously allow free play and leisure but whilst infecting the consumers with more aspect of the work world. Rosanvallon also in his corpus notes the fundamental changes in politics new media has created in both representation, delegation and this loss of faith in the ruling class. Fundamentally, in the next section in our analysis of Rosanvallon we shall examine whether his new theories concerning the ruling class in a new vision for a new democracy to come can despite the form of monopolistic capitalism that Adorno diagnoses as antithetical to these promises of democracy, in fact prevail. Secondly, Rosanvallon's account of the ruling class in democracy albeit on the face of it appears not to be a dialectical account similar to Adorno's diagnosis, however this is not the case. Rosanvallon in *The Society of Equals* claims that paradoxically that in the crisis of representation, the dream of democracy and its various delegations are in fact becoming more and more emboldened, such that milder forms of democratic practice such as a the ballot box are increasingly becoming overrun by more direct forms of representation. The sole cause of this supposed democratization in our time is inequality[11] Rosanvallon claims, and so alike to Adorno the fundamental changes in differentiation of the classes must be healed over with new antidotes of democratic praxis. But to what extent can increasing democratic praxis in effect, heal or sublimate the gross problem of global inequality in today's globalised world? Rosanvallon's solution to these problems are distinctly different to Adorno who envisages a radical change in the political economy as a means by which to remedy the crisis of representation as a result of monopolistic capitalism. Rosanvallon claims that because "[g]lobal equality is becoming mixed up with social inequality. That is why the renationalization of democracy

[11] Rosanvallon Pierre, *The Society of Equals*, cit., p. 2

(through greater social cohesion and reappropriation of the political by citizens) is one way of combating both simultaneously"[12]. On the face of it, it seems that in the time of the current crisis of representation and the fracturing of the democratic body turning its head towards more authoritarian means to end bureaucracy, liberalism and the breathing of the democratic machine, a more internationalist approach would in Rosanvallon's opinion heal the divide between classes and the divide between democratic nations in a globalized world. But when the turn to more authoritarian politics also adopts this method of reverting from a globalized world to a national, state boundary, to what extent can Rosanvallon claim this model for increasing democratic practice? Precisely because the presence of more authoritarian regimes claim the same method as an antidote to liberal, capitalist democracy? His recourse to the French and American revolutionaries conception of equality to remedy the increasing democratization and simultaneous inequalization proposes a counter-point to how equality is usually conceived in contemporary discourses in philosophy and political philosophy alike. But perhaps this movement of Rosanvallon would fall prey to Adorno's critique of the antiquarian nature of bourgeois thought in that by proposing a past where classes were equal and people were all citizens, it is promising a dogmatic patriarchal past in which the classes were just as hostile except with an 'optimistic liberalism'. However, these preliminary discussions are only

Rosanvallon's hypotheses of the current, broader phenomena surrounding the crisis of representation in current democracies, so we need to further examine how he conceives of the role of the ruling class in rectifying the current crisis of democracy. The

[12] *Ibid.*, *A Preliminary Outline*, p. 301.

ruling class is initially defined by Rosanvallon as the ones who by the "anointment by the people"[13] are appointed as the ones to govern. The fundamental difference between Adorno and Rosanvallon concerns the separation and conflation in each case in relation to democracy with capitalism. Although the event of "true democratic universalism"[14] is not possible anymore according to Rosanvallon, within the changed ruling class that he consistently refers to in reference to the ruling classes of both revolutionary France and America which has inevitably changed and become more complex in nature in contemporary Western democracies. He refers to his work as a history of the political insomuch as it refers to previous historical examples of democracy, citizenship and equality as a means by which to challenge contemporary discourses which disrupt the original novelty and power of these terms themselves. In Samuel Moyn's and Andrew Jainchill's article on *French Democracy between Totalitarianism and Solidarity: Pierre Rosanvallon and Revisionist Historiography* (2004) it seems that François Furet, Rosanvallon's teacher concludes that the French Revolution and its democratic foundations in fact laid the foundations for the later forms of totalitarianism. Although critiques of totalitarianism from Arendt and Lefort are present in Rosanvallon, it appears that the lesson from Furet seems to have been neglected insomuch as Rosanvallon clings to his conception of *autogestion* and negative

[13] Rosanvallon Pierre, (trans.) Arthur Goldhammer, *Introduction. The Decentering of Democracies*, in *Democratic Legitimacy, Impartiality, Reflexivity, Proximity*, Princeton University Press (Oxford, 2011), p. 1.

[14] Rosanvallon Pierre, *Democratic Universalism as a Historical Problem*, "Constellations", Volume 16, Number 4, Blackwell Publishing, (London, 2009), p. 540.

democracy, or in other words the production of solidarity[15] by more closely linked associations of democratic unions. It is worth here to quote the article at length in order to demonstrate this gap in Rosanvallon's conception of a new democracy that fails to take account of the transformation of the contemporary ruling classes as opposed to analysing the downfall and existences of previous ruling classes in revolutionary America and France for example.

> […] Furet famously and provocatively ascribed the causes of the Terror to the ideology of democracy. In his analysis, the voluntaristic appeal to popular sovereignty, rooted in Jean-Jacques Rousseau's *Social Contract* and passed from actor to revolutionary actor as the sole coin of legitimacy, inexorably led to the furies of the Terror. After pointing to "the one notion that made Robespierre's language the prophecy of a new era: that democratic politics had come to decide the fate of individuals and peoples," in the next breath Furet charged "democratic politics" with the innate propensity of violently "break[ing] its enemies' resistance." Establishing the "new god of a fictitious community," the Revolution reached a compelled finale in the Terror, since Maximilien Robespierre's "metaphysics was . . . not a parenthesis . . . but a type of public authority that the revolutionary phenomenon alone made possible and logical.

Furthermore, Furet argued, the French Revolution planted the seeds of twentieth-century totalitarianism'[16].

Thus, Rosanvallon's theories of democratic practice albeit apparently springing from a critique of totalitarianism, fails to acknowledge as his teacher Furet did, that precisely this mechanism of democracy produces an all more powerful form of

[15] Kurtz Geoffrey, *The Production of Solidarity: Pierre Rosanvallon on Civil Society and Democracy*, CUNY, New Political Science, Routledge, (Online, 2008).
[16] Moyn Samuel and Jainchill Andrew, *French Democracy between Totalitarianism and Solidarity*, "The Journal of Modern History", Vol. 76, No. 1 (New York, 2004), p. 109.

totalitarianism. Although Rosanvallon claims to be making a philosophical history of the present, it seems that the present is only mediated by his constant reference to the French and American revolution. Irrespective of the ruling class, Rosanvallon does not distinctly theorize about them as such, but negatively shows their existence in his discussion of increasing popular sovereignty and the will of the political community. Although he attempts to frame the politics of democracy in historical terms as a means by which to form a critique of totalitarianism, in its neglect of an analysis of the ruling class it appears dubious whether Rosanvallon can effectively theorize a new democratic future, and one wonders whether this democratic future of self-management itself too closely resembles communistic politics and totalitarian authoritarianism at the same juncture. The call for greater transparency for the elected representatives is not a call for democraticization, it is a call for greater clarity, conciseness and vision for authoritarian practice. However, it seems decisive both for Adorno and Rosanvallon, that in order to solve the crisis of democracy we need to take account of the changing economic trends and shifts taking place as the deeper, sedimentations that shift beneath the faithlessness of democratic citizens, both also simultaneously understanding how to better form practices of representation precisely when the economic grounds beneath our feet is changed in such a way that does not allow for former practices of representation. Thus, Rosanvallon concludes on his theory of self-management in his earlier life alongside transnational democracy and solidarity as a means to this end, whereas Adorno practically and concretely offers prolific dialectical mediation, but resounds in silence in the realm of 'everyday life' which he, naturally would call 'reified thought' and would be non-existent as a product of contemporary capitalist ideology. So as Rosanvallon concludes perhaps the dream of democracy will never be realized and that is the mode of

existence, in dreaming of a moment when the 'self-management of everyday life' is thought and never actualized, however this dream seems utopian if not accompanied by an economic change.

People were very far from restricting their thinking to the topic of how to manage firms....[Autogestion] became the mot de passe of the 1970s . . . and involved the emergence of a new conception of democracy. On three principal levels. First, it implied the refusal and contestation of all centralized and hierarchical systems and in this sense suggested the generalized extension of democratic procedures to the governance of all of the different spheres of social life. It also motivated the search for a way of transcending the procedural limits of traditional representative democracy. Finally, it corresponded to a new perception of the relation between public and private life, "self management" looking as if it were the corollary, at once legitimate and necessary, of more specifically institutional reforms.... People began speaking, in a general manner, of the self-management of everyday life [autogestion du quotidien][17].

[17] *Ibid.*, p. 113.