

SYMPOSIUM
LE BON GOUVERNEMENT



OBSERVATIONS ON
PIERRE ROSANVALLON'S
LE BON GOUVERNEMENT

BY

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Observations on Pierre Rosanvallon's *Le Bon gouvernement*

Emmanuel Picavet

Prof. Pierre Rosanvallon's important contributions to the history and understanding of democratic culture have revitalized the analysis of the gaps between the ideals associated with formal democracy on the one hand, and the concrete exercise of power by leaders in democratic States on the other hand. With their distinctive and illuminating references to French political history, his books have enabled numerous scholars to become aware of the difficulties associated with the expression of a democratic culture in real power (or transformative capacities), beyond the rules of formal power and valid legal prerogatives.

Isn't the expression of democratic values endangered by the move towards the centrality of executive power in many democratic States? More particularly, isn't it clear that the general move towards a general-election choice procedure for the supreme holders of executive power has remained unmatched by beliefs in the virtues of general elections for the regulation of the relationships between the governing elite and the governed?¹ There is a fairly consensual acknowledgment of the value of this problematic. However, the motivations for renewed analyses usually originate in less-than-consensual ideas about the crisis of

¹ *LBG*, p. 159.

representative democracy, the specific problems of political power in France and the appropriate remedies.

I A Study of Power in Present-Day Representative Democracies

I have had the opportunity to examine a number of these complex issues in another publication, in connection with P. Rosavallon's work². For the purposes of this symposium, I'll concentrate on a few dimensions in the author's handling of the basic problems which surround power-exercising in itself, in *Le bon gouvernement*.

An examination of the distinctive features of his approach should start from the first steps of the political argument, a series of stylized facts about the fate of democracy in the contemporary world. These facts are loaded with normative assumptions and, although they have normative content, there is no denying that they are also descriptive. While a rigorous separation of empirical facts and normative statements is a valuable goal generally speaking, it has been convincingly argued that this ideal is not always a realistic one³; in addition, most significant statements about political facts are partly empirical, partly normative because the common root of their identification and interest is the

² E. Picavet, « Démocratie et contre-démocratie : apports et présupposés de la contribution de Pierre Rosavallon », in A. Viallat, ed., *La démocratie : mais qu'en disent les juristes ? Forces et faiblesses de la rationalité juridique* (proceedings of the May 2012 colloquium, Law Faculty of the University of Montpellier, France), Paris, Librairie Générale de Droit et de Jurisprudence, 2014.

³ Hilary Putnam, *The Collapse of the Fact/Value Dichotomy and Other Essays*, Cambridge, Mass., Harvard University Press, 2002.

connection of actions (or states of affairs) with politically relevant norms. The connection of facts and norms in P. Rosanvallon's opening statements about the present state of democratic politics and the disappointment of citizens is well worth a discussion. The first pages in *Le bon gouvernement* provide ample evidence that P. Rosanvallon's diagnosis refers to a critical context: democracy is in dire straits. Citizens feel abandoned by politicians once they are elected, and the behavior of politicians exemplifies *mal-gouvernement*, an insidious evil within democracy.

There is no denying that democratic regimes can be considered *democratic* for good reasons (thanks to political competition in elections, the rule of law and the protection of individual freedom); this is fully acknowledged in the book. Nevertheless, according to P. Rosanvallon, the quest for a full-fledged democratic life is patently unended and, more particularly, it should be allowed that the concrete use of power, especially executive power, falls short of democratic ideals. This creates room for an investigation of the roots of our unsatisfactory democratic experience, and the first step is to recognize that the governing/ governed dichotomy has regained prominence (over and above the representative/ represented pair⁴). In-depth examination of the historical fate of executive power (with a special focus on French political history) plays an important role in the book as it reveals a series of tensions between mutually incompatible desires or beliefs. In *Le bon gouvernement*, historical analyses are all the more illuminating as they help identify crucial changes in the real allocation of power. For example, the role of political parties has undergone significant changes across history in connection with evolving normative beliefs about people's sovereignty or the connection between law and executive power.

⁴ *LBG*, p. 9.

The acceptability of power allocation and re-allocation is connected with elections but elections themselves must be justified in a principled way⁵ and the ways of justification are complicated by divergent aspirations.

The “crisis” diagnosis is qualitative. One may ask: how deep is the disappointment? In the case of France, statistics provide ample evidence of the widespread distrust of governed citizens towards the governing rulers. This is worrying indeed: the Republic doesn’t achieve a level of “trust” by any means comparable to, say, democratic regimes in Scandinavia. For all their ability to capture important features of widespread psychological states, statistics about values and perceptions are perhaps not the most appropriate sources of evidence here. Reflective attitudes and practical commitments do not easily scale down to quick answers in opinion polls.

For example, the extraordinary development of long-term unemployment, poverty, homelessness, social segregation in secondary schools and higher education, and sheer deprivation in France in recent years, accompanied by declining State support for public institutions and the public industry, and the ideology-driven gradual abandonment of active (growth and employment-oriented) fiscal and monetary policies, has not been associated with significant trends of revolt, much less revolutionary movements. In these extraordinary circumstances, shouldn’t we consider that the enduring loyalty to existing institutions is quite striking after all?

Neither can we rely exclusively on a massive contrast between past and present (let’s say, between the blooming years of the 3d Republic in France and the sad examples of clearly deplorable

⁵ *LBG*, p. 167.

individual misconduct among rulers in the 5th Republic). To be sure, French political life in recent years has been marred by mediatic financial scandals, clear examples of cynic abuse of power on the part of a number of politicians, as well as a shocking harshness towards the poor. It has showcased insensitivity to important needs in the population, as well as refined ways to use public means to promote the personal career and fortune of friends and political companions. Nevertheless, these problems have been highlighted by journalists whose audience is clearly more numerous, more influenced by media coverage of events, and more politically conscious, compared with the population of France back in the times of the 3rd Republic. Moreover, present-day journalists can rely on powerful digital means of investigation which have only existed in the last decades. For all the recent, perhaps deplorable restrictions on freedom in speech and publication in France, it can safely be said that journalists enjoy extensive rights to investigate and explain political scandals.

II The Nature of Problems in Contemporary Democratic Regimes

Following P. Rosanvallon's insightful analyses in *Le bon gouvernement*, a number of basic problems of democracy today amount to bad properties of ruling processes. This point of view is no doubt much more illuminating than straightforward moralistic attacks on the lack of virtue in subgroups of the population, such as the influent circles and the "ruling elite" (on any understanding of these fuzzy concepts), MPs and other elected officials. The encountered problems have to do with the structure of administrative processes, public debates and

collective decision-making – sometimes also with the absence thereof.

Paying due attention to decision-making processes, the author is able significantly to contribute to the analysis of the highly important topic of the use of social and administrative models in effective power-exercising. Owing to the growing importance of specialized (technical) topics and regulatory activities in government, this topic is more vital than ever. For example, financial regulation and monetary policy, with their widespread effects, heavily rely on economic models of the social world and on models of risk and probability, human values and attitudes, administration and dialogue. Discontent, distrust and open criticism are, more often than not, the outcome of reasoned judgments about the inadequacy of such underlying models.

These attractive general features in P. Rosanvallón's work allow it to be illuminating in several ways indeed. The implications are both stimulating and relevant. These are positive reasons to believe that the underlying methodological choices about the delineation of the relevant topics in a study of democracy are well worth a second look.

P. Rosanvallón's grasp of the "democratic deficit" revolves around the awareness of citizens. The latter are well aware that the interest politicians take in the everyday problems and legitimate claims in the population is insufficient. More often than not, politicians prove unable to initiate in-depth institutional dialogue and go beyond their tiny sociological sphere. On top of this, they appear to have specific problems with the acknowledgment and practice of accountability, transparency and "reactivity" in day-to-day governmental practice. All this makes it urgent for political analysts to deal with the effective use of power and its shortcomings. While the relevance of the chosen viewpoint and the resulting research agenda can hardly be denied,

a number of questions can arise about the spectrum of the highlighted topics. These topics have to do with the everyday management of public affairs. They are at the heart of practical political problems. But, one may ask, what about the spectrum of the public affairs themselves?

My guess is that a number of phenomena which lie at the core of P. Rosanvallon's statements about the present state of democracy – such as the rise of populism and the widespread distrust of mainstream politicians – are in fact connected with the gradually narrowing spectrum of public affairs. Even though “new” issues regularly come up in political debates and keep stimulating the legislative imagination of associative leaders, journalists, lobbyists and politicians alike, these are often symbolic and comparatively minor issues, when contrasted to the big problems of national industry, employment and State planning. These big problems are in turn regularly described as irrelevant for concrete political action on the part of national political rulers, for reasons which are deeply connected with the set of ideas associated with “economic constitutionalism” on a neoliberal understanding⁶.

This evolution is connected with supra-nationalism on the one hand, and with the growing influence of ideologies and irrational beliefs on the other hand. In the case of France, supra-nationalism is first and foremost associated with the power of EU institutions, and especially with the authority recognized to these institutions when it comes to delineating the proper domain of State action at the level of democratic State power. Supra-nationalism isn't a matter of State failure, or elite treason as populist discourse tries to frame it in public discourse. Historians

⁶ The political dimension of this brand of neoliberalism is elegantly discussed in *LBG*, pp. 181-183.

know better: it is obviously connected with the evolution of ideas and practice in the national political sphere. In the case of France, it is also very much rooted in evolving beliefs about the proper meaning of public action, nation, independence, autonomy, etc.

In addition, the success stories of the Commission and of the European Central Bank in the EU power games convey the notion that democratic control, accountability and people-related decision-making are not central after all. They have a role to play, but the official “truths” about economics on the one hand and “good governance” on the other hand are somehow more important in the end. Economic liberalism and its political safeguards are at the core of the quasi-federal political system. This creates problems because the typical democratic concerns are best understood in connection with local or national issues which have no systemic connection with the abstract economic rules of competition which lie at the core of the European structure, nor with large-scale economic stability as framed by the mental setup which is typically associated, in economic matters, with the European Commission and the European Central Bank. Similar issues can be raised in connection with other international or supranational institutions.

A basic problem, then, is the possibility that popular judgment might, after all, be completely divergent. In a country like France, it is widely held that economic rules (including the basic rules of production, exchange and redistribution) and the legitimate range of political action in the field of macro-economic affairs are not alien to the government’s prerogatives. Indeed, for many of us (French citizens), they lie at the core of what politics is and any picture of politics which tends to underrate their importance or legitimacy is routinely viewed as a distorted, deeply ideological one. Quite simply, many people believe that politics isn’t centrally concerned with the regulation of “free-market”

competition or the management (through the provision of public goods and other policies) of “market failures”. Widespread criticism is understandable, then, but it has little to do with accountability, procedural guidelines or the setup of open discussion fora.

Another concern is the connection of practice and principles. Good practice in politics can hardly be severed up from the relevant interpretations of principles. Correct political action has a lot to do with the ability to rely on matters of principle, in the light of the plurality in the defensible, consistent interpretations of the underlying guiding principles. Instrumental efficiency, conscious rule-following, procedural accountability and the rejection of manipulative opacity won't suffice in this respect, for the purposes of restoring trust in politics. P. Rosanvallon's project of a “lucidity” and “knowledge” revolution is a fascinating one, as it associates the understanding of social functionings and the “readable” character of political action⁷.

Progress in making politics “readable” is decisively associated with responsibility and reactivity in the general scheme for letting people “appropriate” democracy again. In P. Rosanvallon's book, these new tasks rely heavily and correctly on cognitive processes. As Necker understood, transparency and trust follow from intertemporal cognitive tasks⁸. The visible character of processes doesn't warrant a correct grasp on the part of citizens⁹.

⁷ See *LBG*, p. 252.

⁸ See *LBG*, p. 219.

⁹ *LBG*, p. 232 and p. 234.

III

Legitimacy and Changes in the Practice of Government

While P. Rosanvallon's historical studies focus on the practical relevance of general principles, his advice for change goes beyond the architecture of power, interpreted as a privileged expression of general political principles. In other books – especially *La Démocratie inachevée* and *La Contre-démocratie* – the author had advocated a pluralistic view of democratic ideals (beyond the majority rule) and a serious examination of the way citizens, groups and institutions are able to control the exercise of power as it is, in a way which doesn't reduce to simplistic ideas about authorization. In *Le bon gouvernement*, a remarkable achievement is the simultaneous development of an institutional theory of democratic control and a political theory of democratic, principle-based action. This involves a searching conceptual analysis of the principles of democratic action in politics generally speaking¹⁰. Argument along these lines suggests the importance of a “readable” society¹¹, in which both trust and consent to justifiable changes is made possible.

Such developments are crucially important in times which give evidence of the regained popularity of conspiracy theories¹², of irrational diffidence towards the elected rulers and also of absurdly hyperbolic views of responsibility and imputation (a “crisis of imputation”¹³). However, pairing trust and the “readable” character of social and political processes is no easy task in the end. It involves the ability to grasp the use and the

¹⁰ *LBG*, p. 384.

¹¹ *LBG*, p. 22, p. 25, p. 246.

¹² *LBG*, p. 239.

¹³ *LBG*, p. 265.

direct expression of principles in the processes, otherwise distrust may be rational even for people who are not tempted to endorse conspiracy theories. Given the plurality of officially endorsed sets of principles in modern democracies (with both national and international sources), given the difficulties in the understanding of complex procedures in political decision-making and given the contingent aspects in the procedures through which principles are served¹⁴, the lack of wholehearted identification with the spirit of democratic institutions is explainable after all. It has a lot to do with interpretation and issues of expressiveness, beyond the safeguards provided by procedures and the checks and balances among institutional actors.

As it turns out, some of the major problems of present-day democracy originate in the identification of the relevant principles behind legitimate power. In the case of France, for example, we cannot overlook a number of basic principles which account for the democratic character of State action, assessed from the point of view of Republican thought and tradition. These principles are part of the nation's "public reason" (in the parlance of philosophers) and they appear to be crucial for the validation of the democratic character of public action within the framework of the kind of State democracy informs – namely, a Republican State with its own tradition in the interpretation of universal moral values and political claims.

Quite simply, these elements of democratic decision-making are not fully shared (or at least, shared in the same format) across

¹⁴ Such complex procedures as the EU ones give credit to the hypothesis of « oblique » politics I have defended elsewhere: principles do impact decision-making but they do so in a way which is heavily dependent on institutional details, fragile strategic expectations, the contingent associations of the goals or interests of various groups, and so on.

EU countries. Such essential guideposts of legitimate State action in France as the fight for effective *laïcité*, the eradication of arbitrary economic power in private hands (as classically expressed in such a landmark document as the *Conseil National de la Résistance* program), responsible and forward-looking State economic industrial action (beyond vague speeches about “strategy”), State involvement in the implementation of social equality and social security ideals, etc. are not fully shared across Europe, to say the least. Agreement on a number of *other* central concerns or contemporary democratic culture and social ideals is important to be sure; it shouldn’t be underestimated and it is at the root of many progressive, dynamic processes in the EU. Such an agreement, however, says nothing about the comparative importance of the *other* concerns which play a vital role in the interpretation of the scope and challenges of democratic procedures in the Republican national State. They are important in their own right indeed and they cannot be overlooked, unless we accept the risk of letting State power be perceived as an arbitrary set of inconveniences.

As a result, given the predominance of EU power over State power in many respects, the global picture is a confused one, which fuels popular distrust and the political exploitation of popular discontent in electoral competition. The central virtue of democratic politics which is most at risk is the ability of all citizens to make sure by themselves, in a convergent way, that public action can validly be interpreted in the light of common-knowledge moral and political principles, as plausible (if contestable) expressions of these very principles. If political life falls short of this, how can we escape the development of disloyal feelings? Decision-making procedures, transparency or accountability play a role but the substance of norms and the scope of legitimate power might be a more decisive one after all.

These are reasons to believe that the analysis of democratic discontent about democracy as it is should cross the borders, and deal with concerns which have to do with the understanding of the margins for action to be associated with legitimate democratic power- not just the proper exercise, reactivity, transparency and accountability of power. The analyses in *Le bon gouvernement* are extremely useful but they rely extensively on the logic and functioning of democracy itself. The meaning of democratic procedures is also connected with the extension of people's power: the range of substantial choices and the collective ability to select the appropriate principles or general maxims of political action.

Along these lines, for the purposes of understanding the problems of democracy in France today, the study of ideology – economic beliefs and doctrine in the EU institutions for instance – is necessary. After all, the recent economic bodies of thought have had a significant impact on the understanding of the functions, goals and other attributes of core political institutions. Owing to their impact on EU authorities, they are part of the picture of democratic legitimacy, although their generative processes are far from democratic in themselves as journalists, activists, political consultants, writers, celebrated professors (and more obscure academic researchers) and lobbyists play the central roles.

Similarly, evolving concepts of “good governance” connect up with (sometimes controversial) ideas about gender, respect for cultural communities, equality, the value of “the market” and the public/ private divide. Diffidence towards the ruling elite is fueled by disagreement on such matters. Given the growing importance of supranational government (especially in the case of the EU), international jurisdictions and standardized international doctrines of good governance, the ability of popular decision-

making to make a substantial difference in the choice of values is a problem once again.

P. Rosanvallon tries to help the public gain insights about the best ways to achieve change in political life. His inquiry gives a major role to such entities as “people”, “nation”, “the general will” and the law in the development of democratic legitimacy. His constructive suggestions deal with principle-based government in an appropriately systematic way; the substantial advice to be gained from *Le bon gouvernement* is most welcome indeed. The resulting picture of present-day democratic perplexities is convincing but it raises further questions about democracy. Dominant views about “good governance” in democracies on the one hand, supranationalism on the other hand challenge people’s power in new ways. Indeed, they impact both the practice of power-exercizing and the choice of the underlying moral and political principles. This impact is certainly not easily separable from normative judgments about the quality of (or discontent about) democratic political life and procedures. P. Rosanvallon takes the reader to the border of the sphere of political reasoning about democracy, along the lines of the modern concept of responsibility, with significant improvements and original insights. Moreover, *Le bon gouvernement* can be perceived as an invitation to further examine the interactions between procedures and governmental action at the national level and the broader international language of good governance, ethics and economic wisdom. Some of the major challenges of democracy today originate in the tensions between popular choice and expert wisdom, because the latter has a major impact on the understanding of the legitimate domain of popular choice.

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