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Democracy and "the People"

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Democracy is *not* the government of the people, by the people. Rather, it is a permanent process of conquering new rights. This is the argument of Catherine Colliot-Thélène's book, which examines the tension, found throughout democracy's history, between individual emancipation and political affiliation.

Reviewed: Catherine Colliot-Thélène, *La Démocratie sans "Demos,"* PUF, 2011, 256 pages, 27 euros.

Every great work of philosophy, and particularly of political philosophy, seeks to disabuse its readers of some belief. Catherine Colliot-Thélène's valuable book asks us to abandon two definitions of democracy: that it refers to the government of the people and that it rests upon the people, in the sense of a group with a well-defined and stable identity. These two illusions, according to Colliot-Thélène, do not have the same philosophical or historical status. The interest of such a critique is that it can "free us from the utopia of a unitary *demos*" (p. 196) and suggest a conception of citizenship that is compatible with globalization, which multiplies the authorities with which citizens come into contact.

Democracy and the Myth of Self-Government

In defining democracy as the power of the people, the first illusion leads to the myth of self-government, which holds that the people have, at long last, freed themselves from domination and the most oppressive forms of power. For Colliot-Thélène, this illusion is indeed a myth, one that has never matched up with democracy's reality. Far from being a regime in which the people itself governs, democracy is nothing more than a particular arrangement of the asymmetrical relationship between government and the governed, an asymmetry that characterizes all forms of power. Thus democracy is not a regime blessed with the exceptional gift of eluding the clutch of power and domination. Democracy in the sense of self-government has never existed. Nor does it refer to a political ideal, that of a society which has finally become transparent to itself and which has purged itself of all power relationships. Our concrete experience of democracy, far from supporting the definition of democracy as self-government, in fact belies it: we, the people, do not govern; we consent to delegate our power to representatives. This leads Colliot-Thélène to conclude: "it is a self-evident truth that citizens' participation in the elaboration of laws counts for little in determining the content of these laws" (p. 8).

In critiquing the concept of self-government, Colliot-Thèlène thus denounces the illusion that democracy corresponds to an exceptional political regime, one that has uniquely managed, once and for all, to dissolve power by allowing citizens to participate fully in legislative decisions.

Rather, to understand democracy's true nature, one must examine the relationship between the individual and power. Democracy refers not to a society that has finally purged itself of power relations, but to a particular logic of power, in which individuals no longer find themselves in a face-off with power, forced to submit to its demands, but in which they become full-fledged participants in a capacity for collective action.

The People: Democracy's Subject?

The second illusion is not a myth, as it clearly belongs to democracy's actual history. Yet as democracy interacts with globalization, which alters power's location and strategies, its effects are in decline. The illusion is to cling to a representation of "the people" that was efficacious only at a particular historical juncture. The point is not to discard this conception of the people completely, but to reconsider it.

One must, of course, immediately dismiss one possible interpretation of the book's title ("democracy without the demos"). Needless to say, it does not mean that democracy would be better off without the people's power. The author does not subscribe to what Rancière calls the "hatred of democracy," which seeks to relieve democracy of that great inconvenience, the people, by handing power over to experts, and no one else.

The title can only be understood if we consider democracy from the standpoint of its history—above all, as a democratizing process based on the invention and extension of rights. Colliot-Thélène shows that this process creates a tension between two political subjects: the people as a national subject and the individual as a legal subject, i.e., a capacity to break away from group affiliations. This tension first appeared during the French Revolution. The latter was both a moment when "the people as a political force had no choice but to mold itself into the territorial structure of state power" (p. 96) and one in which individuals defined themselves, through the Declaration of the Rights of Man, as having the right to demand new political rights, which could potentially transcend the state structure. This tension is found in the Declaration of the Rights of Man and the Citizen: it refers, on the one hand, to citizens' rights, which can only exist within a national framework, and, on the other, to the rights of man, which transcend the nation insofar as they belong to humanity as such. We thus face a tension between the universal and the particular, in which "the rights of man are universal [and] the rights of citizens are always shaped by membership in a nation" (p. 99). Grasping the history of democracy in terms of this tension helps us to understand the nature of democracy itself.

Democracy and its History

Colliot-Thélène proposes to revisit the concept of the people by considering the tension, which is inherent to the history of democracy and law, between the people's territorialization, on the one hand, and their denationalization, on the other.

The people emerged as a political force at the moment when they were first integrated into the framework of state power. Citizenship, in this context, was narrowly defined: national affiliation proved decisive. Only through territorial frameworks could one exercise the rights of citizenship. This definition presents three major problems:

1 – This inclusive definition of citizenship presupposes the exclusion of non-citizens from political life.

2 – If individuals exercise their political power by virtue of their political affiliation with a nation, this means that this power has been conferred upon them. It does not belong to them by right, as individuals.

3 – We live in an age of supranational authorities. One effect of these authorities is to reduce the people's power, which is confined to the limits of a nation's territory. The proliferation of such authorities means not only that power can no longer be attributed to the people as a nation, but that the people are losing their political power.

To avoid these impasses, citizenship must be denationalized and deterritorialized. To do so, one need not search the political heavens for a new idea of citizenship; what is required is sensitivity to democracy's actual history.

This history coincides not only with the history of institutions, but also with the history of the subject. The history of the subject, as Colliot-Thélène rightly points out, tends to emphasize metaphysics at the expense of politics. Yet the modern idea of the subject is perhaps less based on metaphysical conceptions of subjectivity than on the juridical notion of personhood. Democracy represents the moment when personhood achieves individuation: if democracy has a history, it is thanks to the realization of juridical personhood through the conquest of rights.

This history begins with Hobbes. By distinguishing right from law, which, according to Colliot-Thélène, "anticipates the difference between subjective right and objective right" (p. 39), Hobbes promotes the subject of right. The subject of right is premised on a process of individuation which exhibits a capacity to possess and make legal claims. This capacity to make demands is tied to another faculty: that of extracting oneself from communal affiliations. Right must thus be understood less in terms of a logic of affiliation than in terms of a logic of emancipation and the demand for the "right to rights." In Colliot-Thélène's view, we owe such a conception of right to Kant, contrary to what is maintained in overly narrow interpretations of his thought.

With Kant, the process of "becoming a subject" offers history a genuine dynamic (p. 141). This process corresponds to the constitution of a juridical subject as both a bearer of rights and a voice that can demand the expansion of rights. By referring to Kant, Colliot-Thélène makes the following point clear: the modern political subject is based on a subjectification process that invigorates democracy. A parallel thus exists between these two dynamics: if democracy cannot exist without an uninterrupted logic of democratization, there can be no political subject without a permanent subjectification process through which individuals become citizens by demanding rights. Becoming a subject thus means acquiring freedom by extracting oneself from spiritual or political tutelage.

Democracy thus refers to a political space that makes it possible not only to extract oneself from these tutelages, but also to demand new rights. It is the connection between this twofold process of extracting oneself from unfree conditions and opening oneself to demanding rights conducive to equality and liberty that explain the dynamic of democratization.

Kant thus provides us with the modern definition of the subject. Or, rather, what makes one's subjectivity modern is the possibility of becoming an historical actor in a particular process of subjectification—that of extracting oneself from forces which confine the individual to restrictive affiliations.

Right and Political Participation

This admirable book offers many stimulating insights into democracy and its history. Even so, there are some problems with its use of law. Law, too, must be grasped in terms of a dynamic of civic demands. In other words, democratic law exists only if citizens possess the institutional means to make demands of those in power. This power of democratic demand-making is thus two-sided. On the one hand, there are subjects who make demands of those in power in the name of their own rights. On this issue, Colliot-Thélène is very illuminating: the demand-making subject corresponds to the creation of the legal subject. But there is also, on the other hand, the institutional authorities to whom citizens direct their demands for the recognition of new rights. This determination establishes the relationship between citizens who make the demands and the political, social, or legal institutions to which these demands are directed.

It is in this respect that the book can be somewhat evasive. Colliot-Thélène does allude to "new contexts of civic inventiveness" (p. 181), but one would have liked her to also define the new forms of political institutions that these "new contexts" demand. Democracy can also be understood in terms of the tension it creates between the people's constituting power and its organization into constituted authority. In this way, the need for political mediations that can give form and concrete existence to popular power is democracy's core problem. One may assert that the people's constituting power should remain pure, fully removed from any mediation or institution, as such intermediaries can only be bastardized and eroded forms of popular power. If so, then one limits democracy's definition solely to the constituting moment in politics, suggesting that it is viscerally incompatible with all forms of institutionalized power. Yet if one maintains that institutions (i.e., that which is "instituted") are simply the petrified form of popular power, democracy can be nothing more than a momentary political eruption.

Democracy only becomes concrete in the tension it creates between the people's actual power and the institutional means which enable it to demand its rights. To think democracy is to inhabit this tension, rather than fleeing it. This tension, moreover, sheds lights on the process of democratization: new rights are achieved only by creating new institutions which expand civic participation. Great attention to this twofold dynamic would have made it possible to problematize the democratic insistence on participation and political representation. Participatory democracy is not only a reactive concept, which emerges in opposition to the limits placed on representation; it also embodies some of the radical character of democratic right. This radical dimension founds right on an egalitarian logic—not only equal rights, but also the right to have access to every locus of political decision-making. It is also in the name of this radicalness that the concept of a national people can be subverted: political equality means equal power in decision-making, whether the institution in question is national or not.

Democracy cannot refer solely to the assurance of individual rights. For what constitutes democracy is not only the rights-bearing individual, but also the creation of groups that politicize

the social and economic space. Thus democracy only exists in movements of subjectification in which social groups are formed to politicize society as a whole. In saying this, one is refusing to conceive of democracy as a grand eternal idea that has realized its concept from Greece to the present day. Rather, it is through practices that democracy is created. Democracy refers less to the problem of the people's unity and identity than to practices of political participation which citizens have implemented to politicize society and create new political institutions. To analyze democracy, it is essential to identify the primary forms of collective life that are formed in society, like the crowed, the public, groups, the masses, social classes, and so on. These go unmentioned in Colliot-Thélène's book: if the collectivity created by the people tends to dissipate, what new collective forms might enhance citizens' capacities for politicization?

Consequently, if, faced with the new sites and strategies employed by economic and political powers, it has become necessary to denationalize citizenship, is it not just as necessary to revisit the concept of political representation in light of the concept of civic participation, which is increasingly demanded? This question would appear to be the main challenge democracy faces at present.

These questions in no way detract from the highly philosophical character of this book, which offers valuable assistance to anyone interested in democracy's history.

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