

Rosanvallon: counter-democracy, proposition, society

This paper considers Pierre Rosanvallon's theory of counter-democracy, in his text *Counter-Democracy: Politics in an Age of Distrust*.¹ This is done particularly in the light of the emergence of new forms of political action in the past half decade, such as Occupy, UK Uncut, 38 Degrees and The Rules. It begins by outlining Rosanvallon's account of the history of democracy in the light of his innovative identification of counter-democracy as integral to that history. It then moves on to a critique of this theory, drawing a number of criticisms focusing on both Rosanvallon's account of counter-democracy, and the manner in which he presents the relationship between counter-democracy and that which it counters, which he refers to as electoral-representation.

To begin with, I will justify Rosanvallon as a theorist worthy of analysis. In other words, why focus on Rosanvallon, and his theory of counter-democracy? He – and, more particularly, the theory of counter-democracy – is yet to receive appropriate attention in the Anglophone politics academy. In addition, the theory of counter-democracy, more specifically, speaks directly to the theme of this conference: The Party's Over? It addresses the place of political parties and electoral representation and their roles and historical transformation in our current conjuncture. In his theorisation, Rosanvallon has provided an innovative yet comprehensive account of the history of democracy. This historical account is particularly rich in content, and its analytical framework deepens our understanding of many of the seemingly incoherent and inchoate contemporary political events and tendencies. Rosanvallon indicates that it is his intention for his methodology to illustrate both the rigour of the political philosopher, and the curiosity of the historian. He has succeeded in this goal, and his account would yield rich dividends for all the various shades of political analysis, whether it be the scientist, philosopher, historian or theorist.

The following passage of this paper provides an outline of Rosanvallon's theory of counter-democracy, focusing on its conceptualisation, and in what forms it manifests itself. The name *counter-democracy* is somewhat counter-intuitive. It is not something that counters democracy, nor is it an alternative to it, as is the case with monarchy, dictatorship, and so on. It is a new and different way of conceiving of the history, theory and practice of democracy. Put most simply, democracy for Rosanvallon constitutes a package, involving electoral-representation and counter-

¹ Pierre Rosanvallon (2008) *Counter-Democracy: Politics in an Age of Distrust*. Cambridge: Cambridge University Press. This book was originally published in French in 2006, under the title *La contre-démocratie*, by Éditions du Seuil. All quotations that follow are from this book, and will be indicated simply by their page number.

democracy. In other words, counter-democracy and electoral-representation coexist with one another. Rosanvallon writes:

By “counter-democracy” I mean not the opposite of democracy but rather a form of democracy that reinforces the usual electoral democracy as a kind of buttress, a democracy of indirect powers disseminated throughout society – in other words, a durable democracy of distrust, which complements the episodic democracy of the usual electoral-representative system. Thus counter-democracy is part of a larger system that also includes legal democratic institutions and extend their influence, to shore them up (8).

Counter-democracy comprises three main forms of ‘democratic distrust’, which constitute three of the four parts of the text. These are: powers of oversight; forms of prevention; and, the testing of judgments.

Electoral-representation and counter-democracy constitute a package, for Rosanvallon, together they form an integrated system of democracy: “critical sovereignty and electoral-representative mechanisms together constitute a system capable of giving adequate expression to democratic experience.” (169) He continues: “[t]he exercise of powers of oversight, prevention, and judgment does not eliminate the “center stage.” Indeed, counter-democratic powers exist only in relation to the central power, which they challenge in some ways and reinforce in others.” (263) I will go on to argue that counter-democracy, according to Rosanvallon’s account, places far greater emphasis on reinforcing electoral-representation, rather than challenging it, whereas the likes of Occupy, UK Uncut, 38 Degrees and The Rules are far more intent in posing a more serious challenge to the prevalent hegemonic structure.

In terms of the history of democracy, standard accounts have emphasised the democratic struggle from the early nineteenth century onwards as one of increasing progress towards securing the universal suffrage. So, in Britain, for instance, the focus will be on the three Great Reform Acts of 1832, 1867 and 1884 and, what I consider the equally Great Reform Acts of 1918 and 1928 (known as the Representation of the People Acts), which saw the enfranchisement of women, the latter achieving age parity with men. It seemed clear that universal suffrage was the primary goal for democracy, and Rosanvallon argues that:

Throughout this long struggle it was expected that universal suffrage would yield everything people desired ... It would ensure the triumph of the general interest. (150)

Such a promise looks harder to justify looking back with our early-twenty-first century lenses on. Rosanvallon insists that those accounts that exalt the quest for full adult enfranchisement has obscured the additional activities associated with the development and history of democracy. These additional activities are, of course, counter-democracy.

So, instead of yielding people's desires and ensuring the general interest, contemporary elections have a decidedly different purpose: "[c]ontemporary elections are not so much choices of orientation as judgments on the past." (173) This is where the second form of democratic distrust or counter-democracy is most manifest. Elections are no longer positive choices between candidates; rather the contest has become about deselection, elimination and sanction.

In taking into view the three counter-democratic powers of oversight, prevention and judgment, our understanding of both the operation of politics in the present and the history of democracy become transformed:

The developments of powers of oversight, prevention, and judgment has profoundly changed the way modern political regimes operate. Such regimes can no longer be described solely in terms of their constitutional arrangements. To put the point another way, *democratic activity* now extends well beyond the framework of electoral-representative institutions ... The resulting system is complex but, in its own way, coherent. What these various counter-democratic powers have in common is that they describe a new architecture of separated powers and a much more subtle political dynamic than one ordinarily finds in political theory. (249)

Rosanvallon, in other words, is calling for a revision in our understanding of democratic history, which usually highlights a triumphant, linear story of progress, as universal suffrage is increasingly achieved. In its place is required a more complex account, which incorporates elements of modern democracy's pre-history – involving developments such as Magna Carta, and the development of consent and oversight in the thirteenth and fourteenth century Italian city-states – alongside the subsequent reversals and regressions that followed this initial moments of flowering and, finally and most importantly, the identification of different democratic powers and activities that exist below-and-beyond the institutional structures such as parliament, which collectively comprise electoral-representation.

Two final points are worth highlighting regarding Rosanvallon's account of counter-democracy. In the first place, although for the most part he exalts counter-democratic practices, in other places, he is far more ambivalent as to its efficacy. At one

point, he argues that contemporary counter-democracy has been transformed "into a banal form of opposition" which, instead of increasing citizen engagement through the requisite powers of oversight and criticism, "today's negative politics marks a painful and energy-sapping shrinkage of that activity". (190) He also identifies transparency as a key goal of counter-democracy, but proceeds to argue that this "new utopia" of transparency "engenders the very disillusionment it was intended to overcome". (258-9) This is because it constrains and transforms power, thereby limiting it from fulfilling any of the demands placed upon it. Finally, Rosanvallon recognises that counter-democracy has a dark side. This is revealed through the development of what he refers to as 'unpolitical' counter-democratic forms, most notably, populism.

The second and final point worth making is that at the end of the book, Rosanvallon introduces a third dimension of democracy that exists alongside electoral-representation and counter-democracy. He doesn't expand on this, so we can assume that such an elaboration will be the topic of another book. This third dimension Rosanvallon describes as "the institution of civil society by the political", which "involves reflective and deliberative activity aimed at elaborating the rules that define a shared world." (290)

Having provided a brief outline of Rosanvallon's complex and engaging account of counter-democracy, this paper now turns to a critique of this. It does so by isolating eight problems.

In the first place, Rosanvallon is all too willing to present the ascendancy of counter-democracy over-and-above electoral-representation. He regularly depicts electoral-representatives as on the defensive, responding to the challenges posed by counter-democracy, and amending – even abandoning – policy as a consequence. The following quotation is illustrative of how he regards the relationship between the two, in which Rosanvallon refers to the panopticon as theorised by Michel Foucault:

We should not ... underestimate the inverse phenomenon, namely *the surveillance power of society*. Counter-democracy employs control mechanisms similar to those described by Foucault but in the service of society. Vigilance, denunciation, and evaluation are its three principle modalities. (32)

While the presence and efficacy of counter-democracy is unquestionable, serious questions can be raised as to whether it is in the ascendancy over electoral-representation.

In the second place, Rosanvallon presents counter-democracy as exclusively facing electoral-representation. A strong case could be made that, rather than facing electoral-representation, many counter-democratic movements and groups turn their attention

towards civil society or the electorate. Some do so exclusively, as is the case with Occupy and The Rules, while others face both civil society and electoral-representatives, as is the case with 38 Degrees and UK Uncut. For instance, 38 Degrees' greatest success was achieved through its 'Save Our Forests' campaign to prevent the Coalition Government's policy of privatisation, which attracted over half a million signatories. This example also points to the centrality of the policy of mobilisation for the four movements under consideration. To draw attention to the policy of mobilisation indicates that Occupy, 38 Degrees, UK Uncut and The Rules face the electorate or civil society, and that they prioritise this over-and-above facing electoral-representation. Rosanvallon even insists that counter-democracy is qualitatively different from older social movements in terms of membership – such as trade unions, which are reliant on expanding membership. Granted, both membership and involvement in these four and related movements is different from the relations trade unions forged with its members, but these activities constitute membership and involvement nevertheless. In short, counter-democracy, for Rosanvallon, is electoral-representative-facing.

This has a bearing on the third issue. As such, his intention is to make counter-democratic groups more like electoral-representation. That is, he wants to institutionalize and formalise the groups, movements and phenomena that comprise counter-democracy. He writes:

François Robert hit upon the most striking way of putting the issue. Adapting the much discussed idea of a fourth power, he, too, tried to define a mode of action somewhere between the ballot box and the streets. If the legislature grabs too much power, "What is to be done?" he asked. "The people are no longer active in large numbers and cannot be turned out. Is an insurrection therefore necessary? No, it is not. *What is necessary is an institution that takes the place of an insurrection*, that takes the place of the people, that is supposed to be the people, and that provokes or checks the action or inaction of all the constituted powers." An institution that would take the place of insurrection and of the people: the radical quality of this extraordinary formulation perfectly captures what was at stake in this attempt to define the shape of democratic thought. (140-1)

And suggests that we would,

do well to broaden our horizon in thinking about the possibility of democratic renewal. At the present time one task seems essential: counter-democratic powers need to be better organized ...

Historically, counter-democratic powers emerged in haphazard fashion, without any overall focus. (298-9)

So, Rosanvallon's aim is for counter-democracy to become less haphazard and to achieve focus, and this formalisation and institutionalisation occurs with the express intent of warding off insurrection. Yet one of the defining features of these four movements is to resist such easy formalisation and institutionalisation, and to retain a wildness, often with the express intent of eluding and evading the authorities. Their aim is to create, to establish new forms of activity, and to build new alliances.

In the fourth place, despite Rosanvallon's attempt to portray counter-democratic activity as preventive and oppositional, the activities of Occupy, UK Uncut, The Rules and 38 Degrees are not just oppositional, they are also propositional. The distinction between oppositional and propositional activity is also rendered by Rosanvallon as one between a "politics of distrust" and a "politics of ideas". The impossibility of the existence of demands and proposals from counter-democratic groups is reinforced by Rosanvallon's account of the purpose of elections in the electoral-representative realm. This purpose, as already highlighted, is deselection, sanctioning incumbents, and not proposing alternative, coherent projects and programmes. So, Rosanvallon writes that, "preventive power eventually came to define a negative sovereignty whose dominant characteristics often seemed reactive and destructive." (302) Rosanvallon aligns these 'reactive' and 'destructive' characteristics with populism, but the dichotomy he provides – between the preventive on the one hand, and the reactive and destructive on the other – entirely excludes the possibility of propositional, positive choices. So he writes that, "[i]t was through strikes that workers obtained the only true political power they wielded in the nineteenth century: the power of prevention." (152) But what of the gains achieved by the proletariat in the latter decades of the nineteenth century, and the first three-quarters of the twentieth? A whole array of victories were achieved in terms of rights, pay, benefits, reduced working hours, improved working conditions, and so on. These victories were not preventive, defensive and oppositional; they were advancements that resulted from offensive and propositional activity. In short, if, as Rosanvallon claims, politics and elections are not longer about positive choices – but are, rather, merely concerned with negative deselection – then we may well be in a realm of politics other than democracy, which necessarily entails the notion of choice.

Related to its purported inability to propose, lies a fifth problem with Rosanvallon's account of contemporary counter-democratic practices. This is the manner in which Rosanvallon

presents counter-democratic practices as sapping the life out of politics and the public sphere. He insists that:

At the national level what we find is *destructive legitimation* ... Political institutions retain their centrality, but their power is diminished. In the end, the power of the political to institute the social is undermined. Depoliticization in this sense *drains* politics of its substance. (264)

This quotation refers to undermining "the power of the political to institute the social", and draining "politics of its substance", and so on. Isn't this just another way of saying that – *contra* Aristotle – man is ceasing to be a political animal?

In the sixth place, Rosanvallon argues that the purpose of counter-democracy is "maintaining pressure on the government to serve the common good". (8) This, of course, presupposes that governments serve the common good. Irrespective of whether you conceive this to be the case, it is important to recognise that the notion of the common good – arguably the pivotal concept of political discourse in the Middle Ages, for instance – is a rare feature in contemporary political discourse. The only prominent figure that deploys it regularly is Giles Fraser. In addition, Rosanvallon quotes Judith Shklar approvingly, who sets the task of politics as the rejection of the *summum malum* rather than the search for the *summum bonum*. This seems to reinforce my point that even Rosanvallon recognises that the common good is a problematic concept in the contemporary age, which makes it all the more strange that he insists that the purpose of counter-democracy is "maintaining pressure on the government to serve the common good".

In the seventh place, Rosanvallon's account of the media – and the press, in particular – is problematic. He considers that the press mirrors the range of public opinion, and is an integral counter-democratic power, that is, one that is a nagging thorn in the side of electoral-representation. He writes that, "public opinion, which is polarized and expressed in a diffuse way through the media" (301) This is to indicate that, in the example of Britain, Murdoch, Dacre, Desmond and the Barclay brothers – who, between them, constitute some eighty per cent of the newspaper readership – represent the full range of public opinion, and that they didn't all line up behind Cameron at the 2010 General Election, that they are not all lining up behind Osborne and his 'deficit reduction' strategy, and will not support Cameron in 2015. In other words, both claims made by Rosanvallon – that the press is representative of public opinion, and that the press is a counter-democratic power, rather than one that props up electoral-representation – are dubious.

The final criticism that can be levelled at Rosanvallon concerns what is absent from his account. Although there is a wide historical sweep, the period that he is predominantly concerned with is the past three or four decades. This period is perhaps best characterised as neoliberalism. Alongside Rosanvallon's persistent reluctance to consider this, he is also keen to deny that apathy and the withdrawal to the private sphere are features of contemporary politics. Apathy is best aligned with disillusionment, whereas the withdrawal to the private sphere is better associated with the renewal of individualism that has occurred under neoliberalism. Despite this, Rosanvallon considers the increasing ascendancy of negative politics over recent decades as the "triumph of liberalism". He writes that:

The advent of negative politics also reflects a genuine triumph of liberalism. Indeed, liberalism emerged triumphant at the end of the twentieth century not as an economic ideology (expressing faith in the virtues of the market) but rather as a political philosophy with a cautious and circumscribed view of politics. (181)

Also, Rosanvallon's account is very much informed by the eclipse of majoritarian rule, and the demise of the notion of the general will. Instead, he approvingly points to the contemporary political concerns to protect minority groups. Yet, this trend has occurred within a context in which an oppressive minority – an oligarchy – has (re)emerged, prompting slogans such as Occupy's 'We are the 99%' to have added resonance.