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## Review

# Democratic legitimacy: Impartiality, reflexivity, proximity

Pierre Rosanvallon, translated by Arthur Goldhammer,  
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The latest book by Pierre Rosanvallon is a much-needed investigation of how the notion of ‘legitimacy’ has evolved within the context of democratic regimes from the end of the eighteenth century to the present age. In particular, the author is interested in understanding the reasons why, especially starting from the 1980s, the traditional understanding of ‘legitimacy’ – the idea of the People being the only source of legitimate power – has come to be contested.

The point Rosanvallon makes is crystal-clear from the beginning: the universally accepted dogma interpreting majority rule as the essence of democracy blurs a fundamental distinction, that between the general will and the will of the majority. The conflation of these two notions *de facto* obfuscates their logical contradiction: the former identifies a political subject (the People or the Nation) while the latter refers to a selection procedure. Yet, the author claims, while majority rule can be a persuasive procedure for selecting representatives and making decisions *via* elections, it is far less convincing as a principle of justification: the will of a majority reflects the *desiderata* of the dominant fraction of the People but is not, and never will be, the will of the whole People. However, electoral democracy rests exactly on such a twofold fiction: it is generally assumed that the majority stands for, and thus is, the entirety of the body politic *and* that majority rule provides a strong enough argument for imposing supposedly ‘legitimate’ decisions on all citizens – including those minorities who had a different opinion from the allegedly general will. As Rosanvallon puts it very neatly: ‘[t]he legitimacy of democratic governments rests on these two postulates’ (p. 2).

The counter-history of democratic legitimacy Rosanvallon develops has one of its turning points at the end of the nineteenth century, at the time when universal male suffrage started spreading and the landscape of electoral politics radically changed. Once the quintessential expression of the Nation, the *forum* where the most enlightened minds exchanged arguments and counter-arguments for the attainment of the public good, the legislature came to be interpreted as the *locus* of bargaining

among parties: throughout the period 1890–1920, the widespread belief that majority rule offered a robust justification for democratic regimes became highly contested. How, then, to achieve social generality and build consensus out of a clash of competing, partisan claims? Two different solutions were explored: France promoted the public service model in order to create an administrative power that could embody and work for the general interest; the United States chose the rational administration model, which pursued the Comtian ideal of expertise and professional knowledge. Throughout most of the twentieth century, democracies were thus rebuilt over two complementary kinds of legitimacy – the procedural one, deriving from elections and subjective, individual judgment and the substantial one, based on the objective evaluation of competence.

However, the 1980s inaugurated the decline of this combined system of political and intellectual elections: the idea that representatives of the social generality could be properly selected through both universal suffrage and public service was replaced by the neoliberal belief that the market, rather than the state and an élite of civil servants, could best regulate collective well-being. Hence the ‘desacralization’ of elections (p. 69), the beginning of the global ‘decentering’ of democracy (p. 7) and the rephrasing of democratic legitimacy itself: the electoral process no longer offered an *a priori* validation of future policies to be enacted and became instead a method of selection stripped of any long-term implication. Also the notion of ‘general interest’ was soon re-conceptualized as a sequence of minority and dynamic claims rather than the monolithic will of ‘the People’. A ‘new age of legitimacy’ (p. 5) began, which pushed, and still pushes, democracy far beyond its electoral representative sphere.

Elaborating on the arguments already developed in *CounterDemocracy* (Rosanvallon, 2008), Rosanvallon argues that new forms of political investment have emerged within the domain of citizenship that complement, and sometimes compete with, the People as voters (the People as watchdog, as veto players, as judges); most importantly, they show that democratic legitimacy is more dynamic than what is usually believed, never definitely acquired by those elected and always under question. In particular, he identifies three novel conceptions of legitimacy, each in turn associated with a different understanding of how generality can be achieved: impartiality, reflexivity and proximity. The legitimacy of impartiality interprets power as an empty space, the possession of which no institution or elected agent can ever claim, and it is grounded in a ‘negative generality’ (p. 97): the general interest can be pursued insofar as equidistance is kept from any specific point of view. The legitimacy of reflexivity is linked to the ‘generality of multiplication’ (p. 128): the basic assumption is that only when the expressions of social sovereignty proliferate can the biases pertaining to majority rule be avoided, or at least contained. Finally, the legitimacy of proximity emphasizes social expectations on the behavior of governing officials: it calls for a ‘democratic art of government’ (p. 180) that recognizes and cares for the real situation of individuals and thus relies upon a

‘generality of attention to particularity’ antithetical to any nomocratic (and monochromatic) conception of institutions.

As Rosanvallon suggests, each of the above-mentioned types of legitimacy corresponds to a specific democratic hermeneutics and a particular way of *looking at citizens’* claims: equidistance and impartiality can be achieved when something is observed through a telescope; a generality of multiplication is attainable when objects are multiplied through microscopic visions; attention to particularity is pursuable when a landscape is explored *via* multiple paths.

Therefore, the polemical target of this book is any monistic vision of popular sovereignty (including Habermas’s theory of communicative action) that does not recognize the radical pluralization of the forms of legitimacy that have so far emerged and in turn reshaped the democratic ideal. Rosanvallon aims at an unconventional and deeper understanding of the legitimacy of democratic institutions as well as a reconceptualization of democracy in realistic and positive terms. These two sides of his work – a path-breaking study combining political history and political theory – are closely interconnected. The rise and development of both independent authorities of surveillance and constitutional courts submitting legislative work to higher constraints of generality have in fact pushed the traditional understanding of representative democracy far beyond its electoral (that is, majority principle-based) understanding. The increasing dissatisfaction with the decisions and behaviors of our elected officials and the emergence of populist attitudes – what he labels ‘unpolitical democracy’ (p. 222), that is, purely negative versions of counter-democratic activity – mostly stem from a unilateral and normatively poor interpretation of what democratic politics is really about. Next and complementary to a ‘democracy of identification’ (p. 220) – the expression of trust *via* the electoral choice – a ‘democracy of appropriation’ exists that lives through ‘counterdemocratic’ practices (oversight, impeachment, reflective judgment) aimed at amending the major flaws in the ‘majoritarian democracy of the ballot box’ at a threefold level: the realm of citizen activism, the domain of institutions, the conduct of leaders.

Similarly to Nadia Urbinati (2005, 2006, 2010, forthcoming) and Paulina Ochoa Espejo (2011), Rosanvallon urges contemporary political theorists to acknowledge the limits of a minimalist conception of democracy (*à la* Schumpeter) that interprets the People along aggregative, electoral lines and democratic politics as a schizophrenic shift between moments of hope and feeling of disillusionment. A revised understanding of the ‘mixed regime of the moderns’ (p. 222), based on the conceptualization of legitimacy as a multi-faceted, dynamic and invisible institution and the structural co-implication of majoritarian powers and counterdemocratic/indirect bodies, is crucial for countering the temptations of ‘the unpolitical’ and the quest for unanimity by populist and plebiscitary ideologies in the short run; for suggesting proper reforms that can re-politicize democracy in the middle run; for fostering permanent debate on the everyday (re)construction of democratic politics, both within and outside state institutions, in the long run.



## References

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