Democracy and Distrust

A Discussion of *Counter-Democracy: Politics in an Age of Distrust*

Counter-Democracy: Politics in an Age of Distrust. By Pierre Rosanvallon. Translated by Arthur Goldhammer. New York: Cambridge University Press, 2008. 348p. $72.00 cloth, $26.98 paper.

Pierre Rosanvallon is one of the most important political theorists writing in French. *Counter-Democracy: Politics in an Age of Distrust* is a book about the limits of conventional understandings of democracy. Rosanvallon argues that while most theories of democracy focus on institutionalized forms of political participation (especially elections), the vitality of democracy rests equally on forms of "counter-democracy" through which citizens dissent, protest, and exert pressure from without on the democratic state. This argument is relevant to the concerns of a broad range of political scientists, most especially students of democratic theory, electoral and party politics, social movements, social capital, and "contentious politics." The goal of this symposium is to invite a number of political scientists who work on these issues to comment on the book from their distinctive disciplinary, methodological, and theoretical perspectives.—Jeffrey C. Isaac, Editor

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This is *not* just another book about the disorder, decline, or demise of "real-existing" democracy. Pierre Rosanvallon has been badly served by the title he chose originally and, presumably, imposed upon his translator. A much better one would have been *L'Autre Volet de la Démocratie,* or simply *L'Autre Démocratie.* For those of you who have heard for the nth time that "Democracy is not just about elections," shook your head in agreement, and subsequently wondered what this implied—this is indispensable reading. For his purpose is to explore the other side of liberal democracy, that is, the ways in which citizens exercise power alongside and beyond the ballot box.

Rosanvallon argues that democracy has not necessarily been in decline and certainly is not in danger of imminent demise; it has been changing (even in some respects improving), but in ways that do not involve electoral competition between political parties or the formation of governments by the winners. He identifies three generic mechanisms whereby citizens can hold their rulers accountable between elections and independent of their results: 1) oversight, 2) prevention and 3) judgment. Each of them may have ambivalent effects for the quality of democracy, he argues, and they are not novel, but they have all been expanding and diversifying precisely as the more traditional modes of representation have declined in significance. His guiding hypothesis is that "the inability of electoral/representative politics to keep its promises [has] led to the development of indirect forms of democracy" (p. 274).

The trilogy of oversight, prevention, and judgment provide the core components of his treatise. The categories are loose and overlapping, but Rosanvallon's explication of each is both original and (almost) convincing. The first refers to the various means whereby citizens (or, more accurately, organizations of citizens) are able to monitor and publicize the behavior of elected and appointed rulers; the second refers to their capacity to mobilize resistance to specific policies, either before or after they have been selected; the third refers to the trend toward "juridification" of politics when individuals or social groups use the courts and, especially, jury trials to bring delinquent politicians to judgment.

The author is a historian of political ideas—especially French ones—and it shows. Arguably, because of its Revolution, France is an unusually rich source of thinking about democratic institutions. The abrupt rupture with the past, followed by a protracted period of regime uncertainty, seems to have provided a powerful stimulus to original ideas. Few of them ever get applied, but the debates over alternatives are fascinating, instructive, and surprisingly apposite to contemporary issues. Rosanvallon is remarkable in his ability to exploit the pamphlets and

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speeches of relatively minor figures in French politics, especially in the nineteenth century, and to relate them to better-known ones, such as Louis-Auguste Blanqui, Jean-Antoine-Nicolas de Caritat Condorcet, François-Pierre-Guillaume Guizot, Charles de Secondat Montesquieu, and Abbé Sieyès. Benjamin Constant seems to be a particular favorite of his. British authors also come in for their share of attention, especially on legal issues such as impeachment, but those of the rest of Europe are barely cited. But what comes as a particular surprise is Rosanvallon's command of the work of recent American political scientists—both normative and empirical. The deft interweaving of these diverse sources is certainly one of the major accomplishments of the book.

Oversight (or *surveillance*) is divided into three parts: vigilance, denunciation, and evaluation (not to be confused with judgment, which is a more formal process). Increased education, awareness, and mistrust have led not to broader participation in traditional liberal institutions but to what the author calls greater "social attentiveness" by citizens. This, in turn, has generated more and more demands for transparency of information and accusations with regard to the honesty and good faith of politicians. He mentions only briefly the role played in this connection by a more alert and competitive press—something that I believe to have made a more independent contribution to the efficacy of denunciation in many countries. The fact that the French press has been notoriously weak in this regard may explain his lack of attention. I also would have thought that some explicit mention would have been paid to what seem to be the archetypical collective agents of vigilance, denunciation, and evaluation, namely, think tanks. Paradoxically, Rosanvallon was the founder of one of the most prominent ones in France, *la Fondation Saint-Simon,* and according to the book flap is currently the president of another, *la République des Idées.* He does comment briefly and insightfully on the rise of Internet-based systems of communication and assesses favorably their impact upon all three dimensions of oversight. Strangely, in my view, the author has relatively little to say about his third subcategory: evaluation. He assigns it exclusively to the technical process of bringing "expertise to bear on governmental management" as exemplified by the proliferation of independent accounting agencies, "benchmarking" exercises, internal review boards, and so on. What is democratic about these activities is a bit of a mystery to me—unless they eventually serve to increase the awareness of citizens and motivate them to intervene directly.

Prevention would seem to be the least problematic aspect of "other democracy." Rosanvallon observes (without further proof) that elections are no longer effective as a sanctioning mechanism—in large part because citizens do not regard parties and their ideologies as credible and because they continue to distrust the legitimacy of the politicians who win these elections. All they can do is to punish incumbents—which they do with greater frequency than in the past. Having dismissed parties and elections early on, he also has virtually nothing to say about another dimension of "real-existing" politics that seems to be expanding in recent decades, namely, that of interest politics. He is scornful of "traditional" groups that defend only the interests of their members and assigns no role to them in his conception of other democracy. The clue to this rather astonishing lacuna is to be found in his decidedly peculiar definition of politics: "Politics does not exist unless the range of actions can be incorporated into a single narrative and represented in a single public arena" (p. 23). In other words, everything that involves negotiation and compromise—whether in the drafting of laws or their implementation—is simply nonpolitical. One can, therefore, forget about self-regarding associations, as well as all sorts of secret societies, informal networks, and even cohorts of graduates from *grands écoles,* despite the empirical possibility that these organizations may play an important (if neither visible nor legible) role in exercising both oversight and prevention.

Fortunately, according to the author, a new mechanism has arisen to provide citizens with "the ability to resist the powers-that-be" continuously and on specific issues, namely, the other-regarding, legible, and visible associations and movements of civil society. Unfortunately, he laments, this form of toned-down resistance can be exercised only negatively under present circumstances. Due to a decline in the oppositional role of political parties rooted in class cleavages, these groups have become increasingly fragmented socially and politically and are, therefore, incapable of promoting positive solutions. Here, Rosanvallon may be reflecting excessively on the French experience where a weakly organized civil society, coupled with well-entrenched special interests (*les corporatismes*), has been singularly successful in preventing reforms. Elsewhere, in Western Europe and North America, civil society organizations have been capable of altering the public agenda and contributing to important policy changes in such fields as women's rights, environmental protection, and racial discrimination. In Eastern Europe, dissident groups in civil society made a very positive contribution to the process of democratization. On the other side of the ledger (but in many of the same polities), these associations and movements accepted, or at least did not attempt to veto, some of the most radical changes in economic policy since post–World War II reconstruction. Granted that many of them may have come to regret the support or tolerance they accorded to neoliberal deregulation, privatization, and removal of barriers to trade and financial flows, but one can hardly accuse them of being capable of asserting only "negative sovereignty."

Judgment is the least convincing of Rosanvallon's three mechanisms. He assigns most of the responsibility for it

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to the judicial system, although he does insist on "the people as judges." Jury trials are cited as a concrete example (even if they are diminishing in number and importance), and he makes some rather exaggerated claims for the "theatricality" of court rooms as archetypical public spaces crowded by "active spectators." Living in Italy, I can recognize some of these references, but my suspicion is that the more common evolution of judgment has been in the opposite direction. Not only are more trials ended by "out-of-court" settlements that no one witnesses, but there has also been a burgeoning resort to private forms of arbitration and dispute resolution. Granted that individual and collective actors have increasingly resorted to judicial proceedings due, in large part, to the increasing complexity of private contracts and public policies, I would hesitate to elevate this prosecutorial activity to a new realm of democratic politics.

This may be the only treatise on democracy, even on real-existing democracy, not to have a single mention of "equality" in its index (nor, incidentally, of "liberty" or "fraternity"). I can conclude only that, for Rosanvallon, *l'autre democratie* has no reason to be concerned about this. Access to its mechanisms of oversight, prevention, and judgment is unevenly distributed throughout the society, and even as a passive spectacle they afford little opportunity for mass publics to experiment with them. Ironically, for him, the worst possible outcome emerges precisely when its selective mechanisms burst their bounds and mobilize wider publics across a diverse set of issues. He calls this "populism" and is horrified about the prospect of its occurring. One could very well take the opposite position: It is the threat that the "staging" orchestrated by elites of the three mechanisms will escape their control that ensures a modicum of attention to those not able to actuate them. Populism becomes a necessary (if temporary) antidote to the intrinsic inequality built into other democracy.

The final section of the book deals with the embarrassing fact that "counter-power" is not institutionalized. It emerges erratically and indirectly, and its efficacy depends on a complex and unpredictable set of linkages between its various components. Obviously, this explains why it is accessible only to a restricted subset of citizens with the requisite capacity to gather information, publicize results, and produce credible judgments. In order for more citizens to participate effectively in other democracy, it would seem necessary to change the existing rules of "normal" democracy to encourage and allow them to overcome these barriers. The author explores this under the label "the modern mixed regime," but the results are disappointing. Some of the usual participatory and deliberative suspects are mentioned, but the reader already familiar with the literature on "redesigning" democracy will find nothing new and only platitudes, such as "the counter-democratic function must be pluralistic, but its pluralism must find embodiment at different organizational levels" (p. 300) or "better results might be obtained by requiring judges to explain their decisions in detail" (p. 306) or "The whole problem of democratic politics lies here: it cannot substantively exist without effort to make the organizing mechanisms of social life *visible*" (p. 310; emphasis in original). Rosanvallon claims to have produced "a new realist theory of democracy" and I agree that he has come perhaps closer than anyone to doing so, but his additional claim that this effort "leads to *realistic* proposals for overcoming our current political disillusionment" (p. 317; emphasis in original) is sadly unfulfilled.

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