Omnilegitimacy: From Representative Democracy toward Emerging Alternatives

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by

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Dedication:

To my parents and my sister.

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Abstract:

As citizenries around the world become increasingly dissatisfied with the traditionally accepted model of governance, the challenge is to look to forms that better meet a demand for rule by the people. Individuals have largely lost their ability to influence decision-makers within bureaucratic and administrative governments, whose interests are increasingly felt to be divergent from their own. Within ‘western democracies,’ it is held that power derives from the people, who appoint their leaders through the majoritarian approval of a voting constituency. Though an imperfect claim to the ideal of “government by the people,” it is this system of representative democracy that has thus far proven to the most widely adopted attempt to establish a legitimizing link between the citizen and the ruler. As we experience widespread failures by governments to address environmental, humanitarian and social challenges of the 21st century, the effectiveness of the representative democratic system to act on the collective will of the people is called into question. This paper will study critiques of representative democracy as well as its foundations in the state, going on to investigate alternate forms of democracy emerging in different social and theoretical movements of the 20th and 21st centuries, arriving at an altogether new articulation of democracy.
Introduction:

Democracy is in crisis. This can be seen around the world today, where protest movements and civil strife dot the landscapes of formerly sanguine nation-states that once held up their satisfied citizenries as the mark of success. Countries that have encountered widespread upheaval in recent years include: Chile, Argentina, Spain, Greece, Ukraine, Thailand, United Kingdom and the United States. Though the nature of the protests and their origins vary greatly - from economic collapse to corruption, failures in education and needs for constitutional reform, to name a few - they were all directed at governments whose claim to legitimacy is the representation of the people’s will. As the world experiences a crisis in effective action, representative democracy, therefore, is also in a state of crisis.

Systems striving for the democratic ideal appoint leaders through the majoritarian approval of a voting constituency: a link between population and political representatives that is proving too tenuous to ensure that the challenges of our time are effectively addressed. Though once held to be the gold standard of good decision-making, rule by the elected has proven unable able to answer the people’s call for determination. Taking the increasing dissatisfaction of citizenries as an indicator of this failure, this paper will set out to uncover why representative democracy is not able to satisfy the people, why the nation-state may be the underlying problem and what new sort of ordering can resolve this.
Chapter 1 will set out with a discussion of legitimacy and how it relates to the democratic ideal of “rule by the people,” as derived from the Ancient Greek root (demos = people, kratia= rule by). By taking this comprehensive measure of legitimacy as qualifying demand, it will be shown why representative democracy cannot measure up to it. Chapter 2 will look at the premises of the the state at large, in order to explain how and why a division between the people and power is maintained. In reaction to this, arguments for a countervailing conception of politics will be investigated. Chapter 3 seeks to reinstate decision-making authority to the will of the people and explore the possibility of stateless democracy, through the discussion of 20th century revolutionary councils as well as contemporary activist networks.

The conclusion to this paper elaborates a new proposal for a decision-making model, which meets the democratic demand for rule by the people and is therefore “omnilegitimate.” Developed throughout the paper are unique definitions and coinages, that are listed and defined, for the sake of clarity, in the glossary. Appendix A offers a comparative table, wherein the attributes and features of conventional state-based representative democracy are juxtaposed to those of a new, bottom-up form of democratic decision-making. Appendix B is a diagrammatic depiction of this new model, following from a formula developed throughout the text. Appendix C shows a scene from the May Day protests in NYC on May 1st, 2012 relating these theoretical ruminations and deductions about democracy back to the ferment out of which they were born.

Some of the questions posed in the course of this paper are: “can a formal political
union meet the democratic demand for complete approval by the people?”, “what happens
to demands for radically horizontal decision-making when met with a demand for
political action?”, “can the possibility of a complete plurality coexist with the possibility of
complete unity?”, “how can new democratic practises be established within the hegemonic
framework of representative nation-states?” and “is omnilegitimacy scaleable?” In taking
a holistic view and utilizing different approaches to these questions, it is hoped that the
paper will allow the reader to form a palpable impression of a new and yet unrealized
kind of democratic society. Though arguably a utopian (Gr. *outopol*, *ou*=not, *topos*=place)
project, it is on the assurance of its fundamental feasibility that it proceeds.
“The communities are promoting democracy. But the concept seems vague. There are many kinds of democracy. That’s what I tell them. I try to explain to them: ‘You can operate by consensus because you have a communal life.’ When we arrive at an assembly, they know each other, they come to solve a common problem. ‘But in other places it isn’t so,’ I tell them. ‘People live separate lives and they use the assembly for other things, not to solve the problem.’ And they say, ‘no,’ but it means ‘yes, it works for us.’ And it indeed does work for them, they solve the problem. So they propose that method for the nation and the world. The world must organize itself thus...And it is very difficult to go against that because that is how they solve their problems.”

Subcommandante Marcos

(Blixen & Fazio)
Chapter 1: The Democratic Demand

Democracy: from Greek δημοκρατία or δημοκρατία, δῆμος ‘the people’ and kratia ‘power, rule.’ “Government by the people; that form of government in which the sovereign [i.e. supreme] power resides in the people as a whole, and is exercised either directly by them (as in the small republics of antiquity) or by officers elected by them.” – Oxford English Dictionary

Section I - Roots of Democracy

A democracy is legitimate, so long as the people say it is. Its basis - according to the translation from its Greek meaning, reprinted above - is in the people. In a democracy, therefore, legitimacy - understood as the justification of political action based on an accordance with its own foundational values - follows from the approval of the people. (See Glossary) In other words, political action can be deemed legitimate, in a democracy, only if it has the approval of the people. For this reason, it is the premise of democracy as “rule by the people,” which uniquely offers the possibility of complete legitimacy, contingent upon the will of the people.

Max Weber identified a self-generated “legitimacy-belief” (Legitimitätsglaube) process, according to which “the basis of every system of authority, and correspondingly
of every kind of willingness to obey, is a belief, a belief by virtue of which persons exercising authority are lent prestige” (Weber, 1964: pg. 382) Weber’s implication is that legitimacy is not an absolute value, but a condition that depends on an agreement between the values of a system of authority and a ‘belief’ in these. While it may be said that the legitimacy of any form of government depends to a certain measure upon a belief by the people, this measure in no other form aspires toward completeness as it does in a democracy. The legitimizing body of individuals named in any political system determines the necessary measure whereby this political authority gains its legitimation. The measure of a legitimizing belief, so long as it is in competition with exterior forms of justification, is incomplete. In a monarchy, a king may claim to rule by divine decree and therefore seek merely to maintain in the court around him a belief. Similarly, members of an aristocracy may look only to their moneyed peers for legitimacy, and not beyond. This shows, that where the legitimizing belief constitutes only part of a government’s basis of power, it is in competition with alternative claims to authority.

Only a democracy is held to have its basis of justification in the approval of the people as a whole. The legitimizing belief, therefore, constitutes not part of its basis of power, but its entirety. This unique intersection between the democratic basis of “the people” and Weber’s conception of legitimacy, as following from the “belief” by the people, creates the unique possibility of a fully coherent system of legitimation, residing in the entire population. In the ideal of democracy we see the possibility of a complete concurrence of the foundational values, and the Weberian belief. Thus - for the first time in Western political thought - the exercise of political power could be completely
contingent upon an approval by the people. What presents itself is the possibility of absolute justification, the condition of which would be absolute approval. Only in a democracy, therefore, can we speak of a political system whose foundational values allow for complete legitimacy.

It is important to note, however, that this legitimizing totality of all the people inheres in democracy only as an ideal. This ideal was perhaps best articulated by Abraham Lincoln, in his *Gettysburg Address* of 1863, with the words “government of the people, by the people, for the people.” Lincoln went on to say that this form of political organization “shall not perish from the earth,” (Lincoln, pg. 1) though it is arguable that the utopian notion he described had never yet come to true fruition upon the world. Though many countries around the world today, including the United States of America, are commonly referred to as democracies, it is a difficult claim to defend that these are governments fully “of the people, by the people, for the people.” Their claim to being democratic requires qualification, by the affixing of the terms ‘representative’ and ‘majoritarian.’ They are representative, insofar as the democratic power resides in the people to appoint their leaders, not lead directly, and majoritarian because legitimizing approval of leaders needn’t be by all, but by most.

Political discussion dealing critically with representative democracy gained traction towards the early decades of the 20th century, in Europe as well as the United States. Following the demise of several monarchies and empires during World War I, electoral democracy came to be understood as the historically ascendant form of
governance. It was at this time of upheaval that Woodrow Wilson advocated “the world must be made safe for democracy,” (Wilson, pg. 1) so that the United States may export its type of democracy to the rest of the world. As a result of this new awareness of democracy as an expanding concept, it came under more scrutiny. In order to better understand representative democracy and its failure to meet the comprehensive demand of the democratic ideal, it should therefore prove worthwhile to look to some of those insights and arguments. In particular Harold Laski, British theorist and Labour politician and Walther Lippmann, political commentator and founder of the periodical New Republic, lay the groundwork for this project.

Harold Laski in chapter I of his 1935 book Democracy in Crisis, offers a lucid account of the shift in paradigm that gave rise to this new political order:

“Political democracy developed in response to a demand for the abrogation of privilege. In modern European history, its cause was the liberation of a commercial middle class from the domination of a landholding aristocracy. To free itself, that middle class formulated a body of liberal generalisations which culminated in the widespread grant of universal suffrage. Their underlying philosophy was the well-known Benthamite argument, that since each man in a political democracy was to count for one, and not more than one, and since each was, on the whole, the best judge of his own interest, universal suffrage would permit the translation of the majority will into the substance of legislation. Sinister
interest, it was urged, belonged only to a few; privilege could not resist the onset of numbers. Representative democracy, on the basis of equal and universal suffrage, would mean the creation of a society in which the equal interests of men in the results of the social process would be swiftly recognized. The rule of democracy was to be the rule of reason.” (Laski, 1935: pg. 49)

Laski’s narrative explains the emergence of representative democracy as the result of a legitimizing-belief whose measure was evolving. Because a system whose approval by a landholding aristocracy no longer satisfied this expanded measure, ‘universal’ suffrage was granted. This is what Laski calls the rule of reason, because its basis was in the people as a whole, and negotiated by means that were perceived to adequately satisfy the right of each to be accounted for. This process of majoritarian “recognition,” through representation was held at the time to be the best way in which the will of each could be respected. Representative democracy, thus understood as the historical result of an evolving measure of the legitimizing-belief, should by no means be taken as its final product. Rather, it could be viewed as a mere step towards complete democracy, something which would have been an unreasonable leap to expect from the feudal system preceding it.

The growth in representative democracy in the last century can be correlated with an increasing belief that legitimacy of leadership cannot come from the church, the force of strength or by heredity; but must come from the people themselves. This growing
belief, however, has not yet reached its consummation in the truly legitimate rule of all
the people, by all the people, for all the people. Furthermore, representative democracy
may not so much be a stepping stone as a mutation along the path towards true
democracy. It is important, after all, to note that its step towards the people’s capacity for
political agency, i.e. decision-making capability, was not one towards self-determination
of the people. Rather, it was, as Laski points out, an effort towards the right of all to vote.
The essential difference thus characterizing the old Greek form of democracy and setting
it apart from the currently accepted form is that it aspired towards an exercise of power
by the *demos* or people. Representative democracy, on the other hand, places its faith in
what is thought to be a necessary division between power and the people. This belief
follows from an understanding of the complexities of politics, as far exceeding the
capacities of the citizenry.

**Section II - Representative Rule**

Walther Lippmann argued in his books *Public Opinion* (1922) and *The Phantom
Public* (1925), that the people are not fit to make decisions on delicate political issues and
that the delegation of responsibilities to politicians acting on their behalf follows quite
naturally. In *The Phantom Public*, he laid this argument bare:

“*We must assume that the members of a public will not anticipate a
problem much before its crisis has become obvious, nor stay with the
problem long after its crisis is past. They will not know the antecedent*
events, will not have thought out or willed a program, and will not be able to predict the consequences of acting on that program. We must assume as a theoretically fixed premise of popular government that normally men as members of a public will not be well informed, continuously interested, nonpartisan, creative or executive. We must assume that a public is inexpert in its curiosity, intermittent, that it discerns only gross distinctions, is slow to be aroused and quickly diverted; that since it acts by aligning itself, it personalizes whatever it considers, and is interested only when events have been melodramatized as a conflict.” (Lippmann, 1925: pg. 65)

The picture which Lippmann has here painted is one that is very skeptical of the people’s capacity for self-determination and direct engagement in the political process. Given his enumeration of the many shortcomings that members of the public have, not least among which is their disinterest in the general political process, it should not be surprising that Lippmann expressed sympathy for the vesting of political decision-making power with so-called ‘executives’ and ‘administrators.’ The way in which citizens outside the “executive” realm can be engaged in politics, is by their ability to approve or disapprove of certain proposals or their advocates through voting. What they cannot, according to Lippmann, do, is “create, administer or perform the act they have in mind.” (1925: pg. 52) Conversely, the responsibility of executives and administrators - as Lippmann understood it - was to work independently on issues or policy needing attention and respond to the popular demand of the people where it has taken the form of
public opinion and expressed itself through a majority vote. Thus, the manifestation of the individual’s will within a representative democracy is public opinion.

   Public opinion, though arguably a ‘crude’ way to engage the people in politics, is in Lippmann’s mind the best way for the disparate masses to come to political decisions. “Great masses of people” writes he, “though each of them may have more or less distinct views, must when they act converge to an identical result. And the more complex the collection of men the more ambiguous must be the unity and simpler the common ideas.” (1925: pg. 69) He here identifies the core premises, the singularization upon which representative democracy is built. Though he recognizes this reductive nature of public opinion, he understands such a loss of multiplicity to be a problem in any form of government. Only a majoritarian democracy, however, utilizes the system of voting to boil a multiplicity of ideas down to a few that can be translated into a ‘public opinion.’ The relation of public opinion to legislation is indirect. Attempts to mobilize public opinion to govern directly results, according to Lippmann, either in “failure or a tyranny.” (1925: pg. 69) He goes on to argue that “it [the public] is not able to master the problem intellectually, nor to deal with it except by wholesale impact.” Public opinion may be reductive, but only in its reduced and generalized form can any of it be taken and used, indirectly, to influence political ends.

   Laski, like Lippmann, suggests that the prospect of direct citizen engagement is rendered impossible by the overwhelming complexity of political issues at hand. He writes that “the very nature of a political democracy precludes the possibility of action
that is at once swift and comprehensive. The area of interests to be consulted is too great, the risk of technical error too manifold, the possibility of defeat upon the relevant issue too large, the dread of novelty too intense for the maintenance of unity to be possible in an area of profound transition.” (Laski, 1935: pg. 72) Laski here seems to concede to the need for a delegation of political agency to representatives recognizing the logic of such a division within a representative democracy. It is important, however, to note that it is precisely swift and comprehensive action which the “very nature of political democracy” seems to preclude. Thus the problem, according to Laski, may very well lie with the structuring of political decision-making that representative democracies lend themselves to. More so than Lippmann, he expresses deep-seated skepticism about public opinion as an indicator of the will of the demos. “Parties” writes Laski “have to capture public opinion. But the elements of public opinion do not grow out of knowledge, and they are not the product of reason. Knowledge and reason may count, but they remain, quite definitely, at the service of the interests in conflict.” (1935: pg. 68) Thus understood, public opinion is a highly malleable thing, able to be manipulated and interpreted to the ends of cunning politicians and parties.

Both Laski and Lippmann understand public opinion to be the invariable conduit whereby the people can give voice to their interests within an electoral democracy. It cannot be argued that either Lippmann or Laski are in complete agreement with this structuring of decision-making power, as they both offer very critical analyses. “The justification of majority rule in politics” argues Lippmann, “is not to be found in its ethical superiority. It is to be found in the sheer necessity of finding a place in civilized
society for the force which resides in the weight of numbers.” (1925: pg. 58) Rather than presenting an ideally equanimous system of reaching decisions, the majoritarian system of making decisions and appointing leaders offers the most basic way in which the force of numbers can be reckoned with and the bulk of a constituency pleased. According to Lippmann, therefore, “elections based on majority rule” can be understood as “a sublimated and denatured civil war, a paper mobilization without physical violence.” (1925: pg. 58) In this reading, representative democracy was not born out of some universal acknowledgement of its eminent legitimacy, but out of sheer necessity to appease majorities and systematize conflicts of interest.

Representative democracy, he argues, has “identified the functioning of government with the will of the people.” This he calls a “fiction,” as the “intricate business of framing laws and of administering them through several hundred public officials is in no sense the act of the voters nor a translation of their will.” (Lippmann, 1925: pg. 73) Laski aligns himself with this diagnosis, stating that “there is an essential truth to Rousseau’s taunt that it [the electorate] is free only at election time, and that freedom is but the prelude to a new domination. It cannot choose the representatives it wants; it can only strike blindly at those whom it feels a passing indignation. Its will is largely meaningless - even where it has a will - save as it can find expression through the programme of the parties.” (Laski, 1935: pg. 75) Between both theorists there emerges a clear consensus that an electoral representative democracy does not give full voice to the will of the people. Where they disagree, however, is on whether or not this failure invalidates such a system of democracy as a whole.
The view which emerges from Laski’s and Lippmann’s respective treatments of representative democracy is of a political system that seeks to base its authority in the legitimizing belief of the people as a whole, but does so imperfectly. Approval is sought to derive not from the *demos* as a whole, but from a majority of the population. And even in this case, it is not approval of political decisions that is required, but of representatives. This sets representative democracy significantly apart from other possible iterations of democracy, as well as its Greek ideal. Lippmann seems to believe that these problems are inherent to the theory of democracy itself, and that the only remedy can come from improving mechanisms by which the people form their opinions and make their choices of representatives, while letting these work independently wherever it is possible. Laski, on the other hand, identifies a more deep-seated problem within the representative system and its failure to satisfy a democratic demand. “The decay of our political system” he writes, “is due to its failure to embody a new spirit different from that which it was devised to contain. That new spirit brings with it its own sense of values, its affirmation of a plane of rights antithetic to the old. It is, like its predecessor, a plea for variety in unity, a search for a new balance between order and freedom.” (Laski, 1935: pg. 61)

**Section III - Paradoxical Disjunction**

Based on the insights gleaned from Laski and Lippmann’s treatments of the flaws inherent to representative democracy, two distinct critiques present themselves:
1) Decision-making power resides with the people only to the extent that voting allows a constituency to elect leaders and thus vest them with the responsibility of acting on behalf of their interests. What representative democracy thus loses is a claim to giving agency to the people that can directly translate into political action. This break in the causal link between the will of the people and political decision-making (i.e. the people and power) will henceforth be referred to as the representative ‘disjunction.’

2) The interests of the people can only be ascertained crudely, by attempting to condense one will out of the many. The problematic notion of public opinion highlights this difficulty. Underlying attempts to find a cohesive opinion that reflects the interests of all, is the question of whether consensus can ever be reached non-coercively. In other words: “can true plurality and unity coexist?” This is an epistemological question, insofar as it goes to the heart of democratic theory and can be framed as the ‘plurality paradox.’

The disjunction between the people and power arising from representation and its failure to resolve the plurality paradox, suggest that this form of governance only meagerly satisfies the democratic demand of ‘rule by the people for the people.’ Thus, the measure of a legitimizing belief, as suggested in the notion of the demos, the people as a whole, is not fully met within a representative democracy. Whether this is at all possible within a state as a uniform entity, is questionable. Hence this problem is referred to as the plurality paradox. The representative disjunction, it is clear, does not resolve this conundrum within this form of democracy. Rather, as a mechanism justifying action by majority approval, it exposes the difficulty of finding a fully legitimate solution to this
problem. This, however, is not to say that representation, by definition, engenders a disjunction. Rather, it would have to meet the comprehensive measure of a legitimizing-belief, in order to resolve the plurality paradox. Whether or not such a form of representation is feasible remains to be addressed.

The crux of the democratic problem, is, arguably, the plurality paradox. The challenge it poses is how to reconcile the will of the individual with the will of the demos or the people as a whole. As the critiques of Lippmann have shown, attempts to represent a comprehensive will by means of majority vote and the collation of public opinion almost invariably end in the repression of individual wills. This, in turn, calls into question such a system’s claim to true legitimacy.

Section IV - General Will

Jean-Jacques Rousseau dealt with this issue extensively. In his 1762 book *The Social Contract*, he distinguishes between the ‘will of all’ and the ‘general will.’ The former expresses the unordered disparity of ‘individual wills’ or opinions held by members of a population, whereas the latter describes an emergent will that follows from a recognition by each of the priority of the collective interests over their own. “Only the general will can direct the powers of the State in such a ways that its true purpose, which is the good of all, will be achieved” (pg. 199) writes Rousseau in Book II. Thus, he understands the subordination of the individual will to the general will to be a necessity to the functioning of state. This seems to follow from a belief that politics requires a unity
Despite Rousseau’s association of the general will with a certain kind of forced generalization in service of the common good, there can be found in his discussion of this concept an interesting deviation from this formula. In chapter III of Book II, he argues the general will “is concerned only with the common interest, the former [will of all] with interests that are partial, being itself the sum of individual wills. But take from the expression of these separate wills the pluses and the minuses - which cancel out, the sum of the differences is left, and that is the general will.” (Rousseau, pg. 202) This particular articulation of the general will is unique in Rousseau’s writing, and seems to contradict it as a notion based in a sovereign people that can, at times, override the individual will. Rousseau’s definition of the general will here is a technical one, which can be understood as the following: where all the differences of individual wills are accounted for, what remains is a general will. In a Venn diagram with two circles representing individual wills, the differences would occupy the separate parts and the general will the ellipsis of intersection.

Implicit to this particular identification of the general will, is the possibility of no general will. Where no agreement exists between two individual wills, there would be no ellipsis of agreement; and thus no general will. This contingent notion of a general will seems to disagree with Rousseau’s definition in other passages. Thus, for example, he argues in a footnote to Chapter II: “To be general, a will need not always be unanimous; but every vote must be counted: any formal exclusion is a breach of generality.”
(Rousseau, pg. 200) Here he offers a notion of the general will as something existing above the will of the individual. It is however the divergent and unique definition, offered earlier, which serves as the basis for a new understanding of the general will, which will henceforth be applied. (see Glossary) Of importance to this definition is the general will’s contingency upon agreement, and its negation by disagreement. Given the size of modern political constituencies and the great competing claims to what is exigent within them, it could be argued that this new understanding of the general will may seem reasonable in theory, though its practicability is still uncertain.

The forceful imposition of a will which does not give recognition to the nuances of individual wills - as an idealized reading of Rousseau’s ‘general will’ would - exists as an inevitability within representative democracies. In such a case - where no general will emerges - to say that there is a ‘public opinion’ would be to foist false unity upon a disagreeing plurality. As Lippmann suggested, this generalization is the result of a need for over-riding decision-making and cohesive action, which the great disparity of opinions within a constituency would curtail. According to Lippmann, therefore, a rough summation of individual wills is necessary to form public opinion. This bandage over the plurality paradox invariably gives rise to a division of rights and responsibilities between the people and the so-called ‘executives,’ ‘administrators’ or, simply, politicians. It is this problem which we have termed the representative disjunction. Lippmann argues it cannot be avoided and the best that can be done is to improve the means by which public opinion is ascertained. Laski, on the other hand, expresses a fundamental dissatisfaction with this mechanism, arguing that public opinion - expressed within a majoritarian
voting system by approval of political parties and their representatives- is based neither in knowledge nor reason.

Described by Lippmann as “denatured warfare,” majoritarian systems of democracy only accommodate crude conflicts of interest and give supremacy to the greater bulk of the *demos*. They cannot respect the individual wills of all. This failure also precludes the formation of Rousseau’s general will, which can only exist where all the differences of individual wills have been accounted for. It is important to note that a general will could accordingly only emerge if all individual wills do not in fact completely cancel each other out and at the bottom of the balance sheet some kind of accordance remains. This articulation of such a general will can be said to exist at the intersection of a comprehensive Weberian legitimizing belief and the democratic ideal - which places it within the *demos* as a whole. Because it is contingent upon the approval of not a majority, but the entirety, it can be said to uniquely meet a measure for a legitimizing belief that is complete. Where approval does not exist completely, however, this measure is not met and the authority to exercise political power on behalf of the people is not legitimated or granted. In such a democracy, a gap in the legitimizing belief would engender a gap in the people’s power.

The demand for complete legitimacy suggested by a Weberian reading of the democratic ideal is one which representative democracies have been shown to fall short of. The functioning of a representative democracy requires the collation of public opinion, regardless of whether there exists consensus or not. By this act of constructing a general
impression of wills, politicians consult the individual only sometimes - in the instance of a vote. In such a system, the power of the individual to give approval to political leadership is contingent upon their being in the majority, whereas their disapproval is meaningless if they find themselves in the minority. What is not accounted for, therefore, is the leverage of the dissenting minority - what might be called the ‘delegitimizing belief.’ Rousseau’s general will, taken as a qualifying demand for a more just form of democracy - hinging upon the approval of each, not most - would invalidate traditional representative democracy. In positing that political power should fundamentally depend upon the existence of a general will, i.e. complete accord, the legitimacy of any government that depends upon anything short of this, is called into question. Following from this rigorous reading of the democratic impulse, the question arises: “can a political union exist, whose ability to act depends fully upon the general will?” This question goes not only to the heart of democratic theory, but the heart of the democratic state itself.
Chapter 2:

The Hegemonic Monster

“‘State’ is the name of the coldest of all cold monsters. Coldly does it also lie; and this lie crawls from its mouth: ‘I, the state, am the people.’”

-Friedrich Nietzsche (pg. 49)

Through Rousseau’s articulation of the general will, we arrived at the practical implication of a complete legitimizing belief. This general will is predicated upon the instance of complete accord of individuals, and is thus conditional upon it. As such it places a qualifying demand on action. Where the demand is not met, consensus is not reached and hence the will of the people not granted. The true implications, however, of such a legitimizing requirement upon a political union must yet be looked at. No existing government predicates its exercise of authority on such a rigorous demand, and whether a state can function without an imposed consensus is increasingly doubtful. The question that, therefore, emerges is this: “can a state honor the democratic demand for complete approval?” In order to answer this question, we must look to the theoretical underpinnings of the state as a sovereign entity.

The plurality paradox brings light to the crucial problem of democratic theory: how to reconcile a demand for rule by the people to the need for unified action. Representative democracy, though arguably the most widely adopted form of governance in the world
today, has not resolved this challenge. By maintaining a disjunction between power and the people, it perpetuates the perplexity of plurality and fails to offer any true resolution. Lippmann and Laski’s treatment of representative government has shown that the underlying reasons for this disjunction lie with a profound distrust of the people’s judgement, as well as a need to accommodate the force of their numbers. Underlying this diagnosis, however, is the belief that political action must be predicated upon a fixed political union with a single, centralized body of administration: the state.

Section I: Monistic Reduction

A demand for a unified articulation of the people’s interest and beliefs does not only fail to address, but exacerbates the plurality paradox. The roots of this forced unification can be traced to the theories of Thomas Hobbes, who in his 1651 tractate *Leviathan* argued that the state was something whose very existence depended on an irreproachable cohesion of its constituent parts. Central to his thesis was the claim that politics could not function where it was subject to, or contingent upon, the beliefs and opinions of individuals and that instead it required a body of administration that was constant and existed above the people. He thus laid the foundations for the theory of government that could still be said to underpin most present iterations of such, representative democracies included.

*Leviathan* can be understood as an extensive laudation of the political commonwealth that takes on its truest and best form as the ‘Leviathan.’ What marks the
Leviathan is its ability to collect its strength in defense of the individual against the “invasion of Foraigners, and the injuries of one another.” (Hobbes, pg. 354) In order for this to be possible, however, it is required of citizens to “confere all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of voices, unto one Will: which is as much as to say, to appoint one man, or Assembly of men, to beare their Person; and every one to owne, and acknowledge himselfe to be the Author of whatsoever he that so beareth their Person, shall Act, or cause to be Acted, in those things which concerne the Common Peace and Safetie; and therein to submit their Wills, every one to his Will, and their Judgements, to his Judgement.” (Hobbes, pg. 354)

Hobbes’ definition of the common-wealth, or Latin “CIVITAS” (pg. 354), as described above, is in many ways the blueprint for a representative democracy, whose claim to guardianship justifies the subjugation of individual wills. Taking the union of voices to be imperative to the function of Leviathan, Hobbes states that an abrogation of individual rights is instrumental and a largely unconditional - and unquestioning - vesting of individual political agency in one man or a body of representatives necessary to this end. This articulation is echoed in Laski’s diagnosis of the electorate system, wherein the electorate is “free only at election time, and that freedom is but the prelude to a new domination” (1935: pg. 75) In the same way that Hobbes advances the subjugation of the individual to an eminent sovereign power within the common-wealth, Laski fights this.

It should not, however, be concluded that Hobbes had himself a disposition towards
tyranny or repression. Rather, his assertions need to be understood against the background of ill-defined and therefore bleak alternatives. It could therefore be argued that with a somewhat poor imagination, Hobbes proclaimed: “But to say there is inconvenience, in putting the use of the Soveraign Power, into the hand of a Man, or an Assembly of men; is to say that all Government is more Inconvenient, than Confusion, and Civil Warre.” (pg. 394) What he has set up here is a false dichotomy - a reduction towards only two possibilities, where more may exist - between, on the one hand, sovereign or supreme power vested with a strictly delineated body of one or more politicians, and on the other hand, pandemonium. Whether indeed Hobbes’ fears about the basic proclivities of human nature are valid is difficult to know even today, though more literature based on empirical studies in other forms of social orders is more readily uncovered. This dichotomy of possibilities and the monopoly on feasible forms of government given rise by it, is reductive and fails to recognize a vast field of alternatives.

In his Studies in the Problem of Sovereignty, Harold Laski offers a strong direct critique of what he calls the state’s “monistic reduction,” (1916: pg. 2) and its sacrifice of plurality in the name of Hobbes’ Leviathan. Written in 1916, this dissertation vividly illustrates the prevailing modern political striving towards consensus and calls into question its cogency with view to a more pluralistic articulation of political order that would give recognition to the possibility of there being no general will. “It would be no

4I. See Pierre Clastres' discussion of the State as a “great misfortune” and the many ways in which different indigenous societies around the world are organized to resist sovereign consolidations of power in: Society Against the State and An Archaeology of Violence. Graeber undertakes a similar project in Fragments of An Anarchist Anthropology, whereas James C. Scott takes a case-study approach in The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia.
inapt definition of politics in our time to term it the ‘search for social unity’,” writes Laski, posing the question: “How far is there an interest of the Whole, a monistic interest, which transcends the interests of the Many who compose that Whole?” (1916: pg. 2) This question could be said to underpin any meaningful endeavours in the “search for social unity.” Knowing the extent to which there exists an interest of the ‘Whole’ would mean knowing the boundaries of what qualifies as democratically legitimate, insofar as it reflects an agreement of the people.

The State, as Laski views it, embodies a consolidation of power that overstretches naturally emergent forms of unity, as idealized by Rousseau’s definition of the general will. “What the absolute is to metaphysics, that is the State to political theory.” (1916: pg. 2) And just as claims to an absolute in metaphysics may easily lead to destructive conflations of concepts, the State’s claim to sovereignty can be found to compromise the will of each individual. “What for us is here of deepest significance,” writes Laski, “is the claim that what the State wills has therefore moral pre-eminence. [...] You must fuse your will into its own. It is, may we not without paradox say, right whether it be right or wrong.” (Laski, 1916: pg. 3) As the arguments of Hobbes have shown, the state is thought to require a unified will, or the fabrication of such, in order to function. What it cannot do, it would seem, is give full rein to the individual wills of all, lest its very existence be thereby called into question. The disjunction of power is, in this case, most pronounced, “They who act as its [the states] organ of government and enforce its will can alone interpret its needs. They dictate; for the parts there is no function save silent acquiescence.” (Laski, 1916: pg. 3)
Laski’s critique of the monistic theory identifies it as deeply entwined with the notion of the state - as one that seeks to enforce a common will where there may not be one. This critique, therefore, can be applied equally to theories of government that seek to legitimize power by the forcing a consensus. Although representative democracies only crudely address a democratic demand for distributive political agency, they seem to function largely without force. This functioning is rarely, if ever, on the basis of complete approval, but of a general submission to the interests of all. Laski vividly describes this peaceful interaction of subject and state under non-coercive conditions:

“We have nowhere the assurance that any rule of conduct can be enforced. For that rule will depend for its validity upon the opinion of the members of the State, and they belong to other groups to which such rule may be obnoxious. If, for example, Parliament chose to enact that no Englishman should be a Roman Catholic, it would certainly fail to carry the statute into effect. We have, therefore, to find the true meaning of sovereignty not in the coercive power possessed by its instrument, but in the fused good-will for which it stands. Men accept its dictates either because their own will finds part expression there or because, assuming the goodness of intention which lies behind it, they are content, usually, not to resist its imposition. Where sovereignty prevails, where the State acts, it acts by the consent of men.” (Laski, 1916: pg. 4)
According to the conception of state power put forth above, it exists by virtue of an agreement over its good judgement. Such acceptance, however, is not a requirement for the sovereignty of a state - at least not by a minority. In a representative democracy this systemic violence manifests by a rejection of the minority. Resistance to imposition within such a system can be asserted only in a relinquishing of the vote and the consequent submission to the majoritarian will of the others. This is by no means a satisfactory resolution to the plurality paradox, in so far as it further reduces multiplicity to an illegitimate unity. Power generated by the approval of the people could be understood to manifest the true will of all where this process of reduction does not take place. Alert to this possibility, Laski argues that a “state may in theory exist to secure the highest life for its members. But when we come to analysis of hard facts it becomes painfully apparent that the good actually maintained is that of a certain section, not the community as a whole.” (Laski, pg. 5)

While Laski entertains the possibility that - on the precondition of the people’s approval - state sovereignty may be considered legitimate, Thomas Hobbes never considered such legitimizing contingencies. For Hobbes, the eminence of the state’s will is to be held entirely above the reproach of individuals: “In a Soveraign Assembly, that liberty [protestation against the decrees of Representative Assemblies] is taken away, both because he that protesteth there, denies their Soveraignty; and also because whatsoever is commanded by the Soveraign Power, is as to the Subject (though not always in the sight of God) justified by the Command; for of such command every Subject is the Author.” (Hobbes, pg. 478) Hobbes’ implication is that the subject’s interests as
subordinate to the articulation of the sovereign interest by those representing them are safeguarded by the fact that it is precisely this state-of-affairs that is in their own best interest. This argument is circular and falters when faced with a demand or interest that may diverge from the assumptions upon which the sovereign state is based.

Hobbes’ conception of the Leviathan depends upon an invariable form of sovereignty, which the rigorous demand for legitimacy wrought from the democratic ideal will not grant. Although Laski is right in suggesting that sovereignty could - on the precondition of complete approval - indeed embody the general will, the state does not depend on this for its legitimacy. Rather, it is based on the eminent presupposition of unity, following from its need for singular mobilization; in turn giving rise to a rupture between the sovereign state and the democratic demand for a comprehensive legitimizing measure. In answer to this, Laski advances a pluralistic notion of politics, urging readers to see that it is much more in line with human organisations in everyday society. To this end, he argues: “Things are ‘with’ one another in many ways, but nothing includes everything or dominates everything. The word ‘and’ trails along after every sentence. Something always escapes [...] However much may be collected, however much may report itself as present at any effective centre of consciousness something else is self-governed and absent and unreduced to unity.” (Laski, 1916: pg. 7)

A view of the state emerges, as of a structure that by its nature cannot allow for variegation of the sort described by Laski. Though things may be “with one another in many ways” it is difficult to accept the claim that “nothing includes everything or
dominates everything,” without wishing to add the conditional “should.” In his essay Politics as a Vocation, Max Weber suggests that it is in fact the state which does dominate: “Today [...] we have to say that a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory. Note that ‘territory’ is one of the characteristics of the state. Specifically, at the present time, the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it. The state is considered the sole source of the ‘right’ to use violence.” Weber describes the monopoly of force held by the state as “legitimate,” though it is a specific form of legitimacy i.e. “considered to be legitimate” as opposed to following from an intersection of a comprehensive legitimizing belief. It is the monopolistic claim to a legitimate use of force, by the state, that prevents the manifestation of plurality in any given place that is inherent to Laski’s multivalent conception of society.

**Section II: Scattering Forced Unity**

As the monistic reduction of the state posited by Thomas Hobbes takes on an increasingly illegitimate mien, we must look to other forms of political order free from it. While it has been shown that the basis of the state is forced unity, we must turn to its converse - plurality - in pursuit of democratic legitimacy. In order for a decision-making process to be beyond the reubuke “this is not my voice!”, agreement must give way to disagreement wherever it emerges. For this reason, French theorist Jacques Rancière offers a radical reconception of politics as a dynamic system, at the heart of which is not a
pursuit of consensus, but an ennoblement of dissensus. According to Rancière, politics itself should never be viewed as an institutionalized practice, but rather an interruption of such practices. This puts it into sharp distinction from government, which he considers to be such an institutionalized practice. Under what he calls the “normal” order of things, human communities have always gathered under the rule of some, who qualified themselves by their strength to rule, by merit or by birth. Against such hierarchial power structures, emergent throughout history not out of ideals but necessity, Rancière casts politics as “a deviation from this normal order of things.” (2013: pg. 35)

As a deviation from any pre-existing order of hierarchial power, politics is the realm within which Rancière envisages new forms of association to emerge. This anomalous nature of politics, as he imagines it, expresses itself through political subjects, “which are not social groups but rather forms of inscription that (ac)count for the unaccounted.” (Rancière, pg. 35) This manner of “(ac)counting for the unaccounted” follows from a rejection of the arkhèin (gr.: “to be first, rule”) of government and a recognition of a greater and politically unacknowledged body of individuals that he calls the *demos*, Ancient Greek for the common people. “The citizen who takes part in ‘ruling and being ruled’ is only conceivable on the basis of the demos as a figure that breaks with all forms of correspondence between a series of correlated capacities,” (2013: pg. 32) argues Rancière, taking an Aristotelean tenet of democracy and placing it firmly within his understanding of the role of politics. Thus understood, it is the political process that breaks from the traditional arkhèin, which in turn allows for the recasting of political roles according to the demand of the *demos*. 
Weber argues that a break with the traditional power-relations, or what Rancière calls “correlated capacities,” would in fact engender a break with the state. “If no social institutions existed which knew the use of violence,” writes he, “then the concept of ‘state’ would be eliminated, and a condition would emerge that could be designated as ‘anarchy,’ in the specific sense of this word.” (Weber, 1921: pg.1) Following from the insight that the concept of the state rests upon a considerable element of coercion, the negation of such conditions means the liquefaction of the ground upon which the state has its foundations. What follows is ‘anarchy’ in the same sense that Ranière understands it: as a rejection of illegitimate rulership, by the demos. According to Weber, the demos exerts itself by placing a more rigorous demand for legitimacy, than the rule of strength. Rancière, however, sees in the demos a more radical role, that of a perpetual process of breaking correspondences, whether based in force or not.

Rather than one of many different forms of political regime according to which power and authority is acted out, Rancière understands democracy to be the only truly political process, what he calls the “very institution of politics itself.” (2013: pg. 32) This qualification as political, which he uniquely attributes to democracy, follows from his belief in politics as being the process within which there can exist no domination. The historical break-down of political legitimacy in various forms of governance is, as he suggests, the result of its defective rationale. Democracy thus emerges as the first true political form, insofar as it does not legitimate power, but rather fundamentally calls it into question. To wit, “the people is the supplement that disjoins the population from
itself, by suspending all logics of legitimate domination.” (Rancière, pg. 33) Democracy is therefore to be understood not as a means by which the people are to reach a consensus and give approval to their representatives, thus legitimating their exercise of power. On the contrary, it is to be understood as a means by which the people are able to call into question ‘legitimated’ exercises of power and engage in the practice of dissensus.

Like Rancière, British theorist Simon Critchley argues that the existence of state hegemony calls for a radical practice of politics that is fundamentally anarchic. Thus, he argues that “democracy as democratization is the movement of disincarnation that challenges the borders and questions the legitimacy of the state” (Critchley, pg. 119) From this emerges a view of democracy’s primary function as being a fragmentation of hegemonic state power. Such ‘disincarnation’, as Critchley makes clear, however, can only occur through the empowerment of countervailing forces, namely multiplicity.

“Democratization is politicization” (pg. 119) argues Critchley, in so far as “it is the cultivation of what might be called politicities, zones of hegemonic struggle that work against the consensual idyll of the state. Such a disturbance of the state does not have to be teleologically linked to the construction of an archic nation-subject, but rather towards the cultivation of anarchic multiplicity.” (Critchley, pg. 130) Important to Crtichley’s articulation of political democracy is its claim to multiplicity that disjoins the monistic reduction, without itself constructing a new singularity. Though the struggle for power occurs in the territory of the state, it does not occur on its terms, but by multiplication.

Contemporary moves from a theoretical model of legitimation and qualification
towards a practice of calling, fundamentally, into question all domination, offers a radical counterforce to the hegemonic domination of Leviathan. Whereas Hobbes posits that political power need necessarily be above the reproach of the individual, in order to function in a unified manner, Rancière and Critchley suggest it is precisely the opposite condition that needs to be invoked. Such a departure from consensus towards dissensus need not, however, imply the negation of all possibilities of collective decision-making. While a designation of dissensus as a tool whereby the citizens suspend even legitimate forms of domination seems to suggest this, the term could also be conceived of as a qualifying function of the democratic process. Thus, dissensus would not become a central political function per se of politics, but a tool whereby the individual within the *demos* is empowered to call into question claims to consensus, and thereby prevent illegitimate political decision-making. Where dissensus is given its, arguably, rightful place in the political sphere, Hobbes’ Leviathan - which the modern democratic state qualifies as - would be disempowered to act on behalf of the subject where it does not have their approval.

Under conditions where dissensus is eminent to consensus, the result is complete plurality. The problem given rise to by such a scenario is an inability to create legitimate leadership altogether. To Rancière and Critchley, who conceive of democracy as an ongoing practice, whose precise purpose is to cast asunder all authoritarian associations, this is a desirable state of affairs. If, however, the democratic ideal is to retain its substantive ability to legitimate political power - where this follows from the approval of the people - a balance needs to be sought. The role of dissensus is its unique ability to
preserve the plurality of the *demos* where it exists. Consensus, however, has the unique ability to manifest unity of the *demos* where it exists. Ideally, therefore, only where a symbiosis of consensus and dissensus exists, can it be said that the will of the people is respected in both its plurality and its unity. Here, Rousseau’s articulation of the general will can be shown to epitomize such a symbiosis. Where all individual instances of dissensus have effectively been accounted for and a field of agreement remains, consensus emerges in the form of the Rousseauian general will. Thus, consensus depends upon the free rein of dissensus in order to be legitimate. Dissensus, on the other hand, requires the possibility of consensus, in order to be politically meaningful.

Increasingly radical articulations of the democratic ideal, such as Critchley’s and Rancière’s, show that institutional democracy manifested in the nation-states of today no longer stand up to scrutiny. In looking at the evolution of theoretical priorities from Hobbes to the present, a historical shift away from coercive unity and a pursuit of consensus, towards plurality and the preservation of dissensus can be identified. As a focus on the role of the individual and the people thus grows, the legitimacy of the forcefully unified state falters. What results could be described as a ‘legitimacy vacuum,’ that leads to a necessarily radical re-conception of politics. In opposition to codified and institutionalized means of negotiating power and authority, Rancière’s arguments lead him to call for the dissolution of any form of political unity, whereas Critchley envisages a state of plural politicities. Understood as a reaction to forced consensus, embodied within the state as Laski’s monistic reduction, an appeal to dissensus and plurality is a welcome shift of focus. To the pursuit of a legitimate form of political cohesion that depends upon
the approval of the *demos*, however, dissensus needs to be understood as part of a symbiotic interrelation; whose other half is consensus. As the plurality paradox has shown, these two cannot exist in equilibrium within the state, wherefore we must look to iterations of democracy independent of state sovereignty.
Chapter 3:

The Many-Headed Response

“Freedom is always the freedom of the dissenter. Not because of the fanaticism of ‘justice’, but rather because all that is instructive, wholesome, and purifying in political freedom depends on this essential characteristic, and its effects cease to work when ‘freedom’ becomes a privilege.” - Rosa Luxemburg (Luxemburg, pg. 34)

As Laski’s designation of the ‘monistic reduction’ has shown, the state’s dependence for unified mobilization causes it to forcefully reduce a multiplicity of individual wills to one. This sovereign claim to power is, as evidenced by the arguments of Rancière, is increasingly being called into question by countervailing claims to rule by the people. As a result of this, a vacuum of legitimacy opened up - exposing a pervasiveness in modern politics of illegitimate power structures and the absence of competing forms of organization that can meet the democratic demand for decisions satisfying a comprehensive legitimizing belief. The plurality paradox calls for decision-making that allows for unity as well as plurality to coexist, which requires dissensus and consensus to hold equal status. This demand can not be housed by the monistic structure of the state, whose method of forced consensus precludes the individual’s ability to manifest their disagreement. As a result, we must look to non-statist orderings to fill the legitimacy vacuum.
David Graeber, anarchist theorist and anthropologist, points out in his 2007 book *Possibilities* that state transcendence is indeed the thrust of contemporary theory and practice: “In recent years, there has been a massive revival of interests in democratic practises and procedures within global social movements, but this has proceeded almost entirely outside of statist frameworks. The future of democracy lies precisely in this area.” (Graeber, 2002: pg. 332) It will prove prudent, therefore, to look to propositions of non-statist democratic organization whose foundations lie not in restrictive hegemony, but the people as a whole. Challenges to the possibility of non-coercive will formations, however, are not unique to state sovereignty. Invalidations of the general will can come from the people as well. Democratic theory dealing with questions of organization free of state hegemony, must grapple all the more with other forms of coercion that exist without it.

**Section I: Demos vs. Ochlos**

Jacques Rancière makes the important distinction between the *demos*, understood as the power of the people, and the *ochlos* (gr. okhlos = “mob”), signifying the turbulent unification of individual turbulences, or mob rule. It is this distinction which state theory rarely makes, but any autonomous theory of political ordering should. In order to arrive at an essentially democratic articulation of politics, the will of the individual must therefore be free of hegemonic imperatives from above as well as turbulent pressures from anywhere around them. Central to this undertaking is the preservation of plurality.
wherever it exists, so that false or whimsically formed unity can be disjoined before it turns into a mob mentality. Hence, Rancière places his emphasis on dissensus, a central function, not only under conditions of state rulership.

“Democracy exists in a society” writes Rancière, “to the degree that the demos exists as the power to divide the ochlos.” (pg. 32) According to this understanding, the eminent power of the *demos* is its capacity for perpetual questioning and division and the equalization of hierarchies that must follow from this. Rancière argues “The Two of division is the path followed by a One which is no longer that of collective incorporation but rather that of the equality of any One to any other One.” (Rancière, pg. 32) In other words, where the people have truly come to understand their role as such an equalizing force, the *ochlos* would likely stand little chance of gaining any ground on the empowered reasoning of each. Such a horizontal conception of democracy, however, stands in need of practical qualification, as it seems that some form of meditative bodies would be required to instill such a noble understanding of the *demos* in the people.

The challenge to a practical theory of democracy, as Rancière has shown, is to preserve plurality against any number of unwarranted coagulations. Whereas democracy instituted within the framework of the nation-state is conditioned by representative buffers, constitutional provisions and other safeguards against the *ochlos*, a non-statist pursuit of democratic practices of unmitigated legitimacy, must move beyond such institutions. The task is therefore to fully empower the *demos* without giving free reign to its denatured form, the *ochlos*. In order to identify prudent answers to this challenge, it is
important that the difference be formalized between the *demos* and the *ochlos*: The *demos* constitutes the people as a body of individuals in their full faculty of being able to form consensus where it emerges, without coercion, and equally preserve dissensus wherever it exists; whereas the *ochlos* constitutes the people as a body given to mass-suggestion, the approbation of force, and other forms of intemperate will-formation.

The specific definitions of the *demos* and *ochlos* elaborated in this paper, though prompted by Rancière’s conception, seek to ground the two terms in their potentialities. Thus, the term *demos* is invoked as an ideal ordering of individuals that meets a comprehensive demand for democratic legitimacy, whereas the *ochlos* should be thought to embody all possible deviations from such a scenario. Hence, *demos* and *ochlos* are mutually exclusive phenomena. Where the people are organized democratically, they are not the *ochlos*, and where they take on the form of the *ochlos*, they do not qualify as the *demos*. The *demos* can be held to exist where the following three criteria are met:

1. Where agreement exists between individuals, consensus is able to emerge.

2. Where an individual or group of individuals disagree, they retain their right to remain exempt from consensus; ie. dissensus is preserved.

3. No external bodies (e.g. nations-states, corporations, unions) can infringe upon the decision-making autonomy of the individual or individuals forming a decision-making group.
Where any of these three criteria are not met, the *demos* denatures into the *ochlos*.

**Section II: Councils and Parties**

As the previous chapters argued, where decisions depend on a will-formation by overarching sovereign power structures, they cannot be said to meet a comprehensive legitimizing demand. An augmented question that therefore emerges is: “under what conditions can decisions be formed that respect the will of the individual as part of the *demos*, without reducing it to the *ochlos*?” This delicate question is at the heart of contemporary political discussion, and brings attention to the uniqueness of the democratic outset for decision-making that fully respects the will of each. It is expressed in Rousseau’s general will: a contingent notion, emergent only where there is an agreement of individual wills. What results, therefore, is the pursuit of a democratic process that can respect this legitimizing demand.

The arguments of Lippmann and Laski have shown, that the monistic reduction of the sovereign state is based upon a coercive construction of a hegemonic will, and can therefore not be said to meet the legitimizing demand posited by a general will. Wherever such forced aggregations of individual wills are absent, however, the demos can be said to be intact and legitimate decision-making possible. To the extent, therefore, that individuals are able to articulate their political wills independently of the state, the possibility of a general will exists. For this reason, it can be said that decision-making
models in pursuit of democratic legitimacy must proceed, at their most basic level, from among the people. Only where this autonomous will-formation is fully recognised, can the monistic reduction from above give way to pluralistic variegation from below.

Recognizing the unique bottom-up prerequisite of the democratic project, James Madison offered an astute comparison in his *Federalist Paper No.14*, with the republican model: “In a democracy the people meet and exercise the government in person; in a republic they assemble and administer it by their representatives and agents. A democracy, consequently, must be confined to a small spot. A republic may be extended over a large region.” (Madison, pg. 1) According to Madison, democracy presupposes a face-to-face interaction of individuals in a shared locale. Though it could be argued that he here articulated the distinction between representative democracy and direct democracy, the invalidations of representative democracy as truly democratic, invariably lead to an elaboration that would put bottom-up democracy broadly within the latter domain.

It follows from Madison’s insights that the scale of democracy is, in the first instance, local. Only where people can “meet and exercise government in person,” can it be said that they are engaged in a free exercise of the faculties whereby they formulate their individual wills. Much contemporary theory holds this participatory aspect to be of central importance to the safeguarding of what Rancière has called the “power of the demos.” In line with this understanding, Hannah Arendt argues in *On Revolution*, published in 1963, that “political freedom, generally speaking, means the right ‘to be a
participator in government’, or it means nothing” (Arendt, pg. 210) Participation in government implies an ability to influence political outcomes. Without some form of participation, the will of the individual cannot be reconciled to the will upon which a system of governance bases its decisions. To Arendt, therefore, a democracy based upon the legitimizing-belief of the people, is necessarily participatory. Would this truly be the case, however, ‘government’ would likely assume an altogether different form.

Having shown that democracy must necessarily proceed from a direct interaction among individuals on a local level, it remains to be investigated what form this participation might have to take. The town-hall or town-square approach is generally held to have been successfully adopted in Switzerland. Though popular plebiscites are there held at town, canton and state levels, it is important to note that general assemblies are held in only two cantons and that popular decisions proceed by majoritarian vote. Furthermore, only select proposals are submitted to the consideration of the population. It is for this reason that Wolf Lindner in his 2007 essay Direct Democracy has described Switzerland as being merely a “semi-direct” democracy at the federal level. The coercive element of such a state, whose executive functions can still largely be executed on an partial basis of legitimacy, is thus still very much intact. The search of truly bottom-up decision-making procedures will lead to autonomous, dynamic forms of organization, whose decision-making scope is not predetermined, but contingent upon the legitimizing belief of the demos.

Historic attempts at bottom-up democracy that function seperately from the state
apparatuses are discussed by Hannah Arendt in the chapter “The Revolutionary Tradition and its Lost Treasure” of *On Revolution*. The so-called ‘councils’ - emergent during the Russian Revolution in 1917 and the attempts at Revolution in Germany in 1919 and Hungary in 1956 - were, according to Arendt, attempts at a truly new form of order. “It is true enough,” she writes, “that the members of the councils were not content to discuss and ‘enlighten themselves’ about measures that were taken by parties or assemblies.” (Arendt, pg. 255) Thus Arendt has shown that these movements rejected external appeals to authority, and thus aspired to an internal genesis of the legitimizing belief. She goes on to argue: “they consciously and explicitly desired the direct participation of every citizen [...] and as long as they lasted, there is no doubt that ‘every individual found his own sphere of action and could behold as it were, with his own eyes his own contribution to the events of the day’.” (Arendt, pg. 255) Here, then, can be found instances of true bottom-up, democracy based upon the direct involvement of the *demos*.

The councils existed in opposition to the revolutionary parties of the time, and were thus largely dismissed by many contemporaries as utopian pipedreams. Designated as attempts at a ‘direct regeneration of democracy,’ their true potential for bringing about an altogether new form of democracy was thus ignored. Arendt attributes this to a profound scepticism towards the people’s capacity for self-determined acts of foundation. In transcending the party system, however, these councils also uniquely exposed the extent to which the revolutionary parties came into conflict, “with all assemblies, with the old parliaments as well as with the new ‘constituent assemblies,’ for the simple reason that even in their most extreme wings, they were still children of the party
system.” (Arendt, pgs. 255-256) Whereas the party organs of revolution relied on ‘ready-made formulas’ for action - dispatched from above - the councils sought to invoke and take account of the “average citizen’s capacity to act and form his own opinion.” (Arendt, pg. 256)

The direct engagement of individuals in the deliberative functions of the councils was by no means a coincidental phenomenon, but followed naturally from the fact that they had emerged directly out of the ferment of the people. As such, it could be argued that the very functioning of these councils, in rejecting pre-existing hierarchies or legitimizing values, was predicated on a legitimizing belief of the demos. It was voluntary association which formed these platforms for a new democratic order, though it need not imply that they were perfectly inclusive or egalitarian. What can be deduced from the fact that councils sprang up from disparate groups within society - ranging from students in universities to workers, soldiers and civil servants - is that there existed a general impetus within them, which uniquely qualified the councils across these different strata of society. Arendt likens them to the original ‘cosociations’ of colonial North America, thereby also alluding to their capacity for political foundation.

Arendt sees in the councils of the European attempts at revolution in the 20th century a refutation of the claims about human nature upon which Thomas Hobbes based his justifications of state hegemony - namely that life not lived under the aegis of Leviathan is bound to be “solitary, poor, nasty brutish and short.” (Hobbes, pg. 76) Thus, she posits that “nothing indeed contradicts more sharply the old adage of the anarchistic
and lawless ‘natural’ inclinations of a people left without the constraints of its government than the emergence of the councils that, wherever they appeared, and most pronouncedly during the Hungarian Revolution, were concerned with the reorganization of the political and economic life of the country and the establishment of a new order.” (Arendt, pg. 263) Arendt’s treatment of the council systems puts forth the perspective that humans, left to self-organize, are perfectly capable of establishing inclusionary platforms for negotiating decisions that are free from suppression, or the turbulent tendencies historically attributed to the people ungoverned.

The failure of the councils in laying the foundations for a new form of democracy, Arendt attributes to the fact that their primarily political nature prevented them from effectively engaging in an economic restructuring of their respective countries. The “chief reason for their failure was not any lawlessness of the people,” writes Arendt, “but their political qualities.” (Arendt, pg. 267) Thus, it would appears that a truly “political” platform of people, by virtue of its inclusionary and horizontal approach, is unable to engage meaningfully with social and economic conditions largely determined by rigidly coercive pre-conditions. In contrast, the “reason why the party apparatuses, despite their many shortcomings [...] eventually succeeded where the councils had failed lay precisely in their original oligarchic and even autocratic structure, which made them so utterly unreliable for all political purposes.” (Arendt, pg. 267)

In arguing that the failures of the councils can be attributed to their horizontal nature, whereas the successes of the parties lay in their hierarchical one, Arendt suggests
that purely democratic politics may be fundamentally impractical. If top-down organizations are required to address social and economic problems, but only bottom-up decision-making can be considered legitimate, then it would seem there is no way to legitimately tackle such issues. Hierarchical structures with an insufficient basis of approval, however, can be argued to create more problems than effective solutions, by their failure to account of the concerns and disagreements of individuals. In such cases - where no general will exists - it may indeed prove more prudent to maintain ambiguity and inaction, until better proposals are made known. Furthermore, decision-making models preserving the three criteria of the *demos* laid out above, could still give rise to legitimate power structures. Horizontality can still give rise to verticality.

Bottom-up council politics, when faced with hierarchical structures, are presented with a historical adversary that challenges claims to its feasibility. This practical challenge is deeply entwined with the question of legitimate authority in horizontal politics. It is clear that despite their ‘grass roots’ origins in the people, the councils gave rise to distinctions of power, predicated upon a great variety of preconditions: such as gender, social status and charisma. Though the influence of such factors should by no means be denounced as being altogether incongruous to a legitimate democratic process, they would certainly have to preserve the conditions enumerated above. As the historical failures of the council systems throughout Europe suggest, bottom-up politics need also to be able to create power structures, lest they founder altogether.

**Section III: Agreeing to Disagree**
Considerations of a two-fold claim upon a bottom-up democratic theory, (ignoring, for the present, the threat of external incursions) reveal profound underlying conundrum: democracy needs to be fluid, in order to preserve plurality and the right of the dissenter, yet rigid in order to give weight to the conviction of the *demos* where it proceeds from the approval of all its members. Scale here re-enters the debate, because it is the measure whereby it can be known whether a democratic process is able to retain its legitimacy on all levels of influence. Robert Dahl in his 1994 essay *A Democratic Dilemma: System Effectiveness versus Citizen Participation*, frames the problem as the “democratic paradox of size,” suggesting that a demand for citizen engagement and large-scale problems can, if at all, only be reconciled with great difficulty:

“In very small systems a citizen may be able to participate in decisions that do not matter much but cannot participate much in decisions that really matter a great deal; whereas very large systems may be able to cope with problems that matter more to a citizen, the opportunities for the citizen to participate in and greatly influence decisions are vastly reduced. Taken to an extreme but perhaps not wholly fanciful limit, the paradox would pose a choice between a tiny unit in which citizens could exercise perfect control over, say, the location and upkeep of footpaths; or a world government necessary for preserving life on the planet by preventing acute environmental degradations, but over which citizens had only symbolic democratic control.” (Dahl, pg. 28)
Dahl has suggested that direct citizen engagement can only occur on a small scale -
the likes of a council - whereas on a large scale this possibility is curtailed by the need for
unified mobilization. The claim implicit in his analysis is that large-scale action cannot
proceed by a comprehensive legitimizing measure, but would rely on a disjunction of
approval and executive power. Control in such a case, argues Dahl, rests only with the
demos symbolically. The possibility for large-scale decision-making cannot be altogether
refuted, however, in the instance where it rests on a comprehensive general will. The
question, therefore, is: “If the exercise of decision-making authority were to be made fully
contingent upon the approval of the demos, could large-scale political action ever take
place?” It is the claim of this chapter that it would.

In order to show that a fully contingent form of bottom-up democracy - as
elaborated through the negation of the monistic reduction and the invocation of a
complete legitimizing belief as embodied by Rousseau’s general will - can allow for
effective decision-making on local as well as supra-regional levels, it must be shown how
authority could proceed fully from the legitimizing belief of the demos. For such authority
to be deemed legitimate, its contingency must be complete. This could only be ensured by
the existence of a mechanism for the accounting of dissent, whose ubiquity would ensure
that no decision can be called coercive. Only where such a mechanism is complete, would
the emerging agreements qualify as the Rousseauian general will, and a bottom-up
democratic order be justified in giving full reign to the powers that ensure the translation
of will into action.
Though Arendt bemoans the failures and disappearance of the revolutionary councils, it could be argued that their legacy is still alive and well in many contemporary incarnations. Most prominent among attempts at bottom-up democracy in recent times has been the work of the Direct Action Network (DAN), a loose and extensive organization of affinity groups whose protest efforts in the early 2000s gained them widespread recognition and whose most widely adopted method of decision-making is referred to as the ‘consensus process.’ By no means restricted to that movement, consensus was, however, popularized by DAN and thus became an integral element to subsequent bottom-up democracy movements - including Occupy. Though, as its name suggests, the pursuit of the consensus process is consensus, it is its non-coercive approach and the inclusion of the so-called ‘block’ that potentially qualify it as being based in a complete legitimizing belief. David Graeber, in his 2002 essay *The New Anarchists* offers this description of consensus:

“The basic idea of consensus process is that, rather than voting, you try to come up with proposals acceptable to everyone—or at least, not highly objectionable to anyone: first state the proposal, then ask for ‘concerns’ and try to address them. Often, at this point, people in the group will propose ‘friendly amendments’ to add to the original proposal,

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4I It is worth noting that consensus is held to have been used by the Quakers, as well as most notably the Iroquis Confederacy Grand Council, as far back as 1142. (Johansen, pg. 1) Graeber expands this insight, arguing that there is a universal element inherent to this approach: “Democratic practices - processes of egalitarian decision-making - however, occur pretty much anywhere, and are not peculiar to any one given “civilization,” culture or tradition. They tend to crop up wherever human life goes on outside systematic structures of coercion.” (Graeber, 227: pg. 331)
or otherwise alter it, to ensure concerns are addressed. Then, finally, when you call for consensus, you ask if anyone wishes to ‘block’ or ‘stand aside’. Standing aside is just saying, ‘I would not myself be willing to take part in this action, but I wouldn’t stop anyone else from doing it’. Blocking is a way of saying ‘I think this violates the fundamental principles or purposes of being in the group’. It functions as a veto: any one person can kill a proposal completely by blocking it—although there are ways to challenge whether a block is genuinely principled.” (David Graeber, 2002: pg.1)

Consensus, as Graeber has here described it, offers a decision-making model that gives equal weight to the possibility of disagreement as it does the possibility of agreement. Thus, a general will can emerge, provided there is no ‘principled’ block. The block exists as the consensus-process’ most pertinent feature and it is important also to note that means also are afforded within consensus to check this mechanism and thus to ensure there is no abuse (discussed in Conclusion). Though Graeber’s description of the consensus model portrays it as an effective small-scale approach, its hallmark, the block, could arguably be introduced to a completely scalable model of democracy wherein the individual need not be “in the room” to retain their right to political determination. The block could become integral to any political process in the same way that the vote is today, provided it is implemented in such a way that consensus is curtailed only to the extent that it would interfere with the individual’s own will.

The incorporation of dissensus as a decision-making provision might seem
ludicrous in the context of interest-based politics, where it is more than feasible that a contrarian or an agent provocateur would seek to sabotage any form of consensus-building. Thus Howard Ryan argues in his 1983 essay *Blocking Progress: Consensus Decision Making in the Anti-Nuclear Movement* that “the will of the majority holds sway in voting, while an individual or minority wields power in consensus.” (Ryan, pg. 6) Indeed, the problem of the sabotaging capacity with which the individual is endowed within the traditional consensus model is a serious one, which has resulted in a number of organizations - such as the Southern California Alliance for Survival (AFS) mentioned by Ryan - to abandon it in favour of majoritarian approaches. A common concern that Ryan identifies is that though blocks can usually be resolved through an inquest approach, as well as a re-drafting of proposals, it becomes increasingly difficult on a larger scale, because “consensus means long, monotonous meetings.” (Ryan, pg. 3)

Graeber suggests in his 2013 book *The Democracy Project*, that any political system based, however loosely, on the consensus process requires a turn towards a view of political deliberation as “problem solving rather than as a struggle between fixed interests.” (2013: pg. 205) With this in mind, the failures of the council systems as well as consensus-based approaches could, at least in part, be attributed to the fact that the political debate could not be shifted away from an interest-based struggle towards that of a common problem. As Arendt argued, it was precisely this “disinterested” nature of the councils that qualified them for a quintessentially political and horizontal approach, whereas she dismissed the hierarchical parties, despite their successes, as fundamentally apolitical. Whether a reframing of the political debate around problems rather than
interests would allay the threat of sabotage is not, however, certain. Further, that the traditional articulation of consensus could feasibly be introduced on any scale larger than a council or affinity group is still unresolved.

Ryan points out that “proponents of consensus often fail to recognize that preventing people from doing as they wish can be no less coercive than forcing them to do as they do not wish.” (Ryan, pg. 6) What he has here identified might be called the ‘tyranny of the minority,’ whereby the individual is able to subvert collective action proceeding from a general will. Ryan has here identified one manifestation of the ochlos, namely coercion by the individual. This, however, need only be the case where a decision-making body is given to a rigid form whose function is dependent on a unified mobilization, which, as the preceding chapter has shown, would constitute a monistic reduction. A response to this problem might be a qualification of the concept of the block: “where someone choses to block a decision, they have the power to block it to the extent that it affects them.” Thus, a block would be conceived not as a definitive invalidation of political authority, but a sort of case-specific secession, resulting in fragmentation of the sort that ensures a preservation of plurality.

In addition to a shift from interest-based to a problem-based approach to decisions, for the block-model to be practicable, it would require a turn from rigid to fluid forms of body politic. Graeber argues that the idea of fully inclusive, constituency based decision-making is misguided. Rather, “everyone affected by a project of action should have a say in how it is conducted” (2007: pg. 230) but should not be forced. It is by avoiding a
formalization of the decision-making body that everyone retains the right to an injunction to political mobilization where it would affect them, without depending upon their involvement. Graeber likens this to a fluid form of problem solving used by the people of Madagaskar called “fokon’olona,” whose intricacies eluded attempts by the Malagasy government to formalize them. What characterized it, however, is that “assemblies [are] brought together around a particular problem […] uniting anyone whose lives are likely to be affected by the decision made.” (Graeber, 2007: pg. 231)

Where a decision-solving approach is adopted that frames issues around problems, not interests, and is not based in rigid forms but fluid associations particular to those issues, the block mechanism can feasibly be integrated. Unique to the block mechanism of the consensus process, despite all potential pitfalls, is its ability to indicate the emergence of a general will i.e. consensus that has accounted for all dissent. A comprehensive legitimizing measure could thereby be achieved, provided the block only interfere with the emergent and non-incursive agreement of others. The threat of dissensus keeling over into the realm of consensus is real only to the extent that a decision-making body seeks to arrive at consensus for all, as opposed to building upon it wherever it emerges naturally. In the latter case, a block would affect the general will only to the extent that it had the potential to interfere with the will of the blocking individual. Though perhaps only a tenuously practicable claim, it is in this fine theoretical interstice between consensus and dissensus that the democratic claim has any hope of realization.
Dahl’s paradox of scale poses a riddle that Arendt’s councils seemed unable to resolve and to which the ‘block’ may offer a key. For a political model to give rise to structures of decision-making authority that proceed from the legitimizing belief of the *demos*, there must exist a mechanism for the accounting of dissent. It is only the ubiquity of such a mechanism that can ensure the emergence of a Rousseauian general will, free of coercion. The coercive potential of the block itself needs also to be pre-empted by a framing of political questions around common problems and a re-conception of the decision-making constituency, away from a firm delimitation towards a fluid and dynamic form of human association. Where this is achieved, the two-fold qualifications of power - consensus and dissensus - are met, and the general will can be legitimately translated into action, at every level.

How what has been proposed can feasibly be implemented, is, primarily, a spatial question. Critchley proposes a conception of politics as “the praxis of taking up distance with regard from the state, working independently of the state, working in a situation.” (pg. 112) Where states encompass the entire globe, autonomous manifestations of alternatives can only occur within their pervasive territorial reach. As contemporary attempts at bottom-up democracy have shown - from the Zapatista Uprising, to the Occupy Movement and elements of the Arab Spring - distance from the state must be taken up, on the first instance, from within. Thus, the distance to the state is “an interstitial distance, an internal distance that has to be opened from the inside.” (Critchley, pg. 113) A plurality of interstices (Lat. *interstitium* = stand between), that, by asserting their legitimacy over the state mechanisms would proliferate and connect with
other interstices, could eclipse the state altogether.
Conclusion:

“A new democracy must take account of the constituent dynamic of the multitude and the fact that its plurality refuses to be reduced to an unum.” (Hardt and Negri, pg. 310)

The view of democracy elaborated throughout this paper is one which stands in stark contrast to the present-day countenance of politics, whose rigid delineations of countries and constituencies require that decisions be made on behalf of the people. These delineations follow from a hostile world-view that cites the threat of outside incursion and disorder as justifications for hierarchy - decision-making from above. Today’s vacuum of legitimacy is thus tied directly to statist forms of governance, whose decisions derive from a hegemonic process of will-formation that is not fully contingent upon the approval of the people. Based in assumptions of external threat, this exercise of power produces the very effects that affirm its premises. It is in recognition of this circular fallacy that I have sought to invoke a countervailing and arguably utopian narrative, (compare: Appendix A) answering to the call for a more democratic society.

“Rule by the demos” - as this paper has argued - is a radical demand, which invalidates both majoritarian representative governance as well as all overarching political structures proceeding from an incomplete legitimizing belief, i.e. that mobilize power by the approval of a part, yet affect the whole. In opposition to the coercion of monistic totality, the plurality of the demos calls for bottom-up politics, where power is
contingent upon the approval of the people. Only where consensus - empowered agreement - is subject to the possibility of dissensus - empowered disagreement - and vice versa, is the demand thus honored. Integral to this new democratic narrative is a two-fold belief: that a fluid conception of the people can give rise to much greater order than a rigid one, and that the people as a whole know better what is in their common interest than the few purporting to act on their behalf.

Democracy, in its ideal, embodies the unique possibility of true legitimacy, in which complete approval exists and all disapproval has been accounted for. It is this intersection of the legitimizing body, i.e. the people - named in the Greek word-root ‘demos’ - and their legitimizing belief, that can give rise to a general will. The demos exerts itself with a more rigorous measure for legitimacy than the rule of strength. The advent of a general will indicates a satisfaction of such a measure, in the form of comprehensive agreement. The effect engendered by the general will is its legitimate justification for action. Where this is not met, a demand arises for some form of mediation and, given a failure to assuage dissensus - secession or stoppage.

Whereas an absence of complete agreement has historically been taken as sufficient cause for coercion, in the interest of a ‘greater good,’ the new conception evolved in this paper takes such an absence as sufficient cause for boycott. It might seem that the view of politics advocated here is a sabotagist one, as it has the potential to curtail political activity altogether. Within a fluid association of individuals, however, a block would not necessarily imply the curtailment of action altogether, but rather, to the extent
that it would effect those who disagree with it. Dissensus, whose tool is the block, causes fragmentation: the mark of plurality. The general will, taken as a qualification of action, allows both for large-scale action and small-scale preservation of inaction.

Wherever instances of agreement occur on the local scale, the possibility of large-scale consolidation with other instances emerges. Break-away dissentient groups would be able to block their actions in one of two ways: to the extent that they would affect them, or completely. The particularity of the former type block must be noted: not to be conceived of so much a general complete negation of mobilization, it is a tool of fragmentation specific to proposals. A block of the type that would invalidate action altogether would therefore have to assert its own legitimacy. Here arises the question “how can the legitimacy of a challenge to the legitimacy of a proposal be established?” The objectivity required of any endeavour that would be tasked with measuring a claim of individual coercion up to the projected impact of proposed actions, would be with difficulty met. A mediative body devoted to this form of empirical adjudication would, however, be necessary.

The mediative bodies of a bottom-up democracy, with aspirations to omnilegitimacy, would likely approach most closely conventional judiciary bodies; insofar as they would seek to determine empirically-based truth in pursuit of definitive judgements, and be composed, at least in part, of members of the public. The nature of such an organ can only be loosely apprehended, without practical attempts at implementations for reference. It is important, however, to note that its role would
largely be a scientific one, and the conclusions of its adjudcatory power be contingent upon a general will. In this case, however, the general will would be one emanating only from the jury: a group of disinterested individuals, not staked on the outcome of the decision and proceeding in their decision by the comprehensive legitimizing demand. Thus, the block - by its appropriate implementation within an adjudcative body - could serve as a counterforce to misuses of the block.

Besides a judicial organ of the sort elaborated above, an omnilegitimate democracy would do away with a need for government. Where the state as a sovereign, overarching exoskeleton is invalidated, what results is a facilitative structure whose sole designation is to be a medium for the mobilization of action, proceeding from the will of the people. It has no will of its own and its functions could basically be compared to those of a switchboard: Where agreement exists in one locale, it connects this agreement to all other instances of agreement in other locales. Where these connect, an order is formed that can be described as a fluctuative - i.e. specific to each instance - form of unity. Wherever there is disagreement, the structure blocks the ascencion of such propositions, thereby preserving plurality. This facilitative function could be assumed altogether by a computer program, whose algorithms allow agreement only to emerge where it constitutes a Rousseauian general will. Such a program might process proposals in the following manner:

1. Distribute proposals for publication to all locales likely affected by its proposed action.
2. Allow a certain amount of time to pass.

3. Check for blocks:

3A. If there is no block, designate proposal as legitimate and allow action to proceed.

3B. If block entails secession (specific block) allow action to proceed - on the provision of it being non-incursive to blocker.

3C. Where there is a block calling for complete (complete block) stoppage, notify local adjudicative body:

3.C.I. If adjudicative body deems the complete block illegitimate, proposition is allowed to proceed.

3.C.II. If adjudicative body deems the complete block legitimate, proposition is struck down and must be redrafted.

As the above delineation shows (also offered as diagrammatic representation in Appendix B), proposals can be subject to two forms of block. The former - a specific block - would allow for a decision to go forward, on the condition that it preserve the blockers
autonomy with regard to that decision. This block would be considered a secession from the body of consensus and the general will that follows, though it would neither invalidate this general will nor call for adjudication. It would, however, place a qualifying demand upon the proposition which, if disregarded, would invalidate the legitimacy of the action. The latter type of block - a complete block - would however call for negation of consensus and the prevention of a general will from forming on that proposition. Justified grounds for such a block might be: concern either about fundamental and universally detrimental implications of a proposition or that it could in no way be implemented in a manner that would preserve that individual’s will. A comprehensive block would be subject to the judgement of the judicial organ; its judgements would be reached by the same omnilegitimate decision-making process.

A wholly technical conception of democracy may be too reductive, in that it doesn’t give adequate recognition to the deliberative and mediational needs usually attributed to bottom-up forms of democracy. By offering a parametric outline of the Rousseauian general will, however, it can be shown that at the heart of a bottom-up form of democracy meeting a comprehensive demand for legitimacy, there need not be an administrative government with an executive thought-process that is sovereign to, and therefore above, the people. Rather, there would need to be only be a simple set of rules - as discussed in Chapter 3 and elaborated above - instated either in a computer programme, or by a group of individuals assuming that facilitative role. Such a rendering of democratic possibilities also debunks the claim that bottom-up democracy requires the direct involvement of all members and thus places an unrealistic demand on the time and capacities of people.
Clearly, involvement in politics would here become an entirely voluntary exercise.

While it might seem fantastical that giving more power to the individual to call into question decisions would give rise to better ones, it is probable that where decisions are subject to more scrutiny and a more rigorous process of qualification is applied, agreement takes on greater weight. With the added weight of comprehensive legitimacy given to consensus, decisions take on an air of authority hitherto unknown. Though more rare, consensus, wherever it would emerge, could lay claim to universality. Counterintuitively, it would therefore seem, true political authority follows from the possibility of its complete negation by the demos. Such a rarification of legitimate decisions would therefore engender a shift in the sphere of politics: away from interest-negotiation and toward problem-based politics. Underlying this claim is the belief that what can most readily be agreed upon by the people are universal problems, thereby qualifying these uniquely for unified action.

A popular slogan of the Occupy movement declared: “All of our grievances are connected,” (see appendix C) revealing that at the heart of politics are common problems that need to be solved by collective action. Although it could be argued that it is in our common interest that we solve problems, framing issues as problems calls for a cooperative mind-set, whereas framing them as interests calls for a competitive one. Though partially an argument about the proclivities of human nature, it is also one about the modern state-of-affairs, which is wrought with problems that customary majoritarian party-politics have not effectively addressed, but have, in many cases, helped bring about.
At least in part, this failure is attributable to a political ordering that presupposes interest-based conflict and seeks to suppress this by the disjunction of power between the people and their representatives.

Politics, in an omnilegitimate world, would differ most profoundly from what it is today understood to be. All organs of action would assume a fluid form to mobilize where there is consensus and work around dissensus. Groups of individuals - previously known as constituencies - would now be affinity groups, wherein the individual would find the power to influence affairs in the world around them, to the extent they wanted to and could enlist the agreement of their peers, while acknowledging their justified disagreement. Under such circumstances, any distinction between power and the people previously sustained by sovereign hierarchies would disappear, politics would become a public affair and the democratic demand be redeemed by its transformation into a democratic reality. The omnilegitimate decision-making principles offered above, would enable the coexistence of unity and multiplicity wherever they came about freely, thus validating Rousseau’s general will and at last resolving the plurality paradox.

It is its rightful claim to being fully legitimate, that distinguishes the omnilegitimate form of democracy from those preceding it. As such, it can be understood as the culmination of an evolutionary process, whereby definitions of democracy have expanded to accommodate an ever-growing measure of a legitimizing-belief. At the same time, however, the unchanging ideal of democracy is contained within the Ancient Greek roots of the term, wherefore it could also be held that it has merely been waiting to be
uncovered. For omnilegitimacy to take root and thus do justice by the democratic demand, it must be planted within the interstices of the increasingly cracked foundations of illegitimate power - growing to fill the legitimacy vacuum until all forms of coercion are blotted out. Like a rhizomatic plant, hubs of legitimate action would put out horizontal shoots and connect with other hubs, growing around blocks wherever they manifested and reaching unknown heights.
Glossary:

**Authority**: The recognized legitimacy of power by the *demos*.

**Autonomy**: Manifestation of a will or wills free of coercion. Indicator of Omnilegitimacy.

**Block**: Practical element of the democratic demand, whereby dissensus is made manifest and the possibility of a general will preserved. Two forms. (see: Complete block, Specific block)

**Coercion**: Force - misrepresenting the will of the individual & acting on such misrepresentations, or disregard of wills altogether.

**Complete Block**: The contestation of a proposal as a whole, calling for its complete stoppage- a call for the curtailment of the consensus among others, its legitimacy it established by showing how said proposal would practically infringe upon the right to exemption from its impact. A subjective claim, it would have to be judged by a disinterested adjudicative organ (see: Judiciary)

**Consensus**: empowered agreement; a necessary component of the general will and the democratic demand.

**Delegitimizing Belief**: The disagreement of individuals with a decision and curtailing the emergence of a general will.

**Democracy**: Rule by the People. Power of the People.

**Democratic Demand**: Implicit to the term democracy (anc. gr. *demos* = people, *kratia* = power, rule) - a call for decision-making power to be contingent upon the non-coerced approval of the comprehensive legitimizing measure that is the people as a whole, in accordance with its foundational value - being rule by the people.

**Democratic Foundational Value**: Rule by the People. Power of the People.

**Democratic Legitimizing Measure**: The people. Also: Omnilegitimizing Measure.

**Democratic Legitimacy-belief**: The justifying approval of political action by the people, this being the foundational value of democracy.

**Demos**: The people free of coercion - give rise to general will.

**Dissensus**: empowered disagreement; a necessary component of the general will and the democratic demand.

**Foundational Value**: That upon which a system of governance is based and from which it usually derives its name: i.e. (meritocracy, communism)

**General Will**: Agreement of individual wills contingent upon the non-coerced approval of each and the absence of disagreement. Emerges from the Democratic Demand, indicating the satisfaction of its comprehensive legitimizing belief. Can be understood as both a litmus and a normative tool of non-coercion.

**Hegemonic**: Dominating, coercive, from above.

**Interstice**: Vacuous spaces opened up within the state by its failures to address the democratic demand - locales for new bottom-up organization.
Judiciary: An organ designated to judge the legitimacy of a block, composed of individuals not staked on the outcome and proceeding upon the emergence of a general will for its decisions.

Legitimacy: Justification of political action, by appeal to an accordance with its foundational values.

Legitimacy-belief: The justifying approval of a political action by a body of individuals; in the case where a systems foundational values appeal to such.

Legitimacy Vaccum: The absence of recognized decision-making authority, following from a failure to meet the democratic demand. (see: Interstice)

Legitimizing Measure: The body of individuals named by a system’s foundational values, upon whose legitimizing belief it relies. (see: Democratic leg. measure)

Monistic Reduction: The coercive reduction by the state of plurality to unity. (see: Public Opinion)

Ochlos: The people subject to coercion - cannot give rise to general will.

Omnilegitimacy: Exists where the democratic demand is honored and the only type of action is that proceeding from a general will.

Omnilegitimizing Measure: The *demos*.

Power: Decision-making capability.

Plurality Paradox: The seemingly contradictory needs for unified action and unforced multiplicity. Representative democracy (and all state-based governance), by its representative disjunction, forces unity - thereby obfuscating but not resolving this question. Omnilegitimacy resolves this, by showing that the possibility of unity and multiplicity can coexist non-coercively.

Public Opinion: Generalization of individual wills in pursuit of unity, type of monistic reduction used in rep. democracies - coercive.

Representative Disjunction: Break in the causal link between the will of the people and decision-making power inherent to rep. democracy. Stands in the way of true democracy.

Sovereignty: Supreme power - can reside with the state or the people.

Specific Block: The contestation of a proposal to the extent that it is thought to infringe upon individual’s will. Allowing a proposal to pass, it would attach a condition upon whereby the pursuant action could be deemed omnilegitimate insofar as it is the general will.

State: A spatio-temporally rigid entity that is dependent upon a need for unified mobilization, which it attains forcefully. (see: Monistic Reduction)

Tyranny of the Minority: The threat of blocking being used as a form of sabotage - a possibility best pre-empted by basing proposals around common problems, not interests, as well as the division of block types (see: specific block & complete block) and the formalization of a process of adjudication (see: Judiciary).
## Appendix A:

<table>
<thead>
<tr>
<th></th>
<th>State-based Representative Democracy</th>
<th>Bottom-up Omnilegitimate Democracy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name of Monster</strong></td>
<td>Leviathan (one head)</td>
<td>Hydra (mandy-headed)</td>
</tr>
<tr>
<td><strong>Scale of Mobilization</strong></td>
<td>Forcibly Uniform</td>
<td>All scales possible - in flux</td>
</tr>
<tr>
<td><strong>Main Function of Govt.</strong></td>
<td>Administration &amp; Rule</td>
<td>Facilitation &amp; Adjudication</td>
</tr>
<tr>
<td><strong>Leadership</strong></td>
<td>Necessary, Disjoined from demos</td>
<td>Possible, Contingent upon demos</td>
</tr>
<tr>
<td><strong>Constituency</strong></td>
<td>Rigid, Delimited</td>
<td>Fluid, Unbounded</td>
</tr>
<tr>
<td><strong>Unity</strong></td>
<td>Enforced - Invariable</td>
<td>Organic - Possible</td>
</tr>
<tr>
<td><strong>Rep. Disjunction</strong></td>
<td>Will of People Abstracted --&gt; disjunction btw. people &amp; power</td>
<td>Will of People Direct --&gt; no disjunction btw. peopl &amp; power</td>
</tr>
<tr>
<td><strong>Role of Individual</strong></td>
<td>Approve by Vote</td>
<td>Disapprove by Block</td>
</tr>
<tr>
<td><strong>Legitimizing of power</strong></td>
<td>Majority Disapproval</td>
<td>Individual Disapproval</td>
</tr>
<tr>
<td><strong>Form of People</strong></td>
<td>Static</td>
<td>Dynamic</td>
</tr>
<tr>
<td><strong>Delegitimizing Belief</strong></td>
<td>Ignored</td>
<td>Acknowledged</td>
</tr>
<tr>
<td><strong>Overarching Will Applied</strong></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>General Will Required</strong></td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>General Will Possible</strong></td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>People</strong></td>
<td>Ochlos</td>
<td>Demos</td>
</tr>
<tr>
<td><strong>Will-formation leads to</strong></td>
<td>Monistic Reduction</td>
<td>Pluralistic Variegation</td>
</tr>
<tr>
<td><strong>Dissensus</strong></td>
<td>Ignored</td>
<td>Acknowledged</td>
</tr>
<tr>
<td><strong>Consensus</strong></td>
<td>Assumed</td>
<td>Probed</td>
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<tr>
<td><strong>Result of disagreement</strong></td>
<td>Coercion</td>
<td>Fragmentation</td>
</tr>
<tr>
<td><strong>Decision-making</strong></td>
<td>Executive - Representative</td>
<td>Autonomous - General Will</td>
</tr>
<tr>
<td><strong>Direction of Proposals</strong></td>
<td>Top-down</td>
<td>Bottom-up</td>
</tr>
<tr>
<td><strong>Origin of Proposals</strong></td>
<td>Executives,</td>
<td>Demos,</td>
</tr>
<tr>
<td><strong>Proposals Processed</strong></td>
<td>Centralized</td>
<td>Decentralized</td>
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<tr>
<td><strong>Mediative Organ</strong></td>
<td>Judiciary</td>
<td>Judiciary</td>
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<tr>
<td><strong>Framing of Questions</strong></td>
<td>Interest-based</td>
<td>Problem-based</td>
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<tr>
<td><strong>Moral premise</strong></td>
<td>Selfish</td>
<td>Cooperative</td>
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<tr>
<td><strong>Power</strong></td>
<td>Independent of demos</td>
<td>Contingent upon demos</td>
</tr>
<tr>
<td><strong>Plurality paradox</strong></td>
<td>Unresolved --&gt; Unity enforced</td>
<td>Resolved --&gt; Plurality preserved</td>
</tr>
<tr>
<td><strong>Structure of Ordering</strong></td>
<td>Exoskeletal</td>
<td>Rhizomatic</td>
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</tbody>
</table>

Table Comparing Main Features of Old and New Democracy.
Appendix B:

Omnilegitimate Decision-Making
Appendix C:

“All Our Grievances Are Connected...”
taken May 1st, 2012 by Hans Kern
Bibliography:


