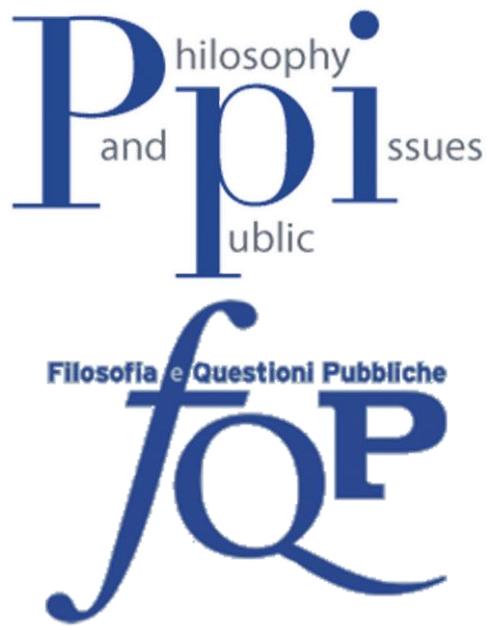


SYMPOSIUM
THE LIFE, THE IMAGE AND THE PROBLEMS
OF DEMOCRACY



DEMOCRACY AND ITS IMPLICATIONS
AN INTRODUCTION

BY

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Democracy and Its Implications.

An Introduction

Fabrizio Sciacca

Paul Cartledge offers us a valuable opportunity to review, currently of a problematic and dramatic nature, the question of *what is democracy* and its important implications.¹ In dealing with such an abused topic, these pages will not follow a chronological order but, rather, a logical-conceptual itinerary that is, by necessity, trans-historical. I will look at the concepts that bind some of these problems together and I will try to propose some reasoning. So, what is democracy?

If we answer the question following the etymological tradition then it brings us to a series of contradictions, the first of which implies that democracy as a government of the people, according to such a conception, is an impossible form of government. In this sense I agree with the difficulty posed by Hans Kelsen, regarding

¹ Cartledge 2016.

the question of defining ‘people’ in these terms, besides the problem of the object being its own power.²

Furthermore, democracy, in this sense, would be a political form (such as aristocracy and monarchy) and the same classical objections can be raised against it by the likes of Herodotus, Xenophon and the Athenian Anonymous, to name but a few. Indeed, faced with these, democracy would certainly be open to a technocratic argument; that a political professionalism would be difficult to find in most people or even entirely in themselves. In this sense, it would appear more reliable, according to the teaching of Plato, to accept the government of a few or even that of one. Therefore, the road should be another, especially considering that, in the modern age (at least from John Locke onwards), democracy was and is always conceived as ‘representative’, or as a power entrusted, not to the people directly but to its representatives. And here is the slippery ground that lies at the root of the problem of

² “But the question as to what is the interest of the people may be answered in different ways, and what the people themselves believe to be their interest is not necessarily the only possible answer. It may even be doubted whether there is such a thing as an opinion of the people about their own interest and a will of the people directed at its realization. Hence a government may consider itself to be a government for the people-and as a matter of fact every government does so-although it may not be a government by the people at all” (Kelsen 1955, part II, 2). Kelsen has a relativist conception of politics which does not coincide with a pluralist conception of politics (which we will later see exemplified by Rawls and therefore with the idea of pluralism of values). Values, as Kelsen sees them, exist as a possibility alongside others, and as such they do not need to be further justified. To opt for a value and not for another implies a moral choice that admits the possibility of x having values other than y , without the values of y having to be indifferent to x and vice versa. The object of knowledge is a value of justice (i.e. freedom or equality), that’s all. The values are relative. What is important to know, for Kelsen, is the best practicable value: for Kelsen that is democracy, as the fulfilment of values such as equality and freedom.

representation. Representative form is simply a constitution that guarantees the separation of executive and legislative powers because democracy (in its direct form) necessarily consists of a founding ‘despotism’, “because it sets up an executive power in which all citizens make decisions about and, if need be, against one (who therefore does not agree).³ From this we see the definition of democracy does not consist in that of ‘government’ of the people, but in its own sovereignty: a term alien to ancient thought, which appeared at the end of 500 BC together with the idea of ‘state’, the latter understood as the political organization of a company. The concept of sovereignty indicates the power of command in a political society and therefore the power of command in a form of state. It is therefore the work of juridical rationality, which is expressed as the transformation of force into legitimate power. The alternative political forms to democracy would no longer be those traditionally drawn, such as the government of one or a few but in the totalitarian or autocratic governments, that is, the dictatorship of one; one party, one class or one race. In this vision, the degenerate form of democracy would still be the government with the greatest majority.

The Greeks had posed valid considerations of this problem from the very beginning in terms designed to smooth the path through this very dilemma. At the end of the fourth century BC, in Athens there was a debate that had culminated in the constitution of Cleisthenes and its dissolution with the advent of the Thirty Tyrants. This debate concerns the very essence of democracy. It is power of the *demos*, or of the *demos* according to the *nomos*. If we want to better understand the real meaning of modern democracy and the elements that emerged in that debate twenty-five centuries ago, it is first necessary to ask what today could be a source of democratic ontology? Not the laws, because

³ Kant 1983, 114.

they form the object of democratic government, and therefore are downstream of democracy. Not even natural law, which is hardly compatible with the legal conceptions of our time or with the philosophical principles concerning the human condition; equality, freedom, human rights, enshrined in the Declaration from Eighty-nine onwards. We must look elsewhere. For example, there is a possible ethical motivation to democracy. What do we mean?

Equality appears to be closely linked to democracy. Just like freedom, equality is certainly a relative and philosophically friable notion. In its purest state, it would be impossible to even conceive of it. However, whatever conception of equality is adopted (equality of what?), it is difficult to support a democracy of inequality. The utopians who have described equality (from Phaleas of Chalcedon and Hippodamus of Miletus to Thomas More, Francis Bacon, Tommaso Campanella and so on) have always theorized an equality relative to the human condition: economic, social, legal, religious and political. Of course in this sense relativity is limited, for example, in political equality, which becomes an historical or diachronic relativity and proceeds with the same methodology as democracy. Democracy is indeed an *idée-force* that necessarily expands towards equality, otherwise it loses its ethical motivation and turns into an opposite Polybian or Aristotelian system: the government of the largest number.

Equality (or rather the continuous search for an approximation towards equality) is therefore the ethical motivation of democracy. In what way? Here the discourse gets complicated because we would first need to understand what kind of equality modern democracy could relate to: as other political systems, such as socialism and communism are inspired by the same concept of equality. The boundaries between democracy and socialism, on this side of the political topography, are very uncertain. I recall the relativistic position of Kelsen, stated in the epilogue, according to

which democracy, as a political system, is not necessarily tied to a given economic system, which also justifies, for Kelsen, the failure of all attempts to prove the existence of a closer relationship between democracy and capitalism rather than between democracy and socialism.⁴ Democracy and socialism, however, tend to move toward equality: the first, with a strong emphasis on equalizing everyone's political capacity (whereas socialism is merely moving towards economic equality). Both also affirm a concept of equality which is not only legal, but social. This is an equal assumption whose meaning is enshrined by the Italian Constitution (art. 3). A central point to the problem is that equality is an impossible condition of freedom, but also as difficult (if not as impractical) as freedom to be pursued. In fact, there is a need for a constant commitment by public institutions to provide resources to reduce inequalities that society perpetually produces. The problem of welfare is a significant aspect of this. Simply put, democracy serves to do things, not produce ideas (democracy is already an idea): either democracy is interventionist or not at all. And if that's not democracy, what is? Is it possible for a democracy to exist in an economic and social system that does not pursue equality? Is a true democracy possible in our contemporary globalized world? What does this word really mean today?

Modern democracy could be defined, in the words of Tucidides, as *apathy*: a lack of direct participation by the citizens towards the most important decisions is an intrinsic value of the ancient polis. A representative, modern democracy is a semantic denial of its etymological root: 'power of the people' is an anti-nomic and

⁴ “The result of the foregoing analysis is that the attempts at showing an essential connection between freedom and property, as all other attempts to establish a closer relationship of democracy with capitalism rather than with socialism or even the exclusive compatibility of democracy with capitalism, have failed. Hence our thesis stands that democracy as a political system is not necessarily attached to a definite economic system” (Kelsen 1955, 94).

misleading expression. According to the ‘democratic’ principle of representation, no political decision is in itself ‘democratic’: (in a representative sense) the conditions are anything but. From this point of view, the legitimization of democracy based on an ethical motivation inspired by the protection of individual rights is not an endogenous element of the democratic procedure, and not even a necessary one: it could be a possible contingency of any form of government.

From a logical point of view, an autocratic government could guarantee even better expressions of equal individual freedoms rights or abilities. Isaiah Berlin explicitly points this out: “Just as a democracy may, in fact, deprive the individual citizen of a great many liberties which he might have in some other form of society, so it is perfectly conceivable that a liberalminded despot would allow his subjects a large measure of personal freedom”.⁵ One could say, thus, that in Frederick the Great’s Prussia men with imagination and originality were less persecuted and less oppressed by certain democratic institutions.

John Stuart Mill’s annoyance with democracy is well known, given the only valid form of government but also potentially the most oppressive. A first danger of democracy “lies in the sinister interest of the holders of power: it is the danger of the class legislation; of government intended for (whether really effecting it or not) the immediate benefit of the dominant class, to the lasting detriment of the whole”.⁶ A second: false democracies will also go into disrepair. “In the false democracy which, instead of giving representation to all, gives it only to the local majorities, the voice

⁵ Berlin 2017, 176.

⁶ Mill 2008, 299.

of the instructed minority may have no organs at all in the representative body”.⁷

Even a great defender of democracy like Alexis de Tocqueville is forced to admit that “when the equality of conditions grows up amongst a people which has never known, or has long ceased to know, what freedom is (and such is the case upon the Continent of Europe), as the former habits of the nation are suddenly combined, by some sort of natural attraction, with the novel habits and principles engendered by the state of society, all powers seem spontaneously to rush to the centre. These powers accumulate there with astonishing rapidity, and the State instantly attains the utmost limits of its strength, whilst private persons allow themselves to sink as suddenly to the lowest degree of weakness”.⁸

As Elias Canetti also points out in one of the most beautiful pages, “No one has ever really believed that the opinion of the majority is a vote for both dominance and wisdom”.⁹ In modern parliamentary majorities, democratic expectations are based on consent. Consensus is not a resipiscent manifestation of will, but it is technically a vote. In this sense, consensus is the precondition for the legitimacy of power. Legitimization assumes the consensus: it is a metaethical value that underpins political power. A vote is none other than two possibilities contained in the need for binary logic: Yes or no. To think that in these two possibilities there is a superior form of abstraction that has two explanations. The first is political, the second is philosophical.

Good politics is generally motivated by an attempt to solve problems rather than create them. Moreover, politics is not called to solve the problems posed by philosophy, but to solve the

⁷ *Ibid.*, 313.

⁸ Tocqueville 1863, II, 369.

⁹ Canetti 1960, 213 (my translation).

previous problems created by politics itself. Domestic politics, particularly, has mostly tried to solve problems that political governments have failed to resolve or, worse, that their precedents have created. Of course, to say that politics works with democratic logic (procedural resolutions adopted by majority vote) is not the same as saying that politics is in itself sensitive to ethical inspirations. In general, politicians make use of ethics (or rights) to use rational arguments aimed at explanations or to obtain consent. In the Aristotelian tradition, these are rhetorical instruments aimed at creating expectations of trust in their recipients. Politics therefore has a psychological aspect that aims to communicate the idea that salvation exists and is of this world, and that is what we aim to convey through rhetorical argument. The purpose of this policy is transcendental: making knowledge possible through the communication of sensitive data.

The philosophical explanation can be stated as follows: philosophers deal with theories and elaborate schemes. When they are good, theories are generally the fruitful product of the pen and reason. It is perfectly explainable, therefore, that a philosophical theory is an attempt at a coherent arrangement of thought, equipped with rational arguments and sometimes ethical inspirations. Yes, the philosopher poses problems and does not think of solving them. He asks questions more than he answers. Therefore, a true philosophical theory is never an answer to a problem, but it is the position of the problem itself. All respectable philosophical theories of democracy, from the ancients to the moderns of today, are not real objects but interpretative devices on the real world, which is a lot more than ordinary life and common sense. At a closer look, every philosophical theory (even those about democracy) come from nothing that democrats do: they are the troubled fruit of a single mind, often desperate if not tormented, born of a tree in a desolate clearing. It is difficult to conceive of a less democratic human expression than this. Every

philosophical theory, when it really is such, does not need to be deliberated by a majority or even a minority: indeed, as such, it just needs to be genuine, authentic, and certified. Even when expressed in forums or public discussions, the account of a philosopher is the narration of a philosophical activity that occurs without interlocutors: it is the narration of the self inter faced with the desert, with silence, with extrusion from the world and its noisy thoughts. In good substance, it is a miracle of human nature to be still able to pursue philosophical activity through the pervasive desertification of technological communication.

Therefore, every self-respecting philosophical theory, even theories about democracy, are not images of the real world, but interpretations of dreams or possibilities. So, the problem of democracy in this real world is a false problem: it simply does not exist – it has no foundation. Politicians use democracy to govern and convince. Philosophers, since they have never governed, are interested in democracy merely for interpretation: to draw difficult sketches on the white sheet of their mind. Political philosophy is essentially philosophy. When discussing politics or democracy, it can neither answer nor convince. The genuine philosopher, indeed, succeeds in his intent when he posits against common sense, when he bypasses the calcifications of hearsay and satire. From this point of view, political philosophy is hopelessly anti-democratic, it is an antipodic expression of distance from all that *democratically* can pass through political language. Politics, conversely, has nothing philosophical about itself but it can convey something to philosophy. Politics reveals to philosophy the existence of an imperfect real world: for the philosopher, however, it is an object at the extraneous and impenetrable philosophical reaches, a reality not even interpretable. Philosophy always interprets itself, never reality. Philosophy and politics are, therefore, ontological objects hopelessly distant and parallel. They arrive, however, at the same result: by placing democracy at a distance from ethics and higher

life forms it gives the evidence of a world without transcendence, full of idols and far from God.

Society always remains a political, conflicting place. In a democracy, there is a fight to resolve the conflict aimed at enforcing the rules. Unlike ancient democracy, the modern democratic system considers conflict a structural element of the human condition, which also exists in the transition between rational accounts and passionate accounts of conflict. The modern subject seeks to control the world through position of the law, which does not create justice, but allows its existence. In a model like the Hobbesian one, the conflicting situation for excellence, war, is overtaken in the position of an order that represents the shift from naturalness to that of regularity. Thus, the modern state derives its legitimacy by an acquisition of strength from a subject, the sovereign, who formally stands as a fulcrum between the weights of equality and freedom. These are the social parameters that formally render substantially independent sovereign states. They are such because they adhere to a process of common regulation for regulatory needs providing interstate balance but also to address the risks of advancing multinational non-state organizations. Nation states lose skills. The best index of progress is in the field of international relationships where even today democratic confrontation appears and implementations are aimed at softening the conflict between internal politics and foreign policy. Therefore the problem is at the international level, always constituted by the extension of a liberal-democratic model as a point of reference for the construction of a global policy: the neoliberal design of a destatized world market society. A difficult and distant prospect.

Finally, apart from the idea of global justice, one cannot simply circumvent the problem of the relationship between global rights and democracy. Global rights (understood as human rights) and

democracy appear reciprocally connected, since this is the premise for the realization of a public autonomy framed by a moral subject. However, this connection binds the two terms until they are intricate. Human rights presupposes the principle of universality and contains the venerable claim to be politically neutral, but other parts are likely to become inefficient if they are taken away from the trade-off between laws of the market. Yet, universality and autonomy are two supreme principles of a modern political philosophy that is oriented towards pluralism. This claim is subjected to a process that is far from over: what about the relationship between international law and democracy? It's probably not inaccurate to argue, as Joseph Weiler did, that the policy of international law has little to do with democracy, where democracy is present in the non-reducible size and shape of a state.¹⁰ This is probably in line with the pessimistic outlook held by Paul Cartledge in the epilogue of his volume.¹¹

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¹⁰ Weiler 2009, 103.

¹¹ Cartledge 2016, 305.

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