

Democracy : the Rule of Nobody?*

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The Sovereign People?

Among the most taken-for-granted propositions when discussing democracy is the claim that it is a special form of government by the people as a whole, rather than by any section, class or interest within it. Virtually all scholarly efforts to define democracy speak of it in this way. ‘Democracy is universally understood as a form of government involving “rule by the people”, which has essentially been its meaning since the term and practice were introduced in ancient Greece around 500 BC’, writes Robert Dahl.¹ Ask most citizens in actually existing democracies what they think democracy is or should be or claims to be, and they will concur. They will say : democracy is the power of the people, a type of political system or a way of governing in which decisions are based on the wishes of the people, or their representatives.

This idea of democracy as the rule of the people by the people and for the people is often attributed to Abraham Lincoln, but neither the deeper roots of the definition (which actually derives from the speeches of the American lawyer and politician Daniel Webster) nor the time-bound context in which he spoke those words are usually mentioned or understood. The consequence is that for most people the word democracy today functions as something of a cliché. That is not necessarily a bad thing, for clichés serve as shorthand communication devices among actors who otherwise may have little or nothing in common. Clichés facilitate trust and mutual understanding. Yet there are times when clichés typically have an obfuscating function : they serve to de-sensitise actors to their own lived history, to dull the brains or blind the eyes of

¹ Robert A. Dahl, ‘Democracy’, in Neil J. Smelser and Paul B. Baltes (eds.), *International Encyclopedia of the Social and Behavioral Sciences* (Amsterdam, Paris and New York 2001), p. 3405.

those who use them, sometimes to the point where the users become incapable of grasping what they are saying or doing. The cliché of *simple democracy* – democracy as the rule of the sovereign people – is a case in point. As we shall see, this cliché serves to blind contemporary democracies to their own novelty. It obscures the logic of some of their key institutional dynamics. It causes unnecessary disappointments among citizens and - paradoxically - encourages and legitimates forms of political behaviour that threaten democratic institutions and ways of life.

Democracy defined as the rule of the people by the people is a platitude that needs to be rejected – for the sake of democracy, which can and must be defined differently as *complex democracy*. To speak of complex democracy is to refer, both descriptively and normatively, to non-violent modes of power-sharing government and ways of life in which decision making and the distribution of power among citizens are based on the precept that *no body rules*. A bold redefinition of this kind is not a plea for ‘anarchy’, as might be thought when first encountering the words ‘no body rules’. It rather involves something of a rescue operation : rescuing both the language and radical spirit of democracy from the clutches of a cliché by giving the word a twist and redefining it in an altogether different and unfamiliar way. Such redefinition is an exercise in ridding democracy of an ideological cliché. To speak of democracy as based on the precept that *no body rules* is to bring democracy to the word democracy by confronting it with several powerful objections that can be raised against clichéd definitions of democracy as the rule of the sovereign people. Especially potent are three such objections – to do with the pre-Greek and Greek connotations of the word ‘democracy’; the long history of manipulative misuse and strategic abuse of the ideal of simple democracy; and its inappropriateness as a descriptor of contemporary

realities. When considered together, these objections point to the need to democratise our understanding of democracy by abandoning the normative cliché of *simple democracy* and replacing it with a descriptive and normative understanding of democracy as *complex democracy*.

Origins

Any contemporary effort to rethink the meaning of democracy must start by tracing the word democracy back to the Greeks, who are customarily thought to have invented the word and given it meaning. The platitude that democracy means the rule of the sovereign people usually points to its ultimate origin in or around classical Athens during the 6th and 5th centuries BCE. Most contemporary textbooks read by students and teachers concerned with the history of democratic theory and institutions repeat the point that this is where the history of democracy began. There is indeed an old and venerable tradition of doing so, yet new research calls this Myth of the Greek Origins of Democracy into question. It turns out not only that the arts of self-government sprang up much earlier, for instance in ancient Mesopotamia, where popular assemblies (*pu-uh-ru*) wielded power, including the election of kings.¹ Even the root of the word democracy pre-dated the ancient Greek city states. References (in the Linear B script) to the *dāmos* are evident during the Mycenaean period (c. 1500-1200 BCE), when it is used as a noun to refer to a group of former landowners who lose everything and are dispossessed of political power². The nuances need not detain us here, except to note a key point : that the

¹ See Geoffrey Evans, 'Ancient Mesopotamian Assemblies', *Journal of the American Oriental Society*, volume 78, 1 (January-March 1958), pp. 1-11.; Marc van de Mieroop, *The Ancient Mesopotamian City* (Oxford and New York 1999), especially chapter 6.

² H.M. Van Effenterre, 'Damos, Damioi et Damiorgoi', *Πεπρα. Ε' Δ.Κ.Σ.* I, 384-396. The term *damos* seems to have been one member of a family of terms, such as *damoklos* (referring to an official), whose meaning remains unclear within the archaeological evidence.

dāmos is a sectional or self-interested group that has its eyes on power, but is for the time being shut out from power.

That particular connotation of exclusion is carried over into the word *demokratia* (δημοκρατία) that was spoken in the various classical Greek dialects. That the past was to echo into the present should not be surprising when it is considered that those who principally referred to the *demos* were its fearful opponents. The term became common currency in a phase of transition when (most famously in Athens) politics was dominated by aristocrats locked in competition with themselves and with their opponents. What this self-styled class of *aristoi* had in common was their mostly hostile regard for a sectional group that was seen to be dangerous because it was property-less and hungry for political power. Such references help to explain why democracy (*demokratia* : from *demos* and *kratos*, rule) had so few intellectual defenders, and why its critics pointed to the *demos* as a potentially destructive force within the life of the political community.

Few observers have spotted that the negative connotations of the word *demokratia* – a form of polity defined by the exercise by some of self-interested or sectional power over others – are buried within the very word democracy itself. The verb *kratein* (κρατεῖν) is usually translated as ‘to rule’ or ‘to govern’, but in fact its original connotations are harsher, tougher, more brutal. To use the verb *kratein* is to speak the language of military manoeuvring and military conquest : *kratein* means to be master of, to conquer, to lord over, to possess (in modern Greek the same verb means to keep, or to hold), to be the stronger, to prevail or get the upper hand over somebody or something. Homer’s *Odyssey* and Sappho’s *Supplements* both use *kratein* in this way. The noun *kratos* (κράτος), from

which the compound *demokratia* was formed, similarly refers to might, strength, imperial majesty, toughness, triumphant power, and victory over others, especially through the application of force. The now obsolete verb *demokrateo* (δημοκρατέω) brims with all of these connotations : it means to grasp power, or to exercise control over others.¹

From the standpoint of today, these are indeed strange and unfortunate connotations. They bring us to a first major difficulty in simple-minded uses of the word democracy : that it is the carrier of exactly the opposite meaning of what most democrats today mean when they speak of democracy, in much more complex ways, as non-violent inclusiveness, power-sharing based on compromise and fairness, as equality based upon the legally guaranteed respect for others' dignity. Interpreted simultaneously with 'classical' and 'modern' eyes, the word democracy is untrue both to itself and to its users. It is a double-standard word. Like a double-agent that charms those around it into thinking that it is something that it is not, talk of 'democracy' invokes an original meaning that betrays what the word today conveys. For Greek commentators and critics alike, *demokratia* was a unique form of rule - note the accurate Latin translation of *kratein* with *regulare* : to control, to exercise sway over - in which the *demos* acts as a selfish body in pursuit of its own particular interests. Here the word *demokratia* has one thing in common with other contemporary words used to describe the rule of sectional interests – words like *aristokratia* (αριστοκρατία : aristocracy), *ploutokratia* (πλουτοκρατία: the rule of the rich) and *monokratoria* (μονοκρατορία monarchy, or the rule of a single person). To speak of *demokratia* is to point to a particular

¹ Homer, *Odyssey*, II 485, 13.275, 15.298; Sappho, *Supplements*, 9.5. See also Henry George Liddell and Robert Scott, *Greek-English Lexicon* (Oxford 1819), p.; and G.W.H. Lampe (ed.), *A Patristic Greek Lexicon* (Oxford 1961), p....In contemporary English, the suffix *-crat* is a carrier of these old connotations of force and bossing, as in sarcastic usages of words like 'bureaucrat', 'aristocrat' or 'egocrat'.

group whose particular interests are not identical with everyone's interests. In a *demokratia* the *demos* holds *kratos*,¹ which is another way of saying that it is prone to act forcefully, to get its own particular way by using violence, either against itself but especially against others. This is exactly what Plato meant by his remark that democracy is a two-faced form of government, 'according to whether the masses rule over the owners of property by force or by consent'². The unknown Old Oligarch had much the same thing in mind when dressing down *demokratia* as the rule of the lowest and most misguided section of the population, the *demos*, who sometimes strive to exercise power by making common cause with sections of the *aristoi*.³ When this happens, the people are ruled in their own name. *Demokratia* still refers to a form of sectional rule based on force but its emphasis undergoes a subtle shift, towards something like empowerment *through* the people. *Demokratia* is a form of polity in which the people are ruled while seeming to rule.

Strategic Abuses of Democracy

It may be objected that a genealogy of the word democracy is an exercise in antiquarianism or, worse, intellectual pedantry. The charge might be persuasive if indeed democracy as a form of government had been confined to the ancients. That was of course not to be, for the revival of

¹ Debrunner, *Geschichte der griechischen Sprache. I. Bis zum Ausgang der klassischen Zeit* (1953), p. 13 : 'demokratia ist aber die Staatsform, in der das Volk die Macht besitzt'. See also K.H. Kinzl, *Greece and the Eastern Mediterranean in Ancient History and Prehistory : Studies Presented to Fritz Schachermeyr* (Berlin 1977/1978), especially pp. 319-320...

² *Statesman* 291 D 1-29 A 4.

³ See the Old Oligarch, or Pseudo-Xenophon, *The Polity of the Athenians*, 2.19-20. (Until the 1930s, Xenophon had been thought to be the author of this text. Serious doubt about the authenticity of the author has since prompted scholars instead to attribute the authorship to an unknown Pseudo-Xenophon, or The Old Oligarch.) On the connotations of *demokratia* as the rule of a person or group whose power derives from the support – and hence mastery – of the people, see Walter Eder, in Ian Morris and Kurt A. Raaflaub (eds.), *Democracy 2500 – Questions and Challenges (...)* and Walter Eder, 'Aristocrats and the Coming of Athenian Democracy', available at <http://www.tu-berlin.de/fb1/AgiW/Hospitium/Eder.htm>

the discourse of democracy in the late sixteenth-century Low Countries prepared the way for the emergence of democratic institutions as a modern form of life – as a *sui generis* mode of organizing power. What is of interest here is that the divisive, exclusionary connotations of the word democracy did not disappear with its ‘modernization’. They were if anything resuscitated and strengthened by a political tendency that has in the meantime become something of a well-established pattern : the tendency of actors to invoke the word democracy, understood as popular sovereignty, as a handy weapon in the struggle for power over others.

François Guizot (1787-1874) was among the first to spot intellectually this paradox that modern democracy could degenerate into power grabbing. He was also to experience the process first-hand, for instance in the 1794 execution of his father by revolutionary forces, and again in the revolutionary overthrow of his own government in February 1848, both times in the name of ‘democracy’. In his two-volume *Histoire des origines du gouvernement représentatif* (1821-1822), Guizot pointed to the theological origins of the doctrine of the sovereign people.¹ ‘There is only one God’, wrote Guizot mockingly, ‘there ought therefore to be only one king; and all power belongs to him because he is the representative of God. The advocates of the sovereignty of the people say : There is only one people; there ought therefore to be only one legislative assembly, for that represents the people’ (p. 446). According to Guizot, the theological

¹ Translated as M. Guizot, *History of the Origin of Representative Government in Europe* (London 1852), from which page numbers are cited. Note that Guizot’s critique of popular sovereignty can be detached (as it is here) from his liberal-aristocratic defence of social and political inequality. Democracy understood as sovereignty of the majority is contrary ‘in the first place, to the fact of the inequality established by nature, between the powers and capacities of different individuals; secondly, to the fact of the inequality of capacity, occasioned by difference of position, a difference which exists everywhere, and which has its source in the natural inequality of men; thirdly, to the experience of the world, which has always seen the timid following the brave, the incompetent obeying the competent, in one word, those who are naturally inferior recognising and submitting themselves to their natural superiors’ (70-71).

reasoning of the advocates of popular sovereignty rests on a *non sequitur*. While there is only one God, absolute knowledge of his ways and laws are by definition forbidden to human beings, which is why room for multiple interpretations of God is necessary. ‘No actual power ...ought to be undivided, for the unity of actual power supposes a plenitude of rightful power which nobody possesses or can possess’ (446). Guizot noted that contemporary advocates of popular sovereignty ignore this precept. Convinced that the people are like God, their actions lead straight to despotism. Even when they concede that the people, unlike God, do not speak in one voice and with one resolve, and that therefore majority rule is necessary, the champions of popular sovereignty sanction the despotism of numbers and the bossing of minorities by majorities. In a strange way, Guizot argued, the doctrine of the sovereign majority rests upon a new species of the old aristocratic presumption that birth, not competence, should shape government. But the end result is violently at odds with the democratic intentions of democrats. ‘The sovereignty of the people is contradicted at the outset, by its being resolved into the empire of the majority over the minority...the sovereignty of the people is aristocratic despotism and privilege in the hands of the majority. The principle of the sovereignty of the people, that is to say, the equal right of all individuals to exercise sovereignty, or merely the right of all individuals to concur in the exercise of sovereignty, is then radically false; for, under the pretext of maintaining legitimate equality, it violently introduces equality where none exists, and pays no regard to legitimate inequality. The consequences of this principle are the despotism of number, the domination of inferiorities over superiorities, that is, a tyranny of all others the most violent and unjust’ (69-70).

For all his bias towards liberal elitism, Guizot had a point that would remain indefinitely relevant. Democratic populism was to mark the political life of many peoples of the nineteenth and twentieth centuries. It has proved to be a well-known modern phenomenon that remains alive in our times. Past examples from the modern history of democracy readily spring to mind. Some of them are well known for both their drama and world-shattering effects, as could be said of the rise, during the early phase of the French Revolution, of Jacobin radicalism, symbolized by Robespierre, who was catapulted into power by anti-parliamentary riots and then cleverly positioned himself at the summit of a pyramid of institutions by daily appealing to the support of ‘le peuple’ against monarchy and aristocracy.¹ Other examples drawn from the history of democracy are less well known, like the populist movement of Know-Nothings that rumbled through the American political scene on the eve of civil war.² Originally a secret organization named the Order of the Star Spangled Banner, the Know-Nothings – their sobriquet reflected their members’ strict observance of the rule that non-members should be told nothing of their aims and methods – soon formed a political party, the American Party, which at its peak boasted a million members and hundreds of chapters and lodges scattered throughout the northern states, and which managed to win gubernatorial elections in nine states and wrenched control of legislatures in at least half a dozen. Acting as ‘democrats’ in the name of ‘the people’, the Know-Nothings accused the party system of oligarchy – for a time they emerged as the main alternative to the Democrats - and opposed the extension of slavery. They also championed social reforms, like property rights for women and secular public education. Their heartland supporters were manufacturers

¹ François Furet, *Marx et la Révolution française* (Paris 1986), p. 86

² Alexander Keyssar, *The Right to Vote. The Contested History of Democracy in the United States* (New York 2000), pp. 82-87.

and merchants, professionals and unskilled workers, but everywhere the prototypical Know-Nothing was a native-born white adult male bigot with a bee in his bonnet about ‘immigrants’. In the name of the sovereign people of the American democracy, such men rounded on ‘immigrants’ as un-American types who drank alcohol, cast their votes for the Democrats, sold their votes or, worse, potentially mis-used them by encouraging the Catholics in their ranks to act as the Pope’s fifth columnists.

The hands of democratic populism were to be felt widely in the twentieth century. Some of it proved politically ineffectual or benign, as C.B. Macpherson showed for the case of the early 1930s Canadian Green Shirt movement, which rejected the ‘chatterbox’ parliamentary system, published a paper entitled *The Voice of the People*, organised open-air propaganda meetings at which its green-uniformed activists asked awkward questions of their opponents (who included ‘counter-revolutionary fascists’) and called for the nationalisation of banks and a ‘social credit revolution’.¹ Other calls for the mobilisation of ‘the people’ proved utterly destructive of parliamentary forms of democracy. The contemporary history of democracy contains numerous examples – from Mussolini’s Italy and the Third Reich through to Cambodia and Rwanda - of how political mobilization around the organicist rhetoric of ‘we, the people’ resulted in not just bossing and violence (*kratos*) but something more terrible : the murder of millions of innocents and the humiliation of many more through the withdrawal of their entitlements to have and enjoy entitlements.

¹ C.B. Macpherson, *Democracy in Alberta : Social Credit and the Party System* (Toronto 1962), pp. 130 ff.

The strategies through which organised murder came to be linked to talk of ‘the people’ were not always intended and they were in every case dependent upon the particular dynamics of the context in which the dastardly crimes were committed, certainly. But the uncomfortable truth is that in the history of modern democracy, beginning with the revolutionary events in France, the doctrine of popular sovereignty has recurrently been a partner in crimes against people. Simple democracy has not just been an innocent bystander. It has stirred up public passions, galvanised political support and generally served as a cover in the struggle for power over others. Simple democracy has blood on its hands and tattooed names on its body : Democratic Kampuchea; Radio-Television Libre Milles Collines (RTL); the Cultural Revolution; *Popolo d’Italia*; slogans like ‘democracy is essential to socialism’ (Lenin).

From the point of view of democracy understood as non-violent power-sharing – complex democracy - the differences between these more or less murderous outcomes remain important. But they also have a single implication : populist movements and parties have everywhere had doubtful results, which is why the Indian political thinker Rajni Kothari has rightly commented that political forces that appeal to ‘the people’ typically have anti-democratic effects. The resort by emergent or dominant power elites to plebiscitary politics tends to weaken institutions of representation (like communications media and political parties) by transforming them into organs of charismatic style, backed by force. Populism strengthens the repressive apparatuses of government and simultaneously destroys the role of people by turning thinking and

judging citizens into manipulable and crucifiable objects.¹ The Irish playwright Oscar Wilde used more pungent prose to put the same point. ‘Democracy’, he wrote, ‘means simply the bludgeoning of the people by the people for the people’.²

Democracy and Power Sharing

To point to the fact that democracy is the carrier of hubris – that its language was from the outset infected with force and that it has been a political phenomenon repeatedly plagued by demagoguery – is not to suggest that democracy is a bogus or worn-out or dangerously illiberal ideal. That kind of nineteenth-century objection to democracy, revived most recently by Fareed Zakaria in the name of ‘liberty’, is unconvincing, if only because of its explicit defence of social inequality and rule by expertise³. Suitably understood, in more complex ways, democracy is an irreplaceable political device for publicly monitoring and controlling the exercise of power. Much is at stake when we speak of democracy, and that is why its critical re-assessment is a vital condition of preserving and nurturing its ethical appeal and institutional viability.

The point can be put differently by drawing upon the language of bio-medicine. Democracy has within it a tendency to develop autoimmune disease. It produces disorders that are caused by its own anti-bodies. These have the potential to attack and to destroy the tissues of democracy. Bio-medical metaphors should of course be handled with great care when analysing socio-political realities, but the analogy of

¹ Rajni Kothari, ‘The Crisis of the Moderate State and the Decline of Democracy’, in Niraja Gopal Jayal (ed.), *Democracy in India* (New Delhi 2001), pp. 106-107.

² Oscar Wilde, *The Soul of Man Under Socialism* (1891)

³ Fareed Zakaria, *The Future of Freedom. Illiberal Democracy at Home and Abroad* (New York and London 2003).

autoimmune disease usefully highlights the key point of radically questioning the definition of democracy as the rule of the sovereign people : that one of the key political problems of democracy as we know it is to strengthen its immune system by cultivating various types of different antibodies that can protect it against its self-consuming diseases.

This is another way of saying that the ‘spirit’ and language and institutions of democracy – the way in which we think and act democratically – is urgently in need of democratisation. The particular suggestion here is that the inherited meaning of democracy as bullying others in the name of self-government and equality needs to be confronted and replaced with a different, more contemporary - and more visionary - understanding of democracy as a special type of polity structured by non-violent power-sharing, openness and a plurality of different ways of life that are considered equal. Fortunately, the task of democratising our understanding of democracy is helped by the fact that actually existing democracies are contradicting and eroding their own leading fiction that a sovereign political body called a *demos* is capable of acting and ruling in unison. This process is perhaps most highly advanced within the European Union, whose kaleidoscopic governing institutions are prompting recognition that the birth of a European *demos* has been prevented by the development of institutionally-specific and sectorally defined *demos*.¹ The European case is however not exceptional. Thanks to a whole range of power-dividing and power-sharing techniques, all actually existing democracies are having the long-term effect of eroding

¹ Heidrun Abromeit and Thomas Schmidt, ‘Grenzprobleme der Demokratie : konzeptionelle Überlegungen’, in Beate Kohler-Koch (ed.), *Regieren in entgrenzten Räumen* (Opladen 1998); and Heidrun Abromeit, *Democracy in Europe – Legitimising Politics in a Non-State Polity* (Oxford and New York 1998).

the originally democratic – fictional – presumption that an imaginary body called ‘The People’ can rule and be ruled in turn.

These power-dividing, power-sharing mechanisms are broadly of two analytic types : those whose origins and implementation are traceable ‘from above’ to *the fields of government and law* or, ‘from below’, to *the fields of civil society* (see Figure 1). The power-dividing and power-sharing mechanisms that operate in actually existing democracies can further be analysed by sub-dividing them into mechanisms that – ironically - were intended by their champions to *moderate or defeat the forces of democracy*, or were understood by the champions of democracy as *positive contributions to the cause of democracy*.

▼	▼
Legal/Governmental Innovations (elitist intentions)	Legal/Governmental Innovations (democratic intentions)
e.g. upper chambers	e.g. quota laws
▲	▲
Civil Society Innovations	Civil Society Innovations

(elitist intentions)	(democratic intentions)
e.g. corporatist mechanisms dominated by business, trade union and professional associations	e.g. civic initiatives based on recall and initiative mechanisms rights-based claims for freedom and justice

Figure 1 : Power-Sharing Mechanisms in Actually Existing Democracies

Governmental Innovations

From the field of modern government and law came elitist or explicitly anti-democratic initiatives that aimed, ‘from above’, at controlling and dividing democratic pressures by nurturing institutions that turned out later – despite the intentions of their architects - to win some measure of public legitimacy and to be accepted as a vital institutional precondition of democracy. Consider the case of the Japanese House of Peers (*Kizokuin*) which was established as the upper chamber of the Imperial Diet under the constitution of the Empire of Japan. The House of Peers was deliberately modelled on the British House of Lords and was understood by Ito Horobumi and other Meiji leaders as a vital counter-weight to the popularly elected House of Representatives (*Shugi-in*). Its basis of selection was explicitly aristocratic : its original composition included all imperial princes (*shinn*) and some lesser princes of imperial blood over the age of twenty; all princes and marquis over the age of

thirty; 150 representatives elected from the ranks of counts, viscounts and barons; 66 representatives elected by the 6,000 highest taxpayers; and 150 members nominated by the Emperor, in consultation with the Privy Council. With the addition of seats for representatives of the Imperial Academy (*Gakushuin*), the size of the upper chamber with limited powers had swelled by 1925 to 403 members. The House of Peers survived for nearly six decades (1889-1947), but following the military defeat of Japanese fascism, and the adoption of the new constitution, the chamber was preserved and yet transformed into an elected House of Councillors (*Sangi-in*), which cannot be dissolved, since only half its 247 members is subject to election at each general election, held every three years.

The Japanese case illustrates a broader historical trend : whereas restricted-franchise second chambers or ‘upper houses’ typically had their origins in the state-building efforts of courts, then were re-designed in modern times to serve as an emergency brake upon popular pressure, they were later, with the advent of the universal franchise, transformed into sites from which governmental power could be monitored and contested.¹ Some two-thirds of actually existing, stable democracies are today bicameral². Although the decisions and sometimes the form of their upper

¹ The transformation is anticipated in John Stuart Mill’s *Representative Government* (London 1861), pp. 325-326 : ‘ A majority in a single assembly, when it has assumed a permanent character...easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituted authority. The same reason which induced the Romans to have two consuls makes it desirable there should be two Chambers : that neither of them may be exposed to the corrupting influence of undivided power, even for the space of a single year. One of the most indispensable requisites in the practical conduct of politics, especially in the management of free institutions, is conciliation : a readiness to compromise; a willingness to concede something to opponents, and to shape good measures so as to be as little offensive as possible to persons of opposite views; and of this salutary habit, the mutual give and take (as it has been called) between two Houses is a perpetual school; useful as such even now, and its utility would probably be even more felt in a more democratic constitution of the Legislature.’

² Arend Lijphart, *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries* (New Haven and London 1999), chapter 11. During the second half of the twentieth century, New Zealand (1950), Denmark (1953), Sweden (1970) and Iceland (1991) abolished their upper houses. See Lawrence D. Longley and David M. Olson (eds.), *Two Into One : The Politics and Processes of National Legislative Cameral Change* (Boulder 1991).

houses remain controversial, the twentieth-century trend towards unicameralism has waned, in no small measure because of the growing recognition that the complexity of decisions requires more complex mechanisms of representation.¹ Thanks to the fact that these upper houses are chosen or appointed for longer periods of time than the lower house (in Canada and Britain, respectively, their members enjoy office until retirement or for life), and that they are constituted by means of a different basis of representation, they are supposed to be mechanisms that can bring a different or prudent perspective or ‘alternative ways of seeing’ to the process and substance of law-making. Most second chambers are formally subordinate to first chambers – the cases of the Italian, Swiss and United States second chambers are exceptions to this rule – but even then they typically have some powers of tabling and publicising disagreements, proposing or forcing amendments and generally double-checking ‘lower house’ legislation. In extreme circumstances, for instance in India or Norway, they can force a joint/plenary session of the two legislative houses. In the Dutch parliament, the second chamber, which is indirectly elected by the provincial legislatures, has an absolute veto over all proposed legislation. And the German second chamber, which is neither popularly elected nor equipped with a veto, exercises formidable checking powers based on the authority of its representatives, who are executives (usually state cabinet ministers) of the member states of the federation.

A second type of governmental block on the principle that an imagined *demos* can and should rule, either directly or indirectly, has been motivated by the stated desire to *increase* the ‘representativeness’ or

¹ D. Shell, ‘The History of Bicameralism’, *Journal of Legislative Studies* volume 7, number 1 (Spring 2001), pp. 5-18.

‘democratic’ quality of decision making. The tendency of certain democratically elected governments – for the sake of ‘democracy’ – to enforce *limits* on the power of certain voters in favour of other voters may sound self-contradictory, even absurd, but it is in fact quite in accordance (some would say necessitated) by the logic of democratic empowerment.

An example is the history of government commitments to drafting and enforcing quota laws. All proto-democracies and avowedly democratic governments have a long history of applying some form of geographical quotas that aim to ensure a minimum representation for (say) islands and densely populated or sparsely populated regions. Beginning with the introduction (in 1867 in New Zealand) of special or reserved seats for indigenous representatives, quotas have been regularly applied by governments to minorities defined by ethnic, religious, regional or linguistic cleavages. Indian democracy has implemented various examples : reserved seats for Scheduled Castes and Scheduled Tribes in the lower house of the Federal Parliament in numbers proportionate to the population of their state or union territory; provision for the nomination of two members drawn from the Anglo-Indian community to the lower house; and (based on 1996 legislation) reserved seats for Scheduled Tribes in the local governments (*panchayats*). Sometimes quota arrangements have far-reaching implications for democratic theory and practice. An example is the 1996 report of the Canadian Royal Commission on Aboriginal Peoples, which recommended an aboriginal parliament, a House of First Peoples - a third chamber alongside the House of Commons and the Senate - that would have the task of representing aboriginal peoples within federal government institutions

and advising the other two chambers on matters affecting aboriginal peoples¹.

Government-enforced gender quotas similarly highlight the fractured or ‘broken’ character of the body politic². Gender quotas, for instance those applied by national governments to political parties in post-apartheid South Africa or Belgium or Argentina, seek to overcome the structural and cultural barriers that prevent women from fairly competing against men for office. Designed to force political parties to field a minimum number of well-placed and electable women candidates, and so to produce a strategic shift from ‘equal opportunities’ to greater ‘equality of results’, quotas recognise the chronic over-representation of men (85% of all members of parliaments around the world are male) and the need to increase women’s representation in government. Whether or not quotas are deemed a temporary measure and whether or not – in the absence of networks among women politicians and candidates and improved financing and publicity for women’s campaigns - they have claws and teeth, or whether they result in the stigmatisation of women or encourage divisive splits among different groups of women, or produce new glass ceilings that prevent the percentage of women from rising above the quota requirement - are points that are not relevant here. Note only their subversive implications for the fiction that there could or should be a homogeneous *demos*. Gender quotas call into question abstract or blind talk of ‘the people’. They place practical barriers in the way of populist

¹ *People to people, nation to nation : Royal Commission on Aboriginal Peoples* (Ottawa 1996); also issued in Cree and Inuktitut, and in French under the title *À l'aube d'un rapprochement* (Ottawa 1996).

² See the Inter-parliamentary Union, *Participation of Women in Political Life. IPU Reports and Documents* 35 (Geneva 1999); www.quotaproject.org and www.ipu.org; Drude Dahlerup, ‘Using quotas to increase women’s political representation’, in Azza Karam (ed.), *Women in Politics Beyond Numbers* (Stockholm 1998); Anne Phillips, *The Politics of Presence* (Oxford 1995); and Mala N. Htun and Mark Jones, ‘Engendering the Right to Participate in Decision-making : Electoral Quotas and Women’s Leadership in Latin America’, in Nikki Craske and Maxine Molyneux (eds.), *Gender and the Politics of Rights and Democracy in Latin America* (London 2002), pp. 32-56.

politics. Gender quotas serve as a reminder that half the population is silenced, or rendered less than visible, or maltreated by generalisations. Such quotas imply that *women* representatives can better grasp the perspectives and interests of *women*. In short, they encourage public recognition of the fact that electorates comprise not just ‘citizens’ or ‘voters’ or ‘people’ but also *men and women*.

Civil Society Innovations

The second basic type of practical subversion of the sovereignty of the people principle originates ‘from below’, from the sub-governmental dynamics of *civil society*. Some acts of subversion are and have been driven by elitist motives wrapped in universalist claims, as can be seen for example in the history of ‘democratic’ forms of corporatist bargaining featuring displays of sectional power exercised by business, trade union and professional associations, at the expense of less-well-organised interests¹. Within and through such bargaining, privileged access is gained to government policy-making channels, senior administrative staff, and legal decisions. While the rules of *noblesse oblige* are meant to apply – in return for direct access to government, the bargaining organisation is required to secure the obedience of its membership – corporatist procedures produce biases. In the name of more ‘effective’ or

¹ Bottom-up, ‘democratic’ corporatism is only one form of the legally-sanctioned representation of social power, as is made clear in such works as Charles S. Maier, *Recasting Bourgeois Europe : Stabilisation in France, Germany and Italy in the Decade After World War I* (Princeton 1975); Charles S. Maier, ‘“Fictitious bonds...of wealth and law” : on the theory and practice of interest representation’, in Suzanne Berger (ed.), *Organizing Interests in Western Europe* (Cambridge and New York 1981); and Philippe C. Schmitter and Gerhard Lehmbruch (eds.), *Trends Towards Corporatist Intermediation* (Beverly Hills and London 1979). A more recent version of ‘democratic’ corporatism is the growth of quasi-government, that is, the delegation of governmental functions to bodies that promise increased efficiency and superior service by combining the working methods of public- and private-sector organizations; see Jonathan G. S. Koppell, *The Politics of Quasi-Government. Hybrid Organizations and the Dynamics of Bureaucratic Control* (Cambridge and New York 2003).

‘efficient’ policy making geared to the ‘national’ or ‘public’ interest, they give priority to organised social interests – often at the expense of individual citizens, political parties, voters and the unorganised of civil society.

The other form of civil society subversion of the sovereignty of the people principle is exemplified by civic initiatives that have the effect, ‘from below’, of making publicly visible the social heterogeneity of the polity – and the fictional character of ‘the people’. An example is the history of initiatives in the state of Oregon, which in the federation of the United States holds the record for the highest total number of state-wide initiatives (318 between 1904 and 2000), the highest average use per election (6.6 per election), and the highest number of ballots in a single year – 27 in 1912¹. In the name of ‘we, the people’, initiatives have constantly highlighted the ‘broken’ or ‘fractured’ quality of the civil society. Oregon is one of two states (the other is Arizona) where women won the vote by an initiative, which as well has been used variously during the past century to abolish the death penalty, to establish an eight-hour working day for employees in the public sector, to seek a ban on smoking, to provide government-supported old-age pensions and more recent efforts (led by Bill Sizemore, an initiative proponent nick-named Mr Initiative) to secure such policies as tax cuts, pay check protection and trade union reforms. There have even been initiatives to make the initiative process harder for citizens to use.

A parallel process of debunking the fiction of ‘the people’ is evident within what is arguably among the most important long-term developments in contemporary civil societies : the expansion of *rights-*

¹ David Schmidt, *Citizen Lawmakers : The Ballot Initiative Revolution*

based claims for the freedom and justice of citizens. Such claims have the effect of legally defining the entitlement of *individuals* and *groups* to live as *different equals* within a well-governed political community. Consider the pioneering effects of the 1950s campaigns to end racial segregation and discrimination in the United States. In that country, civil society strategies such as civil disobedience, non-violent resistance, marches, protests, boycotts, ‘freedom rides’ and rallies had effects. They attracted media attention (as in the Little Rock High School incident of 1957) and incited deep and bitter public controversies. There were continuing legal efforts to challenge segregation through the courts and numerous legislative initiatives - and spoiling efforts as well, including the unsuccessful attempt to block the Civil Rights Act of 1957 by the longest-ever filibuster in the history of the American Senate (a 24-hour and 18 minutes’ performance by Strom Thurmond, who began by reading the entire text of each state’s election laws). The 1964 Civil Rights Act and the 1965 Voting Rights Act were the watershed results : they declared illegal racial discrimination in public places, such as theatres, restaurants and hotels; required employers to provide equal employment opportunities; specified that projects involving federal funds could be cut off if there was evidence of racism; and established uniform standards (schooling to sixth grade) for establishing the right to vote, with new powers granted to the attorney general to initiate legal action against the violation of election laws.

The example of anti-racist legislation illustrates how citizens’ rights are in principle like trump cards that can be played against others – including majorities¹ - whose actions are perceived to violate one or more

¹ As Sudipta Kaviraj has pointed out, the principal enemies of democracy can turn out to be those who try in practice to squeeze the spirit and procedures of democracy into a majoritarian box – who ‘do not

categories of rights. Distinctions are often drawn by experts between negative and positive rights (for instance, my right that you do not insult me or injure my body, and my right that you honour your contractual obligations), and between impersonal rights *in rem* (for instance, in a thing, such as the right to exclude others from my private property) and more intimate rights *in personam* (for instance, my rights to *habeas corpus* or to freedom of public assembly or privacy in the company of others). Such distinctions are important in courts of law, certainly. But in each and every case, the discourse of citizens' rights defines obligations to recognise publicly that there are *social differences* and *public conflicts of interpretation* and *jurisdictional disputes* within the body politic. To claim rights is to draw lines against others and, thus, to reject empty talk of abstract First Principles like that of the homogeneous Sovereign People. The subversion of such fictions is reinforced by claims that refer to *natural rights* or *human rights* : these claimed entitlements (to life and limb and dignity, for instance) are said to exist not only in law, but also independently, through binding normative precepts that do not necessarily depend upon government approval or a legal code - or 'the will of the people' - for their validity.

The Rule of Nobody?

These various empirical trends and the preceding theoretical reflections on the double-standard word democracy and its definition as the rule of the sovereign people have powerful implications for the way we think about democracy. In a parallel study of the deep entanglement of the

want democratic government to be a complex arrangement in which majority rule is counterbalanced by a system of secure enjoyment of minority rights'; see Sudipta Kaviraj, 'Democracy and Development in India', in A.K. Bagchi (ed.), *Democracy and Development* (London 1994), pp. 123-124.

rhetoric and practice of democracy in large-scale violence, Michael Mann has proposed the need for further reflection upon the phenomenon of popular sovereignty.¹ His bundle of recommendations for how to avoid large-scale violence in the name of democracy are mainly practical : he suggests a combination of restrictions on arms sales, vigorous political and military intervention and swift prosecution of crimes against humanity. Mann points his finger at the ‘dominant Western system of liberal democracy’ and especially its fetish of free markets and territorially defined, majoritarian states. ‘Democracy is as problematic a form of political regime as any other’, he concludes.

The conclusion is both heavy-handed (are actually existing democracies just as ‘problematic’ as contemporary military regimes, or patrimonial dictatorships, or post-totalitarian systems, we may ask?) and vulnerable to the objection of historical insensitivity. The many different forms of modern democratic state go unrecognised – as they do in Carl Schmitt’s earlier critique of democracy, to which Mann’s bears more than a passing resemblance.² The contested history of the language of democracy is ignored. And the possibility of developing new democratic ways of thinking and acting is simply written out of Mann’s account. It is as if democracy as we know it (‘liberal democracy’) is democracy as it is and as it must be.

This reconsideration of democracy, by contrast, points to the urgent need for fresh thinking that could help rescue the conventional understanding

¹ Michael Mann, ‘The Dark Side of Democracy : The Modern Tradition of Ethnic and Political Cleansing’, *New Left Review* 235 (May-June 1999), pp. 18-45.

² Carl Schmitt, *The Crisis of Parliamentary Democracy* (Cambridge, Mass., and London 1985), p. 9 : ‘Every actual democracy rests on the principle that not only are equals equal but unequals will not be treated equally. Democracy requires, therefore, first homogeneity and second – if the need arises – elimination or eradication of heterogeneity.’

of democracy from its self-paralysing effects. At a minimum, or so I wish to argue, the self-paralysis and self-transformation of democracy forces us to see that actually existing democracies experience problems that cannot be resolved within the terms in which they were originally presented. It further implies that an empirical and normative redefinition of democracy is required in order to free democracy from the negative connotations of ‘ruling’ and a fictional sovereign subject called ‘the people’. This work of redefinition would not resemble the nineteenth-century liberal critique of democracy as a headstrong and perilous ideal that ‘by the help of a demagogue and a mystical faith in “the people” or “the masses”, leads to tyranny and the rule of the sword.’¹ The normative redefinition that is required is more radical, philosophically and politically speaking, in that it turns against democracy from within democracy. It amounts to something like an immanent critique of conventional understandings of democracy. Democracy would be rid of its connotations of sectional rule, bullying and force. It would instead come to be seen in historical terms as a unique form of self-government and a way of life that draws its strength from the precept that *no body rules*.

What would it mean to speak descriptively and normatively of democracy in this new way? Democracy would be understood first of all as an *idealtyp* that highlights the *disembodied* quality of decision-making structured by democratic procedures and ways of life. The notion of disembodiment needs some explanation. All hitherto existing political systems have either given central symbolic place to the physical body of their rulers and/or have imagined and described themselves through

¹ Benedetto Croce, ‘Liberalism and Democracy’, in *My Philosophy and Other Essays on the Moral and Political Problems of Our Time* (London 1951), p. 94.

metaphors of the integrated body. Think of the ways in which hard-core monarchies symbolically represented their power over their subjects¹. The physical body of kings was conceived both in the figure of God the father and Christ the Son. The body was divine and therefore immortal and unbreakable. It could not be admitted that kings died. Their bodies symbolised perfection. Like God and his Son, kings could do no wrong, which is why attempted violations of their bodies – through un-Godly acts ranging from unsolicited touching by their subjects through to attempted regicide – were harshly punishable. The body of kings also symbolised the unbreakable quality of the ‘body politic’ over which they ruled. Like God, kings were omnipresent and their bodies coterminous with the polity itself. Monarchs were God-given givers of laws. But they also resembled God the Son : sent by God to redeem humankind, kings had a ‘body natural’ – the sign of God in the world – as well as a body politic. Just like the persons of the Trinity, the two bodies plus the authority they radiated were one, inseparable and indivisible.

The body politics of monarchy had an unexpected off-spring. Morgan and others have shown how the modern doctrine of popular sovereignty was an inverted form of monarchic thinking : according to the early champions of popular sovereignty, some of whom were prepared publicly to commit the most radical of acts by seizing the body and chopping off the heads of all kings, monarchy rested upon the fiction of the sovereignty of a God-like body. That was a falsehood. It was rather the God-like body of ‘the people’ that was the source of all sovereign power and authority. *Vox populi, vox Dei*.

¹ See for example Ernst H. Kantorowicz, *The King's Two Bodies : A Study in Mediaeval Political Theology* (Princeton, N.J., 1957).

All subsequent populist versions of democratic politics were indebted to this semiotic transformation. Its direct effects even worked their way into the thoughts and actions of avowedly anti-democratic movements, parties and governments of the past century. Twentieth-century totalitarianism absorbed originally monarchic fictions of the (potentially) integrated body politic grounded in 'the people'. Consider the terminological ways in which the Bolshevik defence of 'the proletariat' and 'the people' commonly represented its 'class enemies' as 'fleas', 'bedbugs', 'insects', 'leeches', 'parasites', 'spiders' and 'bloodsuckers'. Consider the same tendency within fascism, stretching from Mussolini's view of *squadristo* as a controlled medical experiment to the Nazi euthanasia programme (1939-1941), which in the name of unifying the body politic through the controlling, cleansing and healing effects of violence led to the deaths, on Hitler's orders, of an estimated 100,000 German adults and children with mental disorders or incurable physical disabilities.¹ Or consider the seminal remarks of Pol Pot's 1949 pamphlet, *Monarchy or Democracy*, in which monarchy is denounced as 'a vile pustule living on the blood and sweat of the peasants. Only the National Assembly and democratic rights give the Cambodian people some breathing space....The democracy which will replace the monarchy is a matchless institution, pure as a diamond.'

Totalitarianism not only thrived on the fiction of a potentially unifiable body politic, 'pure as a diamond'. In the name of 'the people', it also put the body of the Great Leader on a grand pedestal for the grand purpose, like the monarchies of old, of establishing the ultimate source of wisdom, strength, knowledge and power. The embalming and public display of Lenin's corpse in the Soviet Union in January 1924 was a foretaste of

¹ See my *Violence and Democracy* (London and New York 2004), *passim*.

such practices, which reached something of a climax in the huge Memorial Hall (*Chi-nien t'ang*) edifice in T'ienanmen Square constructed in memory of the Great Helmsman of the Chinese people, Mao Tse-tung. This was no simple grave (*mu-tsang*) for a common corpse. It more than resembled the royal mausolea reserved for the Sons of Heaven who were at once elevated persons and divine personae in whose bodies time figuratively stood still. The T'ienanmen edifice preserves this custom for a revolutionary saint. It contains a marble statue and a crystal-covered sarcophagus containing Mao's remains, together with an inscription in the green marble of its southern wall : a telling phrase dedicated to the memory of 'our great leader and teacher Chairman Mao Tse-tung : forever eternal without corrupting (*yung ch'ui pu hsiu*)'¹.

Democracies understood as forms of government and ways of life in which no *body* rules dispense with such fetishes. Leaders are not thought to be identical with the roles they play – the body of George W. Bush is not identical with the office of President of the United States – and fun can and is often poked publicly at their bodies. Symptomatic of this irreverence is an old Chinese joke, traceable to democratically-minded Peking intellectuals, about a *t'u-pao-tzu* (bumpkin) from the countryside who comes to visit his city cousin, who takes him to see Mao's tomb. 'Ai-ya', says the bumpkin. 'It's so huge! Chairman Mao of course always wanted to be just like one of us. He never wanted to distance himself from the masses. So why have they built him such a big and imposing *ling-mu* (mausoleum)?' 'Oh,' replies the city cousin, 'just to prove that he's really dead.'

¹ See Frederic Wakeman Jr., 'Revolutionary Rites : The Remains of Chiang Kai-shek and Mao Tse-tung', *Representations* 10 (Spring 1985), pp. 146-193. The amusing political and engineering difficulties of *de-constructing* the world's largest statue of Stalin, in Prague, are analysed in my *Vaclav Havel : A Political Tragedy in Six Acts* (London and New York 2000), pp. 133-139.

Democracies can be irreverently harsh on their leaders¹. That they can do so is in no small measure because democracy has the effect of breaking apart and destroying believable fictions of ‘the body politic’. Under democratic conditions, the polity is understood to be permanently subdivided. There are human bodies in all their diversity, to be sure. But there is no ‘body politic’ and no body called ‘the people’ who hold it together. Whatever unity the polity enjoys is permanently questionable and constantly up for grabs because the exercise of power over others is limited. It is in this sense – this is the second meaning of the phrase ‘no body rules’ – that democracies dispense with *rule*. They set themselves the task of abolishing, or bypassing, the command-obedience relationships that lie at the heart of all un-democratic regimes, past or present. Under democratic conditions, nobody rules in the sense that those who exercise power – who *govern* - are subject to norms and mechanisms of power-sharing. They are prevented from bullying others, threatening them with violence, pushing and pulling them in to different shapes, as if they were mere clay in the hands of potters – or (as Aristotle would have said) as if they were mere chess pieces on a chess board. When democracies work well they *democratise* violence : they denature violent behaviour and the means of violence by making them publicly accountable to citizens. Their citizens name certain acts that were once considered legitimate – torture, rape, the beating of children - as harmful to others, as ‘violent’, which has the effect of rendering those harmful acts contingent, so encouraging efforts to erase surplus violence from the world².

¹ One example from early 2004 : Vice-President Dick Cheney (who suffers from a well-known heart complaint) suddenly retired from a Washington press conference with a grim look on his face, saying : ‘I feel laughter coming on.’ (Interview with Paul Berman [Tallinn, Estonia], 23 April 2004.)

² See John Keane, *Violence and Democracy* (Cambridge and New York, 2004).

Democracies' sensitivity towards violence and power-grabbing is encouraged by the fact that democracy is a system of separations, as Pierre Manent has observed¹. This is the third sense in which democracy is based on the precept that no single body rules. In democracies, everything seems separated and disconnected : civil society from government, representatives from those whom they represent, executives from legislatures, majorities from minorities, civil power from military and police power, parties from voters, consumption from production, journalists from audiences, workers from capitalists, lawyers from clients, doctors from patients. Both government and civil society are internally fragmented, and the multiple, criss-crossing separations that result are seen to be necessary conditions of citizens' equal freedom from concentrations of power. Complex democracies take the sting out of power. They resist obsessions for social unity and political concord. Those who wield power are reminded of their (potential) powerlessness. They are kept permanently on their toes, if only because of the complex push-pull dynamics set in train by differentiation. But that does not mean – contrary to Manent - that democracy is defined primarily by its separation of powers, by what Montesquieu called 'the effect of liberty'². Differentiation can be and often is the friend of *polyarchia* (πολυαρχία) : multiple sites of concentrated rule which are not subject to mechanisms of public accountability. Separations were a chronic feature (for instance) of the Ottoman Empire and the European feudal order, both of which contained forests of concentrated power. They were different forms of the same phenomenon of polyarchy, which underscores the point that

¹ Pierre Manent, *Cours familier de philosophie politique* (Paris 2001), chapter one.

² Montesquieu, *De l'esprit des lois*, book 11, chapter 6 and book 19, chapter 27.

differentiation alone does not produce *equality*, that separations can and do harbour the *inequalities* of command/obedience relationships.

Complex democracies are different. It is misleading to speak (as did Robert A. Dahl several decades ago¹) of democracies as *polyarchies*. Democracies certainly de-centre power relations into a plurality of differentiated institutions, but they do something much more radical than that. They yearn for the *equalisation* of freedoms. By de-legitimizing violent rule and by dispensing with fictions about ‘the people’ and a homogeneous body politic, they aim to control winners and to minimise and rotate losers. They introduce a definite randomness in the patterns of winning and losing : democracies require that individuals and whole groups are sometimes winners and sometimes losers. Democracies therefore thrive on the election of those who decide on matters of government and civil society through free, fair and frequent elections. Complex democracies multiply citizens’ votes. They transcend the principle that says ‘each person will count for one and no person for more than one’ by substituting the more complex understanding of citizens and their many particular activities and interests, so that the slogan ‘One person, one vote’ is turned into the principle, ‘One person as many votes as interests, but only one vote in relation to each interest.’²

Complex democracies – to repeat – are not synonymous with ‘anarchy’ or ‘chaos’. Understood as ways of ensuring that no body rules, they ensure that the powers that be make judgements, decide things and act on their

¹ Robert A Dahl, *A Preface to Democratic Theory* (Chicago and London 1956), chapter 3. Dahl’s original choice of the term ‘polyarchy’ was unfortunate, for note that the original Greek term *polyarchia* (πολυαρχία), by virtue of its dependence upon the verb *archein* (ἀρχειν : to command, to rule, used interchangeably with *kratein* [κρατεῖν]) is a carrier of exactly the same connotations of violent rule as *demokratia*.

² G.D.H. Cole, *Social Theory* (London 1920), chapter 6.

decisions, very often in most effective ways. But by means of multiple voting, complex democracies also ensure that the decisions that result are everywhere correctible, even reversible. Whether in the kitchen or in the religious community, in the boardroom or on the battlefield, exercises of power are never entirely legitimate in complex democracies. They enable group association and public criticism of power, wherever it is exercised, through such mechanisms as citizens' assembly and systems of free communications that provide access to alternative, independent sources of interpreted information. It is these mechanisms that in turn make possible not only citizens' comprehension of the connections among differentiated institutions, but also public control of the nonsense and hubris that they produce.

From time to time, thanks to these freedoms that ensure that no body rules, democracies come alive with protests. Every so often, they animate the feelings and excite the wishes and desires of some part of the population, especially among those who feel humiliated by the shameful concentrations of military, financial and media power in actually existing democracies. Especially in tense situations, the disaffected express their 'powerless hatred' (Stendhal¹) by railing against 'the system'. There is much talk of 'more democracy' and the need to return power to 'the people'. Sometimes the disaffected kick down against the powerless. 'Our Own People First' (Vlaams Blok), 'France for the French people' (Jean-Marie Le Pen), 'Austria for the Austrians' (Jörg Haider), cry the recent partisans of popular sovereignty. That is the point at which democrats - those who dislike rule, who cherish fair treatment and respect complexities - need to step in and draw lines. Simple-minded action in

¹ Stendhal [Marie-Henri Beyle], *Promenades dans Rome* (Paris 1829). Powerless hatred was seen by Stendhal as a trait that is specific to democracies.

the name of 'the people' always needs to be questioned, then stopped in its tracks. Freedom, equality and solidarity are neither divisible nor negotiable. They require defence - in the name of democracy, understood in a new way as a mode of governing and a way of life in which no single body is entitled to rule.