

Democracy, Republic, Representation

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The democratic scandal consists simply in revealing this: there will never be, under the name of politics, a single principle of community that legitimates the actions of those who govern on the basis of laws inherent in the coming together of human communities. Rousseau was right to denounce the vicious circle of Hobbes, who claimed to prove the *natural* unsociability of men on the basis of court intrigues and the backbiting of the salons. But in describing nature according to the model of society, Hobbes also showed that it is vain to look for the origin of political community in some innate virtue of sociability. If the search for origins freely mixes before and after, it is because it always comes after the fact. The philosophy that looks for the principle of good government or the reasons for which men give themselves governments comes after democracy, which itself comes after, interrupting the ageless logic according to which communities are governed by those who have the right to exercise their authority over those who are predisposed to be subjected to it.

The word democracy, then, properly designates neither a form of society nor a form of government. “Democratic society” is never anything but a fanciful picture intended to support one or another principle of good government. Societies, today as yesterday, are organized by the play of oligarchies. And, properly speaking, there is no democratic government. Government is always practiced by the minority on the majority. The “power of the people” is thus necessarily heterotopic to inegalitarian society as well as to oligarchic government. It is what divides government from itself by dividing society from itself. It is thus also what separates the exercise of government from the representation of society.

People like to simplify the question by returning to the opposition of direct democracy and representative democracy. One can then simply employ the difference between times and the opposition between reality and utopia. Direct democracy, it is said, was good for ancient Greek cities or the Swiss cantons of the Middle Ages, where the whole population of free men could gather in a single place. For our vast countries and modern societies, only representative democracy is suitable. The argument is not as probative as one would like. At the beginning of the nineteenth century, French representatives saw no difficulty in gathering all the electors in the commune’s administrative center. It sufficed that the electors not be too numerous, which was readily achieved by limiting the right to elect representatives to the nation’s best, which is to say to those who could pay a poll tax of 300 francs. “Direct elections,” said Benjamin Constant, “constitute the only true representative government.”¹ And Hannah Arendt could still in 1963 see the true power of the people in the revolutionary form of councils where the only effective political elite is constituted – the elite, self-selected on

the ground, of those who experience happiness taking care of public affairs [*la chose publique*].²

In other words, representation was never a system invented to make up for the growth of populations. It is not democracy's way of adapting to modern times and vast spaces. It is, by rights, an oligarchic form, a representation of minorities who are entitled to concern themselves with common affairs. In the history of representation it is always first of all estates, orders, or possessions that are represented, whether they are regarded as giving a right to exercise power or a sovereign power sometimes gives them a consultative vote. Nor is election in itself a democratic form by which the people makes its voice heard. It is originally the expression of the consent demanded by a superior power, which can really only be unanimous.³ The self-evidence that assimilates democracy to the form of representative government resulting from elections is historically very recent. Originally, representation was the exact opposite of democracy. No one ignored this at the time of the American and French Revolutions. The Founding Fathers and many of their French emulators saw in it precisely the means for the elite to exercise in fact, in the name of the people, the power that the elite is obliged to recognize is theirs but which it could not exercise without ruining the very principle of government.⁴ The disciples of Rousseau, for their part, only admitted it at the price of rejecting what the word signifies, namely the representation of particular interests. The general will cannot be divided and the deputies can only represent the nation in general. Today "representative democracy" may seem to be a pleonasm. But initially it was an oxymoron.

This does not mean that it is necessary to oppose the virtues of direct democracy to the mediations and usurpations of representation, or, pointing to the deceptive appearances of formal democracy, to the effectiveness of a real democracy. It is as wrong to identify democracy and representation as it is to make one the refutation of the other. What democracy means is precisely this: that the juridico-political forms of state constitutions and laws always rest on one and the same logic. What is called "representative democracy," but would be more precisely called the parliamentary system or, with Raymond Aron, the "pluralist constitutional regime," is a mixed form: a form of state functioning initially founded on the privilege of "natural" elites and then gradually turned away from this function by democratic struggles. The bloody history of struggle for electoral reform in Great Britain, complacently erased under the idyll of an English tradition of "liberal" democracy, is no doubt the best witness to this. Universal suffrage is in no way a natural consequence of democracy. Democracy has no natural consequence precisely because it is the division of "nature," the broken link between natural properties and forms of government. Universal suffrage is a mixed form, born of oligarchy, redirected by democratic combat, and perpetually reconquered by oligarchy, which proposes its candidates and sometimes its preferred decisions to the electoral body without ever being able to exclude the risk that the electoral body will behave like a population drawn by lot.

Democracy can never be identified with a juridico-political form. This does not mean that it is indifferent to them. It means that the power of the people is always

below and beyond these forms. Below, because these forms cannot function without referring in the last instance to this power of the incompetent that founds and negates the power of the competent, to this equality that is necessary for the very functioning of the inegalitarian machine. Beyond, because the very forms that inscribe this power are constantly reappropriated, by the play of the governmental machine itself, into the “natural” logic of those entitled to govern, which is a logic of indistinction of the public and the private. As soon as the connection to nature is severed, as soon as governments are obliged to present themselves as instances of the common of the community, separated from the sole logic of relations of authority immanent in the reproduction of the social body, there is a public sphere – a sphere in which the two opposed logics of the police and of politics, of the natural government of social competence and the government of anyone, meet and conflict. The spontaneous practice of all government tends to shrink this public sphere, to make it into its private affair and, for that purpose, to consign the interventions and the places of intervention of non-state actors to the side of private life. Democracy, then, far from being the form of life of individuals dedicated to their private happiness, is the process of struggle against this privatization, the process of enlarging the public sphere. Enlarging the public sphere does not mean, as what is known as liberal discourse claims, demanding the growing encroachment of the state on society. It means struggling against the distribution of public and private that secures the double domination of the oligarchy in the state and in society.

Historically, this enlargement has signified two things: gaining recognition of those whom state law has consigned to the private life of inferior beings as equals and political subjects; and gaining recognition of the public character of types of spaces and relations that have been left to the discretion of the power of wealth. This first of all meant struggles to include all those whom police logic had naturally excluded from the number of the electors and eligibles: all those who were not entitled to participate in public life because they did not belong to “society” but only to domestic and reproductive life, because their work belonged to a master or a husband – salaried workers long assimilated to the dependent servants of their masters and incapable of having their own will; women subjected to their husband’s will and committed to caring for the family and domestic life. It has also meant struggles against the natural logic of the electoral system, which makes representation the representation of dominant interests and election a mechanism bound to consent: official candidacies, electoral fraud, de facto monopolies over candidacies. But this enlargement also includes all the struggles to assert the public character of spaces, relations, and institutions regarded as private. The latter struggles have generally been described as social movements by reason of their places and objects: fights over wages and working conditions; battles over health and retirement systems. But this designation is ambiguous. In fact it presupposes as given a distribution of the political and the social, of public and private, that in reality is a political question of equality or inequality. The fight over wages was first of all a fight to privatize the wage relation, to assert that it is neither a master-servant relation nor a simple contract made on a case-by-case basis between two private individuals,

but a public matter affecting the collectivity and consequently giving rise to forms of collective action, public discussion, and legislative regulation. The “right to work” claimed by the workers’ movement of the nineteenth century first of all meant this: not the demand for assistance from a “welfare state,” to which some sought to assimilate it, but first and foremost the constitution of work as a structure of collective life, wrested from the sole reign of the law of private interests and imposing limits on the naturally unlimited process of the increase of wealth.

For, to the extent that it escapes the first indistinction, domination is exercised through a logic of the distribution of spheres which itself has two sources. On the one hand, it claims to separate the public domain from the private interests of society. To do so it declares that, even where it is recognized, the equality of “men” and “citizens” only concerns their relation to the constituted juridico-political sphere and that even where the people are sovereign, it is only through the acts of their representatives and governors. Domination works through the distinction between the public, which belongs to everyone, and the private, where the freedom of each prevails. But this freedom of each is the freedom – that is, the domination – of those who possess the immanent powers of society. It is the empire of the law of the increase of wealth. As for the public sphere thus allegedly purified of private interests, it is also a limited, privatized public sphere, reserved for the play of institutions and for the monopoly of those who make it work. These two spheres are only separated in principle the better to be united under the law of oligarchy. The American Founding Fathers and the French partisans of the *régime censitaire* [which restricted the franchise after the 1815 Bourbon restoration] indeed saw no harm in identifying the figure of the property-owner with that of the public man who can raise himself above the base interests of economic and social life. The democratic movement is thus in fact a double movement of the transgression of limits: a movement to extend the equality of public man to other domains of common life, in particular all those that govern the capitalist illimitation of wealth; and also a movement to affirm the belonging of everyone and anyone to this incessantly privatized public sphere.

This is where the much-commented-upon duality of man and citizen could be put into play. This duality had been denounced by critics from Burke to Agamben by way of Marx and Hannah Arendt in the name of a simple logic: if two principles instead of just one are necessary to politics, it is owing to some vice or trick. One of the two must be illusory, if not both together. The rights of man are empty or tautological, say Burke and Hannah Arendt. Or else they are the rights of bare or naked man. But naked man, the man who does not belong to a constituted national community, has no rights. The rights of man are thus the empty rights of those who have no rights. Or they are the rights of men who belong to a national community. They are then simply the rights of the citizens of this nation, the rights of those who have rights, and thus a pure tautology. Conversely, Marx saw the rights of the citizen as the constitution of an ideal sphere whose reality consisted in the rights of man, not naked man but proprietary man, who imposes the law of his interests, the law of wealth, behind the mask of the equal rights of all.