

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” almost as synonyms. The history of ideas, however, does not at all support this.

The great theorists of representation are Hobbes and Locke. For both, the people, in effect, contractually delegates its sovereignty to governments. For Hobbes, this delegation is total. But it by no means leads to democracy: on the contrary, it invests the monarch with absolute power (the “Leviathan”). For Locke delegation is conditional: the people agrees to give up its 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 incompatible with any representative regime. The people, for him, does not contract with the sovereign. The prince is only the executive of the people, which remains 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 that governs through him. Rousseau’s argument is very simple: if the people is represented, then its representatives hold power, in which case it is no longer sovereign. The 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., destroying itself. As soon as

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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. Under these conditions, popular sovereignty can only be undivided and inalienable. Any representation thus constitutes 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 nominal equality of the citizens, i.e., from the fact that they are all equally members of the same political unity. To say that the people is 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 all legitimacy as soon as it relates to ends or projects not corresponding to the general will.

Exactly the opposite is the case today. In liberal democracies, primacy is given to representation, and more precisely to whomever 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 whatever he judges best.

This system is the object of those criticisms that have always been raised against parliamentarism, criticisms that assume new urgency in current 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 unaccountability. Today, when decision-making power is increasingly allotted by nomination or co-optation rather than election, this oligarchy is further 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 legalist-positivist conception of legitimacy encourages respect for institutions as such, as if they constituted 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 legislation of the party in power. Likewise, the law's legitimacy cannot be guaranteed by the mere existence of jurisdictional control: it is also necessary that the law be legitimate, that it answer to the citizens' expectations, and that it serve the common good. Finally, one can speak of constitutional legitimacy only when the authority of the constituent power is recognized as always having the right to amend the laws' form or contents. That is to say that the constituting power cannot be completely delegated or alienated, that it continues to exist and that its authority is higher than the Constitution and constitutional laws, even if these are based on 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 organic democracy or embodied democracy. Such a reorientation appears even more necessary today given the general evolution of society.

The crisis of institutional structures, the 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 partial regulation of the globalization process; 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 and imply one another—offer a remedy for today's democracy deficit.

But the political scene is still changing. On the right we are seeing the rupture of the old "hegemonic block" because capitalism can no longer maintain its alliance with the middle classes—due to its belated modernization, the evolution of production costs, and the transnationalization of capital accelerated by the crisis. At the same time that the middle classes feel disorientated if not threatened, the lower classes are increasingly disappointed by the governmental policies of a left that, after disavowing practically all its principles, tends to identify 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 elements feel abandoned and betrayed by the parties of the left.

Moreover, the effacement of old points of reference, the collapse of models, the disintegration of the great ideologies of modernity, the absolute power of a commercial system that (may) ensure the means of existence but not the meaning of life, raise finally the crucial question of the significance of man's earthly existence, of the meaning of individual and collective life, in an age when the economy produces more and more goods and services with less and less labor, multiplying 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 terms of true participatory democracy. Indeed, in an increasingly "illegible" society, participatory democracy has the main advantage of 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 at the level of the great collective institutions (parties, trade unions, churches, armies, schools, etc.) for today they are all more or less in crisis and thus no longer able to perform their traditional functions 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 grassroots democracy.

The purpose of grassroots democracy is not to generalize discussion to all realms of life, but rather—with the input of as many people as possible—to arrive at new decision-making procedures in conformity with the requirements of grassroots democracy and the aspirations of the citizens. This is not merely a matter of opposing "civil society" to the public sphere, which would amount to increasing private influence and giving up political initiative for obsolete forms of power. Rather, grassroots democracy works 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 multiplication and flourishing of new public spheres of initiative and responsibility.

The referendum procedure (which results either from government decision or popular initiative and which is either 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 is sovereign. Voting *per se* is only a simple technical means of consulting and revealing opinion. This means that democracy is a political principle that should not be confused with the means it uses, any more than it is to 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 recreation of social bonds, it can help reconstitute today's weakened organic solidarity, repairing a social fabric frayed by the rise of individu-

alism, 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 legitimization 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 people's participation 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," René Capitant says, "is the individual act of the citizen acting as a 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: "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 active citizenship and popular sovereignty, could well be the best way to respond to the imperative of fraternity.

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