

## PERMANENT SCANDAL

DANIEL BENSAÏD

### Theater of Shadows

The end of the long wave of post–World War II expansion, the revelations about the extent of the Soviet Gulag, the horror of Cambodia, then the Iranian Revolution and the onset of the neoliberal reaction: there was a shift in world affairs starting around the middle of the 1970s. The protagonists of the cold war—capitalism versus communism, imperialism versus national liberation—faded from the billboards, and a new titanic struggle between democracy and totalitarianism was proclaimed to a drumbeat of publicity. Actually it was more like the restoration of the French monarchy, with the straightforward term *democracy* conferring a threadbare mantle of soft legitimacy on the unfolding of an interminable Thermidor. Yet, then as now, the victorious liberals clung to their secret mistrust of the specter of popular sovereignty lurking beneath the calm surface of

democratic formalism. Or not so secret. "I accept the intellectual rationale for democratic institutions," wrote Tocqueville in 1853, "but I am instinctively an aristocrat, in the sense that I condemn and fear the crowd. I dearly love liberty and respect for rights, but not democracy."<sup>1</sup> Fear of the masses and a passion for law and order are the real foundations of liberal ideology. Market despotism and its level playing field manipulate "democratic" discourse the way a ventriloquist manipulates his dummy, making it speak the lines he chooses.

So, in the waning century's theater of shadows, two abstractions, democracy and totalitarianism, were supposed to be slugging it out, while the contradictions at work below the surface of each were repressed.<sup>2</sup> Hannah Arendt, more circumspect, pointed out that "whatever the similarities, the differences are essential." Trotsky may have qualified Hitler and Stalin as "twin stars," and he may have conceived the "statization" (*l'étatisation*) of society as a form of bureaucratic totalitarianism with the motto "La société, c'est moi."<sup>3</sup> But he never lost sight of the social and historical differences without which no concrete politics is possible.

By one of those ironies with which history is so prodigal, democracy appeared to triumph over its evil twin at the very moment when the conditions that had made it appear that there was an organic link between constitutional freedoms and free enterprise were beginning to unravel. Over three decades of postwar prosperity, the wedding of parliamentary democracy and the "social market economy" under the liberal aegis appeared to promise a future of unlimited progress and prosperity and so to have exorcized at last the specter that had haunted the world persistently since 1848. But, after the crisis of 1973–1974, the postwar tide stopped advancing and began to recede, and that sapped the bases of what was sometimes called the Fordist (or Keynesian) compromise and the social (or "welfare") state.

With the debacle of bureaucratic despotism and "real" (i.e., unreal) socialism, the floating signifier *democracy* became a synonym for the victorious West, the triumphant United States of America, the

free market, and the level playing field. Simultaneously a full-scale onslaught against social solidarity and social rights and an unprecedented campaign to privatize everything were causing the public space to shrivel. Hannah Arendt's erstwhile fear of seeing politics itself, meaning conflictual plurality, disappear from the face of the earth, to be replaced by the routine administration of things and beings, was apparently coming about.

### The Return of the Good Shepherds

The widely trumpeted victory of democracy soon yielded a crop of new Tocquevilles voicing their ill-concealed dislike of it, reminding their readers that democracy meant more than just unfettered exchange and the free circulation of capital: it was also the expression of a disturbing egalitarian principle. Once again, from the likes of Alain Finkielkraut and Jean-Claude Milner, we heard the elitist discourse of a restricted group worried by the intemperance, excess, and exuberance of the common herd.

Once again we heard vaunting praise of hierarchies of genealogy and the nobility of divine right, as against full citizen equality prevailing over the common space. Once again we heard praise of the measured wisdom of pastoral government, as opposed to the disorder and the "criminal penchant" of democracy. We saw all the upholders of family values, moral values, educational values taking a stand in the name not of democracy but of the positivist Republic and "Progress through Order." Quickly they formed ranks to "dispel their dread that unnameable democracy might be, not a type of society that likes bad government better than good, but the very principle of politics, the principle that gave birth to politics by grounding good government on its own absence of ground."<sup>4</sup>

This holy league of "republican democrats" (*sic*) published an astonishing declaration under the fearful title "Have No Fear!" in *Le*

*Monde* for September 4, 1998. Good lord, fear of what? Of “action by organized blocs” and “social groups . . . eager to proclaim themselves enraged” so as to prevent the law from being applied. (One wonders: which law exactly?) To exorcize their fear of the social specter, these republican democrats apealed in chorus for “old-fashioned respect.” They invoked “deference to breeding, competence, leadership.” They expressed nostalgia for the tutelary figures of the “father” and the “lieutenant” (which to French ears connotes stern old-fashioned law enforcement). Their hatred of democracy betrayed giddy fear at the fragile legitimacy of all power and the anguished realization that a challenge to established rights may always be mounted by emergent ones.

### Malaise in Market Democracy

The next to voice disquiet after the virtuous republicans were the champions of market democracy. Pierre Rosanvallon diagnosed a democratic malaise, the symptoms of which included “the growing irrelevance of elections . . . the declining centrality of administrative power . . . lack of respect for public officials.” The triumph of democracy was just a prelude to its undoing: “Never has there been such a thin line between a positive outlook for democracy and the chance that it might go off the rails.”<sup>5</sup> “Menacing swerves” toward antipolitics or depoliticization could only be countered by “an affirmation of the properly political dimension of democracy.”

Observing how “society is composed more and more of communities bonded by adversity, kinship, situation, and converging historical trajectories,” Rosanvallon insists on the growing importance of compassion and victimhood. From these enumerations social class practically evaporates, as though its dissipation were an irreversible sociological fatality and not the result of political pressure (the ideological and legislative promotion of competitive individualism) on

the social realm. Hence the enigma, insoluble in the terms posed by Rosanvallon, of a democracy without quality for humans without qualities: how could a politics without classes be anything but a politics without politics? The narrowed temporal horizon of a present huddled over itself entails the annihilation of politics as strategic rationality, to the sole profit of instrumental and managerial rationality. No surprise, then, that Rosanvallon looks to an enlarged role for appointive as opposed to elective office and a proliferation of “independent authorities” as crutches for the tottering legitimacy of the vote.

### The Specter of “Real Democracy”

The indeterminacy of the signifier *democracy* leads to divergent, often opposed, definitions. Raymond Aron’s was minimal and pragmatic: democracy is “the organization of peaceful competition to hold the reins of power,” in which “political freedom” is a given, for otherwise “the playing field is tilted.”<sup>6</sup> There we have it, long before the defunct European constitutional treaty made it famous: the notion of the “level playing field” common to the working of parliamentary democracy and the free market. Who would deny, Claude Lefort chimes in, “that democracy is linked to capitalism while yet distinct from it?” Nobody, of course, the whole problem being to determine in what respects they are historically linked (the advent of territorial citizenship, the secularization of power and law, the shift from divine sovereignty over subjects to the popular sovereignty of the people over the people) and in what respects the former stands apart from, critiques, and surpasses the latter.

The problem was tackled by Marx as early as 1843 in his often misconstrued critique of Hegel’s philosophy of law and the State. In his Kreuznach manuscript, “his thought about politics and his thought about democracy appear closely tied.”<sup>7</sup> Whereas Tocqueville binds

democracy to the State (the “democratic State”) the better to detach it from revolution, the young Marx declares that “in real democracy, the political State would disappear.” Precociously there emerges the theme of the abolition or withering away of the State. But to claim that in “real democracy” the political State would disappear signifies neither a dissolution of the political into the social nor the hypostasis of the political moment as a form containing the universal: “In democracy none of the moments takes on a meaning that does not belong to it: each is really no more than a moment of the total *demos*.” Politics in this perspective is the strategic art of mediation.

Marx’s youthful intuitions were more than just caprices, soon to be dropped in favor of a starker vision of the conflictual relation between domination and servitude. “True democracy” is never entirely forgotten. It persists, says Miguel Abensour, as a “latent dimension,” the thread linking the youthful texts to the ones on the Paris Commune and the *Critique of the Gotha Program*.

### Politics a Rarity, Democracy Intermittent?

The self-contradiction and ambivalence of the democratic pretension have been thrown into strong relief by the pressure of liberal globalization. It’s no surprise that the critique of the democratic illusion, and Carl Schmitt’s critique of parliamentary impotence, have gained adherents and begun to take revenge on the humanitarian moralism triumphant only yesterday.<sup>8</sup> These radical critiques have a lot in common and may appear to overlap at times. But they aim at different, indeed diametrically opposed, goals.

Alain Badiou’s Platonizing critique of “the tyranny of number” and the majoritarian principle leads him to draw a contrast between politics and “the clash without truth of a plurality of opinions.” Jacques Rancière draws the contrast differently, between democracy as a permanently expansive movement and democracy the way it is

taught in political science departments as an institution or regime. Both appear to share the view that politics is rare and intermittent, belonging to the order of the exceptional event, not that of history and the administration of society. "There is not a lot of it," says Rancière about politics, and it is "always local and occasional." Both offer the same critique of elections as a reduction of the people to statistics. We live in an age of universal assessment, where everything demands to be quantified and measured, where only number has the force of law, where majority is supposed to equal truth, hence these critiques are necessary. But are they sufficient?

### Philosopher King

"I have to tell you that I absolutely do not respect universal suffrage for itself alone. it depends on what it does. Why should universal suffrage be the one thing in the world that merits respect independently of its outcomes?"<sup>9</sup> Alain Badiou's challenge to the supremacy of numbers and voting is a salutary reminder that a numerical majority is never proof of truth or justice. But he says nothing about social convention and juridical formalism, without which the law is never more than pure force and pluralism is at the arbitrary mercy of every individual.

Badiou's radical critique relies on identifying democracy with capitalism pure and simple, with the fungibility that makes everything on the market equal in value to everything else.

If democracy is representation, it is representation first and foremost of the general system that bears its forms. In other words, electoral democracy is not representative except to the extent that it is the consensual representation of capitalism, today rebranded "the market economy." Such is its corruption in principle, and one comprehends why Marx thought that,

faced with a democracy like that, the only remedy was a transitory dictatorship, which he called the dictatorship of the proletariat. "Dictatorship" is a loaded word, but it does shed light on the chicanery of the dialectic between representation and corruption.<sup>10</sup>

For Marx, though, dictatorship was not in the least the opposite of democracy, and when Lenin spoke of "democratic dictatorship" he didn't mean it as an oxymoron.

Badiou appears to contemplate a chain of discrete historical sequences, each unfolding and reaching its termination independently of the orientations and decisions of the actors, sustained by fidelity to an inaugural event.

The enemy of democracy was not the despotism of a single party (miscalled totalitarianism) except insofar as this despotism brought the first sequence of the communist Idea to an end. The only real question is how to begin a second sequence of this Idea, in which it prevails over the clash of interests by means other than bureaucratic terrorism. A new definition and a new practice, in short, of what was called the "dictatorship" of the proletariat.

In the absence of critical reflection, historical and social, on past sequences, this indeterminate novelty goes nowhere. All it does is refer us to a future experiment. It remains the case, though, that "nothing gets done without discipline," but "the military model of discipline must be surpassed."<sup>11</sup> In the article just quoted, Badiou invokes a third stage of communism, "centered on the end of socialist separations, the repudiation of vindictive egoism, a critique of the motif of identity, and a proposal for nonmilitary discipline." Upon what might this nonmilitary discipline rest? Unknown. Absent agreement democratically arrived at in view of a common project, it can only be

the authority of a religious faith or a philosophical doctrine and their word of truth.

Unlike Marx, Badiou does not take a stand at the heart of the effectual contradiction of the democratic theme so as to blow it apart from within. He discards it, pure and simple:

This point is essential: from the outset, the communist hypothesis coincides not at all with the democratic hypothesis and the modern parliamentarism to which it leads. It subsumes another history, other events. That which appears important and creative in light of the communist hypothesis is different in nature to that which democratic bourgeois historiography chooses to highlight. That is why Marx . . . stands apart from democratic politicking in maintaining, in the school of the Paris Commune, that the bourgeois State, no matter how democratic it might be, deserved destruction.<sup>12</sup>

Yes, but after the destruction? The tabula rasa, the blank page, absolute commencement in the purity of the event? As though the revolution did not weave together event and history, act and process, the continuous and the discontinuous. As though we were not always beginning again in the middle. The question left unanswered by Badiou is that of Stalinism and—though he doesn't confuse them—Maoism. "In Stalin's time," he writes in his anti-Sarkozy pamphlet, "it has to be said that political organizations of workers and people had an infinitely better time of it [in the West], and capitalism was less arrogant. There is no comparison." He meant to be provocative, clearly. If it is indisputable that workers' parties and unions were stronger "in Stalin's time," this bare observation supplies no basis for deciding whether that was *thanks to* or *in spite of* him or, above all, for stating what his policies cost movements of emancipation, then and now. Badiou is more prudent in an interview he gave to *Libération*: "My only tip of the hat to Stalin: he threw a scare into the capitalists."

That's still a tip of the hat too many. Was it Stalin who scared the capitalists, or something else, like the great workers' struggles of the 1930s, the worker militias of Asturias and Cataluña, and demonstrations by the Popular Front—in sum, fear of the masses? In a number of cases, not only did Stalin not frighten the capitalists, he aided them: one thinks of the days of May 1937 in Barcelona, the Hitler-Stalin pact, the big carve-up at Yalta, or the disarming of the Greek resistance.<sup>13</sup>

The critique of Stalinism in Badiou boils down to a question of method: “It is not possible to direct agriculture or industry with military methods, nor to pacify a collective society by State violence. What ought to be indicted is the choice to organize as a party, what one could call the party form.” Thus he winds up rehearsing the superficial critique of the disillusioned eurocommunists, who quailed at taking the full measure of the historic transformation that was occurring and chose instead to blame a partisan form and particular method of organization for the disasters of the twentieth century. So it would be sufficient to renounce the “party form”? As though an event as important as a bureaucratic counterrevolution costing millions of dead and deported did not raise questions of a quite different order, questions regarding the social forces at work, worldwide market relations, the effects of the social division of labor, the economic forms of transition, and political institutions. What if the party were not the problem but an element of the solution?

### The Irreducible “Democratic Excess”

Ignorant and/or lazy journalists have committed the utter nonsense of likening Jacques Rancière's preference for “democratic excess” to the kind of restricted “participatory democracy” associated in France with Ségolène Royal. The furthest possible thing from a “just order,” democracy for him is not a form of State at all. It is “above all this para-

doxical condition of politics, the point where all legitimacy confronts its own absence of ultimate legitimacy, confronts the egalitarian contingency that undergirds the inegalitarian contingency itself.” It is “action that unceasingly robs oligarchic government of the monopoly of public life, that robs wealth of its omnipotence over lives.”<sup>14</sup> It is “neither a form of government nor a mode of social life,” but rather “the mode of subjectivation through which political subjects exist” that “aims to dissociate political thought and thought about power.”<sup>15</sup> It is not “a political regime,” but “the very institution of politics.”

During a colloquy at Cerisy, it was put to Rancière that he supplies no practical guidance on strategic questions of organization and party; his reply was that he had “never taken an interest in the organizational forms of political collectives.”<sup>16</sup> Distancing himself from speculative leftism, he stresses the importance “of thinking politics primarily as the production of a certain effect,” as the “affirmation of a capacity” and the “reconfiguration of the territory of the visible, the thinkable, the possible.” In a subsequent interview, though, he adds some nuance: “It is not a question of discrediting the principle of organization and valorizing nothing but explosive scenes. My views stand apart from any polemic or opposition between organization and spontaneity.”<sup>17</sup> He aims principally to rethink what politics signifies: “Politics is, in the strict sense, anarchic,” by which he means: without primordial foundation.

### Withering Away of the State and/or Politics

Agnès Heller and Ferenc Feher experienced the Hungarian revolt of 1956 and bureaucratic despotism in eastern Europe at first hand, so they have solid grounds for their opposition to State fetishism. But they reject “the utopian vision of the total abolition of the State and its institutions.” This they regard “not just as an impossible undertaking,” but as a utopian one that would hinder the thinking through

of "alternative models of the State and institutions, in which alienation would progressively decline." "If the State engrosses society," democratic liberties are condemned to disappear. And "since a society expressing a homogeneous will is inconceivable, we must envisage a system of contracts ensuring that the will and the interests of all are taken into consideration. Hence we must envisage the concrete form that the exercise of democracy will take."<sup>18</sup>

This critique of bureaucratic totalitarianism, as we know, gave the "eurocommunist" parties of the 1980s theoretical justification for surrendering unconditionally to the dictates of ventriloquist capitalism. It does nonetheless highlight the obscurities and perils surrounding Marx's hesitant proposition that the State would or must "wither away." Six weeks of communal liberty in the spring of 1871 were enough to make Marx write that State power was "henceforth abolished." Abolished? That's a bit drastic. It would seem to contradict what Marx had to say in his polemics against Proudhon and Bakunin, in which he opposes the idea that an abolition, of the wage-earning class or the State, could simply be decreed. He sees it as more of a process, the preconditions of which were to be attained through the reduction of hours worked, the transformation of property relations, and the radical modification of the organization of work. Such expressions as the extinction or withering away (of the State) imply a process; like "permanent revolution," they place the emphasis on the link between act and duration.

The withering away of the State should not be interpreted as the absorption of all its functions by social self-management or the simple "administration of things." Certain "central functions" must continue to exist, but as public functions under popular control. Thus the withering away of the State does not signify the withering away of politics or the extinction of it through the simple rational management of society. It can just as well signify the extension of the domain of political struggle through the debureaucratization of institutions and permanent deliberation on public matters. Such an

interpretation is confirmed by Engels in 1891: the proletariat, he wrote, cannot keep itself from “gnawing” at the most harmful facets of the State, until “a generation that has grown up in new and free social conditions gains the capacity to do away entirely with the bric-a-brac of the State” It is not a question of abstractly proclaiming the abolition of the State by decree, but of assembling the preconditions allowing it to dispense with its bureaucratic bric-a-brac. The seizure of power is no more than a first step, a beginning, the onset of a process and not its completion.

### Rousseau’s Fault?

The effective contradictions of democracy (not its “paradoxes,” as Norberto Bobbio once wrote) are inherently present in the aporias (the formal contradictions) of the social contract. From the moment one accepts Rousseau’s premise that “might does not make right,” and that “one owes obedience only to legitimate powers,” the question of the ground of legitimacy arises and with it the insurmountable tension between legality and legitimacy. To appeal to the latter against the former is always an option, and we see the juridical impossibility this leads to in the right to insurrection written into the constitution of Year II of the French Revolution.

If liberty is “obedience to self-prescribed law,” it entails its own negation, to wit “the total alienation” of each individual member and all his rights to the community, for “in giving oneself over to all, one gives oneself over to no one.” Each voluntary associate puts his person “under the supreme direction of the general will,” and each becomes “an indivisible part of the whole.” Together they constitute a public person or “political body” called the State when it is passive and the Sovereign when it is active. Voluntary submission to impersonal law applying to all replaces the personal dependency and arbi-

rariness of the ancien régime. But the cost is an exacerbated holism in direct contradiction with the liberal presuppositions of contract and possessive individualism.

This contradiction emerges in the conception of “public possessions” to be set against the unlimited right of private appropriation. If the State is master of all the goods of its members by virtue of the social contract, it follows that every man “naturally has a right to what he requires” and that “the right of each individual to his or her own private property is subordinated to the right the community has over everything.” Or, as Hegel puts it, “the right of distress overrides property rights.” Hence the social pact institutes moral and legitimate equality between citizens “equal by convention and by right.” Rousseau was one of the first with the theoretical intelligence to bind the democratic question to the question of property.

The act of association is “a reciprocal engagement” between the public entity and individuals. It presupposes that each contracting member contracts with himself as a member of the State, a sovereign member, binding himself to a whole of which he is a part. But then the nature of the “political body” entails an impossibility: that the Sovereign could impose on itself a law that it could not itself break. “There cannot be any species of fundamental, obligatory law for the body of the people, not even the social contract.” In other words, the contract is always subject to revision, and the constituent power inalienable. From which there logically follows the codification in law of the right to insurrection.

The result is the impossibility of representation, since “the Sovereign, by the fact that he is, is always all that he must be.” If sovereignty is simply “the exercise of the general will,” it cannot indeed be alienated. Power may be delegated, but not the will. The Sovereign can will “from present moment to present moment” (*actuellement*), but not for the future, for it is absurd that “the will could shackle itself into the future.” Here we have the ground of “immediate democ-

racy,” where the Sovereign “can never be represented except by himself,” which Rosanvallon today rejects.

### Improbable Miracle

The general will is of course “always right” and always aims at public utility, but it does not follow that “the deliberations of the people always have the same rectitude”: “One never corrupts the people, but one often deceives it.” Hence there is no contradiction within the people, but there is deceit, manipulation, propaganda. It’s the original version of modern “conspiracy theory,” though the modern sort is missing the crucial notion of ideology.<sup>19</sup> It logically follows that, if “the general will can err,” it must be because of “prevarication” and “faction,” the intrigues of enemies of the people or “partial associations at the expense of the all-embracing association.” So, for the general will to manifest itself aright, it is necessary to ban any “partial association” (any party!) in the State, so as to allow “each citizen to speak for himself alone.” The formula, emblematic of confidence in the supposedly free and rational subject, converts easily into confidence in the fact that this sum of reasons culminates in Reason. From that to “Reason of State” is but a step.

In Rousseau, however, this confidence is immediately tempered by the idea that while “the general will is always right . . . the judgement that guides it is not always enlightened.” He looks for an answer to this troubling observation in pedagogy and education rather than within conflictual experience: when “the public wills the good but does not discern it,” it “has need of guides” capable of “showing it the right path” (!).

Hence the general will runs into a democratic deadlock. To set out the best guidelines for social life, “a superior intelligence would be necessary, perceiving all the passions of mankind and feeling none of them,” a sort of juridico-moral twin of Laplace’s demon. This inac-

cessible vantage point on totality would make the legislator “in all respects an extraordinary man in the State,” for he who commands the laws must not exert command over men. This legislator must resort to a different kind of authority, capable of “inducing without violence and persuading without convincing.” To escape from what Hannah Arendt called “the vicious constitutional circle,” Rousseau is thus driven to invoke a conventional transcendence—civic religion, which is supposed to bridge the gap between the homogeneity of the ideal people and the divisions among the real people, which he is unable to formulate as a class struggle. And, since “not everyone can make the gods speak,” Rousseau plays the joker in the deck, enlightened despotism: “The great soul of the legislator is the real miracle which must prove his mission.”<sup>20</sup>

### To Think the Institution

Where Rousseau’s thought halts, Saint-Just takes over, with his interrogation, on the eve of Thermidor, of the necessity of republican institutions: “The institutions are the guarantee of public liberty, they moralize the government and the civil state” and “ground the reign of justice.” For “without institutions, the strength of a republic rests either on the qualities of fragile mortals, or on precarious means.”<sup>21</sup> With the guillotine only a few days away, Saint-Just evokes all those who were vanquished in the struggle for emancipation; they “had the unhappiness to be born in countries without institutions; in vain they relied on all the force of heroism; factions, triumphant for a day, cast them down into eternal night, notwithstanding years of virtue.” For him, as later for Che Guevara, the “force of heroism” and the virtue of example were not enough to bridge the tragic gap between the constituent power and instituted democracy.

The experience of the “sad truths” of the revolution, wrote Saint-Just in this testamentary document, “made me conceive the idea of

shackling crime through institutions.” “Institutions have as their object the concrete establishment of all social and individual guarantees so as to avoid dissension and violence, and substitute for the ascendancy of men the ascendancy of morals.”<sup>22</sup> It is needful, he insists, as though sending one last message before sinking into the silence of eternal night, “to substitute, through institutions, the strength and inflexible justice of law for personal influence: then the revolution is consummated” Neither he, nor Che Guevara, nor Patrice Lumumba, nor so many others had time to resolve this mysterious democratic equation, the puzzle of which they have handed on to us.

“The social-historical [*le social historique*] is the union of and tension between instituting society and instituted society, between history made and history in the making.”<sup>23</sup> To what extent can society be endlessly instituting itself and thus escape the self-perpetuation of the instituted? Such “questions, the question of revolution, do not overleap the boundaries of the theorizable, but instantly locate themselves on another terrain, that of the creativity of history.”<sup>24</sup> And I would add: on the terrain of political practice where this creativity is exercised, in a profane history open to the uncertainty of struggle.

### The Stress of Uncertainty

Claude Lefort terms democracy a “form of society in which men consent to live under the stress of uncertainty” and “where political activity runs up against its limit.” By definition, it is exposed to the paradox of the skeptical relativist who doubts everything except his own doubt, to the point of becoming a dogmatic doubter, a doctrinaire of doubt. Conscious of this danger, Lefort admits that “relativism attains its highest degree when the point is reached where the value of democracy is queried.”<sup>25</sup> How to escape this uncertainty, inscribed as it is in the very principle of democratic equality?

The answer would be to “laicize democracy,” to pursue the transformation of theological questions into profane ones and so cease trying to reduce the political to the social, searching for a mythical lost unity. Such a pretension that the social might absorb the political completely, that a mythical “great society,” a primordial *Gemeinschaft*, might be regained, presupposes a homogeneous society that contrasts with the irreducible heterogeneity of the social. The experience of totalitarian regimes, Lefort states, teaches us the impossibility of imagining “a point of fulfillment of the social, where all relations would be seeable and sayable.”

From a stance almost diametrically opposed, Rancière also considers “the ideal reduction of the political by the social” as the sociological termination of the political, as a reduction of democracy to “the political self-regulation of the social.” In the 1970s “pure politics” and its ideologues returned in force, though this was presented as a revival of “political philosophy.” For Rancière this was a way of hiding the fact that “the social is not a proper sphere of existence, but a litigious object of the political.” There is a political (and imaginary or symbolic) institution of the social. And “the debate between the philosophers of the return of the political and the sociologists of its termination” was no more than a phoney debate “about the order in which the presuppositions of political philosophy should be taken so as to interpret the consensual practice of the annihilation of the political.”

### Secularizing Democracy?

Not to personify society, not to believe that it might act as a “body”—these were the pragmatic concerns of Walter Lippmann in the inter-war years, when he saw the political space being destroyed by the negation of class conflict in the interests of a popular State or “State

of the entire people.” “Society does not exist” he was finally provoked to say. For him, as for John Dewey, to laicize democracy was to reject any notion of the beyond, any transcendence, any next world, any ultimate foundation, and to accept the insurmountable uncertainty of political judgment. Dewey addressed himself to Trotsky on this point. For Trotsky, utilitarian morality, the justification of the means by the ends, was anathema; his focus was on the justification of the ends themselves, but ultimately the criterion he invoked was the class struggle. Dewey accused Trotsky of thus surreptitiously resorting to a factitious transcendence. There is no escape from the circle of interaction between ends and means, and political decisions always contain an irreducible element of uncertainty. We cannot not be involved, we have to place our bets.

Lippmann opposed mystical conceptions of society that would “prevent democracy from attaining a clear idea of its own limits and the goals it might actually reach.”<sup>26</sup> Its business is to resolve, prosaically and without a universal moral code, simple conflicts of interest. Lippmann cherished no illusion that some sort of correct popular will might be expressed through the ballot box, since voters have no time to “examine problems from all sides.” Some had hazarded the notion that, since politics is not a profession, the sum of individual incompetences could still make democracy collectively competent. Lippmann answered with skeptical lucidity that “there is not the slightest reason to think, as mystical democrats do, that the sum of individual ignorances could produce a continuous force capable of directing public affairs.” Since nobody can take an interest in all the issues, the ideal outcome would be for those directly involved in a dispute to reach agreement, the experience of “one who is party to a cause” being fundamentally different to the experience of someone who is not.

For Lippmann the inevitable conclusion was that the democratic ideal could never, on account of excessive ambition, lead to anything but disappointment and a drift toward forms of invasive tyranny. So

it was necessary to “put the public in its place” in both senses: remind it of its obligation to behave modestly and give it a seat in the grandstand, as a spectator.<sup>27</sup>

### Discordant Space and Time

For Rancière, representation is “fully and overtly an oligarchic form.” Right from the start it is “the exact opposite of democracy.”<sup>28</sup> For Cornelius Castoriadis, as for Lefort, “the disincorporation of power” implies, on the contrary, a “scene of representation.” Representative democracy is more than just the system in which the representatives participate in political authority in the stead of the citizens who have chosen them, imparting “relative visibility” to society at the price of sometimes quite severe distortions. Above all, it provides a designated space for controversy so that the common interest can prevail over corporatism. He sees its dynamic principle as “full recognition of social conflict, and of the differentiation of the political, economic, juridical, and aesthetic spheres, of the heterogeneity of morals and behavior.”<sup>29</sup>

Hence representation is seen as the consequence not just of society’s irreducible heterogeneity but also the unharmonized plurality of social spaces and times that grounds plurality and the necessary autonomy of social movements vis-à-vis both the parties and the State. Functioning like a gearbox, coupling discordant temporalities, or a mobile ladder connecting unarticulated spaces, the political struggle determines their always provisional unity, from the vantage point of totality.

Hence the extension of individual liberties becomes indissociable from the advent of a public space. When this public space withers, political representation becomes farce and buffoonery. During the interwar years it turned into what Hannah Arendt called an “operetta.” Or a tragic comedy.

Short of imagining the temporal and spatial conditions for direct democracy in the strict sense (without mediation) in which the people themselves are permanently assembled, or a system of drawing lots in which the designated individual performs a function without having any mandate conferred on him or representing anyone, delegation and representation are inevitable. It is true in a city, true during a strike, true in a party. Rather than try to deny the problem, it would be better to tackle it head on and search for the modes of representation guaranteeing the closest control of their mandatories by the mandators and limiting the professionalization of the exercise of power.

The 1921 debate between Lenin and the worker opposition is informative in this respect. Aleksandra Kollontay accused the party leadership of adapting to “heterogeneous aspirations,” of seeking input from specialists, of professionalizing power, of resorting to “peremptory control, the incarnation of an individualistic conception characteristic of the bourgeoisie.” She was perceptive enough to see, before others, the professional dangers of power and discern the nascent bureaucratic reaction taking shape. But her criticism, which was that these deviations were the result of concessions to the heterogeneity of society, presupposes the phantasm of a homogeneous society: with the privileges of property and birth abolished, the proletariat would be one body. Who is meant to ensure the creativity of the dictatorship of the proletariat in the economic domain, Kollontay asked: “The essentially proletarian organs which are the unions” or “on the contrary, the State administration, which lacks a living relationship with productive activity and, moreover, is *of mixed social background*?” “The core of the problem lies there,” she added.<sup>30</sup>

There the core does indeed lie. The upshot of doing away with territorially based representation (the soviets were originally territorial bodies)<sup>31</sup> was a tendency to transform the unions into adminis-

trative or statist organs and to hamper the emergence of a general will by maintaining corporatist fragmentation. From the pen of Kollontay, as from that of her partner Chliapnikov, there flowed denunciations of “variegation” and “mixed social composition.” They were denouncing concessions made to the petite bourgeoisie and the managerial class of the old regime (“these *heterogeneous categories* among which our party is obliged to tack and trim”). This phobia about mixture and motley is revealing of a dream of a sociologically pure workers’ revolution without hegemonic intent. Its paradoxical outcome was the single party, the incarnation of a single, unified class.

What Lenin was combating back then, in the guise of the worker opposition, was in reality a corporatist conception of socialist democracy, juxtaposing without melding the particular interests of localities, enterprises, and trade, while failing to isolate a general interest. It thus became inevitable that this network of decentralized powers and local economic democracy, which was incapable of proposing a hegemonic project for the whole of society, should be crowned by bureaucratic Bonapartism. The controversy bore not on the validity of the partial experiences inscribed in the real movement aiming to abolish the existing order but on their limitations.

### On the Relativity of Number

Number has nothing to do with truth. It never has the force of proof. Majority rule can, by convention, bring debate to an end, but the avenue of appeal always remains open: against today’s majority from today’s minority, from the present to the future, from legality to legitimacy, from law to morality.

The radical alternative to the majoritarian principle, the drawing of lots, is no more than a “least-bad” option. It is not surprising that the idea should be bruited about once again, if only in mythical form,

as a symptom of the crisis of our current democratic institutions.<sup>32</sup> Rancière supplies the most serious argument for it “The deepest trouble conveyed by the word democracy,” he writes, is the absence of any title to govern. Democracy “is at the mercy of the god of chance,” it is the scandal of a superiority grounded in no other principle than the absence of superiority. Hence the drawing of lots is the logical conclusion. It has its drawbacks, no doubt, but all in all it is less detrimental than government by competence, collusion, and intrigue: “Good government is the government of equals who do not wish to govern.” As for democracy, it is “neither a society for governing, nor a government of society, it is properly this ungovernable thing upon which all government must, in the last analysis, discover that it is grounded.”<sup>33</sup> The straightforward substitution of sortition for representation would thus signify not only the abolition of the State, but of politics in the sense of deliberation out of which may arise proposals and projects to be accomplished.

Contrary to a tradition that preferred to see majorities as immanent manifestations of divine wisdom, Lippmann for his part defends a desacralized and minimalist conception of the vote. Casting a vote is not even the expression of an opinion, just a simple promise to support a given candidate. In line with the idea that the voter is competent only regarding that which concerns him personally, Lippman radicalizes the principle of delegation to the point of theoretically accepting the extreme professionalization—and monopolization—of political power. In other words, a *de facto* return to an oligarchic conception.

### Partisan Mediation

Rancière sees fatigue as the force “compelling people to accept being represented by a party.”<sup>34</sup> The blanket rejection of representation entails the categorical rejection of the very notion of party: political

parties are manifestations of a refusal to exist on one's own. In 1975 Claude Lefort saw parties as the very embodiment of corporatism. Unlike Castoriadis, at that time he rejected, out of principle, any manifesto or program tending toward an all-embracing vision. In 1993, having demonstrated, through unwavering support for NATO's war in the Balkans and Israel's occupation of the Palestinian territories, his commitment to the scenario of frontal opposition between totalitarianism and democracy, he opined that, however pertinent it might be, criticism of political parties should not "cause us to forget the constitutive need of liberal democracy for a representative system." While attributing an indispensable role to civil society's network of associations, he was now prepared to posit that "only competition among political parties brings out the general aspects of the aspirations of various social groups."<sup>35</sup> By an irony of history, he thus found his tortuous way back to the Leninist idea that, the political being irreducible to the social, it is determined in the last analysis by class relations operating through the party struggle.

As for Pierre Bourdieu, in his late years his rejection of democratic faith in the correctness of the mathematical sum of individual opinions lead him to logically reemphasize the importance of collective action, no matter what name was given to this collectivity. But a party is not a class, and class is never containable within parties that claim to represent it. So there is "an antinomy inherent in politics": the risk of plunging into alienation through delegation and representation, under the pretext of escaping alienation in the workplace. Because the dominated do not exist as a group (except statistically) prior to the operation of representation, they require representation somehow or other. This leads to an almost perfect vicious circle of domination and "the fundamental, virtually metaphysical, question of what it means to speak for people who would have no voice at all if one did not speak for them."<sup>36</sup>

A metaphysical question, indeed, or a false problem. It follows ineluctably from the tenacious prejudice to the effect that the domi-

nated are incapable of breaking out of the vicious circle of representation and speaking for themselves. Yet the dominated do speak up—and dream—in any number of ways. Contrary to what Bourdieu asserts, they exist in many modes, including the group mode, prior to the “operation of representation,” and the countless words of workers, women, and slaves bear witness to this existence. The specific problem is that of their political speech. As Lenin demonstrated, political speech is not a faithful reflection of the social, nor a code into which corporatist interests are translated. It has its own displacements and symbolic condensations, its specific sites and speakers.

### The Theological Annihilation of Political Parties

Today rejection of the “party form” generally goes along with a strong preference for ad hoc coalitions and fluid, networklike, intermittent and affinity-based forms. Such discourse is not all that new, being isomorphic to liberal rhetoric about free circulation and the liquid society. In her *Note on the General Suppression of Political Parties*,<sup>37</sup> Simone Weil was not content to adopt a pose of self-sufficient “partylessness.” She was prepared to suggest “starting to get rid of political parties.” This notion flowed logically from her diagnosis that “the structure of every political party” entails “a prohibitive anomaly”: “a political party is a machine for fabricating collective passion, for exerting collective pressure on everyone’s thinking.” Hence every party is “totalitarian in origin and inspiration.”<sup>38</sup>

She was expressing, from the standpoint of a revolutionary syndicalist, the same criticism of political parties we hear today. After the lived experience of the Spanish Civil War, the Hitler-Stalin pact, and the Stalinist “big lie,” she had her reasons: the horror she felt at the evolution of the great party machines of the interwar years and the stifling of political pluralism. Along with that went a strongly

expressed preference for “not joining up” (naively seen as a token of individual freedom) and “an unconditional desire for truth.” The latter is self-evidently linked to a religious conception of truth revealed by grace: “Truth is one.” “Only the good is an end.” But who proclaims this absolute truth and who decides on this sovereign good?

Abandon politics and one is left with theology: “The inner light always gives a manifest answer to whoever consults it.” But “how to desire truth without knowing anything about it?” That, admits Simone Weil, is “the mystery of mysteries,” the elucidation of which is purely tautological. Truth arises from the desire for truth: “Truth is the thoughts that rise up in the mind of the thinking creature uniquely, totally, exclusively desirous of truth. It is in desiring truth without preconceptions, and without attempting in advance to guess its content, that one receives the light.” Such a revelation through grace, such a quest for purity, lead inevitably to the paradox of authoritarian individualism: *à chacun sa vérité*. Rejecting any collective authority, it ends by arbitrarily imposing its own authority. So for Weil “the suppression of political parties would be a virtually unalloyed good.”<sup>39</sup> Indeed? What would take their place? Weil imagines an electoral system in which the candidates, rather than proposing a program, would limit themselves to proffering a purely subjective opinion: “I think this or that about this major issue or that one.” So no more parties, no more left or right, just a dust cloud of shifting opinions: those elected would associate and disassociate in accordance with “the way things naturally played out, and the movement of affinities.” To keep these fluid and intermittent affinities from crystallizing or coagulating, it would be necessary to go to the extreme of forbidding occasional readers of a magazine from organizing themselves into a society or group of friends: “Every time a milieu attempted to harden into a group by establishing definite criteria for membership, criminal charges would be laid once the fact

was established" (!).<sup>40</sup> Which leads to the question of who promulgates the law and in whose name such criminal proceedings would be launched.

The refusal of profane politics, with its impurities, uncertainties, and wobbly conventions, leads ineluctably back to theology and its jumble of graces, miracles, revelations, repentances, and pardons. Illusory flights from the sordidness of politics actually perpetuate impotence. Instead of pretending to wriggle out of the contradiction between unconditional principles and the conditionality of practical living, politics means taking a stand there and working to surmount it without ever suppressing it. Get rid of mediation by political parties and you will have the single party—even the single State—of the “partyless.” There is simply no way out.

Mistrust of the partisan mindset is legitimate. But it is an overreach to impute to a form, the “party form,” exclusive responsibility for the threat of bureaucracy and the ills of the century. The strong tilt toward bureaucratization is inherent in the complexity of modern societies and the logic of the social division of labor. It haunts all forms of organization. The suppression of political parties that Simone Weil calls for amounts to reverse fetishism, a flat organizational determinism that naturalizes the organization instead of historicizing it, instead of thinking through its evolutions and variations as a function of changes in social relations and the media of communication.

### Permanent Democratic Revolution

Contrary to what is widely believed, Marx was not voicing contempt for democratic freedoms when he characterized them as “formal.” A jurist by training, he knew well enough that forms are not vacuous and have an efficacy of their own. But he did lay emphasis on their historic limits: “Political emancipation [recognition of civil

rights] is a great advance; it is certainly not the ultimate form of human emancipation in general, but it is the last form of human emancipation in the order of the world as we have known it to date.”<sup>41</sup> For him the task was to replace “the question of the relation between political emancipation and religion” with that of “the relation of political emancipation to human emancipation,” of political democracy to social democracy. The task of revolutionizing democracy, which became practical with the revolution of 1848, remains to be accomplished, if criticism of parliamentary democracy as it really exists is not to slide toward authoritarian solutions and mythic communities.

Rancière speaks of the “democratic scandal.” Why does he choose to call democracy scandalous? Precisely because, to survive, it must keep pushing further, permanently transgress its instituted forms, unsettle the horizon of the universal, test equality against liberty. Because democracy incessantly smudges the uncertain divide between the political and the social and stoutly challenges the assaults of private property and the infringements of the State on the public space and public goods. It must ultimately attempt to extend, permanently and in every domain, access to equality and citizenship. So democracy is not itself unless it is scandalous right to the end.

## NOTES

### 1. The Democratic Emblem

1. The corresponding passage will be found in *The Republic* book 8, 561d. The version supplied here is from the complete hypertranslation of *The Republic* into French on which I am presently engaged, for publication at the end of 2010. Its aim is to show that Plato is one of our foremost contemporaries. This passage in my translation is taken from chapter 7, "Critique of the Four Precommunist Politics." I naturally dispense with the division of *The Republic* into ten books, an irrelevant piece of textual fiddling perpetrated long after Plato by one or several Alexandrian grammarians.

### 2. Permanent Scandal

1. *New York Daily Tribune*, June 25, 1853.
2. See Enzo Traverso, *Le Totalitarisme: Le XX<sup>e</sup> siècle en débat* (Paris: Seuil, 2001).

3. Leon Trotsky, *Staline* (Paris Grasset, 1948).
4. Jacques Rancière, *La Haine de la Démocratie* (Paris La Fabrique, 2005), p. 44 English translation *Hatred of Democracy*, trans. Steve Corcoran (New York Verso, 2006).
5. Pierre Rosanvallon, *La légitimité démocratique* (Paris: Seuil, 2008), p. 317. See also Emmanuel Todd, *Après la démocratie* (Paris: Gallimard, 2008). Nicholas Sarkozy was elected president of the French Republic in May 2007. For Todd, Sarkozy is not the real problem, only the symptom of a “general wobbliness of democracy” resulting from the “disappearance of a powerful and stable shared belief system, religious in origin and anchored in localities.” As opposed to the empty space postulated by Lefort, Todd thinks that democracy is not viable in the absence of roots and traditions, and that it needs to be rooted once more, even at the risk of arousing identitarian mythologies, national or cultural. One asks: where, in a world of borderless financial flows and fiscal paradises, would you like democracy to be “rooted,” M Todd? And how do you keep this quest for origins and roots from degenerating into a cult of blood and ancestry?
6. Raymond Aron, *Introduction à la philosophie politique: Démocratie et Révolution* (Paris. Livre de Poche, 1997), p. 36.
7. Miguel Abensour, *La Démocratie contre l'État* (Paris PUF, 1997).
8. Carl Schmitt, *Parlementarisme et démocratie* (Paris: Seuil, 1988)
9. Alain Badiou, *De quoi Sarkozy est-il le nom?* (Paris: Lignes, 2007), p. 42.
10. Badiou, *De quoi Sarkozy*, p. 122.
11. Alain Badiou, “May 68 puissance 4,” in *À Babord*, April 2008
12. Badiou, *De quoi Sarkozy*, p. 134.
13. See Luciano Canfora, *La Démocratie: Histoire d'une idéologie* (Paris. Seuil, 2007)
14. Rancière, *La Haine de la Démocratie*, pp. 103–105
15. Jacques Rancière, *Au bord du politique* (Paris: La Fabrique, 1998), p. 13.
16. *La Philosophie déplacée, Colloque de Cerisy* (Paris: Horlieu, 2006).
17. Cited in Daniel Bensaïd, ed., *Politiquement incorrects: Entretiens pour le XXI<sup>e</sup> siècle* (Paris: Textuel, 2008).

18. Agnès Heller and Ferencz Feher, *Marxisme et démocratie* (Paris: Maspero, 1981), pp. 127, 237, 301.
19. See Isabelle Garo, *L'Ideologie ou la pensée embarquée* (Paris: La Fabrique, 2009).
20. Jean-Jacques Rousseau, *Le Contrat social* (Paris: Aubier, 1943), p. 187.
21. Louis de Saint-Just, "Institutions républicaines," in *Oeuvres complètes* (Paris: Gallimard, 2004), p. 1087.
22. *Ibid.*, p. 1091.
23. Cornelius Castoriadis, *L'Institution imaginaire de la société* (Paris: Seuil, 1999), p. 161.
24. *Ibid.*, p. 319.
25. Claude Lefort, *Le Temps présent* (Paris: Belin, 2007), p. 635.
26. Walter Lippmann, *Le Fantôme du public* (Paris: Demopolis, 2008), p. 39.
27. *Ibid.*, p. 143.
28. Rancière, *La Haine de la Démocratie*, p. 60.
29. Lefort, *Le Temps présent*, p. 478.
30. Alexandra Kollontai, *L'Opposition ouvrière* (Paris: Seuil, 1974), p. 50.
31. See Oskar Anweiler, Serge Bricianer, and Pierre Broué, *Les Soviets en Russie 1905–1921* (Paris: Gallimard, 1972).
32. See Canfora, *La Démocratie*.
33. Rancière, *La Haine de la Démocratie*, p. 57.
34. Jacques Rancière, *Le Philosophe et ses pauvres* (Paris: Champs-Flammarion, 2006), p. 204.
35. Lefort, *Le Temps présent*, p. 941.
36. Pierre Bourdieu, *Propos sur le champ politique* (Lyon: Presses Universitaires de Lyon, 2000), p. 71.
37. Simone Weil, *Note sur la suppression générale des partis politiques*, preface by André Breton (Paris: Climats, 2006). First published by Éditions de la table ronde in 1950, seven months after the author's death.
38. *Ibid.*, p. 35.
39. *Ibid.*, p. 61. In his preface, André Breton tries to attenuate this statement by replacing "suppression" with "banishment" (*mise au ban*). This he depicts not as an immediate legislative act but as a historic process,

the outcome of “a long enterprise of collective disillusionment” just as protracted as the hypothetical withering away of the State, politics, and law. But what to do in the meantime?

40. Ibid., p. 65.

41. Karl Marx, *Sur la question juive* (Paris: La Fabrique, 2006), p. 44.

### 3. “We Are All Democrats Now . . .”

1. Great brands, Patrick Ruffini reminds us, “evoke feelings that have virtually zero connection to product attributes and specifications.” This is as true of Nike and BMW as it was of Obama during the most recent U.S. election, <http://www.patrickruffini.com>, February 13, 2008.
2. There is no work on this subject superior to Sheldon S. Wolin’s *Democracy Inc.* (Princeton: Princeton University Press, 2008).
3. For a more extended account of the deep de-democratizing effects of neoliberal rationality, see my *Les Habits neufs de la politique: Neoliberalisme et neoconservatisme*, introduction by Laurent Jeanpierre (Paris: Les Prairies Ordinaires, 2007).
4. See Michel Foucault on governmentalization of the state in “*Society Must Be Defended*”: *Lectures at the College de France, 1975–76*, trans. D. Macey (New York: St. Martin’s, 2003).
5. This expansion is, in part, the issue of well-meaning activists who spy prospects for “winning” in the courts even though democracy may be an inadvertent casualty of their success.
6. See Gordon Silverstein, *Law’s Allure: How Law Shapes, Constrains, Saves and Kills Politics* (New York: Cambridge University Press, 2009) and “Law as Politics/Politics as Law,” a dissertation in progress by Jack Jackson, Political Science Department, University of California, Berkeley.
7. See my “Porous Sovereignty, Walled Democracy,” forthcoming in *La Revue internationale des livres et des idées*.
8. Indeed, this is the premise that even Hobbes struggles to gratify in his fabulous semantic ruses with authors, authorship, and authority, through which he manages to make us author the absolutism of the state which dominates us.

the outcome of “a long enterprise of collective disillusionment” just as protracted as the hypothetical withering away of the State, politics, and law. But what to do in the meantime?

40. Ibid., p. 65.

41. Karl Marx, *Sur la question juive* (Paris: La Fabrique, 2006), p. 44.

### 3. “We Are All Democrats Now . . .”

1. Great brands, Patrick Ruffini reminds us, “evoke feelings that have virtually zero connection to product attributes and specifications.” This is as true of Nike and BMW as it was of Obama during the most recent U.S. election, <http://www.patrickruffini.com>, February 13, 2008.
2. There is no work on this subject superior to Sheldon S. Wolin’s *Democracy Inc.* (Princeton: Princeton University Press, 2008).
3. For a more extended account of the deep de-democratizing effects of neoliberal rationality, see my *Les Habits neufs de la politique: Neoliberalisme et neoconservatisme*, introduction by Laurent Jeanpierre (Paris: Les Prairies Ordinaires, 2007).
4. See Michel Foucault on governmentalization of the state in “*Society Must Be Defended*”: *Lectures at the College de France, 1975–76*, trans. D. Macey (New York: St. Martin’s, 2003).
5. This expansion is, in part, the issue of well-meaning activists who spy prospects for “winning” in the courts even though democracy may be an inadvertent casualty of their success.
6. See Gordon Silverstein, *Law’s Allure: How Law Shapes, Constrains, Saves and Kills Politics* (New York: Cambridge University Press, 2009) and “Law as Politics/Politics as Law,” a dissertation in progress by Jack Jackson, Political Science Department, University of California, Berkeley.
7. See my “Porous Sovereignty, Walled Democracy,” forthcoming in *La Revue internationale des livres et des idées*.
8. Indeed, this is the premise that even Hobbes struggles to gratify in his fabulous semantic ruses with authors, authorship, and authority, through which he manages to make us author the absolutism of the state which dominates us.