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Publisher: Routledge

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Australian Journal of Political Science

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/cajp20>

Conceptualising Democracy

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Published online: 28 Mar 2013.

To cite this article: Roland Axtmann (2013) Conceptualising Democracy, Australian Journal of Political Science, 48:1, 118-128, DOI: [10.1080/10361146.2012.732212](https://doi.org/10.1080/10361146.2012.732212)

To link to this article: <http://dx.doi.org/10.1080/10361146.2012.732212>

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Review Essay **Conceptualising Democracy**

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Miguel Abensour, *Democracy Against the State: Marx and the Machiavellian Moment* (Cambridge: Polity Press, 2011), 200 pp., \$94.95, ISBN 9780745650098 (hbk), \$32.95, ISBN 9780745650104 (pbk)

John Dryzek, *Foundations and Frontiers of Deliberative Governance* (Oxford: Oxford University Press, 2010), 256 pp., £16.99, ISBN 9780199644858 (pbk), ISBN 9780199562947 (hbk)

Benjamin Isakhan and Stephen Stockwell (eds), *The Secret History of Democracy* (Houndmills, Basingstoke: Palgrave Macmillan, 2011), xi + 264 pp., £60.00, ISBN 9780230244214 (hbk), £19.99, ISBN 9780230375109 (pbk)

John P. McCormick, *Machiavellian Democracy* (Cambridge: Cambridge University Press, 2011), 264 pp., £18.99, ISBN 9780521530903 (pbk)

Ian Shapiro, *The Real World of Democratic Theory* (Princeton and Oxford: Princeton University Press, 2010), 304 pp., \$US78.50, ISBN 9780691090009 (hbk), \$US27.95, ISBN 9780691090016 (pbk), \$US27.95, ISBN 9781400836833 (ebk)

Democracy has a history. This is not a contentious claim. In textbook narratives, the beginnings of democracy as a type of political regime are located in the ‘assembly democracy’ of Athens in ancient Greece with the ‘invention’ of the political and the participation of the citizens of the *polis* in the shared exercise of rule. Republican Rome contributed to the democratic tradition the notion of a *res publica*, a common good or ‘the thing that belongs to the people’ as well as the idea of law as the ordering principle of the political community. With the fall of the Roman Republic, ‘popular rule’ disappeared in Europe to make a short re-appearance in Italian city-states around 1100 CE – only to give way after about the mid-1300s to oligarchic forms of rule in some of the major cities. In the late 18th century in the course of the American and French Revolutions the idea of democracy and its institutionalisation regained political momentum. Democracy, having originated in the city-state, had now to be reconceptualised and redesigned for the geographical expanse of the modern

state. ‘Classical’ democracy, based upon the direct political participation of citizens in the assembly, gave way to ‘representative’ democracy, in which political contestation became focused on competitive electoral politics and its mediation through parties and interest groups as mechanisms for the representation of ‘the people’ and particularistic ‘interests’, circumscribed by constitutional constraint and the separation and division of powers.¹

Robert Dahl, whose narrative of the historical trajectory of democracy I have been recounting, asserted that ‘democracy can be independently invented and reinvented whenever the appropriate conditions exist’ and that, therefore, ‘some form of democracy probably existed for tribal governments long before recorded history’ (Dahl 1998, 9–10; also Dahl 1989, 13–33). Charles Tilly concurred: ‘If, under the heading of democracy, all we are looking for is negotiated consent to collective decisions, democracy extends back into the mists of history’ (Tilly 2007, 29). It is therefore essential to be quite explicit and precise in one’s definition of the ‘idea’ or ‘concept’ of democracy. As is well known, Dahl kept his analytical focus on (the history of) the imperfect institutionalisation of the idea and ideal of political equality. This idea of political equality postulates that ‘the goals of every adult citizen of a republic are to be accorded equal value in determining government policies’ (Dahl [1956] 2006a, 32) and that ‘all members are to be treated... as if they were equally qualified to participate in the process of making decisions about policies the association will pursue’ (Dahl 2006b, 37). ‘Democracy’, for Dahl, then, is the institutional arrangement and the processes that are necessary (but always, ‘in the real world’, insufficiently developed) to actualise this idea and ideal of political equality.

The contributors to *The Secret History of Democracy* endeavour to distance themselves from the textbook narrative, and in particular from arguments of the ‘European’, or ‘occidental’, origins of democracy and the view that outside of Europe there has not been an indigenous democratic tradition so that democracy needs to be exported from the West to the rest. It is, however, not clear at all of what it is that the authors wish to start writing its ‘secret’ history. What ‘is’ democracy for them? Is it an ideal or principle (say, ‘political equality’ or ‘political autonomy’)? Is it a particular form of governance and institutional arrangement (say, popular rule, citizenship, or voting)? Is it a set of attitudes (say, willingness to participate)? Is it a form of behaviour (say, acceptance of the rule of law and being bound by a majority)? Or is it a set of civic virtues (say, appreciating other persons’ arguments)? Reading the editors’ introductory and concluding chapters, democracy is all of that (for example, pp. 2–3) – and the collected chapters bear witness to this very broad conceptualisation. It is, indeed, an important task ‘to consider the democratic potential found in all regions, in all cultures and in all historical epochs’ (p. 15). But such an empirical-analytical programme would necessitate, in my estimation, the formation of an ideal-typical conceptualisation (à la Max Weber) of ‘democracy’ in order to compare and contrast synchronically and

¹For recent concise treatments on the concept of representation, democratic representation and the future of representation see Brito Vieira and Runciman (2008) and Alonso, Keane and Merkel (2011).

diachronically democratic potentials, tendencies, practices or institutions of democratic governance as well as processes of democratisation and de-democratisation.

It is, for example, perfectly sensible – as is shown elegantly and convincingly in the chapters by Benjamin Isakhan and Stephen Stockwell – to ask how ‘original’ Athenian democracy was and whether there were Phoenician contributions to the Greek experiment with democratic forms; or to ask how ‘unique’ Athenian democracy was by comparing Athenian and Middle Eastern assemblies. At stake is the analysis of historically specific institutions. But when these authors speak of ‘democracy in the pure sense of the term’ (Isakhan, p. 27); or of testing the available evidence ‘about the deeper origins of democratic ideas and institutions’ (Stockwell, p. 35), then some ‘abstract’ notion (or concept or model) of democracy is required. However, each of the authors in this volume presents her or his own understanding of what ‘democracy’ means (for them) and, on this basis, the reader is treated to stimulating and excellent accounts of democratic forms of democratic governance in the Middle East (past and present), Ancient India and China, Medieval Iceland and the Early Venetian Republic, Uganda and South Africa, (Aboriginal) Australia and (for the Métis people of Western) Canada. A fascinating picture emerges of indigenous traditions upon which to build a democratic system in which collective decisions are made with free debate, where government consultation includes broad participation of equals, and democracy is a creature of the people rather than window-dressing by the one or few really in charge (as the editors sketch the key elements of a democracy in their concluding chapter, p. 222). The chapters thus confirm Dahl’s view that democracy can be independently invented and reinvented – although they do not attempt systematically to establish the conditions under which democratisation and democracy occur in a particular time and place. But, taken together, the contributions do not add up to a counter-narrative to the ‘traditional’ account because they lack methodological rigour and a shared framework of analysis; rather, they complement it.

Only John Keane’s chapter confronts conceptual issues of democracy head-on. Developing themes from his magisterial study on *The Life and Death of Democracy* (2009), Keane argues that we are living through the historical transformation of ‘representative democracy’ into ‘monitory democracy’. It is a new type of democracy, ‘a variety of “post-electoral” politics defined by the rapid growth of many different kinds of extra-parliamentary, power-scrutinizing mechanisms’ (p. 205). Elections, political parties and legislatures do not disappear in post-parliamentary politics, nor do they necessarily decline in importance; but they lose their pivotal position in politics. These power-monitoring, -restraining and -contesting as well as information-providing mechanisms range from citizen juries, public interest litigation, participatory budgeting, consensus conferences, workplace co-determination, weblogs and democracy cafes to citizens’ assemblies, expert councils, international criminal courts and global social forums. Keane lists about a hundred or so institutional innovations for the period since 1945 – and while one must fear that including sit-ins, kneel-ins, or freedom singing might open the door to simply listing innumerable forms of political (protest) activities (now reassigned the status of monitoring mechanisms),

there is no denying the fact that there has been a proliferation of extra-parliamentary bodies or institutions which endeavour to control power-holders and hold them accountable for their exercise of power. Yet, Keane's claim that this increase in, and the intensity of, 'power-scrutinizing mechanisms' has ushered in a new form of democracy is premised on a particular understanding of democracy that privileges 'accountability'.

Arguably, democracy is more than a cluster of institutions, practices and processes for organising public accountability of power-holders. Minimally but importantly, democracy has to do with selecting and authorising the public officials who, on the basis of this authorisation, are empowered legitimately (within political and legal limits) to exercise public authority. How this 'authorisation' is instituted is a central characteristic of a system of rule. Keane addresses neither the issue of the 'authorisation' of power-holders and decision-makers nor of the 'authority' and thus legitimacy of the power-monitoring bodies. If we followed Keane, the trajectory of democracy leads from 'assembly democracy', in which 'the people' as citizens directly took decisions on matters that concerned the political community, to 'representative democracy', in which the citizens as decision-makers are marginalised and 'representatives' take their place, to 'monitory democracy', in which the citizens' (elected) representatives are less central than monitoring bodies, whose authorisation is, however, often not clear but which nevertheless claim a 'popular' mandate to scrutinise the activities of power-holders.

In Keane's 'monitory democracy', participation is mainly considered in the form of monitoring and controlling of governmental activities and policy outcomes. In John Dryzek's (2010) model of 'deliberative democracy', in turn, participation is located mainly in citizen deliberation in public space on policy issues. Politics, for Dryzek, is rational problem-solving on the basis of deliberation. As a result of deliberation, democracy becomes rational – and so do the decisions on policy issues. The demotic vulgarity and ignorance of the under-informed and non-deliberative citizens in mass society require the purification of public opinion through deliberation, a 'filtering' process through which 'raw' opinion becomes 'refined', 'reflective' and 'enlarged' in a Madisonian way, not least through the reining in of 'irregular' and 'violent' passions (see James Madison's *Federalist Paper* #63, in Kramnick [1788] 1987; cf. also Fishkin 2009, 14–15; on passions: Dryzek, p. 36). The goal of 'deliberative democracy' is to achieve a higher degree of 'rationality' in decision-making, not a higher degree of popular participation in decision-making. Indeed, in the book under review, one looks in vain for a discussion of the citizen in a role other than that of a part-time and occasional 'deliberator'. The theory of deliberative democracy is, ultimately, premised on 'the total exclusion of the people in their collective capacity from any share [in government]' (Madison, *Federalist Paper* #63, in Kramnick [1788] 1987).

'Deliberative democracy' puts communication and reflection at the centre of democracy:

[C]ommunications are deliberative to the degree they can induce reflection about preferences that individuals hold, are noncoercive, able to relate the particular interests of individuals and groups to more universal

principles, and exhibit reciprocity, or communicating in terms others can accept (Dryzek, p. 136; see also pp. 34, 75, 125; also Fishkin 2009, 33–43).

The ‘engagement and contestation across multiple discourses in the public sphere’ (Dryzek, p. 127) is the *conditio sine qua non* for generating and obtaining democratic (discursive) legitimacy:

Legitimacy can be sought in the resonance of collective choices with public opinion, characterized as the provisional outcome of the engagement of discourses in public space as transmitted to public authority in empowered space, to the degree that engagement is regulated by free and reasoned meta-consensus reached by competent and reflective actors (p. 201).

A discourse – and we may think of ‘market liberalism’ or ‘sustainable development’ as examples – is ‘a set of concepts, categories and ideas that will always feature particular assumptions, judgments, contentions, dispositions, intentions and capabilities ... Discourses involve practices, not just words, as social actions are generally accompanied by words that indicate the meaning of actions’ (p. 31). These discourses must be represented in public space by informed, competent, respectful and reflective actors who do not engage in symbolic politics or a politics associated with bargaining, strategising or command – all of which forms of politics characterise the elected politician but not the citizen deliberator in the public sphere (p. 195). Central to Dryzek’s deliberative democracy is the representation of discourses, not that of individual citizens, and it is imperative that forums are designed in which such deliberation and contestation can be institutionalised. ‘Mini-publics’ such as citizens’ juries, consensus conferences or 21st Century Town Meetings (pp. 155–76); (larger-sized) Chambers of Discourses (pp. 50–2, 56–9); or, at the global level, a ‘Deliberative Global Citizens’ Assembly’ [DGCA] (pp. 194–95) are examples of such deliberative institutions.

These public deliberations must be embedded in, or regulated by, a meta-consensus. The *discursive* element of this meta-consensus identifies the agreed range of contested discourses; its *normative* element ‘implies reciprocal understanding and recognition of the legitimacy of the values held by other participants in political interaction’ (p. 102); its *epistemic* element signals an understanding of what the main issues are once a set of beliefs is accepted as credible and relevant; and its *preference* element identifies the range of acceptable policy alternatives as well as validates the ways in which choices can be structured (pp. 96–110).

We have already noted that Dryzek conceives of deliberation as a particular kind of communication which is premised upon a distinct set of ‘virtues’ of the citizens: they have to be informed, competent, respectful and reflective and thus, in principle, be willing to find a consensus or, at a minimum, a compromise on policy issues. If citizens do not have these deliberative ‘virtues’, they cannot be part of the deliberating public. Dryzek, when considering the DGCA at the global level, is refreshingly candid: ‘all actors coming to it from the outside would have to engage it in deliberative fashion’ (p. 195). They also must deploy the right kind of rhetoric – and a rhetoric that ‘bridges’ the divides between discourses rather than an in-group-orientated rhetoric that endeavours to strengthen the ‘bonds’ obtaining within the group is, typically, to be preferred

(pp. 66–84). It needs asking – though Dryzek does not reveal who the questioners would be – ‘whether the rhetoric . . . contributes to the construction of an effective deliberative system joining competent and reflective actors’ (p. 84). Implicit in these prescriptions is the idea that there are no major ideological differences that arouse the emotions and stir the blood – and that any discourses that are ‘slaves to tradition or religion [are] the very antithesis of deliberative democracy’ and must therefore be contained (p. 36).

We note that, according to Dryzek, not all citizens are qualified as deliberators unless they have endorsed the requisite deliberative ‘virtues’ and speak about the *res publica* in a manner of which the deliberative theorist approves. Citizens who are not ‘virtuous’ and want to speak in their own voice appear to be ‘without a voice’. And not all qualified deliberators can directly participate in deliberative processes in the various fora which constitute the ‘mini-publics’ because of sheer numbers. How, then, are the speakers for the policy-relevant discourses who then represent particular arguments to deliberative mini-publics selected – and by whom? This selection is part of a much wider process of selection. The first task is to identify the discourses that pertain within a polity. It is then necessary to identify the relevant discourses for the policy issue under review and on which a decision is to be taken. Finally, it is imperative to identify amongst those people who support a relevant discourse the potentially informed, competent and reflective speakers. Dryzek reminds the reader that, in his study (together with Leslie Holmes) *Post-Communist Democratization* he had identified three political discourses in Russia in the late 1990s, and one may thus assume that it will be the theorists of deliberative democracy themselves who sort the relevant discourses. And when we review the selection mechanisms for identifying the competent deliberators, then here, too, we notice the centrality of social and political scientists: the systematic selection of discursive representatives, Dryzek proposes, can be made on the basis of Q methodology and random selection, using in-depths interviews and focus groups, opinion surveys and semi-structured interviews (pp. 52–8).

Dryzek does not discuss whether these selection mechanisms for the discursive representatives suffice to authorise them to deliberate on policy issues in a manner that is meant to be ‘consequential’ and influence policy decisions. Nor does Dryzek ask to whom these ‘representatives’ are accountable. This position raises the issue of legitimacy. Dryzek shares the lack of engagement with the question of ‘authorisation’ with Keane. In Keane’s model of ‘monitory democracy’, the citizen in her or his role of participant in collective decision-making vanishes; in Dryzek’s model of ‘deliberative democracy’, the representation of the citizen as a concrete individual in the decision-making process is replaced by a representation of selected discourses through persons, randomly selected among that population of individuals who possess the requisite deliberative ‘virtues’.

Dryzek suggests that policy decisions, which are taken in ‘empowered space’, carry democratic legitimacy to the extent that they ‘resonate with’ public opinion. But we should take note that the reference is to ‘refined’ public opinion, not the ‘raw’ opinion of mass public. Dryzek does not address the question as to whether ‘refined’ opinion needs to be exposed to the rough and tumble of debate in the public sphere that is populated by the citizenry at large for it to attain its legitimacy. But unless it is undisputed that the ‘refined’

opinion is 'legitimate', why should the 'resonance' with those 'opinions' determine the legitimacy of policy decisions? And the legitimacy of policy decisions cannot simply be read off their 'resonance' with ('refined' or 'raw') opinion – even if we could unambiguously establish of what it is that this opinion consists. Legitimacy is also tied to the institutions and procedures of the decision-making system, its institutionalised 'openness' and transparency. It is a major shortcoming of Dryzek's argument that he does not theorise and analyse 'empowered space' and the decision-making system that obtains in it. A theory of democracy that has quite a lot to say about deliberation (or rather about the criteria which, allegedly, need to be met for communication to count as democratic deliberation) but says nothing about the organisation of decision-making is seriously deficient.

Dryzek offers a number of trenchant observations, the significance of which for a theory of deliberative democracy he does not, however, tease out. Dryzek rightly observes that '[d]eliberative advances in public space may actually displace failure into empowered space ... energy corporations that have failed when it comes to sponsorship of a discourse of scepticism may simply turn to twisting arms of governments, meaning the deliberative system as a whole loses decisiveness' (p. 191). Should one be surprised as an analyst of democratic politics that actors embark upon the politics of lobbying, strategising and bargaining with the decision-makers in pursuit of their interests? It would appear that deliberative democrats need to build the continuous relevance of conventional strategic politics into their theory of democracy.

Furthermore, Dryzek also rightly observes that discourses vary in their effectiveness in shaping deliberation in public space and thus ultimately in 'influencing' collective decision-making. Apropos the global financial crisis of 2007–08, Dryzek argues that the global financial system was dominated by a single discourse, that of market liberalism: 'none of the critical discourses that did exist at a distance made the slightest difference to the way the global financial networks worked' (p. 181). While the counter-discourse of anti-globalisation or global justice did make itself felt within international economic institutions (so Dryzek argues at least), it did not reach the core of global financial networks which are much more powerful (according to Dryzek) than global organisations like the World Bank. The 'force of events' led to the emergence of a regulatory counter-discourse and a critical public sphere, but they caught the attention of global publics 'for a while' only (pp. 181–82). Since Dryzek does not theorise public space, or the 'public sphere', as a power field, he cannot analyse the exclusion of discourses from this space or the dominance of certain discourses in that space.

Finally, Dryzek notes that, not infrequently, there are 'systematic differences between elites and publics' (pp. 162–67). He gives as an example the more 'precautionary' attitude of deliberating mini-publics with regard to new technologies than the more Promethean attitude of policy-making elites. He explains the attitude of the policy-makers by pointing out the constraints that the most important institutions of the international political economy such as WTO, IMF and World Bank impose upon national politicians. This observation has recently led Danny Nicol (2010) to speak of the 'constitutional protection of capitalism' via the legal regimes built around WTO, IMF, EU/European Court of Justice, the European Convention on Human Rights and the European

Court of Human Rights: these regimes significantly restrict policy choice, thereby narrowing the scope of democratic politics – they lock in place a system of privatisation and commercial ‘liberty’ so that things will not change very much when new governments are put in place. Dryzek also rightly emphasises that governments know that, unless they pursue a technology-led policy of growth, ‘they will be punished (by disinvestment, capital flight and attacks on their currency) if they do not abide by both the formal rules and informal understandings that dominate this system, which therefore pushes them in a Promethean direction’ (p. 164).

Policy decisions are thus made as a result of the exercise of power other than the ‘communicative power’ generated through deliberation in public space which, furthermore, is characterised by the wilful marginalisation and exclusion of discourses and ‘voices’ on the basis of power differentials. What follows for a theory of deliberative democracy from these empirical observations? That more deliberation is necessary – and sufficient?

Dryzek does not discuss the institutions and procedures of authoritative decision-making for the political community as a whole. Nor does he discuss the relationship between the deliberative fora in public space and the ‘representative’ parliamentary assemblies. The book provides a cogent account of one theory of public deliberation in democratic politics. But the exhortation that the readers consider this theory of deliberation as a comprehensive theory of democracy is best seen as a fine example of ‘bonding’ rhetoric.

Ian Shapiro argued in *The State of Democratic Theory* (2003, 24) that ‘[i]t is one thing to think that much of what divides people politically is susceptible to rational analysis more often than people realize; quite another to believe that what prevents better resolution of prevailing disagreements is insufficient deliberation’. He charged deliberative theorists with paying insufficient attention to the unequal power contexts in which deliberation occurs: what may appear to be a deliberative deficit may actually be better understood as a result of power differentials: ‘Any credible defense of deliberative democracy in the American context would have to show how deliberative institutions would be any less corrupt than are existing institutions by those with the resources to control agendas and bias decision making, and that it would merit its cost’ (2003, 24). In *The Real World of Democratic Theory*, Shapiro remains sceptical of the merits of deliberative democracy. He holds on to the view, espoused in the earlier book, that ‘citizens in democracies are not generally expected to justify their views to others’ (p. 180) and that ‘democracy requires us to accept the political choices of others regardless of their reasons for those choices, so long as they do not impose them on us in violation of democratic processes’ (p. 174). He is not convinced that ‘well-informed citizens who deliberate in good faith will arrive at better policies’, and thus does not consider it to be the prime challenge of democratic theory and practice to design new institutional settings for improved deliberation (p. 270). As Shapiro flags in the title of his new book, he remains guided by Robert Dahl’s concern with identifying ‘the necessary and sufficient conditions for maximizing democracy in the real world’ (Dahl [1956] 2006a, 64), and argues in favour of redesigning existing institutions and mechanisms that enable citizens to manage power relations so as to minimise domination (Shapiro 2003, 3). ‘Democracy’s legitimacy in the real world’, Shapiro (p. 267) asserts, turns ‘on whether it can operate to reduce domination

by bringing decision making into better conformity with the interests of those who are vitally affected by it'. Focusing on decision-making and how decisions affect the vital and pertinent interests of individuals, Shapiro promotes the idea of inclusive political participation: 'citizenship' in the sense of a formal legal membership status in a political community as decisive in determining rights of democratic participation is replaced by the 'operative thought' that 'the appropriate demos should be settled decision by decision' on the basis of affected interests (2003, 53; 2011, p. 273).

Shapiro prefers redesigning institutions and mechanisms of political 'competition to deliberation as a mechanism for keeping democracy honest' (p. 270). Structured competition for power is a better way to limit domination. Majority rule on the basis of competitive politics remains, for Shapiro, the bedrock of democratic accountability (p. 79). Shapiro's embrace of Schumpeterian competition does attribute great importance to electoral competition as a valuable constraint on the corrupting effects of power (2003, 63). But his concern with competition goes beyond electoral politics. A democratic system, so he claims, should 'strengthen the hands of those whose basic interests are vulnerable in particular settings' (2003, 147); and that means, amongst other things, 'empowering those who are at risk for domination in any situation to insist on various types of deliberative processes. But ... it is unwise to put deliberative processes into the hands of those who can use them to engage in or perpetuate domination' (2011, p. 271).

An argument in favour of the centrality of electoral competitive politics in democratic systems, leads, of necessity, to support for majority rule and its embodiment, legislatures. Shapiro builds his account of the role of majority rule in democracies on a nuanced reading of John Locke, 'the father of modern democratic theory' (p. 39), and Locke's view on the majoritarian foundations of political legitimacy (p. 60). Yet, Shapiro's democratic vision goes beyond electoral competitive politics and its institutions. He holds fast to the idea that democracy is a way of ensuring that 'however inclusive decision making can be made to be, the possibility of opposition from those whose interest might be harmed by the exercise of power is an important discipline' (p. 66). Shapiro, who defined the common good with reference to Machiavelli's *Discourses* 'as that which those of an interest in avoiding domination share' (2003, 3), now reminds the reader of Machiavelli's argument 'that elites are best disciplined by the lurking danger of ferocious populism. It is this strand of democratic thinking that would come to be neglected as democratic theorists became consumed with the Rousseau-inspired quest to identify the general will' (2011, p. 66).

Shapiro does not develop this idea of 'ferocious populism' and what it might mean in the context of contemporary political regimes. But this is exactly the line of inquiry that John McCormick takes in his study, *Machiavellian Democracy*. McCormick places Machiavelli firmly in the centre of considerations on the rethinking of popular rule which, in electoral democracies, he sees undermined by political and economic elites which 'enrich themselves at the public's expense and encroach upon the liberty of ordinary citizens' (p. vii). He avers that,

the aristocratic effect and privileged access to resources and information enjoyed by magistrates in modern republics render elections inadequate mechanisms of elite accountability and responsiveness; moreover, a socio-

political definition of ‘the people’ that includes wealthy citizens, rather than one that sets the latter apart from or even opposed to the people, allows the wealthy to dominate common citizens in quasi-anonymous and largely uncontested ways (p. 179).

To combat the liberty-sapping political impact of economic inequality, McCormick emphasises the need for designing institutions that acknowledge, address, or reflect socio-economic distinctions. He draws on Machiavelli’s analyses and arguments in the *Discourses* to identify a number of components of a robust, extra-electoral model of elite accountability as well as elite-constraining and citizen-enabling measures: ‘offices or assemblies that exclude the wealthiest citizens from eligibility; magistrate appointment procedures that combine lottery and election; and political trials in which the entire citizenry acts as ultimately judge over prosecution and appeals’ (p. vii). He thus proposes class-specific magistracies and advocacy bodies – and makes specific recommendations on ‘reviving the tribunes of the plebs’ in the American context – arguing that class division and class conflict must be built into new institutional designs and constitutional reform (pp. 11–17).

The insatiable appetite of elites to dominate necessitates popular participation that transcends the politics of elections and is not only active but also antagonistic (p. 146). Such ‘antagonistic’ popular participation is meant to fill the space opened up by the indirectness of participation limited to electoral politics ‘within which political elites exercise dangerous discretion and into which socioeconomic elites intervene unimpeded into politics’ (p. 17). This concern with the people in their collective capacity to act politically in an endeavour to hold domination at bay informs Miguel Abensour’s conceptualisation of democracy in *Democracy against the State*:

[D]emocracy is not a political regime but primarily an action, a modality of political agency, characterized by the irruption of the *demos*, or the people, onto the political stage in their struggle against whom Machiavelli calls the *grandees* and for the establishment ... of a state of non-domination (p. xxiii).

Abensour understands this ‘insurgent democracy’ to arise out of the intuition that ‘true democracy’ must reactivate ‘the anarchic impulse which first rises against the classic expression of *arche* ... namely, the State’ (pp. xl–xli).

Abensour develops this notion of ‘insurgent democracy’ through a heterodox reading of Karl Marx’s *Critique of Hegel’s Philosophy of Right* of 1843. He reads this text as a ‘philosophical questioning of the political realm’ (p. 3), locating Marx in the tradition of Machiavelli, whom he interprets as ‘the founder of normative modern political philosophy’ (p. 4). Like Machiavelli (and Spinoza), Marx aims to emancipate the political community from the despotism of theology and the juggernaut of the Christian State and recover the independence of the political realm (pp. 9, 20, 29, 30). Like Machiavelli, whom Abensour interprets as a civic humanist, Marx liberates the *bios politicos* from the primacy of the *vita contemplativa* in favour of action and redefines ‘reason ... as the potential of action to give a human and political form to the chaos of contingency and particularity’ (p. 7). And like Machiavelli, who made discord and internal disunion as manifested in the struggle between the senate

and the plebs in Rome the origin and wellspring of Roman liberty, Marx focuses on irreconcilable conflict within the political community as the starting point for political emancipation (p. 94).

But it is not within the state that political struggle for emancipation and liberty takes place. ‘True democracy’ means democratic struggle *against* the state and for the re-appropriation by the people of ‘demotic power’ that has been appropriated by the state. By dethroning the homogenising and unifying State, the *demos* create a space for political action – an ‘antagonistic stage on which the respective logics of two antagonistic powers pitilessly attack each other’ (p. 94):

[A] new essential conflict between democracy and the State arises – not only because the powerful seize the State and because the people set themselves against the powerful but equally because, for democracy, the State represents a permanent danger of degeneration. Once democracy ceases to limit the State, the latter swells out to the point of feigning a unifying form . . . [T]he unfettered expansion of the State signals that democracy is degenerating to the point of bordering on nothingness (p. 95).

For Abensour, democracy has ‘an irreducible meaning as a refusal of synthesis, a refusal of order’ (p. 101). But, while he ties democracy firmly to the people’s collective capacity for political action, he shies away from identifying the institutional form which ‘the association of free human beings’, to use Marx’s formulation, should take. Is democracy nothing but – or nothing more than – never-ending struggle? Ought democracy not to be more than a ‘refusal of order’ and, instead, aim to institute a new order? While democracy is certainly more than a political regime, more than a method of government and technique of governing, more than a form through which the exercise of power is legitimated, more than deliberation, and more than holding power-holders accountable, it is also more than ‘a modality of political agency’ (p. xxiii). The task of a democratic theory is still to identify the conditions under which human beings are empowered to design, build and sustain institutions that allow for the expression of both their commonalities and differences and that create the setting for a shared life free of domination.

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