

SYMPOSIUM
LE BON GOUVERNEMENT



*GOOD GOVERNMENT,
LIBERALISM AND DEMOCRACY*

BY
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Pierre Rosanvallon's new book, *Le bon gouvernement (The Good Government)*¹, published in France in 2015, puts forward a large number of interesting questions on the meaning of democracy, its actual effectiveness as a form of government, its origins and its future outcomes.

Within the globalised mesh in which all the political systems of the post-modern technological age operate, Western democracies seem to be, as Rosanvallon himself claims, caught between the rock of an executive power which tends to take on more and more areas of competence and prerogatives, and the hard place of needing an effective and democratic way of sharing the decisions taken, which often appear to be determined by political dynamics falling outside popular control. This kind of situation, which is in part contradictory, as Rosanvallon himself clarifies, is conditioned by the necessity to respond effectively and rapidly to the demands of an interconnected and fast-evolving world, which are often in contrast with the natural slowness of the democratic procedures and the ever broadening gap between the ruling class and the sovereign people. It is not infrequent that the latter, in turn, interpret the executive's decisions as extraneous to their interests, when not in sharp contrast with them, feeding the perception that government *élites* pursue murky schemes whose

¹ Pierre Rosanvallon, *Le bon gouvernement* (Paris: Éditions du Seuil, 2015).

objective is not to promote the material wellbeing and the cultural development of the people they represent, but rather to satisfy the thirst for gold and power of a limited class of individuals who manage the world on a global scale.

This is reinforced by increasingly generalised instances of corruption and maladministration which are deeply calling into question the liberal-democratic order and political culture, so painfully restored within the Western civilisation after the defeat of the totalitarian, fascist and authoritarian regimes which raged in Europe until the end of the Second World War and beyond (cf. Spain, Portugal and Greece).

In this perspective, *Le bon gouvernement* intends not only to reconstruct the history of democratic theories and their applications, but also to promote new forms of future democracy capable of effectively responding to the challenges put forward by the new world order.

From both an analytical – i.e. concerning the history and interpretation of democracy – and a synthetic – regarding the elaboration of new models of government and representation – point of view, the perspective adopted by the author inevitably stimulates critical reflections and objections which can be summed up in the following thematic nuclei, which will be taken into consideration in this short essay:

1. The need for a distinction, within democratic theory, between form of government and the principle of legitimation of power.
2. An analysis and theoretical-practical reformulation of the democratic forms of government on the basis of the complex articulation which connects knowledge and power.

3. A relationship between direct democracy and the preservation of liberal principles.

I Form of Government and the Principle of Legitimation of Power

Since the XIX century, modern political culture has known a formidable semantic extension of the term *democracy*, which ceased to characterise, as in the past, a particular form of government (no longer practised after the experience of the Greek *poleis* and considered dubious in its practical effectiveness), and became a synonym for any legitimate political order. It currently embodies a normative and prescriptive ideal so that only being qualified as democratic identifies a *good, just and lawful* regime, as well as a political vision of reality where fundamental human rights are respected².

The post-modern political and cultural horizon is therefore marked by a widely shared imaginary, where democracy becomes the very emblem of Western civilization and its lifestyle, and its dramatization on a narrative and mass-media level becomes synonymous with what is good and fair, not only from a political point of view, but also on an ethical and moral sense. As a matter of fact, all its enemies also become, by extension, the enemies of the West, taking on monstrous, morally reprehensible and ethically controversial features, so that they are condemned to

² Cf. “Démocratie”, in *Dictionnaire de philosophie politique*, under the direction of Philippe Raynaud and Stéphane Rials (Paris: P.U.F., 1996).

exercise a radical evil which transcends the very same boundaries of the political domain³.

The unfolding of such a symbolic and ideological mechanism depends on the fact that democracy as a form of government and the democratic ideal of legitimation of power, in the course of the modern era, have come to coincide in an inseparable unit, melded together in a long-lasting way. This connection, for the enormous implications that are involved, in relation to all modern political regimes that call themselves democratic, requires careful examination and cannot be assumed as a mere self-evident postulate.

In short, in modern Western political systems of liberal-democratic nature, the ideological and symbolic horizon is determined on the basis of this dual meaning of the term

³ A good example is the description that Ronald Reagan and George W. Bush gave, respectively, of the U.S.S.R. and of the “non-democratic” regimes that supported Islamic terrorism. “So, in your discussions of the nuclear freeze proposals, I urge you to beware the temptation of pride – the temptation of blithely declaring yourselves above it all and label both sides equally at fault, to ignore the facts of history and the aggressive impulses of an evil empire, to simply call the arms race a giant misunderstanding and thereby remove yourself from the struggle between right and wrong and good and evil” (Ronald Regan, “Remarks at the Annual Convention of the National Association of Evangelicals in Orlando, Florida”, March 8, 1983 <https://reaganlibrary.archives.gov/archives/speeches/1983/30883b.htm>). “States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic” (George W. Bush, “The President’s State of the Union Address”, January 29, 2002. <http://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html>).

democracy, so that it schematically identifies a regime in which: 1. Power belongs to and comes from the people (in a secularised sense); 2. The only acceptable form of government is representative democracy; 3. This power has limits, which are expressed by the liberal doctrine and concern the fundamental rights of individuals (life, liberty, property and *habeas corpus*)⁴, the

⁴ “Man being born, as has been proved, with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of Nature, equally with any other man, or number of men in the world, hath by nature a power not only to preserve his property— that is, his life, liberty, and estate, against the injuries and attempts of other men, but to judge of and punish the breaches of that law in others, as he is persuaded the offence deserves, even with death itself, in crimes where the heinousness of the fact, in his opinion, requires it. But because no political society can be, nor subsist, without having in itself the power to preserve the property, and in order thereunto punish the offences of all those of that society, there, and there only, is political society where every one of the members hath quitted this natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it” [John Locke, *Two treatises of government*, ed. Thomas Hollis (London: A. Millar et al., 1764), 225].

<http://oll.libertyfund.org/titles/locke-the-enhanced-edition-of-the-two-treatises-of-government-1689>

With *habeas corpus*, generically referring to the legal instrument of the English law, we intend the constitutional rights designated to ensure the exercise of personal freedoms by the citizens. “Literally, ‘that you have the body’. A writ directed to a person who has someone in detention or custody and commands the detained person to be produced before a court. It dates back to Edward I’s reign and was not the intended to get people out of prison but to ensure that they were in lawful custody in prison. ... Habeas corpus is used to test the validity of detention by the police, detention in cases of deportation and in cases where there is an alleged breach of immigration regulations” [“habeas corpus” in *The concise Oxford dictionary of politics*, ed. by Iain McLean and Alistair McMillan (Oxford – New York: Oxford University Press, 2009)].

doctrine of the separation of powers (executive, legislative and judiciary) as developed by Montesquieu⁵ and economic freedom.

Liberal-democratic regimes therefore consist of two elements: a myth or ideological narrative about the idea that the sovereign people is the only legitimate source on which political power can be validly founded; the fact that to exercise such a power there is a regulatory model which identifies representative democracy as the only acceptable form of government. It is clear that the overlap between the principle of legitimation of power founded on popular sovereignty, the form of government based on representative democracy and the scrupulous preservation of the briefly-mentioned basic liberal principles (separation of powers, individual rights and economic freedom) allows the creation of a virtuous mechanism capable of keeping in check the tyranny of the majority and their possibility of violating fundamental individual rights.

⁵ “In every government there are three sorts of power: the legislative; the executive in respect to things dependent on the law of nations; and the executive in regard to matters that depend on the civil law. By virtue of the first, the prince or magistrate enacts temporary or perpetual laws, and amends or abrogates those that have been already enacted. By the second, he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions. By the third, he punishes criminals, or determines the disputes that arise between individuals. The latter we shall call the judiciary power, and the other simply the executive power of the state. ... There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals” [Charles-Louis de Secondat Baron de Montesquieu, “Of the Constitution of England”, in *The spirit of laws*, trans. by Thomas Nugent, rev. by J. V. Prichard (London: G. Bell & Sons, 1914). 220-221]. https://www.ucc.ie/archive/hdsp/Montesquieu_constitution.pdf

In other words, the principle of legitimation of power based on the idea of the sovereign people has some peculiar features that make it particularly effective in a narrative sense. However, the power established on such ideological premises must be kept in check by the introduction of other principles and operating mechanisms designed to contain its totalitarian impulses, deriving from Rousseau's theorization⁶ of the *general will* as a unitary will which is expressed through the *will of the majority*⁷. This latter, if it is not properly channelled within a regulatory framework which carefully preserves the inalienable rights of the individual, inevitably produces strong anti-liberal tendencies. Indeed, when the majority of the electoral body approves or rejects a law or a decision which affects the lives of all the individuals, as for example in the case of referenda, whereby direct democracy is carried out, it tends to represent itself and to be represented by the media as an expression of the popular will in its whole, id est as the *general will*. In that case, either its power is limited by non-negotiable general principles and inalienable rights designed to

⁶ Cf. Jacob Leib Talmon, *The Origins of Totalitarian Democracy* (London: Penguin, 1986).

⁷ “Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.’ ... (11) In order then that the social compact may not be an empty formula, it tacitly includes the undertaking, which alone can give force to the rest, that whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing less than that he will be forced to be free; .. (14) When in the popular assembly a law is proposed, what the people is asked is not exactly whether it approves or rejects the proposal, but whether it is in conformity with the general will, which is their will. Each man, in giving his vote, states his opinion on that point; and the general will is found by counting votes” [Jean-Jacques Rousseau, *The social contract or principles of political right*, trans. by G. D. H. Cole (Public Domain, 1762), 11, 14, 84].
https://www.ucc.ie/archive/hdsp/Rousseau_contrat-social.pdf

protect individual liberties and people's dignity and to respect the will of the minorities, or it irreparably becomes a mechanism that annuls freedom of thought and the freedom to disagree and promote opinions that are not aligned with the will of the majority (whose rationality and wisdom are rather dubious) and with those who control its moods. This inevitably leads to oppression, dictatorship, authoritarianism, and to the emergence of totalitarian tyrannies of all kinds, because, contrary to what Rousseau himself⁸ maintained and to what is implicit in every

⁸ Although Rousseau strives to clarify that the *general will* should be the result of the expression of a rational choice which can be activated in every individual through public education and attachment to their homeland, in order to avoid that everyone should only express a point of view conditioned by their own personal and selfish interest, it is historically evident that such a programme is unattainable and impracticable on a large scale. As a matter of fact, in spite of the huge efforts made by the Western civilisation to improve school education and the political culture of their populations, the complexity of the fields of knowledge and the cultural indolence of most citizens make this effort a partial, and sometimes a useless, one. In fact, the presumed existence of a political subject defined as an individual who, in his or her secret ballot, is called to express his or her will in accordance with a careful and rational assessment of the society in which he or she lives and the common good that could derive from his or her decision is a pure conceptual abstraction, since in reality such an individual does not exist, and has never existed. It is instead far more realistic to consider the political subject who expresses his or her own will as an individual who is, on average, badly or poorly informed, driven by the force of his or her own selfish impulses and governed by emotional reactions which affect and constantly influence his or her own judgement. "It follows from what has gone before that the general will is always right and tends to the public advantage; but it does not follow that the deliberations of the people are always equally correct. Our will is always for our own good, but we do not always see what that is; the people is never corrupted, but it is often deceived, and on such occasions only does it seem to will what is bad. There is often a great deal of difference between the will of all and the general will; the latter considers only the common interest, while the former takes private interest into account, and is no more than a sum

Jacobin theorisation of democracy, the will of the majority, intended as *general will*, is by no means infallible, since most of the individuals who constitute it possess neither the political education nor the knowledge necessary to make a decision in accordance with their own interests.

As a result, a real *good government* requires the contribution of a well-read ruling class, qualified and ready, on the basis of a clear popular mandate, to make decisions not conditioned by the fleeting moods of the electorate⁹, but pondered and based on the complex systemic balances typical of the new world order¹⁰.

II Knowledge, Power and Democratic Order

It seems rather evident that a *good government* should be founded, as Rosanvallon himself maintains, on a relationship of trust between who governs and the people who are governed¹¹. Such a relationship is inherent in the articulation which connects, in every liberal-democratic order, knowledge with power.

of particular wills: but take away from these same wills the pluses and minuses that cancel one another, [7] and the general will remains as the sum of the differences. If, when the people, being furnished with adequate information, held its deliberations, the citizens had no communication one with another, the grand total of the small differences would always give the general will, and the decision would always be good” (Rousseau, *The social contract or principles of political right*, 21).

⁹ In the political behaviour of the masses rational analysis and conceptual rigour seldom prevail; those behaviours are more commonly determined by narratives and symbols which, as mentioned above, awaken in every individual ancestral impulses and irrational desires. Cf. Elias Canetti, *Crowds and Power*, trans. by Carol Stewart (New York: Continuum, 1978).

¹⁰ Cf. Henry Kissinger, *World Order* (New York: Penguin, 2014).

¹¹ Cf. Pierre Rosanvallon, *La démocratie de confiance*, in *Le bon gouvernement*.

In the modern cultural context and, in particular, within the globalised technological civilisation, we can easily notice how power is undoubtedly distinct from knowledge, since it obeys very different logics, connected to the democratic processes of legitimation, to the art of government and to the social construction of consent. However, in spite of the macroscopic differences which separate power from knowledge, subjecting the latter to choices which are political in nature, it is not possible to deny that there is a dialectical relationship between them which is fundamental for the established order.

In particular, the emergence of the biopolitical paradigm¹² and the resulting biopower¹³ it expresses within the globalized technological civilization calls for a more thorough and in-depth examination of this relationship. In this context, marked by a transformation which invests the entire society on the basis of performative projects of virtual nature, power penetrates deep into every aspect of existence and regulates the totality of human

¹² “The theme was to have been *biopolitics*, by which I meant the attempt, starting from the eighteenth century, to rationalize the problems posed to governmental practice by phenomena characteristic of a set of living beings forming a population: health, hygiene, birth-rate, life expectancy, race...” [Michel Foucault, *The Birth of Biopolitics. Lectures at the Collège de France 1978-1979*, trans. by Graham Burchell (New York: Palgrave Macmillan, 2008), 317].

¹³ “Biopower is a form of power that regulates social life from its interior, following it, interpreting it, absorbing it, and rearticulating it. Power can achieve an effective command over the entire life of the population only when it becomes an integral, vital function that every individual embraces and reactivates of his or her own accord. ... The highest function of this power is to invest life through and through, and its primary task is to administer life. Biopower thus refers to a situation in which what is directly at stake in power is the production and reproduction of life itself” [Michael Hardt – Antonio Negri, *Empire* (Cambridge, Massachusetts – London, England: Harvard University Press, 2000), 23-24].

relations¹⁴. What matters most to the people who are governed in this way is the idea of *salvation*, not meant in a metaphysical sense as a reward to be obtained after death for one's own ethical and moral merits, in an otherworldly and spiritual afterlife, but as preservation of one's own earthly existence, lifestyle, health and wealth, access to technology and everything that is inherent in bodily and material wellbeing.

In this sense knowledge, with respect to power, carries out a dual function: it establishes as scientific knowledge the dominant worldview and determines a collective imaginary on which the narratives that help generate the necessary consent for the legitimation of the political order proliferate¹⁵. In other words, power builds consent on the basis of the possession and implementation of a knowledge that acts on the material level through technological production and on the symbolic and narrative level on the basis of its own vulgarised performance, as a way to respond to any kind of emergency (environmental, social, health emergencies, etc). Therefore, the art of government consists of exhibiting narrative strength, supported by the knowledge of the experts, who are called to solve the current problems. For example, in Italy in 2011, in the midst of the economic crisis, the Presidency of the Council of Ministers was directly entrusted to a competent *technocrat*, knowledgeable in economics and finance (Mario Monti), and the ministries to people who had the respective technical and operational skills (a scholar was in charge of the Ministry of Instruction, University and Research, a prefect of the Ministry of Interior, a university professor of criminal law of the Ministry of Justice, an

¹⁴ Cf. Michael Hardt – Antonio Negri, *Empire*, 24.

¹⁵ Cf. Paolo Bellini, *L'immaginario politico del salvatore. Biopotere, sapere e ordine sociale* (Milano-Udine: Mimesis, 2012).

ambassador of the Ministry of Foreign Affairs, an admiral of the Ministry of Defence, etc.). The difference between this kind of attitude and what used to happen in the past lies not so much in the fact that power resorts to knowledge to solve the many problems that have always plagued human societies, but rather in the political use of the available knowledge, called to justify the relationship of command and obedience upon which, ultimately, every kind of political regime is founded. There is indeed a substantial difference between a power which is legitimised by a specific ideology or through a precise sacral conception of reality – as can be the case, for instance, in totalitarian or dictatorial regimes and as is the case for all those relationships of domination which draw their *raison d'être* from some divine will – and a political/hierarchical order based on the presumed possession of a knowledge capable of solving the problems of the administered populations. The trust the governed have in their governors therefore arises from the ability of the latter to be credible in solving problems and socially implement technical-operational skills suitable for such a purpose. From this point of view, the art of government basically consists of the *leaders'* ability to promote themselves as *Saviours*, capable of making the political system, within which they occupy a top position, work in a perfect way. The current President of France (Emmanuel Macron) is a paradigmatic example of this mechanism, since he was able to appear before his electoral body both as the man of economic and political rebirth (salvation from poverty and from a marginal role on the international scene) and the man who would keep the nationalist and xenophobic tendencies of a part of the population in check (salvation from right-wing extremists).

In relation to the political framework hereby laid out, a *good government* must therefore coincide with a rulers' attitude to give the most appropriate answers to their people's expectations of *salvation*, in terms of fundamental preservation and improvement

of their lifestyle, while at the same time trying to generate the necessary consent for their own legitimation. For this purpose, and in accordance with what has been said, as a clear illustration of the irreducible gap between reality and its representation, even more evident after the revolution brought about by new technologies in terms of dramatization and virtualization of the real, the precepts enunciated by the great Machiavelli are ultimately still relevant. As a matter of fact, rather than pursuing real integrity (*intégrité*) and frankness (*parler vrai*)¹⁶, every political leader must instead appear good, upright, honest and sincere, while trying by all means not to be all that as far as government action is concerned¹⁷.

Such an attitude, of course, with regard to an authentic *good government*, has nothing to do with obtaining personal benefits, but it is functional to the pursuit of the impersonal interests of a specific political system.

III Direct Democracy and Liberalism

New technologies have made the political implementation of direct democracy, on the model which was practised in ancient

¹⁶ Cf. Pierre Rosanvallon, “Les figures du bon gouvernant” in *Le bon gouvernement*.

¹⁷ “Therefore it is unnecessary for a prince to have all the good qualities I have enumerated, but it is very necessary to appear to have them. And I shall dare to say this also that to have them and always to observe them is injurious, and that to appear to have them is useful; to appear merciful, faithful, humane, religious, upright, and to be so, but with a mind so framed that should you require not to be so, you may be able and know to change to the opposite” [Niccolò Machiavelli, *Concerning the way in which princes should keep faith*, in *The Prince*, trans. by W. K. Marriot (Campbell CA: FastPencil, 2010), 73].

Greece, possible¹⁸. However, a form of government of that kind, if it were to be implemented extensively and without corrective measures, would inevitably lead, as a natural outcome, to a totalitarian or, in the best-case scenario, to an authoritarian or dictatorial regime.

First, it is clear that the ideology of direct democracy very easily takes root within the modern narrative of the sovereign people as source of power legitimation. It seems almost natural that the people, from whom all power emanates, when having the concrete possibility, can effectively govern themselves, setting aside representation whenever possible. However, this perspective does not take into account some fundamental objections:

1. The people are not a unitary subject with a univocal form of expression; for every decision, they are always divided in at least two opposing factions with distinct opinions; in order to avoid a violent confrontation which may lead to civil war, it is always necessary for the minority to have stable representation. When direct democracy is exercised, that is not possible, since every time a political matter is put in front of the sovereign people, the will of the minority disappears immediately after the vote.
2. Without representation there is always the real risk that a charismatic leader, strengthened by the support of an organised minority, may obtain from the majority of the population the grant of all powers (legislative, executive and judiciary), since they all reside, unconstituted¹⁹, entirely in the

¹⁸ Cf. Aristotle, *Politics*, Book IV, 1298a.

¹⁹ Cf. Emmanuel Joseph Sieyès, *What is the third estate?* (London; Dunmow: Pall Mall Press, 1963).

sovereign people. In that way, the same organised minorities that usually run society²⁰ could just claim for themselves an absolute power, which would be lacking the usual mechanisms (*checks and balances*) typical of modern constitutionalism.

3. As we have shown, the sovereign people not only do not have the competences to manage the complexity of globalised civilisation, but they are also driven by emotional, irrational and anti-scientific impulses which are extraneous to any culture of government²¹.

In this respect, the introduction of forms of democracy and direct control by the governed over their rulers outside the electoral competition seems very dangerous for the stability of the liberal institutions. Institutions such as a *Council for the Democratic Functioning* (assessing the integrity of the governing people and the transparency of the institutions), *Public Commissions*

²⁰ “If it is easy to understand that a single individual cannot command a group without finding within the group a minority to support him, it is rather difficult to grant, as a constant and natural fact, that minorities rule majorities, rather than majorities minorities. But that is one of the points – so numerous in all the other sciences – where the first impression one has of things is contrary to what they are in reality. In reality the dominion of an organized minority, obeying a single impulse, over the unorganized majority is inevitable. The power of any minority is irresistible as against each single individual the majority, who stands alone before the totality of the organized minority” [Gaetano Mosca, *The ruling class*, trans. by Hannah D. Kahn (New York – London: McGraw – Hill Book Company, 1939), 53].

²¹ Cf. Graham Wallace, *Human Nature in Politics* (New Brunswick: Transaction Books, 1981); Gustave Le Bon, *The crowd: a study of the popular mind* (Mineola New York: Dover publications Inc., 2002); Sigmund Freud, *Group psychology and the analysis of the ego*, trans. by James Strachey (New York: Bantam books, 1960); Serge Moscovici, *L'Age des foules: un traité historique de psychologie des masses* (Paris: Fayard, 1981); Jaap Van Ginneken, *Crowds, psychology and politics* (New York: Cambridge University Press, 1992).

(in charge of evaluating political choices) or *Surveillance Authorities* (responsible for monitoring the rulers)²², intended to oversee all major political activities, in the attempt to make the demands of the people more pressing, would rather turn either into a useless instrument to bog down the bureaucratic-administrative machine or, in the worst case, into a powerful means of pressure in the hands of organised groups which would act in the attempt to promote their specific interests. In the age of new technologies, in order to preserve what personal freedoms are left, it would be more appropriate to use the ability to communicate with every citizen in a widespread and personal way to guide their behaviours and carefully measure the approval rating of government action, so that everyone may be convinced to approve choices that, although in apparent contrast with their own selfish advantage, are actually in the public interest and seek to generate a greater level of wellbeing for all.

IV Conclusion

The *good government* is an art which only a few people are fit to practise, since it requires a lot of preparation; all kinds of populist tendencies sprout and take root when everyone presumes to know what he or she actually does not and, without humility, believes to be able to make a decision about any possible topic based on hearsay or on a superficial and inaccurate preparation. The liberal culture is today more than ever called to defend not only people's fundamental rights, but also the Western political systems, which are subject to the pressure of

²² Cf. Pierre Rosanvallon, "La première révolution démocratique" in *Le bon gouvernement*.

poorly-informed populations, ready to follow the music of any *Pied Piper* who promises them a cheap salvation.

Qui habet aures audiendi audiat.

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