

DEMOCRACY: REPRESENTATIVE AND PARTICIPATORY*

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Representative democracy—essentially liberal and bourgeois—is the most widespread political regime in the Western world today. Representatives are authorized by election to transform the popular will into acts of government. Thus we tend to think of “democracy” and “representation” as almost synonyms. The history of ideas, however, does not support this at all.

The great theorists of representation are Hobbes and Locke. For both, the people actually delegate their sovereignty by contract to governments. For Hobbes, this delegation is total. But it leads by no means to a democracy: its result, on the contrary, is to invest a monarch with absolute power (the “Leviathan”). For Locke, the delegation is conditional: the people agree to give up their sovereignty only in exchange for guarantees concerning fundamental rights and individual freedoms. Popular sovereignty is not so much lost between elections as suspended, so long as the government respects the terms of the contract.

Rousseau, for his part, holds that democracy is **contradictory** to any representative regime. The people, for him, do not contract with the sovereign; their relations concern the law exclusively. The prince is only the executive of the people, who remain the sole holder of legislative power. He is not even invested with the power belonging to the general will; indeed, it is rather the people who govern through him. Rousseau’s argument is very simple: if the people are represented, its representatives hold power, then it is no longer sovereign. The

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sovereign people is a “collective being” that can only be represented by itself. To renounce its sovereignty would be like renouncing its freedom, i.e., to destroy itself. As soon as the people elect its representatives, “it is a slave, it is nothing” (*On the Social Contract*, III, 15). Freedom, as an inalienable right, implies its *full* exercise, otherwise there cannot be true political citizenship. Popular sovereignty, under these conditions, can only be undivided and inalienable. Any representation thus corresponds to an abdication.

If it is granted that democracy is the regime based on the sovereignty of the people, then one must accept Rousseau’s argument.

Democracy is the form of government that corresponds to the principle of the identity of the ruled and the ruler, i.e., the popular will and the law. This identity derives from the substantial equality of the citizens, i.e., the fact that they all are also members of the same political unity. To say that the people are sovereign, not essentially but by vocation, means that it is from the people that the public power and the laws proceed. The rulers can thus be only agents of execution, who must conform to the ends determined by the general will. The role of the representative must be reduced as much as possible, the representative mandate losing any legitimacy as soon as it relates to ends or projects not corresponding to the general will.

Exactly the opposite happens today. In liberal democracies, primacy is given to representation, and more precisely to whoever incarnates representation, i.e., the representative. The representative, far from being merely an “agent” expressing the will of his voters, is the very *incarnation* of this will by the mere fact of being elected. Election justifies him acting no longer according to the will of those who elected him, but according to his own will—in other words, he regards himself as authorized by election to do what he judges best.

This system is the origin of the criticisms that have always been raised against parliamentarism, criticisms that receive new urgency through debates on the “democracy deficit” and the “crisis of representation.”

In the representative system, once the voter has delegated his political will to his representative by voting, power’s center of gravity inevitably resides in the representatives and the [political](#) parties that subsume them, and no longer in the people.

The political class soon forms an oligarchy of professionals who defend their own interests (the "New Class"), in a general climate of confusion and irresponsibility. Today, when people hold decision-making power much more often by nomination or co-optation than election, this oligarchy is augmented by "experts," senior officials, and technicians.

The rule of law, whose virtues liberal theorists regularly celebrate—despite all the ambiguities attached to this expression—seems unlikely to correct the situation. Consisting of an ensemble of procedures and formal legal rules, it is actually indifferent to the specific aims of politics. Values are excluded from its concern, thus leaving an open field for the confrontation of interests. Laws have authority solely because they are legal, i.e., in conformity with the constitution and the procedures provided for their adoption. Thus legitimacy is reduced to legality. This positivist-legalist conception of legitimacy encourages respect for institutions as such, as if they constitute ends in themselves, without the popular will being able to amend them and control their operation.

However, in democracy, the legitimacy of power does not depend solely on conformity to the law, or even conformity to the Constitution, but above all on conformity of governmental practices to the aims assigned by the general will. Thus the justice and the validity of the laws cannot lie entirely in the activity of the state or the legislative productions of the party in power. Likewise, the legitimacy of right cannot be guaranteed by the mere existence of jurisdictional control: it is also necessary that right be legitimate, that it answer to the citizens' expectations, and that it integrate the aims directed towards the service of the common good. Finally, one can speak of the legitimacy of the constitution only if the authority of the constituent power is recognized as always able to amend its form or contents. Which is to say that the constituting power cannot be completely delegated or alienated, that it continues to exist and remains higher than the constitution and constitutional laws, even when those proceed from it.

Obviously we can never completely escape representation, since the idea of a controlling majority encounters insurmountable difficulties in modern societies. Representation, which is never more than a makeshift, does not, however, exhaust the democratic principle. It can to a large extent be corrected by the implementation of participatory democracy, also called or-

ganic democracy or embodied democracy. Such a reorientation appears even more necessary today because of the general evolution of society.

The crisis of institutional structures and disappearance of the founding “grand narratives,” the growing disaffection of the electorate for conventional political parties, the revival of community life, the emergence of new social or political movements (ecological, regionalist, identitarian) whose common characteristic is less to defend negotiable *interests* than existential *values*—all these allow us to envision the possibility of recreating a fundamentally active citizenship.

The crisis of the nation state—due in particular to the globalization of economic life and the deployment of phenomena of planetary influence—causes for its part two modes of transcendence: at the top, through various attempts to recreate at the supranational level a coherence and efficiency in decision-making that would allow, at least in part, [regulate](#) the process of globalization; at the bottom, through the renewed importance of small political unities and local autonomies. These two tendencies—which not only do not oppose but actually complement one another, imply one another—hold the remedy for today’s democracy deficit.

But the political scene is still changing. On the right is a rupture of the old “hegemonic block” because capitalism has lost its alliance with the middle classes due to the completion of its belated modernization, the evolution of production costs, and the transnationalization of capital accelerated by the crisis. At the same time the middle classes feel disorientated and often threatened, the lower classes are increasingly disappointed by the governmental policies of a left which, after having disavowed practically all its principles, tends to be identified more and more with the interests of the upper middle class. In other words, the middle classes no longer feel represented by the parties of the right, while the popular element feels abandoned and betrayed by the parties of the left.

In addition to that, finally, the effacement of old points of reference, the collapse of models, the disintegration of the great ideologies of modernity, the absolute power of a system of commerce that (may) deliver the means of living but not the meaning of life, raise again the crucial question of the meaning of the human presence in the world, of the meaning of individual and collective existence, and all this while the econo-

my produces more and more goods and services with less and less labor, which multiplies exclusions in a context already heavily marked by unemployment, precarious employment, fear of the future, insecurity, reactive aggressiveness, and tensions of all kinds.

All these factors call for an in-depth recasting of democratic practices that can take place only in the direction of true participatory democracy. Indeed, in an increasingly "illegible" society, participatory democracy's main advantages are eliminating or correcting the distortions caused by representation, ensuring greater conformity of the law to the general will, and founding a legitimacy without which institutional legality is mere show.

It is not possible to recreate such an active citizenship on the level of the great collective institutions (parties, trade unions, churches, armies, schools, etc.) that today are all more or less in crisis and thus can no longer play their traditional role of social integration and mediation. Nor can the control of power be the sole prerogative of political parties whose activity is too often reduced to clientelism. Today, participatory democracy can be only a **basis** democracy.

The purpose of this **basis** democracy is not to generalize discussion on all levels, but rather to determine, with the assistance of the greatest number, new decision procedures in conformity with its own requirements and the aspirations of the citizens. Nor can it be reduced to a simple opposition of "civil society" to the public sphere, which would amount to **further** extending the influence of the private and giving up political initiative for obsolete forms of power. On the contrary, it acts to make it possible for individuals to prove themselves as citizens, and not as members of the private sphere, while supporting as much as possible the blossoming and multiplication of new public spaces of initiative and responsibility.

The referendum procedure (which results from government decision or popular initiative, which referendum is optional or obligatory) is only one form of direct democracy among others—one whose importance is perhaps overestimated. Let us stress once again that the **real** political principle of democracy is not that the majority decides, but that the people are sovereign. Voting *per se* is only a simple technical means to consult and reveal opinion. This means that democracy is a political principle that should not be confused with the means

it uses, no more than it can be reduced to a purely arithmetic or quantitative idea. Citizenship is not exhausted by voting, but is present in all methods allowing one to give or refuse consent, to express refusal or approval. It is thus advisable to explore systematically all possible forms of active participation in public life, which are also forms of responsibility and personal autonomy, since public life conditions the daily existence of us all.

But participatory democracy is more than just political. It also has social import. By supporting relations of reciprocity, by allowing the re-creation of social bonds, it can help reconstitute today's weakened organic solidarity, to recreate a social fabric frayed by the rise of individualism and the system of competition and self-interest. Insofar as it produces elementary sociality, participatory democracy goes hand in hand with the rebirth of vibrant communities, the re-creation of solidarity in neighborhoods, districts, workplaces, etc.

This participatory conception of democracy is entirely opposed to the liberal legitimation of political apathy, which indirectly encourages abstention and leads to the reign of managers, experts, and technicians. Democracy, in the final analysis, rests less on the form of government *per se* than on the participation of the people in public life, such that the maximum of democracy merges with the maximum of participation. *To participate* is to take part, to prove oneself as *part* of a unit or a whole, and to assume the active role that results from this membership. "Participation, said René Capitant, is the individual act of the citizen acting as member of the popular collectivity." One sees by this how much the concepts of membership, citizenship, and democracy are interdependent. Participation sanctions citizenship, which results from membership. Membership justifies citizenship, which allows participation.

Everyone knows the motto of the French republic: "*Liberté, égalité, fraternité*"—"Liberty, equality, fraternity." If the liberal democracies have exploited the word "liberty," if the former people's democracies seized upon "equality," then organic or participatory democracy, based on the active citizenship and the sovereignty of the people, could well be the best way to respond to the imperative of fraternity.

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