MARCEL GAUCHET AND THE CRISIS OF DEMOCRATIC POLITICS

Edited by
Natalie J. Doyle and Sean McMorrow

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This book presents, for the first time in the English language, Marcel Gauchet's interpretation of the challenges faced by contemporary Western societies as a result of the crisis of liberal democratic politics and the growing influence of populism.

Responding to Gauchet's analysis, international experts explore the depoliticising aspects of contemporary democratic culture that explain the appeal of populism: neo-liberal individualism, the cult of the individual and its related human rights, and the juridification of all human relationships. The book also provides the intellectual context within which Gauchet's understanding of modern society has developed—in particular, his critical engagement with Marxism and the profound influence of Cornelius Castoriadis and Claude Lefort on his work. It highlights the way Gauchet's work remains faithful to an understanding of history that stresses the role of humanity as a collective subject, while also seeking to account for both the historical novelty of contemporary individualism and the new form of alienation that radical modernity engenders. In doing so, the book also opens up new avenues for reflection on the political significance of the contemporary health crisis.

Marcel Gauchet and the Crisis of Democratic Politics will be of great interest to scholars and postgraduate students of social and political thought, political anthropology and sociology, political philosophy, and political theory.

Natalie J. Doyle is Adjunct Senior Research Fellow in French Studies at the Faculty of Arts, Monash University, Melbourne. Dr Doyle has researched European social and political thought, both classical and contemporary, with particular reference to interpretations of modernity. Through a series of articles, book chapters, translations with critical introductions, and a monograph, she has established her international profile as a leading specialist of Marcel Gauchet's political philosophy.

Sean McMorrow is managing editor of *Parrhesia: A Journal of Critical Philosophy*. He teaches at the University of Melbourne and the Melbourne School of Continental Philosophy.

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Contributors

Paul Blokker is Associate Professor of Political Sociology in the Department of Sociology and Business Law, University of Bologna, Italy. He is also Research Coordinator at the Institute of Sociological Studies, Charles University Prague, Czechia. His research focuses on populism, the sociology of constitutions, constitutional politics, and democratic participation. Among his recent publications are 'Populist Counter-Constitutionalism, Conservatism, and Legal Fundamentalism', *European Constitutional Law Review*, 15:3 (2019), 519–543 and the edited volumes *Multiple Populisms: Italy as Democracy's Mirror* (Routledge, 2019; with M. Anselmi) and *Sociological Constitutionalism* (2017; with Chris Thornhill). He is a member of the editorial collective of the journal *Social Imaginaries* and of the book series *Social Imaginaries*. He is co-editor of the *European Journal of Cultural and Political Sociology* and of an official journal of the European Sociological Association. He is also a member of the International Advisory Board of the *European Journal of Social Theory*.

Craig Browne is Associate Professor in the Department of Sociology and Social Policy, University of Sydney. He is the author of *Habermas and Giddens on Praxis and Modernity: A Constructive Comparison* (2017) and, with Andrew Lynch, *Taylor and Politics: A Critical Introduction* (2018), and co-editor, with Justine McGill, of *Violence in France and Australia: Disorder in the Post-Colonial Welfare State* (2010). He recently edited, with Paula Diehl, a special issue of *Social Epistemology* on 'Conceptualizing the Political Imaginary', contributing the article: 'The Modern Political Imaginary and the Problem of Hierarchy'. He is currently Co-Chair of the International Sociological Association, Research Committee on Sociological Theory, RC16.

Natalie J. Doyle is Adjunct Senior Research Fellow in French Studies at the Faculty of Arts, Monash University, Melbourne. Through a series of articles, book chapters, translations with critical introductions, and a monograph, she has established her international profile as a leading specialist of Marcel Gauchet's political philosophy. In 2016, her landmark article 'Democracy as Socio-Cultural Project of Individual and

Collective Sovereignty: Claude Lefort, Marcel Gauchet and the French Debate on Modern Autonomy', *Thesis Eleven*, 75(1) (2003), 69–95 became one of the 100 most downloaded articles in the life of the journal. Through her years as deputy director of a teaching and research centre on European and European Union studies, she was able to use her knowledge of Gauchet's theory to research the European Union and its contribution to the technocratic depoliticisation of democratic government. Her monograph *Marcel Gauchet and the Loss of Common Purpose: Imaginary Islam and the Crisis of European Democracy* (2018) is, to date, the first substantial and the most extensive discussion of Gauchet's theories. Her latest publications include an updated contribution on Gauchet's work to the second edition of the *Routledge Handbook of Contemporary Social and Political Theory* (eds. Gerard Delanty and Steven Turner, 2021).

Mark Hewson is Assistant Professor of Literary Studies at Fiji National University. He is the author of *Blanchot and Literary Criticism* (2011) and the co-editor of *Georges Bataille: Key Concepts* (2016, with Marcus Coelen), to which he contributed commentaries and translations.

Julian Martin holds a Bachelor of Laws and Bachelor of Arts (First-Class Honours) from Monash University, Melbourne. As part of his degree, Julian completed an honours thesis which focused on public law and administrative law.

Sean McMorrow is Managing Editor of *Parrhesia: A Journal of Critical Philosophy*. He teaches at the University of Melbourne and the Melbourne School of Continental Philosophy. His recently completed PhD thesis at Monash University examined the work of Cornelius Castoriadis in order to develop a comparative analysis of political regimes that foregrounds the regulation of culture; particular research interests emerging from this project include the formation of social and political imaginaries, cultural autonomy, and the relation between legitimacy and authority. Aspects of his work have been published in *Cosmos and History: The Journal of Natural and Social Philosophy*.

Brian C.J. Singer is a Senior Scholar at York University, Toronto. He is the author of two books, most recently *Montesquieu and the Discovery of the Social* (2013), as well as some 30 book chapters and journal articles.

Daniel Tanguay is Professor of Philosophy at the University of Ottawa. He is the author of *Leo Strauss: une biographie intellectuelle* (2003), published in English translation *as Leo Strauss: An Intellectual Biography* (2007). Tanguay continues to work on Strauss, but his main research interest is currently the history of French political philosophy in France since 1980. He has written articles on Marcel Gauchet, Claude Lefort, Philippe Raynaud, and Alain Renaut. He is co-editor, with Gilles Labelle, of a book on Marcel Gauchet's thought, *Une démocratie*

désenchantée? Marcel Gauchet et la crise contemporaine de la démocratie libérale (2013).

Stéphane Vibert is a Full Professor at the School of Sociological and Anthropological Studies at the University of Ottawa, and Director of Research at CIRCEM (Démocratie, pensée politique et sociale). He has a doctorate in Social Anthropology from the École des Hautes Études en Sciences Sociales, Paris, and a degree in Political Science and Comparative Sociology. As the author or co-author of ten books and around 100 scientific articles, his research focuses on the concept of 'community' in the social sciences, as well as on the theoretical and epistemological understanding of holism in contemporary societies, through a questioning of the collective identities that constitute the places of belonging of the modern subject. His publications include *Autorité et pouvoir en perspective comparative* (2017, with D. Gibeault) and *La communauté des individus – Essais d'anthropologie politique* (2016). Among his previous works are *Démocratie et modernité – La pensée politique française contemporaine* (2015, with Y. Couture and M. Chevrier); *Les racines de la liberté – Réflexions à partir de l'anarchisme tory* (2014, with G. Labelle and É. Martin); *La fin de la société – Débats contemporains autour d'un concept classique* (2012, with J. Roberge and Y. Sénéchal); *Pluralisme et démocratie – Entre droit, culture et politique* (2007); and *Louis Dumont – Holisme et modernité* (2004).

Preface
Why Read Marcel Gauchet?

Daniel Tanguay

The reception of a philosophical work invariably follows a path that is difficult to describe and interpret. Such is the case with the works of the French political philosopher Marcel Gauchet, who in the last 40 years has developed a philosophical approach aimed at shedding light on the human political condition, and especially on the modern political condition. Through his numerous books and articles, his teaching at Paris's *École des Hautes Études en Sciences Sociales*, and his tireless work as editor of the journal *Le Débat* from 1980 to 2020, Gauchet has contributed significantly to the revival of political philosophy that has marked the final decades of the twentieth century and the beginning of the twenty-first in several countries. Today, this revival seems to have lost its momentum at the very moment when the legitimacy of liberal democracy finds itself on less solid ground than it was on 30 years ago. Such a reversal is understandable; insofar as the revival of political philosophy was closely tied to liberal democracy as a form of political regime, the latent crisis of its legitimacy in turn acts on the 'liberal' political philosophy that has been, in many ways, its very expression. This is why, today, the vast theoretical constructions that accompanied the triumph of a certain model of liberal democracy find themselves, if not directly contested, at least called into question with regard to their capacity to respond to the new challenges facing our regimes: climate change, the ills of economic globalisation, the rise of regimes motivated by fundamentally illiberal ideologies, upheavals in the political sphere under the pressure of new information technologies, crises in representative democratic institutions, demands for racial justice, and others. Political solutions to all of these challenges could probably be found within liberal democracy, but the latter is caught in a headlong race against forces that undermine its legitimacy and institutions. Moreover, the formidable theoretical constructs of liberal political philosophy may not be of much help. They seem to belong to happier times when the most important question confronting liberal democracy was how to balance the various rights of individuals.

　With perspective, we can see today that the extraordinary renaissance of political philosophy was concomitant with the sudden and unexpected victory of liberal democracy conceived as the *natural* political regime of

humankind. It was this event that both accompanied and inspired inquiry into the foundations and history of the democratic experience, scholarly debate over the optimal theory of justice, and cautious exploration into what is needed to push political freedom from dream to reality. Many of the great works of the 1980s and 1990s bear the imprint of such enthusiasm for liberal democracy, both theoretical and practical, that contemporary thinkers may find striking. Each work expressed in its own way an assuredness of having found, once and for all, *the* solution to the age-old problem of determining the optimal regime. Never in the last two centuries of political history had liberal democracy aroused so much passion and zeal on the part of philosophers, whose relationship with the democratic ideal has always been a fraught one, to say the least.

Without question, Gauchet's work belongs to this revival of liberal democratic thought; it is also partly tied to the historical context in which it emerged. It is therefore surprising that Gauchet has not received the attention he deserves, especially in the Anglo-American world, which in turn has ramifications for the world at large. This relative dearth of interest is reflected in the fact that little of Gauchet's work has been translated, and that even his translated works have not received widespread attention among political philosophers. Indeed, Gauchet's 22 published books have yielded only two English translations, both of which date from the early part of his career in the 1990s.

What is assuredly his most influential book was translated into English as *The Disenchantment of the World: A Political History of Religion* (Gauchet 1997). This ambitious work traces the critical stages in humanity's passage from a regime of heteronomy to one of political autonomy. Viewed as a new version of the secularisation thesis, *The Disenchantment of the World* was mostly discussed by sociologists and historians of religion and, apart from Charles Taylor's preface, has attracted little notice from political philosophers. This is in itself surprising given the book's overtly political subtitle and the core ambition of Gauchet's thought: to examine the genesis of political modernity and its primary agent, the state, and thereby understand what it means to be modern. Indeed, this view of the genesis of modernity can be compared to its more widely known and discussed counterparts: those of Leo Strauss, Hannah Arendt, Charles Taylor, Alasdair MacIntyre, Jürgen Habermas, and others.

The other translation is Gauchet's first book, *Madness and Democracy: The Modern Psychiatric Universe*, co-authored with Gladys Swain in 1980 and translated into English in 1999. This lengthy volume presents a history of modern psychiatry vis-à-vis the modern democratic revolution. That this work was chosen for translation is not entirely surprising insofar as Gauchet and Swain argue against some of Michel Foucault's famous claims on the 'Great Confinement', which have been widely disseminated in the Anglo-American milieu. It is therefore striking that, save for a few notable articles (Moyn 2009; Weymans 2009), the literature on Gauchet and

Swain's contribution to the history of psychiatry with regard to the rise of the democratic individual has been so sparse.

This portrait of Gauchet's Anglo-American reception would be remiss, however, without mention of the more recent works on Gauchet from scholars identified with the political left.[1] First, Samuel Moyn has written a handful of articles exploring in depth the libertarian and anarchist origins of Gauchet's political philosophy.[2] Second, Natalie J. Doyle has, through numerous publications, developed a comprehensive portrait of Gauchet's intellectual trajectory and major theses.[3] Gauchet's left-wing reception adds nuance to the somewhat simplified image of Gauchet as a liberal or even a 'neo-liberal' thinker. This worthy yet somewhat marginal reception aside, our initial observation remains—Gauchet's thought has not garnered the attention it deserves in the English-speaking world. Why is this so? I shall first explore a few hypotheses regarding various obstacles to his reception before proceeding to offer some reasons as to why Gauchet's thought should be discussed more widely in the Anglo-American sphere.

One barrier to the reception of Gauchet's thought is the image of French social thought that has been built up over the last 50 years and what people expect to find in it. At the risk of oversimplifying, it can be said that French thinkers have aroused interest in the United States and Great Britain in proportion to how radical and difficult to interpret they are. The last great wave of reception of French thought was largely associated with the writers of the 1960s and 1970s, all of them associated to varying degrees with 'structuralism', 'post-structuralism', and 'post-modernism'— i.e., what has been summarily termed 'French Theory' or, controversially in French, 'la Pensée 68'. These writers include philosophers and thinkers as varied as Derrida, Foucault, Deleuze, Bourdieu, Lyotard, Baudrillard, and, more recently, Badiou. In sometimes twisted ways, these thinkers replaced in Anglo-American imagination Sartre and de Beauvoir as representatives of the revolt against the established order. French Theory seems to have met a certain demand for subversive thought in the American academic context throughout the second half of the twentieth century.[4]

Gauchet does not fit neatly into this image of the radical and subversive French philosopher. He belongs to an intellectual generation that distanced itself both from the notion of radical rupture and from the hypercriticism that characterised French thought immediately after the Second World War, which culminated in an intense period of philosophical output in the 1960s and 1970s.[5] Gauchet's political philosophy is marked by a concern for political realism; he lacks the subversive rhetorical inflation that is so characteristic of the post-war generation—a generation seemingly unable to mourn the idea of revolution or, when it did mourn, could not help but adopt the radical posture of the hypercritical intellectual in the face of all forms of power and domination. It is both ironic and telling that the only recent work of Gauchet's that has been translated in the last 20 years is a dialogue with Alain Badiou, who is perhaps the sole heir and representative

of the philosophical and political radicalism typifying 'French Theory' (Badiou and Gauchet 2016).

In many ways, Gauchet's thought is a product of the great effervescence of the 1960s and 1970s, but it is also marked by an effort to 'critique the critique', the effect of which is a certain disenchantment. His vision of modernity is as ambitious and far-reaching as Foucault's, for instance, but rather than aiming to permanently subvert all forms of discourse and authority, it is oriented towards a reconciliation—albeit a critical one—with the core values of political modernity. This orientation seemed out of step with what the Anglo-American public expected and perhaps still expects from French thought: a hypercritical mindset determined to expose and denounce all mechanisms of domination, though without presenting a convincing political alternative.

A second obstacle to the reception of Gauchet's work is, in a sense, opposite to the first. While Gauchet eschewed the radical critical attitude of the post-structuralist generation, his style of thinking and writing is closer to the mode of continental philosophy than to the analytical mode of expression that has characterised the dominant currents of Anglo-American political philosophy. Readers trained in this tradition and unfamiliar with the continental mode of presenting problems may well be put off or annoyed by Gauchet's writing style.[6] It is dense, rhapsodic, and at intervals obscure, even for French-speaking readers who are well-versed in philosophical works and familiar with the French intellectual tradition. To translate Gauchet is to undertake a daunting task; understandably, few have ventured to do so. It should be noted, however, that Gauchet's style developed appreciably over the course of his career, his later writing being generally less difficult and more accessible than his earlier works. The four volumes of the *L'avènement de la démocratie* (2007–2017), which constitute the pinnacle of his body of thought, are thus more inviting than his first major book, *Le désenchantement du monde* (1985). The prose in *L'avènevement de la démocratie* (a work spanning 2,000 pages) does not always make for easy reading, but it is clearer and less challenging than that in Gauchet's earlier texts. I hold out hope that a talented translator will one day endeavour to grapple with this landmark work of political philosophy.

The barrier to understanding that exists for English readers is attributable not only to Gauchet's writing style, but also to the manner in which his arguments and reflections are presented. Mark Lilla has pointed out several features that distinguish the mode of presentation in the Anglo-American analytical style from that in contemporary French thought. He rightly emphasises how French political philosophers of Gauchet's generation were trained to situate their reflections within the more general framework of a French philosophy that, from the 1930s on, found its inspiration in German philosophy, mainly Hegel, Husserl, Heidegger, and the so-called great masters of suspicion (Marx, Nietzsche, and Freud). Gauchet is in dialogue with these authors, even if not always explicitly so. Another

major influence may also escape uninitiated readers: that of the human-
ities and, in particular, of authors associated with the French sociological
and anthropological tradition (Durkheim, Lévi-Strauss, Dumont, Clastres,
and others). Gauchet's practice of political philosophy draws on a great
breadth of consideration about the human condition, and his thought rests
on a complex conception of modern autonomy and its origins.

It is from this perspective that the philosophical ambition guiding
Gauchet's work is best understood; he formulates a theory of what pol-
itical modernity is and how it originated, but in so doing he draws on a
wider reflection that seeks to unearth the fundamental structures of human
history. Even if Gauchet declines to use this term to describe his work, it
nevertheless stands as an attempt to develop a 'philosophy of history' or
'philosophical history of humanity'; by these terms we mean an investi-
gation into the meaning and the wellsprings of human history. It should
be noted that in this respect Gauchet remains faithful to the philosoph-
ical ambition of the great narrators of modernity from the 1960s and
1970s, such as Foucault, Derrida, and Lyotard. He is certainly at odds with
them in his more positive estimation of modernity, though this view is not
blind to certain illusions modernity has about itself. Gauchet's philosophy
belongs to the genre of 'Grand Theory', and even if he refuses to don the
cloak of the prophetic intellectual, he engages in a mode of philosophy
that does not shy away from all-encompassing visions of history.

This desire to produce a 'Grand Theory' of modernity and its origins
is not the only feature that may surprise and perhaps irritate Anglo-
American readers who are unfamiliar with continental philosophical
methods.[7] Gauchet does not lay out the normative propositions of his
theory of liberal democracy in the now classic form of a Rawlsian treatise.
Rather, his normative propositions are framed within a historical narrative
about the rise of modern liberal democracy and its development in the
last two centuries. In contrast to the approach that has dominated Anglo-
American political philosophy since the publication of Rawls's seminal
work, Gauchet has not produced a theory of justice in which the principles
of justice specific to liberal democracy are defined in the abstract. Instead,
he attempts to trace the origins of these principles and, above all, to
state which political conditions are necessary for their implementation.
The normative propositions concerning liberal democracy's principles of
justice are therefore always contextualised and placed within this narrative
framework. For this reason, Gauchet's approach may fairly be called, as
Rainer Rochlitz (2004) has put it, a 'narrative theory of democracy'. In
this respect, the philosophical history of politics proposed by Gauchet is
similar, with important nuances, to those proposed by the philosophers
and historians who worked within Paris's Centre de recherches politiques
Raymond Aron in the 1980s, including François Furet, Pierre Manent,
Pierre Rosanvallon, and Dominique Schnapper. Each of these authors, in
their own way, provides a historical account of the modern democratic
and liberal experience that demonstrates how the principles of political

modernity were born of a subtle dialectic between philosophical and political ideas and the particular context in which they emerged.

Gauchet's approach is not, however, pure contextualism in the sense that his accounts would be merely descriptive in nature. Like the other philosophers or historians of the Centre Raymond Aron, Gauchet not only narrates and describes but also makes judgements and freely takes positions on the nature of the best regime. Attentive readers will find in Gauchet's depiction of the history of democracy various observations and arguments that may prove useful in mapping the normative contours of his political philosophy. However, digging deeper, they will come to understand his normative vision of democracy as being grounded in a broader philosophical understanding of human beings and of the nature of political communities. For this reason, Gauchet can be said to offer a genuine philosophical history of the political condition of humanity, a history rooted in a complex vision of the attainment and expansion of true human autonomy. Gauchet's deepest disagreement with what he calls the 'political philosophy of rights', in reference to the approach favoured in Anglo-American normative theories of liberal democracy and its principles, concerns precisely the individualist ontology on which liberal democracy is ultimately based.[8] This is probably his most valuable contribution to the discourse on the nature of democracy and modern autonomy. However, a very close reading is required to reach this level of understanding. Somewhat similarly to Charles Taylor, Gauchet scatters his presentation of philosophical arguments and claims among vast tracts of historical content and numerous considerations that may distract the reader from the main line of argumentation. An ambition to encompass everything may be detected, an ambition that may even be called quasi-Hegelian, which readers accustomed to more direct and sober modes of argumentation may find unsettling.

Having briefly touched on some of the obstacles to reading Gauchet, I will now address some of the key features in his approach to democracy with a view to arousing the interest of potential readers and illustrating his relevance to today's world. Gauchet's timeliness resides, in my opinion, in that his political thought deals with the crisis of democracy. By this I mean two distinct things: first, that Gauchet's reflection on democracy arises from the unease and concern provoked by his perception of a crisis of democracy; second, that central to his reconstruction of the history of democracy is the notion that democracy is a compound of unstable and sometimes contradictory forces, and as such undergoes crises of growth due precisely to the precarious equilibrium among its components. The crisis of democracy thus seems consubstantial with the nature of the democratic system and its historical development. This is why Gauchet's view of the 'crisis', despite certain dramatic overtones, remains fairly optimistic with respect to democracy's capacity to overcome its present calamity. Moreover, he sees in democratic crises of growth a unique opportunity to deepen our understanding of democracy and to more fully realise its promise.

The introduction to *L'avènement de la démocratie* serves as an excellent gateway to Gauchet's thinking on the crisis of democracy.[9] The text is infused with malaise and concern about what Gauchet sees as democracy in crisis at the very moment of its triumph: 'We are suffering from an evil that we are not able to imagine and that inspires no other temptation, spontaneously, than to sink into it. It is what gives the inexpressible uneasiness which floats in the spirit of the times' (Gauchet 2007b: 32; our translation). This malaise finds its origin in the 'crisis of growth' that traverses contemporary liberal democracy. Gauchet traces this crisis back to the end of what the French call the 'trente glorieuses', the 30-year period (1945–1975) of economic growth and bolstering of the French welfare state. In fact, he does not apply this judgement to France alone, but to all major Western democracies which, in his opinion, followed a similar trajectory to that of France during the same period. This crisis and its accompanying malaise intensified in the final decades of the twentieth century. As a sensibility and as a movement, 'post-modernity' was an intellectual translation of this malaise insofar as it echoed people's disaffection with the ideals of modernity or at least their questioning of those ideals (Gauchet 2007b: 13–14). Some may have laboured under the impression that, with the victory of liberal democracy over its enemies, humanity had reached the 'end of history'. Not so, however, democracy is not an absolute or irreversible state of affairs. It is in its nature to be constantly remade, constantly reclaimed. This constitutes a never-ending task; the synthesis it represents is decidedly fragile. The history of democracy provides us with proof of this fragility. Therefore, it is up to us to learn from this history to gain a deeper understanding of the state of democracy today and, above all, of the nature of the ills from which it suffers.

Democracy contains a unique inner force whereby it forever risks turning against itself and undermining itself politically from within. Today, the enemy of democracy is no longer outside but inside. What exactly is the enemy of contemporary liberal democracy? The answer is political impotence (Gauchet 2007b: 25). Gauchet speaks here not only of an impotence that afflicts democratic institutions, but also of a subtler yet no less harmful form of impotence that affects the political community's capacity to recognise itself as such and to truly exercise political power. This form of impotence can be seen in the difficulty individuals experience in accepting the basic conditions for the existence of a concrete political community. Individuals no longer see themselves primarily as citizens belonging to a political community to which they have duties and obligations, but as untethered entities who are primarily bearers of rights. Such a self-conception regarding the autonomy of individuals has been confirmed and justified by the current political philosophy of rights, which, by virtue of its insistence on the individualistic dimension of rights, has tended to obscure the purely political dimension of liberal democracy. According to Gauchet, if the political philosophy of rights has been so successful in contemporary liberal democracies since the 1970s, this is because it has confirmed, in

theory, the palpable rise of the society of individuals and the liberal transformation of Western societies (Gauchet 2007b: 23–24). The autonomy of the individual that liberalism promised was in fact achieved only through the bolstering of the welfare state in Western democracies after the Second World War. Yet, paradoxically, it is the triumph of individual autonomy that has provoked the crisis of growth in which contemporary democracy is mired.

To appreciate this crisis of growth, it is necessary to examine the nature of democracy as envisaged by Gauchet. He characterises democracy as a 'mixed regime' (Gauchet 2007b: 10, 12, 21). It is critical to understand the sense in which he uses the expression as it is somewhat misleading. He does not mean the classical conception of the mixed regime understood as a regime comprising monarchic, aristocratic, and democratic elements. Here, the mixed regime is more abstract; democracy is composed of a mixture of three elements, each of which translates the autonomy that belongs to political modernity in its own way. These three elements, or vectors of autonomy, are politics, law, and history. *L'avènement de la démocratie* details the genealogy of these three elements in the history of democracy (which is laid out in both political and philosophical terms); the political dimension is associated with the appearance of the modern state and the affirmation of sovereignty; the legal dimension arises from the emergence of the natural rights of the individual as principles that legitimise the democratic regime; and the historical dimension affirms the historicity of human beings and their capacity to shape society and its future.

These three vectors of modern autonomy undergo a convergence, the dynamics of which allow us to decipher how democratic societies have developed since political modernity emerged five centuries ago, and especially in the last two centuries. Their convergence is not without difficulty and tension; each vector seeks to dominate the other two. This is why Gauchet posits the 'composition' or 'recomposition' of these elements as the central problem (Gauchet 2007b: 21). Similarly, he also speaks of reconstituting the 'internal balance' of the components (Gauchet 2007b: 39, 41). Such a philosophical history of modernity may seem abstract and far removed from the actual history of liberal democracy, but Gauchet never loses sight of the essential problem confronting liberal democracy, a problem as old as the regime itself: balancing the notion of democratic sovereignty with allowance for individual freedom—in other words, balancing the democratic and liberal dimensions of liberal democracy. While Gauchet fully recognises the legitimacy of the 'liberal upheaval'—the priority given to the society of individuals—he always insists that the community is more than the result of a contractual agreement among individuals. Today, neo-liberalism as a political ideology has served to magnify this illusion that stems from the liberal reversal. Neo-liberalism thus functions as an ideological illusion that further weakens the democratic and political variable in the liberal democratic equation by regarding the individual and the market as the only real dimensions of the political community. Insofar

as Gauchet considers one of the great illusions of our age to be the individual as fully decoupled from any political community, he is one of the voices criticising neo-liberalism as a dangerous distortion of liberalism in its original conception.[10]

As mentioned previously, today's crisis of liberal democracy throws off the balance among the vectors in that rights are granted outsized influence in the collective imaginary of democratic societies. Gauchet does not repudiate the importance of this dimension, which in his view constitutes a necessary enhancement of the liberal dimension of the democratic regime, nor does he dismiss offhand the value of expanding these rights; rather, he exposes the peril of a political regime that has lost its grasp of its conditions of existence. Thus, the Gauchetian conception of democracy can be said to contain a republican dimension, provided this conception is not caricatured. While it is certain that Gauchet's political thought is in part heir to a republican tradition dating back to Jean-Jacques Rousseau, it does not espouse what one might call a strong or 'substantialist' conception of the republic. In such a conception, it is desirable that individuals disappear or merge with the political community, or, to use Rousseau's terms, become a 'fraction of a Whole'. This conception cannot come from Gauchet, because the process of modernity has, in his view, irreversibly disenchanted communities. Moreover, what must be retained above all from the totalitarian experience is how dangerous it is to manufacture a secular sacred in order to reunify the political community. Contemporary liberal democracy is thus born of the radicalisation of the exit from religion that has characterised political modernity from the start.[11] There is certainly a republican element in the new equilibrium that Gauchet hopes to see emerge for the benefit of liberal democracies insofar as the primary concern in his thought is the restoration of the political dimension of democracy. His republicanism is, however, a *disenchanted* republicanism.[12] As political modernity radicalises the transcendent or even sacred dimension of the political community, it loses its ability to be recognised.

In its current crisis, liberal democracy is thus affected in its political dimension and in the ultimate legitimacy of the exercise of sovereignty over individuals. The modern regulatory and administrative state certainly continues to exercise great power over civil society and over individuals, but it is powerless when it comes to politically orienting societies. Gauchet explores the nature and origins of this political powerlessness and the crisis of political sovereignty in liberal democracies in the fourth volume of *L'avènement de la démocratie*, entitled *Le nouveau monde* (*The New World*). If there is one reason to read Gauchet, it is his rigorous and lucid diagnosis of a malaise that any citizen of a liberal democracy may feel, a malaise at the difficulty communities face in governing themselves, in shaping the future, and in settling on the appropriate political form in which to exercise political sovereignty.

To understand Gauchet's diagnosis of the present state of affairs, it is necessary to look back briefly on what he seems to consider the true golden

age of liberal democracy, that is, the period from the end of the Second World War until the mid-1970s. Having emerged (partially) triumphant from the war, liberal democracy was thereafter able to overcome the crisis of growth it had faced at the beginning of the twentieth century. This first crisis of growth resulted partly from the emergence of the social question which had gradually plunged liberal democracies into a political crisis and disrupted the three vectors of autonomy (politics, law, and history). Liberal democracies exited the first crisis of growth through a new configuration of the three vectors of autonomy, which set the stage for a new equilibrium that would last from 1945 to 1975. According to Gauchet, this new equilibrium was reached in response to the dual crisis of governance and representation, a crisis caused by liberalism's difficulty in producing a political response to the social question. After the failure of the totalitarian experience, liberal democracies were confronted with this same difficulty after 1945 through their rivalry with communist regimes. The solution to the crisis came through the creation of the so-called welfare state, which Gauchet also calls the 'regulatory state' and the 'social state' (Gauchet 2010: 588–598, 601–611, 644–645). It was believed at the time that the establishment of these strongly socialist-inspired states would lead to a decline in democratic freedoms. However, the opposite turned out to be true; paradoxically, the social state allowed for the regime of freedoms to be extended and individualism expanded. The social state has restored the capacity of societies to govern themselves, but it has done so without the ambitions and excesses of totalitarianism. This may be the underlying reason for the great political success of these societies: their ability to govern without stifling civil society and individuals (Gauchet 2010: 642–646).

The secret to the success of liberal democracy in the post-war period was therefore the ability to create this regulatory social state that granted the political community control over the full orientation of society while also providing a framework for individuals to exercise their freedoms. This social state was rooted in nation-states that, freed from the illusions of imperialism, were now increasingly devoted to the welfare of their populations and to the strength of their democratic institutions. Moreover, the unity of the political community in these regimes was guaranteed by the mechanism of political representation, which paradoxically served to unify by bringing divisions into relief. This formula—unity through regulated conflict and social division—proved more effective than the totalitarian attempt to assemble state and citizenry within a unity that really only ever existed in ideology.

The crux of the matter, then, is the persistence of the political dimension or of political autonomy, despite it being, so to speak, invisible—in the sense that it does not need to be embodied in a unitary figure of the political community. The crisis of growth currently gripping democracies has everything to do with the weakening of this political dimension. One could say even more concretely that democracy's second crisis of growth really started to take shape in the 1970s with the crisis of the welfare state

or social state, a crisis that spilled over into a crisis of politics insofar as this state held a certain level of control over the future form of the political community. The crisis of the welfare state was of course connected with the economic crisis triggered by the oil crisis of 1973. This was when the combination of economic growth and the building of the social state, which theretofore had been responsible for both prosperity and political stability in the major Western democracies, began to break down. However, according to Gauchet (2017: 36–42, 53–54), this crisis was not fundamentally a crisis of Keynesian economic policy. The economic crisis arose from an even deeper dimension: the dimension by which societies understand themselves politically and conceive of the future. To the extent that liberal democracy presupposes the exercise of political autonomy, the current crisis is one that affects our political capacity to govern our societies and to guide our future (Gauchet 2017: 381–390, 405–413).

Therefore, the contemporary crisis of democracy indeed has to do with its dimension of political autonomy, and it raises the question of how communities are governed and what the goals of that governance are. One of the most striking aspects of this diagnosis of crisis for English-speaking readers is that Gauchet sees the European Union not only as the locus in which this crisis of politics is most severe, but also as the very laboratory of the radicalisation of political modernity. For Gauchet, the New World is still old Europe, and this is why he sees the future of liberal democracy as playing out on that continent. Sympathetic readers might concede to Gauchet that, while all modern democracies suffer such torment to varying degrees, the problem is particularly acute among European Union member states. This is perhaps one of the strengths and weaknesses of Gauchet's analysis; it leans heavily on a particular political experience, that is, that of Europe or even of France's position within the European context, establishing this as the yardstick by which the contemporary democratic experience is to be measured. It is easy to criticise Gauchet for viewing the world through an overly Eurocentric lens, and for allowing this Eurocentrism to act as a blinder to contemporary world events. That said, one could just as easily appreciate the legitimacy in understanding the European project as a laboratory in which a form of liberal or even 'neoliberal' democracy is being experimented with, and which is trying its best to find its place in the world that is heir to globalisation. It is in Europe that the crisis—caused by liberal democracy's attempt to rid itself of the nation-state, the political system that birthed and nurtured it—is perhaps the most serious. If Gauchet's diagnosis is correct, it is also in Europe that the disenchantment of the world has been most complete and that political modernity has radicalised to the greatest degree. This may make Europe a theatre of experimentation yielding new pathways that bring liberal democracy to a new equilibrium. Such a view may be contested, of course, but anyone who has taken the trouble to read Gauchet will be able to question neither his depth of vision nor the import of inquiring into what we 'moderns' have been, what we are, and what we might become.

Notes

1 The journal *Thesis Eleven* has played an important role in the translation and dissemination of Gauchet's texts since the early 1990s.

2 See especially Moyn (2005). As I will note below, however, this article contains a surprising judgement on Gauchet's political orientation; Moyn intelligently explores the philosophical evolution of the young Gauchet. For nuanced portraits of Gauchet's thinking on democracy, see also Breackman (2008); Rosenblum (2016); Weymans (2005).

3 See Doyle (2003, 2012, 2015, 2017a). Natalie J. Doyle has written the first complete monograph in French or English examining the different facets of Gauchet's thought; see Doyle (2017b).

4 The very critical reaction to the 'New French Thought' of Martin Jay is highly characteristic of the disappointment felt by those of the Anglo-American left in the face of the so-called 'liberal turn' in French political philosophy: 'Perhaps it is time to stop looking to French thought, new or otherwise, for guidance in such matters, and begin to rely more on our own conceptual resources and traditions. Perhaps we don't need to cut our intellectual clothes to the latest Paris fashion or expect new master tailors to replace the ones whose brilliance is now fading. And perhaps in refusing to do so, we can begin to realize the promise in what is arguably the most fundamental human right, albeit one which no governmental code can guarantee: the right to be allowed to think for oneself' (Jay 2002: 21).

5 Regarding this history, see the classic approach by Vincent Descombes (1980) and, for an alternative one, see Cusset (2008).

6 See the introduction by Mark Lilla to *New French Thought: Political Philosophy* (1994), which explains very well some of the singularities of French political philosophy, even if its general explanatory framework—the revival of liberalism—is too restrictive to really grasp the philosophical impetus of Gauchet's political thought. For a helpful corrective to this reading, see Doyle (1997) and, more recently, the excellent clarification by Stephen W. Sawyer and Iain Stewart (2016).

7 Samuel Moyn's remark about the reading of Gauchet and Swain's writing on madness may well be applied to Gauchet's body of work: 'Gauchet's project will not appeal to those allergic to history so openly informed—some will say dictated—by large-scale speculative philosophy, in spite of whatever claims for the empirical validity of his findings one might try to make' (Moyn 2009: 339).

8 Samuel Moyn has rightly highlighted this opposition on the level of social ontology and has shown to what extent it differs in its philosophical sources from the thinking of Anglo-American liberalism (2012: 291–292, 302–310).

9 Two texts by Gauchet are also very enlightening when it comes to comprehending the central project of *L'avènement de la démocratie*; the first is a piece entitled 'Les tâches de la philosophie politique' (2005), which describes both the theoretical framework and the historical method Gauchet employed in writing the book. The second is a short book entitled *La démocratie d'une crise à l'autre* (2007a), in which Gauchet very clearly presents his thoughts on the crisis of democracy. There is an English translation and a very useful introduction to this important work by Natalie J. Doyle (Gauchet 2015). A reworked translation of this important text appears in Chapter 1 in this volume.

10 This is why it is so astonishing to read the following statement from such an astute connoisseur of French political thought as Samuel Moyn: 'What a

difference a decade makes! An anarchist in 1970, the now prominent and influ-
ential French political theorist and philosopher of history Marcel Gauchet had
by 1980 taken his position in the vanguard of the *neo-liberal ideology* that has
since gone so far in the historic reorientation of French political thought of
the last 25 years' (Moyn 2005: 164; our italics). None of the representatives
of contemporary liberalism as embodied by the philosophers and historians
associated with the Centre Raymond Aron can be called 'neo-liberal' if this
qualifier refers to the philosophical and political position defended by Hayek
and his followers. Like Aron himself, they were all in various ways critics of the
conception of society and of the individual proposed by neo-liberalism. Moyn
may be saying, rightly, that from the 1980s onwards Gauchet recognised certain
virtues in liberalism as embodied by figures such as Constant and Tocqueville,
but, then again, Gauchet's liberal revival was always critical of liberalism's
limitations. On the precise nature of the reflection on liberal democracy by the
thinkers associated with the Centre Raymond Aron in the 1980s and 1990s and
on their critical relationship to neo-liberalism, see Sawyer (2016).

11 To clear up any possible misunderstanding, Gauchet does not mean the end
of all religious belief, but rather the departure from a mode of societal organ-
isation in which political power is ultimately based on a form of religious
transcendence.

12 This is one of the many reasons why Gauchet is wrongly viewed as a 'reac-
tionary' thinker in the primary sense of the term, that is, a political thinker
who would like to re-establish a bygone social order. What is striking about
Gauchet is his full admission of political modernity and of its inevitability,
rather than any reactionary nostalgia for the hierarchical order of the past. In
the new quarrel between the ancients and the moderns, Gauchet always sided
with the latter. For a nuanced and illuminating discussion of the so-called 'new
reactionaries' controversy, see Flood (2007).

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Introduction

Marcel Gauchet: His Work in Context

Natalie J. Doyle and Sean McMorrow

The year 2020 did not only see a virus paralyse Western societies; it also saw the end of France's most influential intellectual journal, *Le débat*, prompting Christopher Caldwell (2020) in *The New York Times* to ask: is this the end of French intellectual life? Over four decades, the journal had indeed come to occupy a central place in French intellectual debates, and certainly because of the insatiable intellectual curiosity of one of its editors, Marcel Gauchet.

Back in 1981 when he created the journal, the historian Pierre Nora asked the relatively young but promising intellectual to join him as associate editor. Gauchet had already made a name for himself through a book co-authored with Gladys Swain, critical of Foucault's interpretation of modern European history. Eight years later, after joining the École des hautes études en sciences sociales (EHESS), Gauchet went on to build a prominent academic career. A prolific writer, he was a major figure in the Centre de recherches politiques Raymond Aron which, in the Centre's early years, occupied a prominent place in the renewal of French liberal thought. His reputation in the anglophone world has been formed largely in relation to this period, reflecting his engagement in liberal debates, which has perhaps erased from view his earlier association with an intellectual milieu pursuing a radical vision of democracy.

In the 1970s, through his work on a number of innovative but relatively obscure journals, Gauchet collaborated with two intellectuals who were distancing themselves from their youthful commitment to Marxism and Trotskyism: Claude Lefort and Cornelius Castoriadis. Their critique of Soviet communism and bureaucracy attracted the attention of younger student activists, some of whom developed a more anarchistic political sensitivity. Lefort, in particular, contributed to the creation of a specific 'post-totalitarian' current of French thought. Wearing two hats, as editor of *Le débat* and research director at the EHESS, Gauchet—who undertook his research degree under Lefort's supervision—distanced himself to pursue his own path with tremendous determination and theoretical consistency. Over five decades, he authored, edited, or co-edited around 40 books, accompanied by countless journal articles, book chapters, and

prefaces, a very substantial body of work which has established his reputation as one of the country's leading thinkers.

Gauchet also played an important role in French public life, commenting on contemporary social and political issues. He left his mark on debates surrounding these issues because of his talent communicating complex ideas to a wider public, often formulating analyses and coining expressions that were taken up by politicians or the media. At the same time, he always remained a rigorous scholar. His profile as a foremost theoretician of democracy was cemented when, in 2007, he began publishing the volumes of his theory of European democracy, titled *L'Avènement de la démocratie*. These volumes brought together the insights garnered throughout his career into a comprehensive historical synthesis charting the genesis of modern democratic culture and its progress in Europe over three centuries.

Gauchet's oeuvre is highly original. It has constructed an idiosyncratic theoretical language which runs through all his works and has probably acted as a barrier to their dissemination. At the same time, Gauchet's work epitomises a specifically French approach to social phenomena which considers their political significance to be paramount. This approach has its roots in French sociology, which grew from the work of Émile Durkheim and his nephew Marcel Mauss. It entertains close links to anthropology and through anthropology to the question of knowing what constitutes the political dimension of human societies. In this respect, Gauchet's theory of democracy is first and foremost a theory of *political* modernity. It was informed by the readings of his youth, particularly French structural anthropology spearheaded by Claude Lévi-Strauss, which built on the legacy of Durkheim and Mauss and imparted a strong emphasis on the cultural underpinnings of human communities.

Gauchet's understanding of the role of symbolic structures in social life, however, went in a completely different direction from Lévi-Strauss's emphasis on universal mental structures. He reasserted the importance of agency and historicity obfuscated by Lévi-Strauss. Despite his rejection of structural anthropology, Gauchet retained an interest in ethnology and, especially, the mythology of so-called primitive societies. He pursued this interest in the 1970s, during which he published articles that laid the foundations of his later work. In these articles Gauchet developed the idea that non-modern societies establish their identity through a 'debt of meaning' to both the metaphysical realm and their past.

He is indebted as well to the other legacy of Durkheimian and Maussian sociology, particularly Louis Dumont's theory of modernity based on the contrast between holism and individualism. Other, more peripheral thinkers additionally helped him construct his theoretical framework, such as Mircea Eliade, who opened his eyes to the specific relationship to time informing the myths of so-called primitive societies and accompanying 'the debt of meaning' they must repay by perpetuating the ways established by ancestors and spirits.

The ethnological and anthropological readings of his youth thus shaped the first phase of Gauchet's work, which culminated in the book that secured his profile: *The Disenchantment of the World*, published in France in 1985. Outside France, this book fostered the somewhat incorrect perception that Gauchet's disciplinary affiliation was to the sociology of religion and that his major concern was political secularisation. The question of secularisation is, however, part of a much broader discussion of the political role which metaphysical beliefs have played throughout human history in the political organisation of human communities and their institutions. In this regard, Gauchet has made a major contribution to what is discussed today as the religio-political nexus (Arnason 2014). Another aspect of *The Disenchantment of the World* skewered the reception of Gauchet's writings: its controversial argument about the role played by Christianity in the genesis of secular notions of power.

This argument monopolised attention over other aspects of the book, obscuring his theory of the state and his hypothesis about the historical connection between the modern state and the genesis of modern democracy. This has led to the unfortunate circumstance that what Gauchet was discussing when he talked of the 'departure from religion' has not always been fully understood. The reception of this major book stood in the way of Gauchet being recognised as fundamentally *a political philosopher*. Gauchet's argument on the role of metaphysical beliefs in the political organisation of traditional societies or their abandonment in the modern understanding of political power was indeed the basis for a sustained reflection on democracy. It established a line of thinking which constitutes the leading theme of his career—that the history of democracy is to be approached as an anomaly by the standards of human history as a whole.

In the French-speaking world, the perception of Gauchet as primarily a sociologist of religion changed in the course of the late 1980s and 1990s. This occurred with the publication of many journal articles, some of which were reprinted in *La démocratie contre elle-même* (*Democracy against Itself*) published in 2002, opening another phase of his work. Quickly after the so-called 'end of history', lionised as the triumph of liberal democracy over its erstwhile rival, communism, historical developments indeed appeared that revealed how liberal democracy was encountering new challenges inherent to the culture informing it. Gauchet's reflection on the specificity of modern democracy thus focused on an increasingly visible paradox behind the supposed success of Western democracy: the tendency of democratic culture to undermine the very conditions of democratic government.

This new phase of Gauchet's work was followed in 2005 by the publication of *La Condition Politique* (*The Political Condition*), a book which reprinted essays written between 1977 and 2005. It was significant because it presented Gauchet's long-standing credentials in political philosophy. The collection culminated in a long essay, titled *Les tâches de la philosophie*

politique ('The Tasks of Political Philosophy')—mentioned in Tanguay's Preface to this volume—which presented the theory of democracy underpinning Gauchet's interpretation of the challenges facing democratic culture now that it no longer had a rival. It also situated Gauchet's intellectual project within the landscape of Western political philosophy since the 1970s.

Gauchet's Post-Marxist Critique

Gauchet's theory of democracy must be seen as informed by a current of sociological critique that developed in the 1970s in reaction to the hegemony of modernisation theory and its influence over the self-understanding of Western societies.[1] Much of this current aimed to construct a philosophy of praxis that retains the original emancipatory intent of Marx's work. It sought to transcend both American modernisation theory and Marxist historical materialism, which were the competing positions framing the Cold War's intellectual debates. To varying degrees, across its range of authors, this attempt to transcend the logic of the Cold War opened up the field of post-Marxism and initiated a new understanding of democracy as a socio-cultural phenomenon. In the 1970s, modernisation theory and its evolutionary understanding had indeed come to permeate the very self-understanding of Western societies, often masking modernity's cultural assumptions, and fostering functional accounts of its significance. The critique which Gauchet's work extends fundamentally reassessed these assumptions and challenged the Marxist legacy. Gauchet's own approach was forged in confrontation with both the structural-functional paradigm underpinning modernisation theory and the way the tools and assumptions underlining this paradigm were in fact also reproduced in neo-Marxism. This is despite the latter's attempt to reassert Marx's original insight into the centrality of conflict (Wagner 2008). 'Post-Marxism', in fact, did bring Marx's original intent back into focus, by addressing the question of agency, downplayed by the various forms of structuralism that inspired sociology from the 1960s onwards. More fundamentally, it connected this question to a central concern of phenomenology, *the question of meaning and world-making*.

Even if Gauchet himself ended up rejecting the Marxist version of the notion of progress, the belief in revolution, as well as the idea of universal historical laws in Marx's later writings (amplified dogmatically in Marxist-Leninism), there is no denying the importance of Marx for his intellectual project. His youthful engagement with Marx's work is continued in his belief in the possibility of humanity acquiring power over historical change. This needs to be acknowledged, despite the fact that much has been made by critics of a statement by Gauchet (2003: 23–24)[2] indicating how after May 1968, and his youthful ultra-leftist militancy, he came to adopt an 'anti-Marxist' stance. The statement refers to his development

of the theoretical notion of *institution*, presented in a 1971 article co-authored with Lefort, discussed in McMorrow's Chapter 5 in this volume. The significance of this theoretical development was important precisely because it was pursued in order to salvage the original emancipatory intent of Marx.

Labelling Gauchet as an 'anti-Marxist' does not do justice to his in-depth engagement with Marx's work and the way that Marx was in many ways his original interlocutor. In fact, Gauchet explicitly acknowledges the historical significance of the emancipatory project in Marx's mature work. For Gauchet, Marx fundamentally contributed to the emergence of the very notion of society that dominated the twentieth century and to the affirmation of its freedom against the domination of the state, classes, and political power. Despite the critique he develops of Marx's 'naïve' ideal of a sociability unsullied by the political (Gauchet 2003: 15), Gauchet's intellectual project clearly endorsed Marx's emancipatory ambition. This position is evident in the fact that the debate with Badiou, discussed in Browne's Chapter 4, surprisingly ends in convergence around the assertion of the role of the Subject in history, and a shared critique of neo-liberal depoliticisation.

As Browne suggests, Gauchet's intellectual project is part of the broader movement seeking to construct an alternative kind of *philosophy of praxis* in the 1970s and 1980s. Gauchet is indeed concerned with the possibility of understanding the present, not through an external gaze but from within, from our historical experience and the cultural para-digm informing it. In order to shed light on this situation he seeks to develop the conceptual tools needed to resolve the problems that it engenders. Gauchet (2003: 14) stresses that humans are never fully in the present and the challenge, he argues, is 'to become contempor-aneous with ourselves' ('L'entreprise difficile est de devenir son propre contemporain'). This requires historical knowledge because, as Marx first intuited, humans need to understand with what material they are uncon-sciously making history. As Gauchet reformulates Marx's insight, 'Even though the answers are ours to formulate, the questions are not and we should not forget it' (Gauchet 2003: 60; our translation). This material is not produced by their mode and relations of production but by their *symbolic mode of self-institution*, as discussed in Vibert and McMorrow's chapters (Chapters 3 and 5). In this respect, Gauchet's work possesses an overarching theme which quite obviously evokes the idea of *alienation* present in Marx's early work, which responded to Hegel's philosophy of history. Gauchet reworks the notion of alienation, coining his own expression, *dépossession* (dispossession), which emphasises humanity's blindness to its own power. The term hints at the idea that this socio-his-torical phenomenon conceals something specific to the human species, its historical power, which for Gauchet is linked to its imagination and the processual autonomy it confers.

Processual Autonomy and Its Disenchantment

Gauchet argues that humanity's historical power is a product of its 'processual autonomy', an autonomy in action. This fundamental autonomy of the human species from what we now call nature is rooted in the capacity of its imagination to symbolise, which confers upon it the power to 'institute' its mode of collective existence in an infinite variety of cultural forms using symbolic processes which largely escape its consciousness (Gauchet 2005: 505–557). Processual autonomy involves a three-fold mediation allowing human communities to establish a relationship with themselves. *Power* establishes the authority of one person whose voice is supposed to articulate what is good for all. *Conflict* contests what is supposed to be good for all. *Norm* establishes an identity in which all recognise themselves. The overall hypothesis of Gauchet's entire oeuvre posits that these mediations, the symbolic processes underpinning processual autonomy, have in premodern human history drawn on a metaphysical principle of *sacredness* safeguarded by religion. Religion paradoxically denied humanity's power, even though this power is still mediated through processual autonomy. This reliance on the sacred thus put processual autonomy at the service of a heteronomous conception of community, based on the assertion of a superior unity of society and on the suppression of 'otherness'. While it is denied, the proto-autonomy of heteronomous culture, however, still foreshadowed *explicit* autonomy, insofar as its denial constitutes the most basic manifestation of human power. This hypothesis constitutes the basis of *The Disenchantment of the World*, which explored the way Christianity encouraged in Europe an understanding of state power that paved the way for the rejection of heteronomy and in the process fuelled aspirations to autonomous subjectivity and democracy.

The major hypothesis of Gauchet's theory of modernity concerns the historical progress of democratic equality, which coincides with a rejection of the belief that there is some kind of ontological inequality between human beings. This hypothesis was first developed through a radical critique of Foucault's history of madness (2009). Gauchet and his co-author Gladys Swain (1999) not only challenged the validity of the historical sources used by Foucault, but also brought into question Foucault's influential hypothesis of a 'great confinement' in the eighteenth century. The locking away of the mad was not the product of their having suddenly become alien in a world ruled exclusively by rationality but in fact the outcome of a growing awareness of their shared humanity (Weymans 2009). Conversely, the pre-modern tolerance for the spectacle of madness was a symptom of its dehumanisation. The mad were not seen as an affront to social order and were allowed to mingle freely.

Following *The Disenchantment of the World*, Gauchet devoted his attention to the formation of democratic culture, first observed by Tocqueville in the United States. He became interested in Tocqueville's reflection on democratic equality of conditions, whose progress in Europe

was first signalled by the changing status of the mad, encouraging the development of psychiatry and the creation of the asylum. What Gauchet later called *désenchantement* is a gradual reduction in the rejection of otherness and absolute difference (*altérité*) characterising all human societies. This reduction produced a greater acceptance of the ontological equality of all human beings which progressed within modern culture to the point where the oldest and most fundamental form of inequality, that between men and women, is now being dismantled (Gauchet 2017).

Democratic culture removed the heteronomous limitations on human power, which fulfilled the need of human communities for a self-contained identity protecting them from otherness and countering the uncertainty of historical change. Gauchet's focus on democratic culture turned him towards the question of which political circumstances allowed heteronomous culture to be deconstructed. This led him to question the role of the modern state in this transition towards democratic culture, the state being for him a specific and privileged manifestation of what he calls *the political.*

A Social Ontology Stressing the Central Role of *the Political*

As Tanguay argues, this broad framework of Gauchet's political philosophy undeniably constitutes a major obstacle to understanding his theory of democracy. This present collection attempts to address this obstacle and to disclose the heuristic value of Gauchet's work. The first step in this direction is to highlight that underpinning his political philosophy lies a specific social ontology. As it has been argued elsewhere (Doyle 2018), Gauchet built on Castoriadis's pioneering work on the imaginary (self-)institution of societies, while at the same time engaging in a dialogue with the work of his former university teacher and later intellectual collaborator, Lefort. Gauchet built on their understanding of 'institution' a notion which can be traced back to Maurice Merleau-Ponty (2010).

Gauchet's concern was to explore the essentially symbolic logic that institution entails. Gauchet theorises the existence of distinct historical paradigms, defined by collective attitudes to human destiny, and caught in a perpetual tension between normative and conflictual expressions of human autonomy. In doing so he develops a theory of *historicity*, which was spurred on by a reflection on the experience of historical time in stateless societies inspired by Pierre Clastres's (1987) political anthropology. Gauchet reached the conclusion that the existence of diverse modes of historicity reflect the ways in which societies come to define their identity and that this, in turn, demonstrates their *political* nature.

This central political dimension of human societies is seen by Gauchet as the force enabling them to hold together despite their inner differences and conflicts. This force does not constitute some kind of spontaneous order, as believed by Marx and proponents of nineteenth-century sociology, a belief subsequently transposed into the system theories of the twentieth century. This approach led him to explore the patterns of symbolisation involved

in early modern European history, starting with European monarchical power—the image of the 'king's body' which provided societies with a sense of their unity as political communities—and its destruction in the late eighteenth century (Gauchet 1981a, 1981b).[3] From there, he took an important detour through historiography via two books written about the French Revolution (Gauchet 1989, 1995). Gauchet refined his understanding of the new symbolic framework of modern democracy which emerged from the so-called *Ancien Régime*, through the prism of intellectual debates on the French Revolution. His analysis outlines a logic of representation that was both in continuity with the symbolisation of power at play within monarchy and also in conflict with it. This tension between the forces of symbolisation and their articulation through political regimes is a theme that is typical of Gauchet's socio-anthropological methodology.

This insistence on the primacy of *the political* (not politics) is where Gauchet's work fundamentally departs from Marxism and breaks the circular reasoning of most neo-Marxist critiques of contemporary neo-liberal depoliticisation. Take Badiou as an example, who, to a certain extent, holds on to economic explanatory models primarily stressing the expansionary logic of capitalism. As Gauchet insists, the contemporary neo-liberal domination of economics does not confirm Marxist theory but poses the question of understanding the political paradigm that has encouraged the economic dimension to separate into an autonomous field of activity dominating the whole existence of societies. Put differently, what Marxism defined as the 'essential' truth of all human societies is seen by Gauchet to constitute an anthropological exception. His work indeed establishes a genealogy of the different forms assumed by the political across human history, a genealogy of their implicit and 'invisible' symbolic infrastructure. Gauchet explores how political forms were modified across time to accommodate conflicts and new aspirations constantly appearing within human communities, while seeming to reassert the pre-existing frameworks of legitimacy defining their identity.

The Contribution of This Collection

The reception of Gauchet's ideas in the anglophone world has been shaped by the translation of two early essays in a collection proclaiming the revival of liberalism in political thought, one curiously titled 'Primitive Religion and the Origins of the State' and the other simply 'Tocqueville' (Lilla 1994). Gauchet's inclusion in this publication no doubt coloured the later reception of his work and has led to some of the misinterpretation mentioned above. This collection, instead, intends to offer a wholistic view of his work that takes into account his analysis of liberal democracies and his understanding of modernity embedded in a distinct critical philosophy of history.

The collection opens with two texts by Gauchet in Part I, 'Marcel Gauchet and the Contemporary Crisis of Democratic Politics'. These

texts coincide with a more recent turning point in Gauchet's research: his extensive theorisation of democratic crisis. First published in *Social Imaginaries*, they have been re-translated with the objective of making Gauchet's dense and abstract prose as accessible as possible for an anglophone audience. Some authors, however, may have chosen to retain in their chapters some of the expressions used in the first translations if they expressed better their own argument. The first text, 'Democracy from One Crisis to Another' (Chapter 1), was written in 2008 as a prolegomenon for *L'Avènement de la démocratie*, mentioned above. This project consists of a four-volume history and theory of liberal democracy seeking to explain the dysfunctionality of contemporary democratic politics. Published over ten years, the project culminated in the 2017 publication of *Le nouveau monde*. We present 'Democracy from One Crisis to Another' because it sets out the overarching theoretical perspective constituting the major intellectual project of Gauchet's maturity. The second text, 'Populism as Symptom' (Chapter 2), operates as a post-script to the theory of democratic crisis outlined in 'Democracy from One Crisis to Another'. In fact, the text presents an updated reflection on the increasingly widespread political phenomenon of populism. 'Populism as Symptom' is mainly focused on the situation in Western Europe and the United States, offering a compelling comparison between them based upon the originary conditions of their democratic culture. The following chapters develop Gauchet's insights on political modernity, before reflecting on his analysis of contemporary democratic culture. The collection closes by taking Gauchet's vast analysis of liberal democracies and applying it to the contemporary situation of these societies. Part II, 'Insights into Marcel Gauchet's Exploration of Political Modernity', thus begins with a chapter by Stéphane Vibert revised especially for this book (Chapter 3). It was originally written for a 2013 book in French edited by Gilles Labelle and Daniel Tanguay and published in Canada.[4] It presents Gauchet's attempt to theorise the political institution of the social, which adopts the perspective of—what Gauchet himself has termed—a transcendental 'anthroposociology'. Vibert explores how Gauchet comes to the idea that the liberal mode of democratic politics has led to a paradox turning 'democracy against itself', which denies its political dimension and has spawned its successive crises.

It is worthwhile noting that Gauchet's work has found sympathetic but also somewhat critical readers in a stream of sociology that has grown in Quebec around the work of Swiss-born author Michel Freitag. Traces of Freitag's critique of 'post-modernity' can be found in Gauchet's work, despite the fact he reached opposite conclusions to those formulated by Freitag and his collaborators. The chapter by Vibert, one of the most perceptive readers of Gauchet, is representative of this specific reception. It is clearly visible in the conclusion of his essay, which raises the question of post-modern *desymbolisation* and *desacralisation* and the possibility of immanent transcendence.

Craig Browne's chapter examines the debate with Alain Badiou that was for many people in the anglophone world their first encounter with Gauchet (Chapter 4). The book, *What is To Be Done?*, echoing Lenin's revolutionary pamphlet, was published in French in 2014 and in English in 2016. Despite the central theme of the debate being capitalism, the discussion itself contains only traces of Gauchet's much more developed analysis of contemporary capitalism later outlined in *Le nouveau monde*. Browne focuses on this debate and examines Gauchet's post-Marxist credentials and his alternative philosophy of praxis, dissecting how his approach clashes with Badiou's allegiance to Leninist orthodoxy and Maoism.

Part II draws to a close with a chapter by Sean McMorrow looking back to the origins of Gauchet's intellectual project and the development of his political anthropology (Chapter 5). McMorrow assesses the significance of social division in Gauchet's work, as a theoretical device used to trace the transition between heteronomous and autonomous modes of social organisation. McMorrow argues that one of Gauchet's most innovative ideas is that political regimes and their underlying symbolic dimension are beholden to distinct historical genealogies which frame the experience of a society's mode of historicity.

Part III, 'Reflections on Marcel Gauchet's Analysis of Contemporary Democratic Culture', then includes four chapters that discuss the interconnected themes of individualism, human rights, juridification, and populism. These themes provide the matrix through which the authors examine Gauchet's analysis of democratic culture and its liberal manifestation. Mark Hewson outlines Gauchet's work as a political history of individualism, which is viewed as being deeply connected to modernity because with it emerged a social space through which actors have acquired an autonomous capacity to participate in a democratic politics (Chapter 6). Paul Blokker then confronts the distinct problem emerging from the individual's position within the collective space, that democratic societies have seemingly become defined by human rights (Chapter 7). Blokker proceeds to connect Gauchet's analysis of populism to issues faced by the transnational project of the European Union. Julian Martin and Natalie J. Doyle address the broader socio-political implications of the juridification of liberal democracies, which include the question of human rights (Chapter 8). Drawing from Gauchet's work, they propose that juridification rests on unstable philosophical foundations, preventing the law from being the means of resolving conflict in a political community. Brian C.J. Singer presents the final chapter of Part III, which engages with Gauchet's treatment of populism through the prism of Lefortian theory (Chapter 9). In response to Gauchet's analysis presented in this collection, Singer asks: how is one to understand populism? Then, subsequently: what are we to make of the 'challenge' that it represents?

Part IV, 'Applying Gauchet's Analysis of Liberal Democracies: Beyond the Crisis?', consists of a long-form essay by Natalie J. Doyle offering a heuristic account of Gauchet's analysis of modern and contemporary democratic

culture (Chapter 10). Doyle synthesises the themes raised in the present volume and augments them with the insights of Gauchet's most recent tome, *Le nouveau monde*. By doing so, Doyle presents Gauchet's narrative framework and its theoretical implications in to address the question of populism, adding to Gauchet's argument that it constitutes a symptom of the depoliticisation that has been heightened by neo-liberal regimes.

Acknowledgements

Notes

1 For a comprehensive account of the genesis of modernisation theory and its role in the United States' attempt to offer an alternative path of economic development to communism, see Gilman (2003). Modernisation theory was of course the outcome of the triumph of the 'social sciences' (Wagner 2008).
2 See Abensour (2008) and Breckmann (2013).
3 See Bourgault (2005).
4 See Labelle and Tanguay (2013).

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Part I

Marcel Gauchet and the Contemporary Crisis of Democratic Politics

1   Democracy from One Crisis to Another

Marcel Gauchet, Translated by Natalie J. Doyle, Mark Hewson and Sean McMorrow

The reflections that follow attempt a perilous but indispensable exercise: to clarify the set of historical circumstances in which we are currently immersed in order to find a sense of direction in what is in the process of becoming.[1] These reflections aim at formulating a concrete analysis of the crisis which democracies are presently experiencing. With this in mind, I propose to place the crisis into perspective by relating it to a previous one. The parallel allows me to highlight the original features of the contemporary context against the background of problems shared by these two distinct crises. This is not the moment to consider the difficulties of such an attempt. They are obvious. I will merely limit myself to insisting on its necessity, which is not sufficiently recognised. How can we go forward without knowing what our current situation is? How can we act without an analysis of the movement that is carrying us?

As great as the risks of such an exercise may be, we have no choice but to face them. It is true, moreover, that we ceaselessly engage in it—with shame and rather surreptitiously—as if indulging in it reluctantly, almost without knowing that we are doing it, allowing us to protect ourselves against the dangers this crisis poses. Let us practise the task, then, in full consciousness of its limits but also of the impossibility of doing without it.

The ambition of such an enterprise is not only civic. It does not merely aim to send a wake-up call to citizens. It also has a philosophical sense, since it postulates that the analysis of this situation opens up a deeper understanding of democracy.

This was the case with the totalitarian phenomena of the recent past, which were the major symptoms of the first great crisis of democracies. The totalitarian crisis gave us a renewed comprehension of democracy. The latest challenge is essentially different from the former one, yet it is similar in the extent to which democracies are confronted with the results of their own unfolding. The current crisis makes evident—but only if we know how to decipher it—that there are some dimensions of the 'liberty of the moderns' which until now we have only very imperfectly grasped.[2]

My presentation will be organised around three theses.

1 We are dealing with a crisis in the growth of democracy—and this is not the first, but the second such crisis.
2 The defining feature of this crisis is *the self-destruction of democracy's foundations.*
3 This crisis corresponds to a crisis in the composition of the mixed regime that the liberal democracy of the moderns is at base.

What Crisis?

What does it mean to speak of a crisis in the growth of democracy? The notion is not self-evident, I am aware. It may seem to be a mediocre image, in the best of cases a vague analogy, bringing together the over-used word 'crisis' with the inadequate word 'growth'.

It is true that the continual and increasing invocation of this word 'crisis' has considerably weakened its force. Indeed, what today is not in crisis? It is hardly more than a lazy way to give a name to changes whose meaning is unknown to us. It is true, moreover, that the application of the term to democracy presents a difficulty, since democracy is by definition the regime where dissent, protest and the questioning of established situations cannot ever cease. Where does the crisis begin, where does it end, in the opposition of opinions, the antagonism of interests, the instability of elected powers, the contestation of representations, or claims for the independence of individuals in relation to the collective order? All of these things are inherent to the functioning of a system of liberty. There has been no shortage of clever people[3] to conclude from this that the term 'crisis' should be banned altogether, as the so-called crisis is in fact the ordinary condition of democracy.

These very real obstacles merely go to show the need for rigorous analysis. We need a concept to recognise the disequilibria capable of affecting the functioning and even the existence of human communities. By their nature, these are unstable—their ontological property is to be structured according to multiplicity and contradiction. To respond to this need, there is no other notion but that of crisis. It is only a matter of justifying the use of the term in each individual case, corresponding to the gravity of the perturbation at work and the intrinsic character of the factors in question. As with the case of our present problem, one is fully justified in speaking of a 'crisis of democracy' when a substantial proportion of citizens come to reject the principle binding its institutions and to support parties whose ambition is to establish an alternative system, as was the case in the age of totalitarianisms. This is not the 'normal' state of democracy—something we should learn to live with. On the contrary, it prompts us to make sense of the frustrations and the expectations to which the democratic universe gives rise and which crystallise at a given moment in these projects of radical rupture.

Is it even possible, one may object, to speak of a crisis today, when such counter-forces are not present, when democracies no longer harbour enemies within, and when the general assent to the principle of democracy is the distinctive mark of the time? It is necessary now to refine the concept of 'crisis', which is not to be confused with the paralysing presence of open oppositions, nor with the existence of mere dysfunction. The fact that democracy has no more declared enemies does not prevent it from being traversed by an internal conflict, which is not recognised as such, but which is no less dangerous in its effects. The fact that no one plans to overthrow democracy does not prevent it from facing the insidious threat of losing its effectiveness. Moreover, if its very existence is safe from challenge, the way its actors perceive it tends to dissolve the basis of its functioning. This is truly a crisis, in the full rigour of the term, that is, a challenging of democracy from within, proceeding from the very conditions that preside over its advance. However, the contemporary process is more subtle than the assaults on democracy of the past and its logic is more difficult to identify.

Why, then, do I speak more specifically of a 'crisis of growth', an analogy, I admit, whose connotations seem to flirt dangerously with an outdated organic theory of society? In spite of this risk, which is easy to avoid, the image seems to me to have the merit of drawing attention to the kind of historicity that is involved. We are not dealing with the trials and tribulations of democracy across time, with its external history; we are dealing with its internal history, with the progressive affirmation of its very principle, with the unfolding of its formula—put simply, with its development. A development, clearly, that has nothing to do with the growth of an organism but nevertheless relates to an endogenous process of expansion and clarification whose logic must be grasped. It is essential to track this dynamic and, in the absence of a suitable word in the social register, 'growth' seems to me to give an acceptable approximation. The transformations of democracy involve something like a growth, and this growth, precisely because it is not organic, can lead to profound disequilibria, which put its existence in peril, in one way or another.

Modern Autonomy

In the final analysis, the democracy of the moderns can only be understood as the expression of the movement away from religion, that is, as the passage from a heteronomous structuration of the human-social establishment to an autonomous organisation. To be more precise, modern democracy gives political form to the autonomy of the human-social establishment. This definition is at once the most encompassing and the most precise that can be given to the phenomenon, except that this autonomy is not an abstract idea one could consider as a definitive acquisition. It is an essentially concrete mode of being which took form and asserted itself over many centuries, as part of the same process by which humanity pulled away from the religious structuration of the world. If it were only

a principle that was involved, autonomy would be quite a simple matter; however, it is much more fundamentally a mode within which unfolds the being-together specific to human existence. The emergence from religion is the process through which autonomy materialises, which involves the recasting of all the organising components making up human communities. The appearance of the unexpected is hence a constant feature of the venture. We know the principles perfectly well, and yet the forms they effectively assume never cease to confound us. For the same reason, we regularly experience problems in mastering the instruments of our freedom along the way. The paradox is that the incarnations of autonomy constantly threaten to escape our grasp.

We must, then, turn towards this movement of concretisation in order to take the measure of the difficulties that the progress of democracy encounters on its path. The precondition is to understand what autonomy, as a mode of being of human communities, actually means in practice.

To sum up five centuries in a few sentences: the materialisation of autonomy, which accompanied the departure from religion, was realised in three stages. It adopted three successive vectors: a collective political imperative, rights-based law, and a future-oriented historicity.

First of all, it translated into the advent of a new type of power, in place of the traditional mediating form of power which fused the here-below and the beyond, and subjecting the human order to its foundations in religious transcendence. This new power came to be designated as the State. Its originality consists in the fact that it functions ever more as an instrument of the divorce between heaven and earth and as the vehicle of the immanent and earthly reasons presiding over the organisation of the political body. The essence of modern politics resides in the existence of the State as a condenser of self-sufficiency within the here-below.

Second, the movement away from religious social organisation involved the invention of a new type of social bond between human beings, within a framework created by the introduction of a new principle of legitimacy at the heart of the political body. This new bond replaced the hierarchy which had linked human beings on the basis of their inequality, reflecting a dissimilarity in nature. This hierarchy refracted the dependency of nature upon a supernatural dimension at all levels of the social body. In terms of hierarchical relations, the new bond substituted in the equal rights of individuals and the contract these individuals established among themselves on the basis of their equal freedom. This redefinition of the basis of relationships between human beings is inscribed within a wider reorganisation of the foundations of law in general. The source of law used to be located in God; it now slides towards nature, or more precisely towards the state of nature, towards the right that was originally possessed by individuals from the fact of their primordial independence. The legitimacy of public authority and of the organisation of the political body ceases to have a transcendent source. It can only proceed from the permanent accord of the individuals that make up the political body,

who contractually pool the rights they have at their disposal from nature. Such is the revolution in the origin and the nature of rights which has made modern law, now essentially the right of individuals, into a vector of autonomy.

Third, and finally, the process of the departure from religion has gone by way of the reversal of the temporal orientation of collective activity. In place of unconditional obedience to the foundational past and dependence on tradition, the historicity of the moderns projects humanity into the invention of the future. It replaces authority conferred upon the origin—defined as the source of the immutable order designed to rule among humans—with the self-constitution of the human world over time, a self-constitution that is being redirected towards the future. Here lies what we can designate as the historical orientation, constituting the third vector of autonomy, which, insofar as through it, humanity purposely comes to produce itself across time.

At the deepest level, the history of modernity is the history of the successive unfolding and progressive combination of these three vectors of autonomy. Quite obviously, with none of these points are we dealing with an instantaneous appearance, but with an emergence that took shape little by little, with a slow expansion that displaced and gradually broke up the powerfully constructed mechanisms of the heteronomous structure of collective existence. Thus, the immanent logic of the State came to override that of sacred monarchy with which it was originally associated, to the point where the abstract dimension of the *res publica* ended up dethroning the royal personification of power.

Likewise, the redefinition of rights within the body politic, on the basis of individual right, reveals its democratic significance. The liberty of the state of nature can only prevail through the state of society. Likewise, the historical orientation was deepened in the course of an ever more pronounced swing in favour of the future and of the widening of action conditioned by its perspective. This is what is commonly known as 'the acceleration of history', a clumsy expression for an accurate perception. There was a growth, then, in the sense of an ever more powerful expression of these new articulations of collective experience, as the grip of the old model of organisation under the power of the gods, which held an authority over the whole and a dependence upon the past, was loosened.

From the outset, this dynamic inventory of the components of modernity, understood as the materialisation of autonomy allows us to bring out the fundamental differences separating the democracy of the moderns from the democracy of the ancients. The democracy of the moderns depends on three givens or dimensions foreign to the model of power held in common as it existed in the ancient *polis*. It is mediated by the state; it rests on the universal right of individuals; and it projects itself into collective self-production over time. These three givens or dimensions add a whole range of new problems to those experienced by humanity during antiquity.

The development and the problems of modern democracy need to be analysed in light of the establishment of these three vectors. *In their very principle* these problems boil down to the question of how to *govern an autonomous society*, or, to put it differently, how to master the three vectors of autonomy. For such mastery is far from self-evident. The state provides the human community with the means to achieve its autonomy, but there remains the need to know how to use these means—how to control them and not be directed by them. If the legal individual (*individu de droit*)[4] incarnates the autonomous foundation of the human community, there remains the need to construct the state power corresponding to the contractual freedom of individuals, as opposed to the dispersion and the dissolution of the collective power that this freedom can lead to. There is only a narrow path between the tyrannical return of the freedom of the ancients and the anarchic impotence of private freedoms. Finally, the historical orientation makes autonomy into much more than the capacity to give oneself one's own law. It elevates autonomy into concrete self-realisation. And it is still necessary to master this process of self-production, which can lead to the worst states of dispossession. To make oneself, without knowing what one is doing—is this not the height of alienation? But this is precisely the danger that waits upon a humanity aiming at the conquest of the future: the risk of losing its way.

In practice, now, the problems of the democracy of the moderns in essence can be reduced to the need to adjust, articulate, or combine the three dynamics of autonomy—the collective political imperative (*le politique*), rights-based law (*le droit*), and future-oriented historicity (*l'histoire*). This task is fraught with difficulties because these three dimensions each define a self-sufficient vision of the collective condition, which each tend to function on their own account and to the exclusion of the others. This is the reason why I have touched upon the re-emergence of the problem of the *mixed regime*. This problem is now posed in terms that have nothing to do with that of the blending or balance of monarchy, aristocracy, and democracy. As we know, the question was settled in the modern age, through the emergence of contractual reasoning and the establishment of the political body on the basis of the rights of individuals. All the same, modern democracy is a mixed regime, whose life revolves around the problematic association of its component parts. Nothing could be more arduous than the task of making the imperatives of the political form, the demands of the legal individual, and the necessities of future-oriented auto-production hold together and function in concert. Discord here is more common than harmony. The dilemma and a source of permanent tension in our regimes is to be located here.

The Liberal Reality

Among these three vectors of autonomy, the historical orientation—the third and the last to emerge—is the most spectacular in terms of its power

to propel society. It is also the vector that brings about the most rapid and most immediately perceptible changes as its very nature is to confer value upon change.

The historical orientation was established between 1750 and 1850, from the first breakthrough represented by the perspective of progress to the moment when the outcomes of the industrial revolution became all-powerful. It underpins the establishment of that most familiar dimension of our regimes, their liberal character.

Admittedly, it is possible to conceptualise democracy solely on an exclusively juridical basis. The principles of the modern conception of law based on individual rights, whose birth has been described here, suffice to give it a complete definition. It is, besides, the very logic of the natural-law revolutions which took place at the end of the eighteenth century in the United States and France to which our regimes maintain a direct genealogical link. Such a perspective, however, is in part misleading, to the extent that it masks the reinterpretation of natural right in the light of history which presided over the establishment of the representative regimes that we know. It is the historical orientation which has given its specificity to the liberal political organisation that we practice.

The reorientation towards the future imposes a complete overhaul of the way our societies are organised. To begin with, it brings about a *discovery of society* as the locus of the collective dynamic, and as a source of change; in so doing, as part of the same movement, it legitimates the emancipation of civil society in relation to the state. It produces an inversion of the logic underpinning the relation between civil society and state. The perspective of humanity's self-creation through time reveals itself to be conducive to a politics of liberty. The first article of such a politics stipulates that society must be given its freedom, because it is the true motor of history, and the second article stipulates that, on the same grounds, individuals must be given their freedom within society, because they are the actors of history. Within such a framework, political power can no longer be regarded as the cause of society, as the body responsible for making it exist by ordering it, whether through the distorted reflexion of a transcendent order or by virtue of managing its internal requirements. Political power now appears instead as *the effect* of society. It can only be seen as a by-product of society, and its role can only be to fulfil the mission that society imparts to it. In short, the only purpose of power is to *represent* society. It will fulfil this task of representation successfully only to the extent that it explicitly acknowledges its representative status and is freely designated by the collective.

I propose to term this re-definition of the relationship between power and society, giving rise to representative government in the modern sense, *the liberal upheaval.* It is no longer a matter of linking power with the superior part of the political body, as in medieval conceptions of political representation. It is rather a matter of transforming political power into an expression of society insofar as the latter is the source of collective creativity.

Similarly, I propose to name this practical recognition of the independence of civil society and of the initiative of the actors of civil society *the liberal reality.* In order to bring out the revolutionary character of this liberal reality, it can be described as the recognition of the priority and the primacy of civil society over the political government. Such a recognition logically implies the acknowledgement of the representative nature of political legitimacy. For only an accurate translation of the needs of society can make a government legitimate, whatever its institutional form may be.

It must be considered *a social reality* because this primacy of society objectively constitutes the central axis of a new type of society, *la société de l'histoire* (history-based society).

By this term, we mean a society which not only understands itself as historical but organises itself as historical. Liberal ideology is only one possible reading of this fact among others, and of the political consequences which it entails.

To put it differently, our societies have a *liberal structure* due to their historical orientation, their pursuit of autonomy through their unceasing efforts to transform and produce themselves.

The First Crisis of Democracy

In the course of the nineteenth century, democracy entered little by little into European societies under a liberal sign, following a process that can be summed up as the democratic expansion of representative government through universal suffrage. Representative government adapts itself in principle to a version of elitism that restricts the formulation of collective interest to the deliberations of the most responsible and enlightened. Given its premises, however, the liberal regime, in accordance with the historical orientation, is destined to develop into a democratic liberalism, where each actor is recognised as the best judge of his own interests, and political representation is judged as effective to the extent that it includes the greatest number of those who make its common history. This irresistible democratisation of representative regimes did in fact triumph around 1900.

At the same time, the emergence of liberal democratic government was accompanied by what we can recognise as the first crisis in the growth of democracy, with the distinctive characteristics that mark a crisis of establishment. This crisis incubated and revealed itself in the course of the transitional period from 1880 to 1914; it then erupted in the wake of the First World War, reaching its climax in the 1930s. It was a crisis of growth. On the one hand, democratic legitimacy came into effect and imposed the rule of the masses; on the other hand, this theoretical advance of autonomy, guaranteed by universal suffrage, far from leading to actual self-government, led to a loss of collective mastery. The parliamentary system revealed itself to be both deceptive and impotent. Under the impact of the division of labour and class antagonism, society gave the impression of coming

apart. Historical change generalised, accelerated, intensified, and escaped all control. Thus, humans, at the very moment they could no longer ignore the fact that they were the ones that made history, found themselves forced to admit to themselves that they did not comprehend the very history they were making. They won their complete freedom as actors only to plunge into chaos and powerlessness vis-à-vis themselves. A suspicion crept in, the suspicion that the move away from religion had perhaps given birth to an unruly society. The two great political phenomena of the twentieth century—the eruption of totalitarianisms and the formation of liberal democracies—are to be understood as two responses to this immense crisis.

To present it as a clearly defined choice—which it never actually was—the alternatives were either to re-conquer democratic power and construct it anew, as a capacity for self-government in the framework of a society geared towards history and its liberal structures, or to break with these liberal structures in order to regain mastery over collective destiny. The latter choice rests on the assumption that power over oneself is incompatible with the disorganisation and anarchy produced by the freedom of civil society and of individuals within civil society.

In response to the opening up of societies to the future, totalitarian regimes proposed the establishment of a definitive regime. Against the uncertainties associated with the representation of society, they restored the ordering primacy of the collective political imperative; in place of disconnected individuals, they imposed the compactness of the masses or the community of the people. In fact, they were trying to return to religious society, with the coherence and the convergence of its parts but expressed in a secular language. This is the sign that despite its official repudiation, the religious model was still solidly implanted in hearts and minds, and continued to inform the movement of collectives to the point where it could appear as a recourse in case of need.

The history of the battle waged by these two options is very familiar, but it acquires a new intelligibility if approached from the perspective outlined above. In the 1930s, totalitarianisms held the lead in this competition. For a time, it seemed that the bourgeois liberal era was coming to a close, overtaken by both the left and the right. After 1945, however, liberal democracies were able to transform themselves so sufficiently and deeply that they overcame the ills that had wrongly been thought to be incurable. There followed a period of 30 years of reforms and consolidation of the liberal regimes democratised through universal suffrage, which transformed them into the *liberal democracies* we now know. This period, which was also one of exceptional economic growth, ultimately allowed them to prevail over what remained of their old adversaries, the reactionaries and the revolutionaries. In 1974, what political theorists have termed the 'third wave of democratisation' started to unfold with the Carnation Revolution in Portugal.[5] It proved fatal to the dictatorships left over from fascism in Southern Europe, spread to Latin America, and then reached its apex with the collapse of the regimes of so-called 'real socialism'.

Parallel with this global expansion, starting from roughly the same date, the stabilised liberal democracies entered into a phase of considerable internal transformation. These transformations participated in the same general movement since they represented a supplementary penetration and intensification of the democratic spirit. The advance of democracy always brings problems for democracy, however, and this rule can be confirmed one more time. This metamorphosis indeed induced in the 1990s a second growth crisis of democracy, just as the triumph of democracy was consummated, just as democracy imposed itself as the sole imaginable legitimate regime. In its principle this second crisis is similar to the first, but in its expressions it is very different. This similarity and these disparities are what we now need to explore.

The Liberal Democratic Synthesis

This elucidation has a pre-condition: the need to have a clearly defined idea of the starting point, that is, of the reforms which, in the period after 1945, produced the stabilisation of the political formula of liberal democracies. This whole set of reforms constituted a systematic response to the crisis of liberal regimes from which the wave of totalitarianisms emerged. Essentially, they represent an injection of democratic power into liberal society. As would need to be demonstrated in detail, this was due to a subtle intertwining of the political, the socio-historical, and the juridical. What appears at the level of regimes, as a combination of the liberal and democratic regimes, in fact rests upon a sophisticated and complex intermingling of these three elements of autonomous modernity. This is why we can speak of the liberal democratic synthesis as a mixed regime.

These reforms unfolded along three principal directions. I will limit myself to recalling their general tendencies in order to highlight the issues at stake.

1 They consisted first in political reforms intended to address parliamentary impotence and imperfect representation, in particular through the re-evaluation of the role of executive power within the representative regime. Ultimately this power is the one that best supports the enigmatic function of representation. In giving the primary role to representation, one not only increases the efficacy of public power; one also makes it possible for citizens to better recognise themselves in its action.
2 Second, they involved a series of administrative reforms which put in place a set of public services and an apparatus of regulation and monitoring intended to make up for the tendency of liberal states to navigate blindly, making them defenceless against the anarchy of markets. These states could now rely on powerful instruments to give them a knowledge of society allowing them to organise collective existence and to control its processes of transformation. Change, with its

innumerable sources, was made intelligible and controllable from the perspective of the political community.

3   Finally, they consisted in social reforms that can be summarised as the construction of welfare states. This is their best-known aspect. This undertaking was a double-pronged one; the social state is not only an instrument for protecting the real independence of individuals against contingencies such as illness, unemployment, age, poverty; it is also an instrument for the apprehension of the society as a whole, and for the mastery of its order from the point of view of justice. It does not claim to realise the just society instantaneously, but provides a framework within which its realisation can be debated in concrete terms.

The overall result of these vast transformations was to bring together the historical dynamic with a renewed power given to the state and a redefinition of the system of individual rights in terms of its concrete density. Liberal freedom was respected. It was even amplified, through the means made available for the realisation of personal freedoms, as well as those that encourage the freedom of invention and self-creation of civil societies. But this time it is endowed with a political expression of the creative force behind the historical community, capable of giving substance (*donner corps*) to its own self-governance, which thereby acknowledges its creative force. In this way, liberal freedom truly rose to the level of democratic freedom. The transition was made from democratised liberalism to liberal democracy in its fullest sense.

The reality is that these great reforms, implemented in the wake of the Second World War, revealed themselves as a middle course that was remarkably effective at gathering the support of different populations. They slowly diffused the fears and rejections which, in the heat of the 1930s turmoil had, for a while, appeared destined to overwhelm the liberal regimes, condemned by what seemed an insurmountable weakness. They provided the conditions for a rallying around democracy that were profound enough for it to keep following its course from the mid-1970s onwards, in the midst of a severe economic crisis. The crisis that followed the crash of 1929 exacerbated revolutionary protests. By contrast the crisis following the petrol shock of 1973 was characterised by the abandonment of revolutionary hopes and the discrediting of totalitarianisms.

The Expansion of Autonomy

Beyond the disruption of economic mechanisms, this crisis would gradually reveal itself as the signal for a global change, in the literal sense of a change in global geography. It also marked a change in the material basis of our societies, a change in capitalism, in industries, and in their technical systems. From the economic sphere, change spread to public institutions with powerful consequences. The balance in the synthesis of the democratic and liberal dimensions that had been acquired with great difficulty by the

beginning of the 1970s was now disrupted by the reactivated hegemony of the liberal dimension.

This rebirth of liberalism after a long eclipse, at both the practical and the ideological levels, is the most visible aspect of the upheaval of the political landscape in recent times. But the significance of the phenomenon is in fact far more profound. The change in ideological direction is only the surface expression of a total mutation that has its origin in the *re-launch of the process of departure from religion.* One can only recognise all its dimensions once one sees it from this point of view. The uprooting of society from religion and its role in giving the social world its structure was far from fulfilled. It could appear like the transition was accomplished in terms of the rules governing collective life. But this was not the case with regard to the actual workings of social life and its tacit presuppositions. Totalitarian religiosities had exploited this hidden reserve. The spectacular progress achieved in the concretisation of autonomy obtained during the phase of consolidation between 1945 and 1975 set up the conditions for another step forward. They established the foundations and accumulated the means for a new phase of expansion of autonomous organisation. This new phase translated into new developments for the three vectors of autonomy, and these developments upset the combinations and compromises that had previously been established between them. One of the vectors of autonomy— the law (*le droit*)—now seems to prevail over the others and to be able to dictate to them in a hegemonic fashion. In part, this is an optical illusion. In reality, intensification occurred simultaneously in the collective political imperative (*le politique*), rights-based law (*le droit*), and in a future-oriented historicity (*l'histoire*).

But the new status and the new appearance assumed by the political and the historical dimensions as they acquired greater depth caused them to recede from view, so to speak. The nation-state has a greater structuring role than ever, but it now operates in a purely infrastructural mode, without the aspect of imperative transcendental authority that religious structuration had given it. The withdrawal of such attributes appears like a defeat (whereas, in fact, if the nation-state has ceased to command the economy, it is so that it can serve it even more as a support). This illustrates the point that the more important the role of the nation-state, the less visible it is. Likewise, the perception that history is accelerating is more widespread than ever before, and rightly so, even if it is not always adequately expressed. The amplification of historical action is indeed striking. Nevertheless, this deepening of the productive orientation towards the future has the consequence of making this future impossible to grasp, at the same time as it obscures the past. As this intensification severs the ties that used to unify time, it imprisons us in a perpetual present. At the very moment when the historical orientation holds an unparalleled sway, it appears as if history has ceased to exist. The juridical dimension arrogantly dominates the landscape. Its visibility confers upon it an increased predominance. It is the mainstay of the present social configuration. It gives the liberal offensive

its political tone, laying almost as much emphasis on the exercise of individual rights as on civil society's capacity for initiative. One can debate for a long time which of the two ultimately exercises the greater influence among the forces which shape our world: economic freedoms or the politics of human rights. For our purpose, it suffices to note their interdependence.

The reactivation of the process of individualisation is one of the most striking manifestations of the change in direction in relation to the post-war period of 'organisation'. During this period, the question was of masses and classes, the individual being viewed through his group affiliations. Now mass society has been subverted from within by a form of mass individualism, which detaches the individual from his or her group membership. This phenomenon illustrates how the discontinuity of the new period nonetheless stands in continuity with the former period. This generalised disassociation would have been inconceivable had it not been for the massive contribution of the social state to the construction of the concrete individual. Contemporary disassociation is the direct legacy of the protective and fostering provisions of the social state. It gives these measures a new inflexion, leading in a totally different direction, by reinstating the abstract individual of rights on the basis of what the concrete individual has now actually acquired. The securing of real rights expands in the direction of a reassertion of what used to be called 'formal rights', and of a reactivation of the demands formulated in their name.

Over time the individual as defined by rights became sovereign, and in the course of the 1980s human rights were elevated to a commanding role. A symbolic confirmation of this coronation could even be found in an historical date. The year 1989 will remain an ironic confirmation that the gains of the bourgeois revolution which had taken place two centuries earlier could not be transcended, as the collapse of the communist regime demonstrated two centuries later. Naturally, this does not mean that nothing had taken place in the course of those two centuries, nor that the individual endowed with rights, now making their comeback on the public stage, is identical to the citizen of 1789. Far from it. Our challenge is to understand how the ground covered since 1789 changed the operating conditions of democracy, to the point that it turned its natural support base into the source of our problems.

The Democracy of Human Rights

The historical ramifications of the consecration of the individual defined by rights cannot be over-emphasised.[6] As a consequence of this return on the stage of the legal individual, democracy now becomes what it never truly was before (apart from the brief inaugural attempt made with the French Revolution): a democracy of human rights. Certainly, democracy invoked rights; it worked to protect them, negatively, that is, as personal guarantees in the juridical sphere. But if one thing was established by the authority gained by historical modes of thought in the nineteenth century,

it was that in their abstraction from another age, human rights represented a venerable but inoperative principle. It was taken for granted that political action, if it wanted to be effective, had to be guided by a concrete knowledge of society and of its dynamics. This was previously and convincingly illustrated within the framework of the welfare state by the advance of personal rights in the form of social rights. The resurgence of the category of rights that we have witnessed has to be evaluated in the context of the two centuries of their eclipse. Democracy has returned to its foundations in order to learn from them, and to turn them this time into a positive reality. This re-appropriation is made possible by a transformation in the status of human rights. In the course of a subterranean history, whose eruption into visibility is a landmark in the long history of natural law, they have been led back from the realm of ideals into practical reality. It is as if the fiction of a state of nature has now become reality, as if the primordial norm, defined with reference to a time before society, has merged with the social condition. Nothing, therefore, stands in the way of these rights, which man possesses as a consequence of his nature, prevailing and being put into practice without encountering any obstacles anymore. They are now conceived not only as orienting collective action, but as determining it.

Such is the origin of the enigmatic turn of 'democracy against itself',[7] as I have proposed to call it, which makes democracy progress and regress at the same time, and which empties it of all substance as it becomes more deeply established. For the political consequences of this renewed juridical understanding of democracy are considerable. In this context the notion of the 'rule of law' (*État de droit*) acquires a significance which goes far beyond the technical meaning to which it had been restricted. It tends to fuse with the very idea of democracy, itself now assimilated to the safeguard of private freedoms and the respect for the procedures that preside over their public expression. Revealingly, the spontaneous understanding of the very word of democracy has changed. In its everyday usage, it now accounts for something else than what it did in the past. It used to designate the power of the collective and the capacity for self-government. Now it only refers to personal freedoms. Anything that increases the place given to these freedoms and to individual prerogatives is viewed as going in the direction of greater democracy. A liberal vision of democracy has thus replaced its classical definition. The touchstone is no longer the sovereignty of the people, but the sovereignty of the individual defined by the ultimate possibility, if need be, of over-ruling the power of the collective. Hence, little by little, the promotion of the democratic system of rights leads to the political incapacitation of democracy. In brief, the more democracy rules, the less it governs.

If one examines the question in more detail, the effects of this inner contradiction can be located at two levels. On the surface, they manifest themselves through a self-restriction of the political domain of democracy. At a deeper level, they translate into a questioning of the basis on which the exercise of democracy rests.

A Minimal Democracy

In reality, the eclipse of popular sovereignty by individual sovereignty inexorably steers us in the direction of a minimal democracy. This does not imply a naïve opposition between the two notions. They are interconnected through a subtle link which is the very cornerstone of our political regimes, and which justifies our ability to speak of 'liberal democracy', in the strict definition of the term. As the wording suggests, this expression combines two associated but distinct aspects. On the one hand, it supposes the fundamental rights of persons and the public liberties which follow from them; on the other hand, it involves the exercise of collective power, the metamorphosis of individual freedoms into the self-government of the whole. Such a form of government can only be exercised in a way that fully respects these freedoms, since it is intended to be their expression. Nonetheless, it represents a distinct and superior power. Individual freedoms are fulfilled through this power, in which they become parts of the whole, and share in the responsibility of a common destiny. The problem of liberal democracy is an essential and permanent one, since it must guarantee a hybrid mix of needs, balanced to meet the requirements of these two different orders. At present, this second dimension, according to which democracy is the power of all, is effaced in favour of the first, the freedom of each individual person. This second, collective dimension is no longer understood as a necessary extension of individual self-determination. At most, it is recognised in terms of the protection it can provide (which is why the expansion of the demands placed upon the social state can go hand in hand with a reduction of the political prerogatives conferred on governments). The ambition of mastering and leading the social whole tends to be rejected because of its external authoritative character. The general command of the law itself comes to be seen as inimical to the irreducible character of individual rights. It is as if the power of society has to be reduced to a minimum, in order to obtain maximum realisation of individual freedom.

This inflection is perhaps nowhere more visible than in France, because the Republican regime there was based on a particularly demanding ideal of collective sovereignty. In part, this was due to the legacy of a long tradition of state authority, in part to the confrontation with the Catholic Church which pushed the regime to develop an extreme vision of democratic autonomy to counter the theocratic alternative. These factors led to a very marked hierarchical separation between the sphere of public citizenship and the sphere of private independence. The transition from a definition of democracy centred on its public dimension to one focused on its private side was thus experienced more acutely in France than elsewhere. The inversion of priorities which takes away the unquestioned pre-eminence of the public sphere and makes it dependent on the private sphere is perceived as de-stabilising with respect to a powerfully entrenched representation of politics.

The new operational ideal of democracy, which does not need to be explicit to function, amounts to a procedural coexistence of individual rights. How can one guarantee the regulated compossibility of private forms of independence so that they weigh equally within the mechanism of the public decision process? Here lies the question. Within such a framework, more rights for everyone means less power for all. If one rigorously seeks only the fulfilment of the individual rights of each person, there remains no power for the collective whole. The very possibility of such power, and the consideration of the whole in and for itself, is excluded from the start. The political community thus ceases to govern itself. It becomes, *sensu stricto*, a *political market society*. By this, I do not mean a society where economic markets dominate political choices, but rather a society whose very political operation is borrowed from the general model of the market, so that its total form appears as the outcome of the initiatives and claims of different players at the end of a self-regulated process of aggregation. There follows a metamorphosis in the function of political leaders. They are now there only to preserve the rules of the game, to guarantee that the process works smoothly. It falls upon them to arbitrate between competing demands and to facilitate the forms of compromise called upon by the dynamics engendered by the plurality of interests, convictions, and identities. The now fashionable term of 'governance' attests to this shift away from the classical idea of government. Behind its apparent modesty, the term governance hides a great ambition: no less than that of a politics without power. This ambition cannot be disassociated from a loss of similar magnitude, the loss of what power allows, namely the capacity to shape the human community across time through political reflection and political will. It is unclear whether or not this loss was accepted consciously or unconsciously.

In reality, of course, power does not disappear at will, and there is still nevertheless a government, even if limited and restricted in its capacity to direct. However, individuals and groups of civil society only have their own preoccupations in view, and hand over to political staff the perspective of the collective whole, even if it serves to reduce government to a role of functional coordination. The result is a *growing oligarchisation* of our regimes. This oligarchisation is paradoxical at first sight since it has developed in the midst of an effervescence of protest, fuelled by an inexhaustible defence and showcasing of sets of particularistic interests. Closing in upon oneself does not in any way imply passivity in front of authorities; to the contrary, its spirit is fundamentally one of protest. Structurally, this privatisation goes hand in hand with the demand for a legitimate place, within the social whole, for the particularity whose cause one defends, something for which the elites are given responsibility. Social activism operates within this renunciation. This is why permanent mobilisation, far from threatening the ruling oligarchy, ceaselessly strengthens its position, beyond the circumstantial obstacles that it puts in its path. It is not that the elites to any greater degree possess a comprehensive vision. However, the decisions they

take ultimately work as a substitute for such a vision. Within the context of globalisation, what guides them is their solidarity with their peers and the technical consensus it engenders. The other dimension of 'governance' is that choices are made on an international scale, as a result of the complicity between the ruling circles. In the end, then, this cosmos of apparently ungovernable societies turns out to be quite firmly governed. It is indeed controlled by a set of choices that determine the overall configuration of political communities and their future. However, what is essentially at stake in these choices is not subject to public discussion, nor to an attribution of responsibilities. Hence the generalised feeling of dispossession that haunts public life in a rights-based democracy. The logic of this democracy exacerbates the divide between the elites and the people; it inexorably erodes the trust of people in the very oligarchies it makes them rely upon. Such a logic then provokes a populist reaction, which ends up reinforcing the situation it set out to denounce. Minimal democracy is a form of democracy that is all the more insecure and discontented for being trapped in a circle that deprives it of the means to correct itself.

Thus, we see how an undeniable advance in democracy can lead to it being emptied of its substance.

A Crisis in the Foundations of Democracy

But that is not all. There is a second, deeper level to the disorder of democracies, concerning their operational framework, as opposed to their internal logic. It is here that the notion of 'democracy against itself' assumes its full significance.[8]

In some respects, one can think that we are witnessing a process of corrosion affecting the foundations underpinning democracy's functioning. Beyond the self-restriction it imposes on itself, democracy is in the grip of a kind of *gentle self-destruction*, which leaves its principle untouched, but which tends to deprive it of its effectiveness.

The foundational universalism at work in democracy leads it to dissociate from the historical and political framework within which it was constructed—from the nation-state, in short, but also and more generally from any operational framework that is restricted by definition. Democracy tends to see itself ideally, without any territory or history. The very logic of rights (*le droit*) tends to refuse any acknowledgement that they are located in a space. Its boundaries would be an insult to the universality of their principles. In the same way, its legal logic of rights resists its insertion in a specific history which would put it under the dependency of a particularity, whose limits are intolerably incompatible with its universalistic principles. In other words, democracy tends towards a point at which it is unable to accept the circumstances that gave birth to it. Essentially, it rejects even the idea that it may have come into existence at some point, and views itself as a natural arrangement, in relation to which geography and history are incomprehensible scandals. How could democracy not have existed forever

and prevailed everywhere? The past of humanity and its civilisational diversity are thrown back into a uniform barbarity which is seen as valueless by dint of its unintelligibility. In fact, this disconnection from its roots merely means that democracy lives on the legacy of a genealogy it would prefer not to know about, and whose achievements it no longer cares to transmit.

Similarly, and with even more direct consequences, democracy ends up turning its back on the instrument that would be capable of translating collective choices into reality. In light of the rights-based conception of law by which it wants to measure itself, it becomes suspicious of any kind of power. By a supreme paradox, democracy becomes *anti-political*. Historically, modern democracies were built on the basis of an appropriation of public power by the members of the political body. Such democracies required the formation of a completely new kind of state, one in which the community of citizens could recognise itself, and whose legitimate force it could put at its service. The new ideal is to neutralise power in any form, in order to protect the sovereignty of individuals. Here lies the deep reason for the erosion of the states and of the principle underpinning their authority in today's democracy. This involves much more than the retreat of their economic prerogatives. In the minds of the people constituting nations the nature and role of states is becoming unclear. In truth, their function of being the operative vehicle of common government is no longer understood. The action of the states is burdened by a diffused illegitimacy as a result of the suspicion of their arbitrary nature which is a structural feature of contemporary democracy.

Human rights-based democracy has a strong tendency to reject the practical instruments which it needs if it is to be effective. Hence it is constantly confronted with the painful discovery of *public impotence*. In fact, this powerlessness comes from within democracy itself. It probably also comes in part from the outside; to a certain extent it probably depends on those much-touted 'external constraints'. But for the greater part, it proceeds from within. The democratic idea, as it is presently understood, prevents democracies from accepting the tools of their material realisation, and condemns them to flee into a virtual realm.

The present crisis thus deserves to be called *a crisis in the foundations* of democracy. The essence of this crisis is the promotion of democracy's *juridical* foundations. These juridical foundations are now pitted against its historical and political foundations. This gives rise to a remarkable internal struggle, and makes the regime of liberty problematic once again, since autonomy is now potentially impossible to govern. The expansion of the principle of autonomy that structures the human-social world has engendered a rights-based democracy which, as it currently functions, tends to negate—even dissolve—the practical conditions of its operation. This, it seems to me, is how one must understand the source of the mysterious stagnation affecting our political regimes—torn as they are between a new affirmation of the principles that must guide them and an unprecedented uncertainty as to their implementation.

The crisis can be analysed in other terms if it is seen through the *longue durée* of the history of modernity. From this point of view, it presents as a problem of composition between the elements that define societies in the era after religion. As such, it appears a crisis of our *mixed regime.* The most recent advance in the modern revolution has propelled the law into a dominant and driving position, disqualified politics, and overshadowed the social-historical dimension. It has obfuscated the political dimension,[9] without which the law remains an ideal without incarnation, and the socio-historical dimension, outside of whose control the reign of law remains in ignorance of its real effects.

Hence the permanent complications in which this unilateralism ends up being caught. For what the dominant perspective does not take into account exists, even for those would prefer to remain ignorant of it, although it prevails in an unconscious mode. In spite of themselves, the most vehement zealots of rights never cease to appeal to the political dimension from which, in other ways, they aspire to free themselves. Similarly, they are obliged to recognise that the rights they uphold can have totally unexpected consequences in the context of the actual social developments within which they are inscribed. In concrete terms what this means is that the economy, under the banner of rights, imposes its rules and, in the process, changes to a very large extent the powers and freedoms of the individual. This constant dissonance consolidates the feeling that society is destined to be oblivious to itself, that the collective cannot be seized and, in the last instance, that democracy is impossible in the fullest sense of that word. How could such a political community, pulled in different directions by incompatible demands, be capable of any kind of choice regarding its mode of life as a whole? The question brings us back to the idea of a minimal democracy, although via another path. In a political and social environment which is decidedly escaping our control, the concept of democracy can only retain one plausible meaning: the protection of the freedoms of the private individual. The scepticism with regard to the prospects of collective power aligns with a dogmatism concerning the unconditional legitimacy of personal prerogatives.

Towards Recomposition

The value of these reflections resides in the way they reveal the fundamental instability of the contemporary situation. They highlight the magnitude of contradictions within a dominant tendency—a tendency that is neither the whole reality of our societies nor the only one among the many different tendencies acting upon them. The unilateral hegemony of the dimension of rights is not the end of the story. It is but one moment in the course that has been taken by autonomous society, a moment of imbalance calling for the re-establishment of equilibrium between the three elements that must work together for democracy to function coherently. When it comes to finding a way out of the current crisis, the parameters of

the problem we face are clear. They boil down to the possibility of negoti-ating a compromise, with the reciprocal limitations that this presupposes, between the logic of the individual as the subject of rights, the social-his-torical dynamic, and the political form of the nation-state (a form which is by no means on the way to its disappearance, despite the profound meta-morphosis it has gone through in Europe as a result of the advent of a federation of nation-states).

We will surely not rescind the new latitude that has been acquired by individuals. Similarly, there is a large degree of irreversibility in the eman-cipation of civil societies (and of economic societies in their midst). And we have no other foundations available to us than human rights. It is not a matter of criticising human rights or even individualism. It is a question of *clarifying* these things. Individuals must be brought to see that their freedom acquires its true meaning only within the framework of a common government of which the foundations and conditions are well understood. This pre-supposes that this freedom is contextualised within a political order recognised as such and that public deliberation has at its centre a reflective mastery of history-making.

There is no need to look very far for an impulse capable of driving such an evolution. Where else would we find it but in the feelings of intense frustration provoked by the current situation among those individuals who are supposedly its greatest beneficiaries? What good is it to see oneself enthroned as a sovereign actor, if it means one is ignorant of one's identity such as it has been shaped by history, and if it means one is tossed around by a future of which one is incapable of seeing the direction or the means of influencing it? Collective powerlessness is hard to experience, even for the most fanatically individualist, and perhaps even more so for them, since it implies a loss of personal control.[10] In the end, the paradox of freedom without power is intolerable. Sooner or later, it can only lead back to the idea that common government is the sole agency that can give individual independence its full meaning.

To these factors of subjective mobilisation linked to the purely internal contradictions of democracy in its current functioning one must, of course, add the real challenges faced by our societies, challenges which will ensure that the need for collective mastery is given an urgent focus. Suffice it to mention the head-on collision with our environment which the accel-eration of the economy is driving us towards, and which gives us a sense of the painful revisions being shaped by a dominant faith in the magic of automatic regulation. In truth, the ecological constraint, with all it implies regarding our obligation to *produce what we call nature*, is but the most vivid illustration of a more general constraint, requiring that the entirety of the living conditions which we used to consider as *given* now be *secured through our will*. In such a situation, none of the resources of collective human intelligence and power will be superfluous.

All this offers us reasons both to be pessimistic in the short term and opti-mistic in the long term. At this stage, in the short term and in all likelihood,

the crisis can only get worse. We have not yet reached the terminal point in the decomposition of the old forms of equilibrium, and the momentum of new factors is still accelerating. In the long term, however, there are solid grounds to believe that the present growth crisis is likely to be overcome. The example of the past speaks to us in favour of this. Moreover, there are numerous signs that the work of reconstruction is already well under way, if only in embryonic form.

We have reasonable grounds to consider that democracy as we know it at the beginning of the twenty-first century is superior to democracy as it existed throughout the twentieth century. To me it is not unreasonable to believe that democracy in the twenty-second century could be a substantially enhanced democracy when compared with the one we now know.

Achieving that is up to us.

Notes

1 Translators' note: this is a revised translation based on the text originally published in *Social Imaginaries*, 1 (2015), 163–187.

2 Translators' note: the expression refers to the text by the Swiss-French liberal political philosopher Benjamin Constant (1988 [1819]) based on a lecture given in Paris in 1819.

3 Translators' note: the term used by Gauchet translated here as 'clever people' is the term *demi-habile*, coined by the philosopher Pascal in his *Pensées* (1991), which has sarcastic connotations.

4 Translators' note: *Le droit* in French is polysemic as it refers both to the notion of right and to the legal system of a society. By *individu de droit*, Gauchet thus refers to the legal definition of the individual as a being thought to be endowed with rights by nature.

5 Translators' note: Huntington (1991). For Huntington, the first wave runs from 1918 to 1926 and the second from 1943 to 1962. One could limit these to the regime changes that ensued from the two world wars.

6 Translators' note: the heading of the section alludes to the title of the author's first book on the significance of the French Revolution of 1789, *La Démocratie des droits de l'homme* (1989), a study of the debates surrounding the writing of the Declaration of the Rights of Man. The book was followed in 1995 by *La Révolution des pouvoirs. La Souveraineté le people et la representation (1789–1799)* (1995), which looks at the tension existing between the commitment to Rousseau's conception of popular sovereignty underpinned by an idea of direct democracy and the need to establish a government based on parliamentary representation.

7 Translators' note: the author is here alluding to the argument put forward in *La Démocratie contre elle-même* (2002).

8 Translators' note: Gauchet is, again, alluding to *La Démocratie contre elle-même* (2002).

9 Translators' note: in the French text the author uses the contrast between *le politique* (the political) and *la politique* (politics). This contrast is also prominent in the work of Gauchet's erstwhile intellectual collaborators Cornelius Castoriadis and Claude Lefort. We have here chosen to use the terms 'the political dimension' and 'politics'.

10 Translators' note: we have translated by 'loss of personal control' the author's expression *dépossession intime*. The term *dépossession* contains a dual meaning in Gauchet's writings, referring to both individual and collective phenomena. Here it suggests an experience that is not a form of alienation (and so largely unconscious) but in fact involves awareness on the part of individuals of what they are lacking.

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2   Populism as Symptom

Marcel Gauchet, Translated by Natalie J. Doyle,
Mark Hewson and Sean McMorrow

This text was written in the wake of the election of Donald Trump in January 2017. Looking back on it now, I see nothing essential that needs to be changed. Since that time, the phenomenon of 'populism' has continued to flourish under new forms. The collective reflection, as well as my own, has continued to advance. With the march of events and the continuation of debates, the contours of the problem have become clearer, and some definite positions have taken shape. For these reasons, I have chosen to supplement this analysis with a few pages in conclusion, worked out in the heat of the moment and intended to both bring the reflection up to date and to bring out, in concise form, a theoretical perspective on the historical significance of the phenomenon which underlies this analysis.[1]

As disastrous as it may be, the election of Donald Trump could represent a decisive opportunity for Europeans. The unapologetic form of Americentrism which it heralds might compel them to wake from their intellectual and moral slumber.[2] It should give them an incentive to take back control over their own destiny. A quarter of a century after the end of the Cold War, it is high time for the question of the difference that separates the two experiences of democracy across the Atlantic divide to be seriously examined.

Faced with the Soviet Union, the basic principles shared by these two experiences prevailed over any other considerations, and the Europeans must remain eternally grateful to the United States for having saved them first from Hitlerian and then from Stalinian imperialism. Over time, however, this salutary guardianship turned into a deadly form of alienation in European ruling circles, an alienation which, moreover, is not unrelated to the more general inertia affecting the European Union.

Now that we have the good fortune of inhabiting a common space defined by democratic premises—and I remind all those who seem to ignore it that Putin, no matter what we may think of him, is not comparable to Stalin—the urgent task for Europeans is to rediscover the specific thread of their history, and to evaluate what separates their trajectory from that of the United States, which, of course, does not mean overlooking what the United States has contributed to it. Only under these conditions

can the Europeans emerge from the diffuse and polymorphous crisis into which the West as a whole is sinking, of which Trump's election is a striking symptom.

This crisis is at once a crisis of economic and financial globalisation, an ideological crisis spurred by neo-liberalism, and a strategic crisis of Western domination driven by the United States. It is the Europeans who have the most to lose. They can hope to overcome the crisis only if they reconnect with their distinct civilisational inventiveness, their own vision of economic action and social life, and their conception of democracy.

The mix of isolationism and brutal arrogance which seems to characterise the line of action of 'Trumpism'—in conformity with the old saying that what is good for the United States is good for the rest of the world— could well provide the opportunity for such a recovery. But alas, one can fear that the somnambulism to which the European 'elites' have succumbed is too deep even for them to recognise their opportunity, let alone take advantage of it. Unless, of course, Trump turns out to be even more uncontrollable than he appears to be and ends up deviating from the limits within which the plutocracy in power in Washington seeks to contain him.

An Empty Space to be Filled

That being said, there are two aspects to consider in Trump's election: what it says specifically about the society of the United States, and what it says about the condition of Western democracies in general. It is indeed clear that this election is part of a political cycle which, to varying degrees, also concerns the so-called 'developed' world—the 'golden billion' of the world population, as it is called by those who, in the rest of the world, are not very fond of it. Coming after 'Brexit', this unexpected victory has come to solidify the 'spectre of populism', a spectre which no longer limits itself to haunting old Europe but has now crossed the Atlantic Ocean. We are no longer in the world of my youth when 'respectable' liberals would explain that horrible happenings associated with the disease of socialism infecting the old Europe were unthinkable in the young America. They used to urge us to follow the example of this model democracy. This time, the disease is shared![3] I will leave the task of analysing the specifically American features of the Trump case to others more competent than me. I will here concentrate on the characteristics that link it up with the other forms of populism observable on this side of the Atlantic, in order to approach the roots and the nature of the phenomenon.[4]

The first cause behind Trump's victory, which has not been sufficiently discussed, was the weakness of his opponents, both within his own camp and on the other side. This is a point that applies everywhere; first and foremost, populism comes to fill a vacuum. But what is the vacuum in this case?

Trump prevailed during the Republican primaries over a series of adversaries, each as lacking in substance as the next. In other words, his victory

was only fair; he was the best of a bad group of candidates. In a noteworthy article published in the *London Review of Books*, Eliot Weinberger (2016) drew a striking portrait gallery of these very unlikely candidates. Such mediocrity, combined with a touch of mental pathology, is indicative of a deterioration of the political system. Like it or not, representative democracy is a system based on supply. It presupposes that certain individuals emerge from the ranks of citizens, and present themselves to compete for the function of representing them. Nothing, however, can guarantee that these candidates will be those that one would hope for, that they will have worthy motivations and representative value. This is a point that needs to be carefully examined.

This degradation was much less visible on the Democrats' side, where the two candidates were more respectable. In the end, this is what fooled everybody. A credible candidate against an implausible one—wasn't the game won before it had even started? But apart from her professional credibility, the failings of the candidature of Mrs Clinton were blindingly obvious. What she represented on the other side of the Atlantic made her the worthy counterpart of the two figures who symbolise the moral decline of European social democracy: Blair and Schröder. The two great advocates of the liberal 'modernisation' of social policies made this modernisation synonymous in the minds of the electorate with the surrender to financial interests, and with a rush to make a fortune as soon as they were free of public responsibilities. I would add by the way that, from Europe's perspective, Mrs Clinton's success would have promised a return to the military adventurism from which it was spared by Obama's more cautious style, even if he did nothing to remedy the disastrous damage caused by his predecessors. On top of being Wall Street's candidate, she was the candidate of the Californian defence industry. One must not overlook the place of this industry in American capitalism, with its form of military Keynesianism, authorised by the privilege of the dollar.

Setting aside these factors of corruption, what did Mrs Clinton's 'progressive' language—which was built around clientelism geared towards minorities and specific 'identities'—have to offer the mass of ordinary people? What vision of society did it propose to them? What future for their country? Here, again, it is important to revise the ordinary understandings of electoral behaviour. This understanding, especially on the left, involves a perverted definition of humanity as *homo oeconomicus*, according to which people vote essentially in terms of their own interest (as in Bill Clinton's famous remark, 'it's the economy, stupid'). Electoral behaviour is in fact more subtle, as demonstrated by the well-documented propensity of poor people to vote for the right (Frank 2004).[5] When they make their decisions, electors also take into account the condition of their society and their idea of what constitutes a desirable future. Of course, people do aspire to a better individual situation, but they also live within a society which constitutes a key element in the quality of their existence. What is preferable? To live with wealth in a pleasant society or live with greater wealth

in an unbearable society? It is precisely on this point that progressive discourse, such as it functions today, has lost touch with a great part of the popular electorate. First, it has come to focus so much on the question of individual rights that it has forgotten to incorporate those rights in a vision of society from which they would derive their meaning; second, the moralism to which it has converted in the process has rendered it blind or indifferent to some harsh realities of contemporary social relationships. These realities are no less disturbing than those by which progressives are customarily scandalised.

Mark Lilla (2016) has quite rightly drawn attention to the fundamental flaw of 'identity politics'—namely, that it diverts attention from the collective dimension. The object of political discourse is, however, precisely the common world where these identities can find their just place. A juxtaposition of identities—even if they are respected and flourishing—does not constitute a society. The Rust Belt workers are reacting to the loss of employment and the degradation of the social environment triggered by mass unemployment, but they are reacting, just as much, to an idea of society that abandons them, considering them as expendable in view of the benefits of opening up markets to the industries of countries where labour is cheap. The same analysis applies to the problems provoked by immigration, which cannot be reduced to the economic advantages associated with the importation of a cheap labour force and to the protection of the rights of foreigners. Such an analysis has to take into account the vision of the society which will result from the new population influx. In the past, the United States has been remarkably successful in this regard; it is obvious, however, that the 'American Dream' is no longer what it used to be, and the 'melting pot' even less so. What kind of perspectives, what new dynamic visions can take the place of these concepts? On all such questions, concerning the situation created by globalisation and the way that it fractures societies, the progressive side—or what one can call, for convenience, 'the left', in order to make the link back to Europe—has proven incapable of elaborating answers that are equal to the task.

Worse still, progressives have turned their backs on their own principles. The left was built in the nineteenth century as the party of social realism against 'bourgeois' idealism. It was the party that revealed the realities of conditions of the working, of industrial labour, and of the functioning of capitalism. Through a process which remains to be described analytically, the left has become a new kind of 'idealistic' party. Just like the nineteenth-century bourgeois idealists, it is disinclined to discuss facts deemed unacceptable. In short, it has become the party of 'political correctness'. This transformation corresponds to a sociological evolution which has turned the left into the party of those who hold university degrees, a party which views its 'people' as minorities, and which is ideologically distinguished by a propensity towards moral contempt for the views of its former 'people'—a contempt which expressed itself quite openly through the voice of Mrs Clinton.

No surprise then to see how this left has everywhere cut itself off from its natural electoral base. At its base, 'populism' is the outcome of the abandonment of 'the people' in the context of globalisation, and of the dissociation within Western societies between those who are able to benefit from globalisation in various ways and the local 'hicks' whom it marginalises by forcing them to compete with others even more disadvantaged than themselves. The left has become caught up in this trend. It has embraced it without much reflection, motivated by its internationalism. Rather astoundingly, if one considers its tradition, it has prioritised the opening up of societies and the economic development of poor countries over any consideration of the predatory dynamics of financialised capitalism or of the oligarchic concentration that was bound to result from such a new international division of labour. Without even being aware of it, the democratic left has ended up reviving the Leninist contempt for the 'trade-unionist' working classes of the imperialistic powers, complicit with colonial exploitation. It is now paying for it through a crisis which in Europe is assuming alarming proportions.

A Unifying Transgression

At the same time, new political entrepreneurs sensed a new market and stepped into the breach that had opened up. Trump constitutes an extreme example, because of the phenomenal self-confidence which goes with his status as political neophyte, and his disregard for the barriers erected by the seasoned veterans of the profession. What he has revealed is that the emperor is naked. He has imposed himself as a transgressor, violating all the norms of what is defined as 'politically correct' and has only gained strength from the condemnations heaped on him by his opponents. He has thereby succeeded in gaining a representative status that forces us to reflect on what the vague but crucial notion of political representation actually covers. 'He says exactly what I think!'—this heartfelt cry conveys the essential. Trump's outrageous utterances have created an impression of personal affinity which has allowed large numbers of people to recognise themselves somewhat in the candidature of an eccentric billionaire. This only goes to show that sociological similarity counts for little when measured against the statement of problems and priorities. This a major factor in 'populism'; it manifests the return of the repressed that was created by the new taboos that have gained right of place in the democratic public debate. This suggests a way to combat it effectively, I note in passing—its breeding ground can be dried up if one shows that it is possible to recognise and address all these questions in a rational and dignified language, rather than ban them. But that would be the topic of another discussion.

Trump was not simply happy to pose as one who breaks taboos. In his own way, he also presented himself as a unifier, when he spoke of the United States, of its place in the world, of an American 'us' and of the place of everyone in this 'us'. The greatness he evoked was less that of a

policeman of democracy than that of a great power capable of promoting its own interests, a great power of which every citizen can feel a part, something that is poles apart from the fracture provoked by globalisation.

The unease triggered by globalisation is not limited to its economic and social impact—far from it. It also has a strategic form, linked to identity, and this dimension has caused a notable ferment in the growth of populist protest. This malaise is destined to affect the United States in particular, in keeping with the role of guarantor of 'the world order'[6] it wants to fulfil, but it also influences the Western world as a whole, to varying degrees. The United States has been the decisive sponsor of the financial and commercial opening up of the world, but the new world thus created is now escaping its control. The emergence of Asia is only the most spectacular manifestation of this tendency.

First, there was the blow to America's pride represented by the terrorist attacks of 11 September. The world that the United States ruled over from afar reminded the American superpower of its existence by attacking it on its own soil. The response to this trauma was the excessive retaliation administered and orchestrated by the Bush administration. The consequences only served to highlight the limits of its geopolitical power. The peaceful rise of China, however, represents a challenge of a much deeper nature. It is at the forefront of a process that is redistributing the cards in radical fashion. The world is becoming more Western, culturally, as a result of adopting the capitalist economy, with all that it entails when it comes to adopting other ways of doing and thinking. Politically, however, it is moving away from the West. It is escaping the guardianship of its masters or supervisors. This evolution renders all claims to leadership relative. This shift is expressed in Western consciousness through a general sense of decline, a feeling of a loss of rank amplified by the impact of deindustrialisation and the resulting social entropy.

This interpretation is open to contestation but there can be no doubt that 'the West' will have to re-envisage its place in the world and its dealings with 'the Rest'.[7] It is becoming less and less the centre that it used to think it was, even if it remains the central source of inspiration. The globalised elites who know how to straddle borders to their own benefit cannot see a problem in this phenomenon. By contrast, the mass of the populations that are locked within their territories of origin feel great insecurity. The situation creates a desire for a patriotic cohesiveness which only populist demagoguery can offer them.

Populist Society

Until this point, we have been dealing with classical political factors, which can be accounted for by elementary rationality. One is puzzled, however, by the fact that this assessment is not in fact shared more widely. The real mystery behind the Trump phenomenon concerns the effectiveness of *post-truth politics*[8] and the imperviousness of his discourse to critique, its

spite of its obvious lack of realism. We were told that this election would be closely scrutinised; the authors of 'fact checker'[9] columns were ready to pounce on candidates; unsubstantiated statements and inconsiderate promises were to be mercilessly reviewed. It was supposed to be the end for hucksters and liars. The exact opposite happened. How can such a reversal have happened? How did the alchemy of social media come to play a role exactly opposite to what had been expected from it?

For some time now, analyses have highlighted how the world of the Internet creates dynamics of horizontal exchange which undermine the vertical dimension occupied by hierarchies, including those of scientific authorities. In the world of the Internet, all opinions are equal. The expert views of climate specialists are put on the same plane as those of amateur climate sceptics. To each his or her own truth. More recent analyses have shed light on the propensity of digital communities to form into self-sufficient bubbles and to feed a polarisation of opinions. In this universe, where information circulates to a hitherto unknown degree, and where communicative exchanges proliferate, a reasoned confrontation of arguments is becoming the exception.

All these analyses are correct and important, but they still do not account for the nature and the breadth of the phenomenon. We know that the digital underground, with its libertarian and paranoid atmosphere, has encouraged a part of public opinion to secede from the official stage, and provided a privileged outlet for populist anger. But this world of underground communication actually functioned more as an amplifying factor than as a primary causal one, whether one looks at the profile of the populist voter or the tone of the discourse that appeals to this category of voter. Behind the new technology, there is in fact a major social change, which the technology merely translates. One must take this social change into consideration if one wants to understand the world of populism, in all its ambiguity.

The change has two facets. On the one hand, there is a de-hierarchisation of society linked to its generalised individualisation. Populism has been unleashed by the dissolution of the pre-existing frame of collective existence, which found its exemplary manifestation in the political sphere, through the mediation of parties. Their function was to organise the self-expression of society; they provided outlets for society's various components, by unifying its large currents of opinion, structuring its principal interests, and converting this multiplicity of aspirations and particularistic claims into a limited number of formulations of the general interest, such that a choice could be made. This capacity to consolidate currents of opinion has eroded, giving more space for the assertion of particularities and individualities that do not want to be filtered through political representation. As well as wanting to be heard directly, this self-assertion too easily takes on an impassioned and uncompromising turn, as a consequence of the disappearance of the superego of political rationality, which in the past made it necessary to situate one's specific cause in an overall

framework. All this was aggravated by a transformation of human personality. A new type of personality has appeared, primarily driven and guided by affects. The phenomenon concerns society as a whole. It creates a collective atmosphere with social networks functioning as echo chambers. Populism is the aggressive variant of this domination, exercised by emotional reactivity, where bad feelings compete with good ones.

There is, however, another side to populism. It also expresses an aspiration to political mastery which is as confused as it is powerful. It is a kind of democratic fundamentalism, since its essential demands concern the primary conditions within which democracy can be exercised: the existence of a political community which can be grasped in its collective dimension, that is, beyond its individual components. This is conveyed through repeated references to 'the people', a people that is, admittedly, very ill-defined, but whose invocation is nevertheless full of meaning. Invoking the people is a response to the radical challenge to the collective produced by the dual action of globalisation outside and of individualisation within.

The process of recomposition to which contemporary Western societies are subject not only produces an economic and social line of fracture between those who can gain from the opening up and those who can only lose from it. Beyond the socio-economic dimension, it also challenges the possibility of the governing top layer of society being in line with the mass of citizens, and even the possibility of defining a collective 'us'. In other words, the factors of recomposition challenge the basic articulations needed to establish a democratic political community. This question constitutes the core of the feeling of abandonment within which entire sectors of societies now live. It creates the sense that government office-holders are like strangers, an impression that there now exists a fundamental disorder that cannot be mastered, and a feeling of no longer being 'in one's place'. The very term 'the people' is like a magic remedy for all these frustrations. The remedy is little more than an incantation. It is easy to object that, in reality, the people is characterised by diversity and division. In itself, this argument is totally correct, and yet it overlooks the fact that this diversity and these divisions are circumscribed by an overall framework which gives them meaning—the 'miracle' of democracy consisting precisely in the fact that a political unit is created within which the conflicts and divisions of society can express themselves peacefully.

If one considers democracy to be the exact opposite of the reign of unanimity, one has to recognise that it rests on a subterranean mode of cohesion which allows it to give way to pluralism. Even if it is impossible to identify in positive reality, the imaginary 'people' invoked by populist discourse still points to the existence of a deeper reality, the ultimately symbolic reality of the unity of the political community. The problem of our societies is that they ignore this reality, and thus risk destroying it, leaving it concealed in the positive discourse of the law and technological economics. The official discourse of both left and right government parties is allowing the reality of symbolic unity to slip away, opening the door wide for those

who know how to manipulate its motivating forces. This symbolic reality is so deeply dissimulated that it can now only be grasped in the register of emotions by those who have good reasons to suffer from its erosion or to fear its disappearance.

Here lies the explanation of the Trump mystery. This is why his discourse is so invulnerable in the face of critique. All that he tells us can be absurd or false, and can be proven to be such, but the rational arguments remain without effect, because the message operates and has its impact on a different plane. There is a 'truth' to this nonsense and these lies, which has a meaning for those who are in the place where they can hear it. Despite his being a businessman, Trump does not speak the language of figures and facts, but that of myths and symbols. When he proposes building a wall with Mexico, the feasibility of the project is totally inconsequential. He offers an image that is all the more effective for being simplistic, one that symbolises the need for borders, the vital necessity for a political community to control its territory. And the magic involved in the process can be explained by the fact that the mobilising force of this image exonerates him from having to actually do it; this mobilising force operates like an acknowledgement of the need. In the symbolic realm, saying amounts to doing, as any ritual attests.

The Forgetting of the Political

The ultimate driving force behind the populist revolt is a reaffirmation of a dimension of our societies that has been marginalised or undermined by globalisation, on the one hand, and by the juridical and economic self-understanding that allows them to function, on the other. This dimension is what I call their political dimension, understanding the term to mean the political framework which allows them to exist. On the ideological plane, this driving force corresponds to the reinvention of a type of conservatism that is quite remote from its habitual expressions, even if it reconnects with the traditional themes of this conservatism, such as authoritarianism, nationalism, and the emphasis on identity. These themes tend to push us to label it too quickly as a 'new fascism', and to claim that it is going to see us return to 'the darkest chapters of our history', when the populist versions of these themes are in fact quite distant from the way they were expressed and combined in the past.

Fortunately, the spirit of democracy has changed things. Our experience today gives us a privileged vantage point from which to measure how far we have come. Democratisation has changed the very meaning of these calls to authority and national identity, displacing them out of the orbit of totalitarianism. They are now a means of giving expression to primordial political needs, which the global liberal turn tends to disregard. It is necessary to untangle the threads here, no matter how unsympathetic the psychological affects with which they are associated may be. The era of worshipping leaders and identifying the masses with

political power is over, but there is still a need to be able to recognise oneself in a political power that is exercised in the interest of all, even if the content of this 'all' remains indeterminate. The cult of hierarchy and the exaltation of obedience belongs to the past but the need for personal security within a social space that is mastered and pacified is greater than ever. If we remove the unconditional primacy of the nation over its members, there remains the need for individuals to belong to a community that will protect them and for which their voice counts. References to a continuity imposed by tradition or to ethnic homogeneity are no longer accepted, but the need for a shared framework that can be provided by a community defined by historical experience has only become more pressing with the advent of a new world which places collective identities in competition.

The classical parties, on the right and the left alike, did not recognise these needs, but chose without reflection to follow neo-liberal individualism. Thus, they opened the door to a 'third force' which is neither conservative nor progressive in the received sense of these terms. The contours of this third force are hazy, and vary from country to country, and from one political system to another. The core, however, is reasonably clear. It corresponds to the constitutive priority of the conservative ideology over the last two centuries, namely a collective cohesion assured by the primacy of the political. This ideal has assumed different forms across time, depending on the direction taken by different societies—in this respect, the difference between the two sides of the Atlantic has been considerable. On the European side, conservatism first defined itself, in the nineteenth century, as the defence of a traditional social order inherited from the *Ancien Régime*. There was no equivalent to this monarchical rule on the American side, which explains why conservatism there assumed the form of what the Europeans call 'liberalism', with the emphasis being placed on the role of individual competition and the de facto hierarchies this creates, combined with a call for 'law and order'. I will not touch upon the historical vicissitudes of European conservatism, as this would take me too far away from the subject of this text. Suffice it to say that the neo-liberal revolution and globalisation have completely reshuffled the cards and destabilised pre-existing definitions of ideological families. Carried away by the religion of free-trade, conservatives and liberals have been blind to the lines of fracture caused by deindustrialisation and immigration. Carried away by the religion of human rights, progressives lost the support of a great many people from working-class backgrounds when they stopped speaking of society as a whole to concentrate on minorities, identities, and discriminations. As a result, there emerged a neglected electorate with demands that were typically conservative, in the fundamental sense of the term, seeking protection, cohesion, and national authority. These demands were easily exploited by entrepreneurs in the business of demagoguery. This electorate is far less sensitive than the classical conservative electorate to the defence of traditional sexual and familial norms, even indifferent

to the liberalisation of social mores, but strongly concerned with social issues, not necessarily in the egalitarian sense of the traditional left, but in the communitarian sense having to do with the feeling of belonging to a common political space. Trump's feat of daring—I would not go as far as calling it a stroke of genius—consisted in recognising this displacement away from both the religious right and the Tea Party and the moral-libertarian left, using it to construct an electoral base for himself whose existence had hitherto remained unsuspected.

Mutatis mutandis, with all the nuances imposed by the divergence in context, one can say that the situation in Europe is analogous. Here, populism feeds off the same anxiety of protest, in face of a perception of social dislocation and a similar aspiration to the protection offered by belonging, to which neither the right, obsessed by economic efficiency, nor the left, won over by the liberal-libertarian spirit, is capable of responding—and to which the European Union, as a kind of experimental laboratory for the pursuit of globalisation, also has nothing to offer.

At this point in time, no one can say if 'Trumpism' will consolidate into an effective and durable political line or if it will remain an electoral fluke, never to be repeated. No one can say either if in Europe, where the crystallisation of the phenomenon is more advanced, the populist parties will grow to the point where they will be capable of destabilising the established party systems and asserting themselves as plausible candidates for government. We are close to this point in France, where a new tri-partite system is now virtually in place, and where the perspective of Marine Le Pen's election to the Republic's presidency is less unlikely than Trump's in the United States. There is only one thing of which we can be sure. It is high time for the refusals and aspirations that express themselves through the wave of populism to be taken seriously. One will not deflate the bubble by insulting voters. Populism is a major symptom of the now endemic crisis that is corroding democracies. It has arisen above all due to the forgetting of the dimension that is at the centre of the populist claims: the need to constitute a political community. It is up to those who are worried by this crisis to examine it head-on, and to formulate responses that are more commensurate with the genuine spirit of democracy than the dangerous and simplistic slogans of demagogues.

Post-Script: The Symptom and the Disease

One can only speak of populism with regard to particular cases, each closely bound up with its own history, situation, and context. The specifically American aspects of the Trump case illustrate it. That situation contrasts sharply with the 'demographic anxiety' highlighted by Stephen Holmes and Yvan Krastev (2019) in ex-communist Eastern Europe. The hostility towards the European Union that motivated the Brexiters and brought Boris Johnson to power has a typically British flavour. The decomposition

of the Italian political parties that paved the way for the rise of the 'Five Star' movement and Salvini's League has its own roots. In France, which here played a pioneering role, the breakthrough of the National Front goes back to the 1980s. But the 'dégagisme'[10] that presided over Emmanuel Macron's election in 2017 shows that populism could assume more than one face, including one that is refined and elitist.[11]

Nevertheless, beyond this diversity of contexts and appearances, one can definitely identify something that unites all these expressions of protest, as confirmed by the Trump phenomenon, in the least likely of contexts. This 'something' is a matter of a common 'political style', as Pierre-André Taguieff (2007) has pointed out, but it goes further and deeper. This extra dimension is what distinguishes the contemporary populist groundswell from earlier populist movements in Latin America or the United States, not to mention Russia. Such phenomena were distinguished precisely by their high degree of insularity. The reason for the generalisation of populism is hardly a mystery—clearly, all these tremors and ruptures are linked to globalisation.

They constitute a backlash against globalisation, and they take on aspects as varied as the different local situations created by the global process. It is a matter of one common source giving rise to multiform manifestations. Meanwhile, there are echoes of these manifestations, deriving from the same source, outside the sphere of the Western democracies, making it all the more difficult to establish the contours of the phenomenon.

Globalisation and Populism

The evident connection between globalisation and populism naturally tends to give credence to economic explanations. The dynamics of inequality fuelled by financialisation, the division of territories and societies between winners and losers, the weakening of public authorities in the face of the power of corporations and the laws of the market, the identity issues triggered by migratory movements; all of these points have been extensively documented to the point of over-repetition and need not be detailed here. Are they not amply sufficient to account for the alienation of the working classes from the left-wing government parties that embraced the course of liberalism, as well as for the authoritarian hardening of the middle classes touched by impoverishment? Seen in this way, populism could be nothing but a protest against the destructive social consequences of globalisation within advanced capitalist societies. In other words, it could be something quite normal, apart from the profile of the social milieus affected by these new vulnerabilities.

This explanation has a definite element of truth to it. It clearly identifies the immediate factors motivating the behaviours and attitudes of populist electorates. All the same, it is far from exhausting the subject. It does not go beyond the surface and does not allow an understanding of the properly political content of the populist protest. The same causes could just as

well produce a form of radical anti-capitalism. Indeed, such a thing exists, although it plays a minor role in terms of the movement as a whole.

The economic interpretative framework has a weakness, however; it presupposes that the rule of the economy is self-explanatory, that it is in the natural order of things (or in the order of the laws posited by a material history of societies), and that capitalism has an intrinsic tendency to impose its domination. Our previous history, and in particular that of the period between 1945 and 1975, showed, on the contrary, that this domination could be effectively countered. Yet the economic interpretation assures us that this was a simple parenthesis, linked to the consequences of the world war and the imperatives of reconstruction, and that the normal course of things reasserted itself as soon as the parenthesis was closed. The back-room power of propaganda possessed by the big vested interests supposedly brought the process to completion by taking advantage of the exhaustion of the post-war Keynesian strategies to put in place neo-liberal policies more in conformity with the nature of capitalism.

Now, the interpretation of what is underway at the moment, and first of all of the populist movement, bears on precisely this point, on the liberal turn that started at the end of the 1970s and that has since become pervasive. The question is not only economic and ideological. These are the elements that one sees at a first glance, but there are deeper currents at work. In a word, the structure of the world has changed, at the same time as the societies composing it. The economy has only exploited possibilities opened up by this structural transformation. The neo-liberal ideology has merely translated the perspectives allowed by this transformation (including the illusions it creates) into specific terms, those of the norms governing the functioning of societies. One can only clarify the reactions that followed in terms of the changes that have taken place at this structural level.

Behind the financial and commercial globalisation, there is a *political* globalisation that has changed the mode of coexistence between societies. Without this political globalisation, the expansion of the sphere of trade would have been inconceivable. Underlying the liberalisation of our societies, there is the change in their mode of composition and in the relationship between their private and public poles. The consecration of entrepreneurial initiative and of regulation by the market are merely expressions of these changes, among others. The epicentre of the populist crisis is to be found at the intersection of the two series of transformations that have radically disrupted the mode of being and functioning of political communities, and reshaped both their external relations and their internal organisation.

These transformations have a long history. They are the outcome of the centuries-old process that engendered modernity by tearing societies away from their ancient religious structuration, a process which has now extended to the globe as a whole, to varying degrees. If I may summarise in a few brief theses an analysis that I have developed at length elsewhere, the revolutionary character of our historical situation resides in

the accomplishment of what I have called 'the modern revolution'.[12] This 'revolution' consisted in the complete recasting of the structuration of societies in relation to their former heteronomic structuration. It proceeded following three axes: a new political form, a new principle of legitimacy, and a new orientation in time. The new configuration of these terms makes up the framework of the democratic world, its autonomous structuration: political self-determination, juridical self-legitimation via human rights, historical self-production. This global reconfiguration which has gradually taken shape over the last five centuries has reached its maturation during the last few decades. The global change of which we are the witnesses is made up of the complete and simultaneous concretisation of the three constitutive elements of autonomous structuration: the collective political imperative (*le politique*), rights-based law (*le droit*), and future-oriented historicity (*l'histoire*).

It is the purification and concentration of this process that carries globalisation, such as we primarily perceive it in its economic form. The optical illusions orchestrated by the neo-liberal ideology derive from the same source, as does the support for the populist reaction against the destruction caused by neo-liberal policies.

The Contradiction in Democracy

The 'silent revolution' in the midst of which we find ourselves does not only consist in the revolution in values aptly identified by Ronald Inglehart (1977). It consists in the conjoint metamorphosis of the political structure of our societies, of their juridical structure (their legitimising system), and of the temporal structure of collective experience (of the articulation of past, present, and future). This metamorphosis has given rise to a massive contradiction between the possibilities opened at all levels for actors of all kinds, and the conditions governing these possibilities, which remain concealed within the new space. Let me note that I am not speaking of a contradiction between the appearances and reality. The open world is a practical reality, be it for business companies, for tourists, or for migrants. But its condition of openness supposes a political infrastructure, and this latter can be impacted by the conditions it makes possible, even to the point where it is threatened with destruction. The personal freedom conferred upon actors by radical individualisation under the law is absolutely real. But it rests on an intense de facto socialisation, which it tends to overlook, to the point of depriving it of its means. The power of change and the capacity of general innovation freed up by the disconnection from the past are such concrete and overwhelming realities that they appear to be the key to our social life. They only exist, however, insofar as they can rely on a force producing permanence and continuity. Their own dynamic pushes them to neglect this moment. They fail to perform the work of a collective appropriation of what they produce, which is the only way to give meaning to the process of change.

Such is the principal contradiction. It is reproduced in a myriad of secondary contradictions, manifest even in intimate life, which make up the malaise of our world. This world misrepresents and undermines all that allows it to function. It turns its back on the central promise conveyed by the vectors driving its functioning: the promise of self-government. Populist protest has its origin in a torment akin to that of Tantalus, in the lure of a possibility whose realisation is taken away at the very moment that it is recognised. Its contradictions come from the same source. For this reaction does not escape the logic of the world from which it emerges. It is complicit with what it contests; it reproduces in a different guise what it rejects; it undermines itself by its own demands.

One can see then how neo-liberalism attains its dominant position, and what defines its originality compared with classical liberalism. It does not need to manipulate minds in order to convince them. It communicates immediately with the realities and effective tendencies of our societies. It is the spontaneous philosophy of a world that is both globalised and individualised, a world that calls for the leading role of states to be curtailed, and at the same time for the free circulation of goods and people. Its novelty is not to be found in its principles, which remain strictly those of classical liberalism: the primacy of individual rights and the concomitant limitation of the prerogatives of public power—principles to which must be added, in the economic realm, the superiority of regulation by market competition. The shift is located in the field in which those principles are applied. Classical liberalism understood its principles to be applicable within constituted political bodies. It viewed these as the natural framework within which personal freedoms and collective existence could express themselves. The new liberalism that has emerged in the wake of the metamorphosis of the structures of collective life applies beyond national spaces, on a global scale, with the explicit design of transcending borders, which it sees as obsolete limitations. It externalises economic agents as well as private individuals with respect to their primary frames of belonging. Hence, the political consequences of its logic are far more radical than those of classical liberalism.

Again, it is not a matter of doctrine but of the theatre of operations. Neo-liberalism did not create this theatre, but it adapted itself to it, and thereby multiplied the possible effects of the new openness of nations. The first of these effects, and the easiest to grasp, is the appearance of giant business enterprises operating on a global scale, which cannot be subject to any territorialised state, no matter how powerful. This disconnect between the political spaces and the economic space puts nations in a position of dependency vis-à-vis the law of global markets and places them in competition with one another. It creates a split within each nation between a group of actors who are integrated into the global circuit, in particular those in the financial sector, which captures the main part of wealth created, and the actors who are relegated to the local level and condemned to poverty. This split leads to a profound relativisation of politics within national

spaces, since the stakes tend to be reduced to the arrangements that need to be made in order to adapt to the global constraints. The specific historical heritages of nations are disqualified in favour of the homogeneity of technical and managerial ways of thinking. The combined action of this economic pressure and of the logic of individual rights promotes an extreme perspective, envisaging the total dissolution of the old political communities into a global society of individuals, with no links or rules of any kind other than the juridical, and with no other political vision than a market of freedoms, to the exclusion of any form of power exercised in common.

A Demand for Democracy

One sees, then, how under these circumstances the liberal principles of democracy can turn against its materialisation. These principles do not merely undermine democracy; they bring us to the point where the very idea of democracy loses its meaning. In the era of classical liberalism, one could criticise democracy for being misleading in its granting of formal freedoms without real content, freedoms destined both to obfuscate and to legitimise the domination of the propertied class. The scenario here is substantially different. It is no longer a matter of questioning the reality of the freedoms acknowledged for everybody. The problem is the programmed impotence of their political expression, at times reduced to a formalistic ritual without any practical consequences, sometimes even openly declared to be devoid of any real purpose in comparison with the private freedoms guaranteed by the 'rule of law'. Under these conditions, it is not surprising if the depoliticisation of freedom has ended by giving rise to a sense of collective dispossession, which then leads to rebellion. The distribution and intensity of this sense of dispossession are, of course, correlated to the degree to which a community is exposed to the destructive consequences of global flows.

This frustration and the corresponding reaction do not derive their power solely from the scale of the losses that are experienced; they also draw support from the collective structure itself. This is the essential point if one wants to understand the political expressions of the populist secession. For the realities on which the neo-liberal discourse has been built—the homogenising opening up of political communities, the individualisation of societies, the optimising automatism of markets—are but one part of the reality. They represent the visible side of collective existence, the one that is validated by its official norms. There is, however, a deeper dimension to collective existence which allows this visible face to manifest itself. The juridical-technical-commercial logic owes its expansion to the political infra-structure. It would not exist if it were not for the support provided by the organisation of the world into political communities, each endowed with the means to exercise control over its space and its rules. Their relative openness to one another supposes the coherence created by their relative closure. Likewise, globalisation presupposes the independence of

economic agents and of individuals defined by rights; this is the flag under which it pursues its expansion. Such independence only makes sense, however, against the background of a strengthened form of national belonging and the formidable work of societies to create the conditions which make it possible. As for the promotion of innovation, the other great argument used to justify the automation of collective governance, it is only conceivable on the basis of an organisation of social time capable of situating this production of novelty within the continuity of shared experience.[13]

The anti-liberal protest relies on these structural foundations. They provide it with an unshakeable basis, and a sense of legitimacy. For these structural foundations are precisely those of democracy in its full definition: the foundation constituted by the power of the political community to act upon itself; the foundation constituted by the social bond, which, through the rights secured by the law, first allows individuals to live disconnected from one another while ultimately fostering their collective power; the foundation constituted by the capacity of self-production over time allowing for the realisation of a common project. This base confers on the populist protest its irreducible character as well as its historical significance.

Let us not become confused about its nature; one has to discern what is fundamentally a call for democracy behind the appearance of a threat to democracy. The starting point of a diagnosis must be a recognition of how the ruling neo-liberalism actually obscures, evades, and misrepresents the idea of democracy, and how it does this in all of its versions, for it is diverse, due to its different sources, and it would be a mistake to restrict it to its sole economic manifestation. There is a political neo-liberalism, just as there is a juridical neo-liberalism.

Populism is, first of all, a reaction against the collective impotence that follows from these visions of a freedom without any society to promote it or without any power to translate it into reality. Hence its authoritarian aspect, or at least the invocation of authority to which it resorts, and which, understandably, revives bad memories. But such natural apprehensions must not make us forget that democracy requires governmental authority and effectiveness, outside of which collective self-determination can no longer mean anything. Weakness does not constitute a programme.

Similarly, self-determination supposes the delineation of a community that is perceptible and organisable by its members—which translates into a demand for sovereignty. This demand inspires fears of being locked inside particularisms blind to the unity of the world. Here again there is a genuine danger, but here again, too, one must not forget that the unity of the world supposes that each of its components aspires to master its own domain. The openness of states in relation to each other is conditional upon a mutual recognition of the independence of each, and the similarity of their nature and principles. The prospect of a world unity beyond domination—outside the subordination to an imperial agency responsible for its unification—is the product of the polycentrism of sovereign nations.

First among the elements of this self-possession to which each sovereign community aspires is the specificity of an historical trajectory. This factor is easily underestimated, yet it is essential as it allows each actor to acknowledge, if only tacitly, that it contributes to a common destiny. In the age of globalisation, each component part of the world engages in more or less the same activities and shares the same orientations, but does so from within its own singular heritage, its special constraints, and its own priorities. The homogeneity, or at least this convergence of concerns, only serves to reinforce the need to stitch together the contributions of the present with the past, in preparation for the challenges of the future. The logic of the juridical–technical–commercial complex that presides over the process of homogenisation tends to marginalise, if not stifle, the political debate through which this work is accomplished. And yet it is only through this work that the political community can formulate its identity and permanently reinvent itself. The logic of globalisation replaces the work of self-reinvention with a 'presentist' activism, which is indifferent to the past, and which only sees the future as the prospect of its own expansion. The reaction against this vertiginous erasure of the past therefore takes the form of a call for identity that is as vague as it is desperate. Such a demand is absurd, and in any case unworkable, if it means cutting oneself off from the general intellectual and practical environment of the present day. It nevertheless corresponds to a real need for an anchoring in time, which is an essential part of the process through which societies institute themselves.

The Revenge of the Political

Authority, sovereignty, identity; these three terms express the spirit of the populist will to secession. In fact, they invoke promises that are inscribed in the structure of democracies, but are dismissed or even repudiated under the conditions of their contemporary operation. They appeal to a foundational dimension of collective existence that is ignored, marginalised, or repressed by the official functioning of our democracies. Populism is the revenge of the political against an eclipse of the political produced by its metamorphosis, and by the forces that this metamorphosis has unleashed.

Populism, in other words, originates in a contradiction of democracy itself. It is the sign of the drift that pushes democracy from within towards its own negation. If one can justifiably criticise the 'illiberal character' of the populist vision of democracy, one must also highlight the 'a-democratic' character of the prevailing liberal vision. We had become used to seeing the liberal and the democratic tendencies as naturally interconnected, even if the tumultuous course of the democratisation of liberal regimes in the nineteenth century should have made us aware of the difficulty of bringing them together. The reality is that the two tendencies have become separated again as a result of the transformation that has seen the political leave the heights of the superstructure and take its place in the infrastructural depths.

Until recent decades, under the heritage of the religious past, the political still appeared as the source of authority, commanding collective existence in the name of something higher than itself. Within this framework, the aspiration to democracy consisted in an effort, on the part of the community of free citizens, to appropriate this 'superstructure'. The liberalism of political rights provided the indispensable instrument of this will to democratise. But the organisation of collective existence under the supervision of a commanding superstructure is not part of the nature of things, as was generally believed at the time. It was a historical legacy, which was overthrown by the completion of the modern revolution. This was one of the most disconcerting effects of this revolution in our ways of thinking.[14] It destroyed the schema of hierarchy, which placed the legislative function at the top and the sustaining function below (the economy). The production of human subsistence is one thing; the production of the society within which this subsistence is assured is quite another. The production of society, which is the proper function of the political, its instituting function, is no longer accomplished from on high, as it was during the age of religion and in the societies that developed in its wake, but from below, by an immense work of defining, arranging, and constituting the collective space-time. In reality, the political now provides the infrastructure of what it no longer makes sense to call the economic base. It creates the platform supporting the operation of the society of individuals defined by rights and their free contractual agreements. Society now functions entirely on a horizontal level, through the relations between individuals, and can live in the illusion that it is natural and self-sufficient, without any knowledge of what permits it to function in this way.

The liberal principle no longer points towards the democratic principle, or, if it does, it is only in a purely abstract and formal way. It is sufficient to itself, as the only norm that has any weight. The democratic principle still possesses a solid political base, which projects, if only in a virtual form, a unique collective power to act upon oneself. However, this power is disconnected from the market of individual liberties, and indeed it stands in contradiction to their spontaneous refusal of any limiting interference. As a result, the power of the collective is held in poor repute and expelled into a kind of suspect *underground*[15] domain, to which only those who have reason to complain of the officially endorsed norm will turn. The convergence has turned into a divergence.

The subterranean, implicit character now assumed by the political framework explains the incantatory vagueness of populist discourse. The power invoked by its demagogical rhetoric is most often an elusive phantasm. The populist discourse struggles to define a genuine programme, beyond incriminating its favourite enemies. It thus does not inspire any militant mobilisation beyond electoral campaigns, which do, however, show that it has an audience. One needs very particular circumstances, such as those of Viktor Orbán's Hungary for it to reach a clearly stated awareness of its nature and goals. In general, the populist phenomenon is

more a sensibility than a doctrine, more an electoral force than a political movement, strictly speaking.

This is because, in addition to struggling to define itself, it is divided by the contradiction from which it has emerged. In this regard, a particularly illustrative demonstration has been provided by the French 'yellow vest' movement, a typical explosion of populism, if the notion has any meaning. It combined a compelling call for popular sovereignty with an ultra-individualism hostile to any form of delegation, representation, or organisation, making it impossible for the popular will to find a concrete expression. The will of the people was united on an imaginary plane, but divided in its concrete reality. The antagonistic complementarity of the freedom of the individual and the power of the whole, moments which have become dissociated in our present-day regimes, reappeared in the rebellion prompted by this very dissociation. The conjunction was self-destructive, confirming once again that every form of protest is caught up in its own way with what it protests against. The populist protest is the product of the structural transformation that has engendered a society of individuals, so much so that the logic of individualisation by way of rights can be detected even within the call for popular sovereignty that rebels against the prevailing liberalisation.

These features justify an interpretation of populism as a 'symptom', which should not be confused with the disease itself. The disease is that of democracy. It originates in the divorce between the two sides that democracy is supposed to bring together. The strengthening of democracy's juridical foundation has consolidated its principles to the point where it has made any other type of regime inconceivable. It has been accompanied, on the other hand, by a weakening of its political expression. The populist symptom expresses the frustration engendered by this repudiation. Its diffusion and its growth indicate that we have entered a new phase in the history of democracy. It will be necessary to respond to the challenge that this new phase represents. There was the phase of the conquest of universal suffrage in the nineteenth century, and then the phase of the construction of the social state in the twentieth century. In the twenty-first century, the multifaceted political demand conveyed by populist protest will be the equivalent to these transformative pressures.

As I write these lines, I am in the lockdown imposed by the COVID-19 pandemic.[16] This pandemic at once provoked a return of the repressed, in bringing to the fore the dimensions of social life that the neo-liberal programme wanted to bypass, if not eliminate: the nation as the framework of an accepted collective discipline and the state as the authority that plans for common safety. These nations and states are, more than ever, destined to cooperate, beyond the competition to which they were condemned by the rules of neo-liberalism. The tremendous economic shock that is forthcoming is not likely to reinstate the ideals and formulas of the previous mode of functioning and its automatism. The gigantic

task imposed by the climate emergency, that of decarbonising economies, and the imperatives of social justice needed to make it acceptable, will not reinstate their credibility either. It may thus well be that the sudden and unexpected appearance of a virus will have played the role of catalyst for an historical turning point, even if the trench warfare into which our political systems were sinking—between progressives and populists, between opening or closure, between *anywhere* and *somewhere*[17]—did not seem to augur its arrival any time soon.

We are about to enter a kind of manoeuvre warfare whose outcome is just as unpredictable as that of the pandemic. It may either aggravate or calm down the contradictions afflicting our societies. If they opt to go down the route of pacification, populism will have fulfilled its task, that of sounding a warning in the face of a disease which, by itself, it cannot cure. It will thus have lost its very *raison d'être*.

Notes

1 'Populism as Symptom' was first published in 2017 in *Social Imaginaries*, 3(1), 207–218. The text developed ideas first presented by Marcel Gauchet in the public lecture 'The Crisis of Democratic Politics', delivered in Melbourne as part of the French Festival 'La nuit des idées'. It has been supplemented for this book with subheadings and footnotes, as well as an entirely new section, 'The Symptom and the Disease'.

2 Translators' note: the word 'moral' is here used in the sense it had in the eighteenth century, for example, in the expression 'moral science' that refers to phenomena which, today, would simply be called 'political'.

3 Translators' note: in the French text the author alludes to a line of the famous fable by Jean de La Fontaine titled 'The Animals Seized with the Plague': 'Ils ne mouraient pas tous mais tous étaient frappés' ['They did not all die, but we all were sick']. See La Fontaine (1917).

4 A word on the spurious notion of populism. The confusions and the difficulties of its use have largely to do with its double origin. As is well known, the term 'populism' has an older source, dating back to the nineteenth century in Russia, Latin America, and the United States, where it was claimed by political actors in a positive sense. It also has a recent source in the last two decades of the twentieth century, when it was given a clearly negative sense, and was used as a kind of insult. It has gradually come to replace the term 'fascist', which was first used against anti-immigration movements originating in the far right, such as the National Front in France, the prototype of such movements. The term 'fascism' and its historical connotation lost their influence as it became apparent that these movements had little in common with their totalitarian antecedents, and that they were reaching a growing audience among the electorate. For lack of a better term, 'populism' even became accepted in political science, with a more or less neutral descriptive sense, while the phenomenon itself spread across Europe, and then reached the United States, at the same time as related movements appeared elsewhere in the world. The notion of populism still retains its initial militant and condemnatory overtones, which makes it difficult to use in an analysis aiming at objectivity. There is, however,

no alternative, and so one has to make do with it. This first problem is then compounded by a second; the identity of the word should not lead us to draw a conclusion regarding the unity of the thing. Nothing would be more misleading than to construct an artificial link between the 'old' populism, if I may refer to it in this way, and the 'new' populism, on the basis of the common reference to the 'people', which is in any case widespread within the democratic world. I specify, therefore, that my analysis bears on the populist phenomenon as it developed in Europe and more recently in the United States. This phenomenon seems to me to have a marked historical and political specificity. I leave aside the consideration of the differences and similarities with the tradition of populism in Latin America and its current expressions, as well as with nationalist and authoritarian movements at work elsewhere in the world.

5 See also Frank (2016).
6 Translators' note: the words in inverted commas are in English in the original text.
7 Translators' note: the words in inverted commas are in English in the original text.
8 Translators' note: the words in italics are in English in the original text.
9 Translators' note: the words in inverted commas are in English in the original text.
10 Translators' note: *Dégagisme* is a neologism coined during the 2017 presidential campaign, based on the colloquial injunction of the verb *dégage!* ('beat it!'), directed against the political establishment. The term denotes an attitude of rejection of the established parties.
11 If one accepts that the typical populist move consists in rejecting the political leaders in power because of their indifference to the concerns of the citizens, and their impotence, in favour of a leader presented as listening to neglected aspirations and affirming his willingness to act in order to respond to these concerns, then the election of Emmanuel Macron in France in 2017 undoubtedly belongs to this category. There can, then, be such a thing as a 'populism of the elites'. In this case, it was inspired by the fear of the 'plebeian populism' of Marine Le Pen. A number of commentators underlined the point at the time, myself among them. See Gauchet and Finchelstein (2017).
12 The analysis of this 'great transformation' (including that described by Karl Polanyi under this title in his famous book) is the object of the four volumes of *The Advent of Democracy*—the first of these I precisely titled *La révolution moderne* (2007a). It was followed by *La crise du libéralisme* (2007b), *A l'épreuve des totalitarismes* (2010), and *Le nouveau monde* (2017).
13 Automation is the concept best suited to designate the ideal of a general functioning of society modelled on the market, such that juridical rules and procedures provide an equivalent to the mechanism for price formation that orients and arbitrates the interactions of social actors. This is another point on which neo-liberalism is distinguished from classic liberalism. For classic liberalism, social and political life belonged to a separate domain of reflection and action from economic life. Neo-liberalism tends to join the two, making the automatic adjustment of interests and rights into an organising principle valid for all social relations.
14 I refer the reader to the more substantive analysis of this major metamorphosis to be found in the chapter of *Le nouveau monde* (2017) titled 'Le politique instituant et médiateur'.

15 Translators' note: the word in italics appears in English in the original text.
16 Editors' note: these lines were written in April 2020.
17 Translators' note: the words in italics appear in English in the original text. Gauchet here alludes to the terminology used by the British journalist David Goldhart (2017). Goldhart's analysis of the Brexit vote stresses the appearance of a new social divide between those whose identity is tied to a specific space (i.e., nation, region) and those who have adopted a cosmopolitan spirit, who feel they can live anywhere, and have thus embraced globalisation as a source of greater opportunities.

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Part II

Insights into Marcel Gauchet's Exploration of Political Modernity

3   Marcel Gauchet and the Eclipse of the Political[1,2]

Stéphane Vibert, Translated by Natalie J. Doyle and Brian C.J. Singer

One of the founding axioms of Marcel Gauchet's entire oeuvre—one that is crucial as it concerns the initial 'wager' that determined his fundamental approach[3]—consists of erecting the political as a transcendental mode from which the very existence of human societies is derived. The essence of the political is seen as characterised by radical auto-institution and associated with the originary division of the social—two dimensions considered both universally demonstrable and logically necessary.[4] On the basis of these two characteristics inherent to the human condition— the 'cultural' discontinuity with all naturalist determinations and the separation of its principles of existence relative to what is immediately given—there arises a transcendental 'anthropo-sociology' (Gauchet 2003: 10) that, following from Pierre Clastres's work on Amerindian societies, 'confers the largest possible extension to the concept of politics' (Tarot 2008: 457). To quote Abensour's (1987: 15) illuminating phrase, there is 'no human society without a political institution of the social, and a relation to the law'.

Now, if for Gauchet 'the political is the essence of the social' (Tarot 2008: 609), this is because it conveys, as do consciousness and language for the individual subject, the '*internal exteriority* specific to human existence (the exteriority of consciousness with respect to the self, and the exteriority of power through which the collective acquires a grasp over itself)' (Gauchet 2005b: 185), this exteriority enabling reflexivity, knowledge of the self, the possibility of acting on the self, and purposeful autonomy. Gauchet's confidence in an enlarged, if inherently limited, rationality pushes him to discern the possibility of clarifying humanity's relation to this constitutive alterity, this detour through the 'Other' that constitutes the matrix of all possible human knowledge and action—without, however, falling into the trap of a radical rationalism chasing after the self-transparency of a master subject in full possession of its authentic being. If the understanding of this 'anthropological core'[5] seems for the moment restricted to its premises—as surreptitiously indicated in a few passages, or presented somewhat abruptly and without explanation during an impromptu dialogue with Luc Ferry (Ferry and Gauchet 2004)—this exploration of the nature of the political

appears to us as essential to the 'theory of being-together' (Gauchet 2005a: 30) to which Gauchet's analyses aspire.

This general inquiry will lead us to reconsider his analysis of the contemporary situation, marked by an apparent 'eclipse of the political' (Gauchet 2005a: 25). According to him, this eclipse should rather be understood in terms of an underlying, if concealed, maintenance of this constitutive function, since 'explicit politics mobilises an implicit structuration of the collective domain ensured by the political' (Gauchet 2005a: 26). As a first step, we will consider Gauchet's description of the trinary nature of political modernity, historically associated with the successive emergence of three necessary, interdependent dimensions, each of which potentially in conflict with the other two, as each can claim to be the dominant schema of the general anthropology thus formed. The political, law, and history appear as the constituent elements of the 'mixed regime' formed (Gauchet 2007), with variations of composition and connotation, by every democratic society. Moreover, in modernity, democratic society appears within nations only through representative systems that presuppose the distinction between civil society and the state. These systems are charged with representing the common good by bringing together and surmounting the different interests and identities. This 'liberal reality' central to all modern democracies is fundamental to understanding the contemporary concealment of the political, whose role is ignored relative to the juridical and economic spheres, which alone are deemed capable, it would seem, of regulating 'the society of individuals' that has become our collective reality.

As a second step, we will discuss Gauchet's stern criticisms of this liberal cycle, described in terms of an unprecedented process of subjective privatisation, resulting in a generalised extension of market logic and reduction of the political to a 'theory of justice',[6] itself understood as a juridical assemblage of plausible mechanisms for the coordination of individual liberties. Gauchet's analysis appears to hesitate as to the effects of this cycle on the development of democratic societies, a hesitation that touches directly on the question of the political. For at what point, can we ask, does individualist ideology—in its unilateral insistence on *a posteriori* legal control and the self-regulation of social spheres as well as self-foundation of human beings—durably, even permanently, affect the very nature of a being-together still defined in terms of transcendental political conditions? What is at stake here is the proportion of reality that can be found in ideology, as well as the potential for socio-historical evolution to either model itself on that ideology—in line with the hegemony of juridical and economic regulation—or resist it—the 'return of the political' with more or less pathological features. Indeed, the erasure of the political as an infra-structural authorising institution of the social, however illusory it may be relative to the objective exigencies governing our common existence, appears to open onto an unpredictable and inscrutable future, which, in the best of cases, might favour—if in inverted form—increased knowledge of the demands of collective self-government and its temporal self-production, but equally

threatens to eviscerate its democratic potential. In other words, it suggests a 'forgetting of society',[7] ultimately even a veritable 'dehumanisation of the world' (Gauchet 2004: 163), synonymous with the radical impotence and dispossession of the system's powers that, paradoxically, owe their birth to an emancipatory claim to autonomy and rationality.

According to Gauchet (2002), the present crisis of the political, understood as the accession of a 'market society' that undermines the collective capacity for self-government from within and turns 'democracy against itself', this crisis originates in part—this will be the object of our third and last section—in the demise of the substitute religion presented, until quite recently, by revolutionary eschatology. For one of the keys to the success of totalitarian ideologies as 'secular religions' lies, despite their profound differences, with an 'anachronistic faith in the political's all-encompassing coverage and command' (Gauchet 2005a: 27). In a word, they were able to present a 'substitute hereafter' (Gauchet 2004: 163) that provided a recognisable face to the alterity that engenders the transcendental function of the political. The weight of democratic modernity's logic seems to have put an end, at least provisionally, to this 'theology of the future' (Gauchet 2004: 118) with its overarching, semi-sacred claims to reconcile humanity with itself. The redefinition of the individual self that results from the emergence of a 'society of individuals', along with the partial concealment of the political that it begets, both suppose and favour a new relation to the 'Other', though one that, according to Gauchet, is almost entirely reduced to being a strictly human domain. What is this relation, this 'transcendence in immanence' (Gauchet 2004: 164), that corresponds to what is thinkable in democratic modernity? And what are its consequences for the evolution of the *political condition* as found in contemporary society?

Liberal Democracy as a 'Mixed Regime'

The 'eclipse of the political' is the expression Gauchet chose to best describe his conception of liberal democracies' post-modern situation.[8] This is how he formulated it in 2005, in his introduction to the texts collected in *La condition politique*, an anthology that seeks to demonstrate the coherence of the author's intellectual trajectory, relative to his understanding of the political and its historical development. The expression has, at the very least, the merit of emphasising two important facts.

First, the disappearance of the political (one can also speak of its end, erasure, abolition, or decay), which has now occurred or is in the process of occurring (as an asymptomatic tendency), is presented as a belief or social representation, easily attested in contemporary democratic regimes, among both intellectuals and social actors. In a sense, it corresponds to one of 'modernity's recurrent temptations', which holds that 'the novelty and force of the redefinition of our collective condition due to its future orientation entails a belief that political structuration belongs to an archaic legacy that is presently being overcome' (Gauchet 2005: 9).

The second implication of the expression employed by Gauchet is that this belief in the disappearance of the political will prove erroneous or illusory. Indeed, the political, no matter how obscured or concealed, remains actively and unfailingly present, if no longer in an obvious, explicit manner but rather as an underlying dimension, by virtue of its essential (transcendental) function: the structuring of the collective being-together that we call 'society'. The functional permanence of the political appears hidden in the many forms in which it is incarnated, among which the most implicit or most discrete can lead one to speak of its outright absence when one should see instead signs of its 'repression'. This is the case with primitive societies seemingly entrenched in their fundamentally apolitical disposition due to the fact that they are religious—as well as the liberal democracies of the 'eclipse', which privilege juridical or market regulatory regimes in order to weave/create the social bond and to coordinate pacific coexistence.

Beyond these two implications, one could easily draw from the expression 'the eclipse of the political' the following hypothesis. If the 'disappearance of the political' appears as a hegemonic social representation of liberal modernity relative to itself, it follows that one is dealing with an *ideological* form, one that is not totally false *in itself*, but deforms and bends the real, not least through its unilateral insistence on phenomena that serve to mask or overlook other, equally important factors. Although partial and expressed at the level of representation, this ideological configuration nonetheless bears very *real* consequences for the evolution of liberal societies in the form of both cognitive models (descriptive concepts, historical analysis, and research methods) and normative principles (motifs, justifications, evaluations, judgements). This overall configuration thus seizes control of an aspect of the real—corresponds to that 'chunk of reality constituted by ideology' we have suggested—which cannot simply be dismissed as dominant ideology, as a form of voluntary blindness, or as any other structural dualism that radically separates the alleged 'truth' of the social from some misleading discourse tasked with subverting its meaning in order to benefit the powerful. In order to appreciate Gauchet's manner of proceeding, one must reconsider how he understands the essence of political modernity, which conditions in part the present dominance of a liberal cycle, prior to examining how the latter has come to impinge, with its economic-juridical regulations, on the *form of society*.

In keeping with the inspiration of Gauchet's oeuvre, as centred around what remains his magnum opus, *The Disenchantment of the World* (1997), modernity is characterised in terms of a 'revolution of autonomy' that withdraws from the religious structuration of the world, which was based on an ontological dependence on an 'invisible instituting moment' that was to give society its meaning and form. This 'religious exit from religion', ultimately imputed to the Western Christian matrix, first develops with the birth of the state, and then with the transformation of this traditional state (initially an instrument of sacral mediation between this world below

and the divine world above) into the modern state. The latter is under-
stood as 'an apparatus that secures the definition of human communities
in accord with their own reasons and means; in other words, an appar-
atus that materialises the self-sufficiency of this world below—or again, a
machine that renders human autonomy conceivable by making it operative'
(Gauchet 2005: 19). Having been shrouded in religious alterity for almost
all of human history, the political finally becomes thinkable as such and
for itself. The 'modern revolution' can best be characterised as 'reducible
in principle to the practical autonomisation of the political and, thanks to
the political, as the metaphysical autonomisation of human communities'
(Gauchet 2005: 19).

For all that, the visible appearance of *the political*—synonymous here,
be it noted, with human immanence and autonomy—does not lead to the
adoption of a monist system of collective autonomy, as one might have
thought from the example of the original religious matrix. The latter,
one will remember, imposed on the social body a single totalisation con-
sonant with its primary legitimating principles—as fixed in an inaccessible
and insurmountable ancestral past, thereby affirming, through a 'debt of
meaning',[9] a constitutive undividedness (Clastres 1989). On the contrary,
the modern disclosure of the primacy of the political, as best expressed
in the democratic will to self-government, necessitates the recognition of
democracy as a 'mixed regime', or 'unity in multiplicity'.

> For 'the democracy of the Moderns' combines three dimensions that,
> each in their turn, convey and concretise its most important, defining
> characteristic, i.e., *autonomy*'. Democracy is made up, separately but
> indissolubly, of the political, law, and history. Together, they articulate
> a form of political community (in short, the nation-state), a principle
> of legitimacy that is at the same time a framework of legal rules (not-
> ably, the rights of man), and the temporal orientation of collective
> action (that is, the deliberately productive form of change to which we
> give the name of history).
>
> (Gauchet 2007: 21–22)

Each of these three vectors—the political, law, and history, which
appeared successively, beginning in the sixteenth century[10]—'offers a suf-
ficiently complete definition of the collective condition' (Gauchet 2007:
22). This is why modern democracy appears by definition unstable, fluc-
tuating, prone to mood swings, though deeply united by a metaphysics of
autonomy.

Because its three components are fundamentally inseparable, modern
autonomous society appears simultaneously and necessarily as a society
of individuals (given the rights of man as a principle of legitimacy, and
the concrete sociological individualisation induced by the Tocquevillian
dynamics of the equalisation of conditions), as a historical society (given
the openness of the collectivity to social change, innovation, and the

temporal self-production), and, above all, at the level of the political, a society that distinguishes civil society from the state. This is what Gauchet (2005: 24) terms the *liberal reality*, the 'elementary liberalism' that confers structural and organisational pre-eminence to civil society, and thereby reduces politics to the business of expression and representation. Hence the veiling of *the political* by *politics*, synonymous with the concealment of the state's symbolic status as a form of collective totalisation, bene-fiting its 'material', instrumental, and protean perception in terms of its electoral system, repressive apparatus, administrative bureaucracy, or as an economic actor, or even as source of wealth redistribution and social protection. The modern dissociation of the political (the implicit struc-tural dimension constitutive of a given society's self-government) from politics (the representation, organisation, and management of the inter-actional dynamics between social actors) can give rise to various tensions and imbalances, which sometimes turn into veritable civilisational crises because of the excessive, unilateral emphasis on one of the two dimensions. Thus, for example, the strengthening of the political infrastructure as a vector of social unification and transformation against the weaknesses of a representative government seen as divisive and erratic (the source of the anti-parliamentarianism of the turn of the nineteenth and twentieth cen-turies) led to 'the explosion of totalitarianisms', which expressed an 'ana-chronistic faith in the power of the political to command and encompass, as though it were still possible to restore it to its former primacy as an ordering principle' (Gauchet 2005: 27). By contrast, since the 1990s and the end of the Soviet system, the radicalisation of the individualist con-figuration of social life, with its massive liberalisation of both mores (the procedural juridification of rights) and business (the unlimited extension of market relations), is generating a crisis in the major social institutions. Not the least compelling symptom of this crisis is the delegitimisation of public authority, synonymous with the rise of a politics without ambition, which is concerned only with the budget, social pluralism, and the effects of globalisation.

The structural tension between the political and politics is now unrav-elling in favour of the latter, at the price of the increasing fragmentation of social interests corresponding to the social's 'diversity', and which can no longer be subsumed within a unified collective subject. This unravel-ling corresponds to a specific phase of democracy's historical evolution, a new 'liberal wave' (Gauchet 1998: 89) that structurally advances indi-vidual and minority rights. In other words, the movement of the pendulum spurred by the anti-totalitarianism of the post-war period has swung so far that it is no longer content with discrediting the unitary regime predicated on an all-encompassing power. It has, it would seem, reached the point of undermining the conditions required to establish a political authority capable of giving expression to society's deliberative self-production as a political subject across time. This 'divorce between power and liberty' (Gauchet 2007: 28), between democracy, conceived in terms of a sovereign

people deliberating on its collective prospects, and liberalism, understood as the institutionalised exercise of individual rights, leads to the sense of the future being erased, rendering the trajectory of modern nation-states increasingly unpredictable and chaotic. 'Indeed, the eclipse of the political associated with the democracy of rights ends up producing a crisis of democracy' (Gauchet 2007: 28).

The Rights of Man and 'Market Society': Individualism Against the Political

Gauchet's critique of the present state of democratic societies appears all the more serious as it considers the liberal (juridical and market) dimension to be essential, and central to their basic constitution and actual functioning. For him, it is not a matter of appealing to the restoration of some ideal political-moral order distorted by recent developments—in the name, for example, of a mythical republic. Rather, he wants to encourage us to become aware of the precarious balance between the three indispensable dimensions that are indispensable to the proper functioning of liberal democracy, and to recognise 'the hypertrophy of one of democracy's constituent dimensions, whose internal disequilibrium threatens it with impotence' (Gauchet 2003: 336). The unilateral emphasis on the juridico-economic dimension to the detriment of both its political dimension (with the fragmentation of the political subject, the weakening of the nation-state, the multiplication of supra-national authorities, and omnipotence of the market) and historical dimension (the inability to govern for the long term, the break with the past and tradition, the 'presentism' restricting democratic society to an 'egalitarian ethnocentrism' (Gauchet 2002: 372) that hinders and prevents it from thinking though the genuine temporal and geographical alterity inherent to collective human experience[11]); all leads Gauchet to voice an uncompromising judgement on the state of our present democracies; notwithstanding the indisputable legitimacy of their principles, these democracies remain blind to their foundations and nature. The 'new democracy being put in place, at once triumphant, exclusivist, doctrinaire and self-destructive' (Gauchet 2002: 1), is based on a radicalised pursuit that progressively generates a 'new humanity', one whose anthropological distinctiveness is to be understood in terms of 'an individualism'[12] that has penetrated, transformed, and redefined all the social (family, law, politics, religion, morality, aesthetics), according to the various conditions of its fulfillment and concrete realisation.[13] The increasing hegemony within democratic ideology of individualist tendencies (with the one mutually reinforcing the other) is seen in, and is conveyed by, the establishment of the economy and law as privileged regulatory regimes, with both being rooted in the delineation of an originally autonomous, asocial, free, moral, and rational individual. This contributes (as a self-fulfilling prophecy) to its social—and not just economic or juridical—existence, with the contradictions attending to the appearance of

an 'individual-outside-the-world'[14] at the very heart of collective life. The interactions between individuals, understood as 'naturally' emancipated from all earlier collective constraints—*Homo juridicus* (Supiot 2007) and *Homo oeconomicus* (Demeulenaere 1996)—are operationalised within self-referential, supposedly universal systems that reject in advance all socio-historical anchorage or cultural demarcations.

The indictment of the dominance of individualism both at the level of ideas and in effective reality does not concern its nature as a central social signification of modernity—based, let us remember, on the 'grammar of autonomy' (Gauchet 2007: 49)—nor its transcription within the economic and juridical field deemed indispensable to a liberal regime. The concern is with the overriding unilateralism that leads to the evisceration of the political and socio-historical dimensions of the (by definition) mixed character of democratic reality. For, according to Gauchet, the juridico-economic mode, with its claims to stand for the entirety of the regime and of social reality, proves detrimental in two respects; it prevents any theoretical understanding of the facts of democracy; and, at a practical level, it undercuts the necessary political encompassment, which renders individual liberties compatible with one another once they have been cut loose from traditional institutions. Gauchet's critique of post-modern individualism unfolds along two axes that have already been noted: the generalisation of the logic of human rights at the juridical level, and the emergence of a 'market society' that transforms all social interactions into interactions of an economic type. Of republican inspiration—in its French interpretation, which defends the social democratic state's historical role in preserving collective unity, in expressing a general orientation, and, possibly, also affirming substantive values—Gauchet's position has nonetheless been vilified in French language debates since the early 2000s. He is sometimes summarily dismissed as belonging to the camp[15] of the 'new reactionaries',[16] who are accused of being dangerous critics of the real advances of liberal individualism as regards the contribution of new social movements (feminist, ecological, or in support of legal and illegal immigrants, etc.), and of ignoring the socio-economic equalities that structure the relations of domination within democratic societies.[17]

It is certainly true that Gauchet's critique of individualism—operating on two fronts (against the full-scale invasion of economic ideology in the name of a 'market society' and, with the 'coronation of the rights of man', the juridification of the political' (Gauchet 2002: 326) presents a rather discouraging picture of the recent evolution of liberal democracies. In his concern to connect socio-political transformations to the moral *ethos* that forms their subjective substratum, Gauchet (1998: 95) evokes the idea of a genuine 'anthropological reorientation', most notably in his 'essays on contemporary psychology'.[18] Following on from the work of American social psychology (Riesman, Bell, Lasch, and Sennett), Gauchet (2002: 244) takes up the question of 'narcissism' understood as 'self-adherence', and announces a 'new era of personality' (2002: 229) tied to the institutional

shifts that have taken place in the last 30 years. This leads to an unambiguous diagnosis.

> The contemporary individual appears to be the first to be unaware that he lives in society, the first to be able, because of society's very evolution, to ignore his existence in society. […] The contemporary individual appears to be symbolically and cognitively *disconnected* from perspective of the whole, an individual for whom it no longer makes sense to consider the world from a general perspective.
>
> (Gauchet 2002: 254)

With its multiple effects on subjectivity itself (fear of socialisation, new forms of psychopathology, a new relation to educational authority, and to the unconscious), this 'individualist tidal wave' (Gauchet 1998: 95) must be understood as both a substructure and an outcome of socio-cultural changes internal to the public sphere (the substructure and the outcome being in continuous interdependence with one another but without linear causality).

> There is not a single institution that it has left intact, from the family to the church; not a segment of the chain of social relations that has not been marked in one way or another by its imprint, from civility to citizenship, and inclusive of crime, fashion, love and work.
>
> (Gauchet 1998: 95)

It is this radicalisation of the individualist dynamic that inspired the prominence of the law and the economy as spheres of interaction between disencumbered subjectivities, as the now problematic formation of 'citizens' necessary for the participatory functioning of democratic regimes[19] and the constitution of a public space recedes into the background. Gauchet (2002: 111) focuses his attention on the difficulties proper to the 'paradoxical formation of a society of individuals', the crisis in education, in which he has been particularly interested (Gauchet, Blais, and Ottavi 2002),[20] being one of its most striking aspects. The collapse of the perspective that speaks to 'the precedence of the social'[21] constitutes the underlying storyline to the extension of the market model, the hollowing out of the nation-state by globalisation and the formation of supra-national entities (such as the European Union), together with the ideological hegemony of human rights.

Without having to go on at length, it is still worth saying a few words about the two regulatory modes—economic and juridical—that consecrate the 'eclipse of the political' and of the socio-historical typical of contemporary democracies, through the idea of 'a detached-from-society individual' (Gauchet 2002: 343) dear to philosophical liberalism. Because of the recent 'neo-liberal' mutation, conceived more as worldview than socio-economic doctrine, a 'quiet utopia' develops, exemplified by the

expansion of the European Union, which 'oversteps the political at the expense of the nation-state, and benefits an exclusively economic and juridical space' (Gauchet 2002: xxiii). In this respect, Gauchet (2002: xxii) often returns to the global, symbolic, ideological—and not simply economic—character of the 'liberal turn' that marks the present orientation of democracies. This 'total social fact', which ties its definition of contemporary subjectivity back to the social conditions favouring its concretisation, allows Gauchet (1998: 116) to resort to the trenchant expression 'market society'. The latter, on the basis of an individualist logic, inextricably connects the economy and the law, for it enables one to identify 'how to represent the type of relations likely to appear between individual agents, each one independent of the other, and each entitled to maximise as they wish their benefits, in the absence of any imperative formulated in the name of every one's interest' (Gauchet 1998: 117). Thus, far from concerning only the nature of the economic system, it is a question of identifying a new global regulatory regime based on 'a veritable internalisation of the market model' (Gauchet 1998: 118). This latter regime favours the continuous extension of the procedural competence of the juridical level, as 'borne by an anti-political utopia, which would settle disputes between persons directly, superseding any wholesale reform of the collectivity that encompasses them' (Gauchet 1998: 119). Whereas subjective autonomy was once overseen and structured by a political authority that gave it its form and meaning in terms of citizenship, subjective autonomy, in the name of its authenticity, has now turned against all given forms of affiliation, and all overarching institutions. Although never more dependent, factually speaking, on an omnipresent political and socio-economic system, the individual and their value has never considered themselves more independent at the level of their value,[22] removed from any external influence liable to limit their free will.

> The liberal individuals, who have a right to ignore their collective attachments, are a product of the advance of the political authority, which does all the work for them. In these terms and on these grounds, it makes sense to speak of the *cultural* triumph of the market model. The social bond's implicit production by the state enables the explicit social bond to be experienced as no more than the global aggregate effect of individual actions, where each person has a view to only his or her comparative advantages and his or her interests.
>
> (Gauchet 2002: 246)

The subjective constitution of identity is thus modelled, to use Castoriadis's terminology, on the central *social imaginary significations* that establish the individual as the seat of unconditional, imprescriptible rights that always, potentially, can be opposed to the institutions guaranteeing the possibility of a common existence.

In this way, if 'the rights of man are not a politics', they have, how-ever, in the end become such.[23] Although individual autonomy and col-lective self-government partake of the same logic, since they constitute the two different faces assumed by the historical expansion of political lib-erty, for multiple reasons (not least being the rejection of totalitarianism), the former has come to overwrite the latter, thereby contributing to the unprecedented crisis of democracy. Having supplanted 'the idea of the pol-itical, the science of society, and the charting of a course for historical action' (Gauchet 2002: 347), the rights of man have become the central ideology[24] and exclusive truth of democratic communities. Their mastery of the whole, however, proves illusory, as they neglect the key powers of the political and the socio-historical, which silently proceed along their own irresistible paths. Thus, as the highest expression of the values of 'market society', 'the politics of the rights of man fails as a democratic politics. It fails in that it contributes to the production of a society whose overall intent escapes its members' (Gauchet 2002: 381). The terminal point of this 'politics' proves an impasse in the form of collective impotence and radical dispossession.[25] The result is a double hollowing out of the pol-itical dimension: from above, with the weakening of the nation-state's legitimacy as a site of popular sovereignty and political integration, to the advantage of non-elected supra-national authorities (international courts, global economic governance, commissions of experts, non-governmental organisations and lobbies, etc.); and from below as the 'procedural trans-formation of the relation of representation between power and society' (Gauchet 2002: 382) favours an 'age of identities', the seemingly unlimited fragmentation of the political subject, combining demands for recogni-tion, quests for authenticity, and the valorisation of cultural pluralism and minority affiliations.[26] Here, too, this 'identity/minority/pluralist' (Gauchet 1998: 116) politics demonstrates—beyond its reliance on 'neutral' judicial procedures sanctioned by a distant, external 'referee-state'—a complete inability to steer the whole in a coherent manner, on the basis of common values. '[T]he mastery of the whole dissolves into the attention paid to its parts' (Gauchet 1998: 171).

Without wishing to employ an overly reductive label, it would not be amiss to term this critique's intellectual orientation 'national-republican', on the condition that one notes its adherence to a social-democratic tradition that does not denounce state power for upholding an idea of the common good at the heart of a given political community. The extremely pessimistic tone of Gauchet's analysis of the impoverishment of democratic life and ensuing civilisational crisis has pushed a number of his critics to 'express unease in the face of this rash, apocalyptic picture of a generalised, indi-vidualist breakdown' (Audier 2008: 306). More sympathetic commentators still note a 'pessimistic diagnosis',[27] which Gauchet contests, claiming that his position is pessimistic in the short but not the long term.[28] And in truth, for Gauchet, democratic regimes have the potential to wrest from

the present contradictions the means to pull themselves out of their crisis in order to arrive at a synthesis at a higher level—just as they were able to in the past. However, the deterioration of the power of collective self-government that 'results from the autonomisation of the economic logic, dissociative individualism, and the weakening of political systems', and leads to the 'increased liberalisation of modern democracies', ends up undoing the compromise (irreversibly, it would seem) that allowed institutions of a holist type—school, family, religion, and community—to contribute to the formation of autonomous individuals, though ones that remained socially inserted (Gauchet 2003: 326, 328).[29] One, therefore, still has to ascertain and evaluate, in the midst of the present quagmire, the possibilities of overcoming a crisis that, while by definition not insurmountable, 'calls for the reconstruction of a collective power consistent with individual emancipation, which, in any case, we cannot undo' (Gauchet 2003: 336). In short, what is still required is a 'rediscovery of the political' (Gauchet 2003: 542).

The Becoming of the Political: What 'Transcendence in Immanence'?

At the turn of this century, Gauchet (2005: 505–557) defined what he deems to be 'the tasks of political philosophy'. The reader will have understood that it is a matter of recovering an understanding of the political beyond its temporary eclipse, in order to grasp the true, overall character of modern democratic communities. However, the most influential works in political theory since the 1970s, those that have sought to think anew the real nature of democratic regimes within a globalised, post-totalitarian context—one thinks, above all, of the writings of Rawls and Habermas—derive from theories of political right, and seek to renew, in terms of a foundational logic, a contractualist problematic based on fundamental, inalienable human rights. According to Gauchet (2005: 530), this new intellectual mindset is entirely in accord with the present evolution of democratic societies, 'where the rights of man have been institutionalised as foundation, source, and reference point'. In this regard, these theories of political right possess a 'remedial function' (Gauchet 2005: 525), seeking to elucidate and substantiate a latent legitimacy which, already there in practice, underwrites the functioning of societies in terms of both their material and ideational constitution. But the logic of the rights of man, as we have seen, does not provide a full understanding of what expresses itself through the present crisis of democratic societies, nor does it raise the most important issues that underpin more transient, conjunctural phenomena. One must recognise the political as an underlying constitutive dimension necessary to the existence of any given community. It is the political that explains the limits of all attempts at juridical foundation, as demonstrated by the difficulties in articulating abstract human rights with concrete, localised political forms—whether because of the nature of these rights, their (social or cultural?) extension, their concordance within a given state (administering

pluralism and handling minority claims), or their international extension (exporting the logic of the rights of man, by force if necessary?). '[P]olitical right compels us to reflect back on the political as that which renders the establishment of law possible, even as it limits and constrains it' (Gauchet 2005: 531). But if politics and law are related to each other as means and ends,[30] and appear as the preponderant forms of the political within liberal democracy, one still does not know 'if the political has been entirely absorbed into democratic politics, or if the political, or a part of the political, does not irreducibly subsist beyond the part remodelled by politics' (Gauchet 2005: 532).

One can guess at Gauchet's response to this question. Despite the apparent concealment of the political to the advantage of other forces (civil society, law, and economy) that contribute, at the level of both practice and representation, to its 'eclipse', it retains, if only tacitly, its primary organisational role; for it remains the condition of possibility for the autonomy of both the social actors (whether individual or collective) and sub-systems (the economy, law, education, art, etc.). The optical illusion that leads one to believe that the disappearance of the political is due to the transformation of its role in liberal post-modern democracies. On the other hand, an awareness of the contradictions proper to these democracies (e.g., the limits of the 'politics of human rights') favours 'an unconcealment based on evanescence'.[31] 'We are once again impelled to rediscover the political […] from within democracies as *the internal critique of the illusions that democracy entertains over itself*, and of the unanticipated dysfunctions provoked by these illusions' (Gauchet 2005: 536). Here we return to the idea of 'democracy against itself', the self-contradictory logic of the deployment of its internal components, whereby—as with arguments that pit liberalism against collective sovereignty, the private against the public, or the parts against the whole—'the concretisation of its legal norms turns against the political conditions necessary to its functioning' (Gauchet 2005: 536). Theories that, starting from the premise of a naturally moral and rational individual, and with a view to the procedural coexistence of liberties, seek to found democracy in law, as with Rawls or Habermas, only reinforce the blindness of democratic societies to the requirements of collective self-government.[32] Such conceptions transpose the presupposed naturalness of free and equal individuals onto a general model that supposedly regulates, in an equally 'natural' manner (by 'neutral' juridical procedures), the pacific coexistence of independent monads, while rejecting both the obvious historical exceptionalism and indispensable socio-political substratum of every democratic society.

Gauchet's principal criticism of these 'foundationalist' doctrines of political right[33] is not just their concurrence with the naturalist illusion of modern society. What is more important is that 'the foundationalist approach, not being content with blinding democracy to its object, proceeds to undermine the conditions of its actual existence', promoting a 'legal utopia that envisions the complete juridification of the entire social space'

(Gauchet 2005: 540). The abstract universality of the law's fundamental principles (e.g., in the form of the rights of man) is in tension with the history, local traditions, and particularist identities that still determine the concrete forms of collective existence as a dynamic partnership between the political (the state) and cultural (the nation) dimensions.[34] By rediscovering the speculative vein in contractualist doctrines, theories of political right would seek to rationally construct, as normative ideal, an intellectual edifice built from axioms presented as ahistorical and incontestable, despite their being rooted in a metaphysics with a conspicuous historical and cultural lineage. In a way, in its different variants, the theory of political right conveys the presently reigning ideological tendencies remarkably well (as with the catch-all concept of 'governance'), hence its resonance. At the same time, this theory contributes to the legitimation and acceleration of these tendencies, as it disqualifies both 'the actual community in which it arises and the instrument of power that renders it effective' (Gauchet 2005: 541)—in short, the nation and the state respectively.

The critical situation in which democracy finds itself, understood in both a theoretical and empirical sense, demands a 'rediscovery' of the political. It imposes a properly intellectual imperative, that of 'understanding the political both in its foundational power and its risk of disappearing' (Gauchet 2005: 542). At various points, Gauchet (2005: 542) evokes the possibility of its 'dissolution', given the present confusion of the political with politics, itself confused with the increasing juridification of public life. One might find this rather exaggerated hypothesis surprising, but Gauchet appears to tie the fate of the political to that of the nation-state,[35] seen as democratic society's only credible ground. This follows from his assertion that 'the nature of democracy' (Gauchet 2005: 542–551)—seen as resting on the nation-state, understood as the 'taken-for-granted pedestal' that ensures the existence of a 'coherent community, endowed with a sufficiently consistent identity to present a continuous history and provide support for a common project in its members' eyes' (Gauchet 2005b: 549)—is actually and logically dependent on an understanding of the 'nature of the political' (Gauchet 2005: 551–557). And this, we noted, is what drives Gauchet's basic project, a transcendental anthropology capable of grasping the structures constitutive of social life. According to Gauchet, 'the eclipse of the political' that characterises the present crisis can promote a recovery of the properly transcendental problematic at the heart of the structuration of human societies. After some 50 years, he is thereby able to link up, in surprisingly similar terms, with what was the guiding thread of his exploration of the 'repression' of the political in primitive societies, under the auspices of Pierre Clastres in the mid-1970s.

The conclusion of 'The Tasks of Political Philosophy'—the last text in the compilation *La condition politique*, which deals with precisely 'the nature of the political'—seeks to clarify what could be interpreted as *the political institution of the social*. Accordingly, the political constitutes a *function* of the social, though of a transcendental (universal, mandatory)

type, which serves as the condition of possibility for the existence of what is termed 'society'. Gauchet takes considerable care to distinguish this function of institution from that of 'determination', the latter detailing the concrete organisational forms (which one could call, without fear of falsifying the author's thought, 'ideological', as these forms conceal the implicit presence of the political with their single-minded focus on their explicit regulatory modes): a religious determination for primitive societies, and a juridical one for contemporary post-modern societies. In its instituting function,

> the political is what in the last instance structures human communities; it holds them together. This, however, does not imply that it determines their design or dictates what is considered as fair or just. It is perfectly content with establishing their unity, coherence and identity, and with providing them with a hold on themselves, leaving other instances the care of determining their concrete organisation.
>
> (Gauchet 2005b: 552)

Again we find—through newly minted terms, as with the concept of 'processual autonomy', which, to our knowledge, did not previously exist in Gauchet's writings—the same fundamental proposition presented 30 years earlier; if humanity is political, it is because its forms of coexistence are neither a product of nature (continuous with the species' biological necessities), nor of consciousness (resulting from a deliberate decision between individuals on the model of the social contract).[36] The idea is similar to that evoked by Castoriadis (1987 [1975]) of society as an ontologically autonomous register of existence, articulated through imaginary significations that reveal an impersonal, anonymous, collective presence. The function of the political speaks to both a capacity for auto-institution and its condition, the originary division of the social,[37] which establish its distancing from its foundations and its capacity to act on itself. Human societies thus live with a system of 'procedural autonomy', for 'they apply and organise themselves not in a conscious, deliberate manner, but a procedural manner', thanks to certain constitutive mediations (Gauchet 2005b: 556). Among the latter, 'power, conflict, and norms' appear as 'the three irreducible and distinctive dimensions that ensure human—unlike animal—societies the necessary practical arrangements to reflect and act on themselves and govern themselves procedurally' (Gauchet 2005b: 556).

We have seen that, for Gauchet, this metaphysical autonomy hardly leads to an era of happiness and peace. On the contrary, democracy's self-contradictory dynamics, rather than establishing human immanence as knowledge of and power over the self, generate obscurity, tension, and crisis. Left to itself, humanity finds itself bereft of all mastery, incapable of action, and subject to the unpredictable, disquieting consequences of its own exploits—often considered as technical advances but liable to produce unparalleled, even irrevocable damage (nuclear fission, industrial waste,

the exhaustion of natural resources, and the techno-scientific transmutation of living beings, etc.). At the very moment when one might think that democratic societies had left behind thousands of years of religious influence, with its alienating elements and propensity to delude humans as to their actual condition, they discover not so much their chronic impotence and innate finitude (a message religion implicitly conveyed with its structural dependence on the sacred), but the relative incompatibility between collective and individual liberty, between politics and law, democracy and liberalism, and between a mastery of the future and the management of the present. Gauchet considers these antagonisms as neither crippling nor definitive; nor does he exclude the emergence of a new phase that could formulate a superior synthesis, at least in the medium and longer term, and for a while. Still, the impression remains, through certain writings of a more pessimistic tone, that the present crisis represents more than the temporary concealment of the political. The eventual 'dissolution' of the political into law and democracy into liberalism could appear plausible in the form of 'market society'.

Conclusion

The dreaded hollowing out of the political in favour of politics (now identified with a 'democracy' consonant with the individualist underpinnings of legal advocacy and commercial activity) is tied to the post-modern decline of the capacity for collective self-determination and totalisation—which, paradoxically, reproduces the propensities characteristic of religion. It would be easy to understand this liberal individualist moment as a retreat into authenticity or into the immediacy of the given, the latter, by definition, suppressing any need to pass through the decentring presented by the *third*—that is, society's objective spirit with its common significations (Descombes 2014)—in order to become oneself as a subject. Having announced the disappearance within democracy's political space of all traces of the ontological unity of religious origin, Gauchet's entire wager consists in predicting (hoping for?) the permanence, rediscovery, or reinvention of this holist dimension (conveyed by the notion of the political, but necessarily incorporating symbolic strata[38]) as the instituting substructure of liberal societies, with their juridico-economic ideologically regulatory framework, since they rest upon one idea and value, the pre-eminence of the individual (Dumont 1983). In other words, can there really be something like a 'transcendence in immanence', which would conserve, in its structural functionality, the dimension of alterity initially conveyed by the symbolic potency of the debt of meaning owed to an invisible, instituting other world, even when situated within the horizontality of human nature alone? This possible perseverance of the political within an individualist universe immediately raises two questions. The first concerns the significance of an eventual dissolution of a function that, while considered transcendental, remains a necessary condition of society's very existence.

The second question concerns the definition of this now immanent 'Other', understood in terms of humanity's 'natural' distance with itself, relative to either the subjective experience of individuals or their insertion in a collective. Though one can hardly do justice to these questions here, we can still ask if it is possible, in epistemological terms, to reduce both the functioning of the collectivity (as a society, via the political) and the individual (as a subject, via the unconscious) to the same decentred structure—even as a formal analogy—when these two realities, if clearly interdependent and consubstantial,[39] appear as irreducible to each other when it comes to their substance and level of being. On the socio-anthropological plane, the fundamental structural detour required to develop the psychic monad is generally understood in terms of, precisely, socialisation, that is, the monad's inscription into an already meaningful world with both cognitive and normative dimensions (Castoriadis 1987 [1975]), even before it establishes a relation with 'the unconscious'. It is therefore, by definition, not a question of the individual's self-foundation. In contrast, a society's auto-institution, though it occurs in relation to tiered 'Others', that is, external nature and its neighbouring societies variously conceived,[40] as well as with the support of a first stratum of natural necessities, still gives the impression of being a largely self-referential unity, given the coherence of its language, values, collective imaginary, and relation to the real. Moreover, in the final pages of *The Disenchantment of the World*, Gauchet himself underlines this disproportion between collective autonomy and individual perception, which creates 'room for humans to *be-among-themselves*, remarkably combining collective reflexivity and individual ignorance, the veracity of the principles, and the opaqueness of the mechanism. The opposite of self-otherness would in practice not have been self-identity, but a relation to the self, blending coincidence and difference, causing the conjunction of the whole by dividing the parts or assuring the whole's subjective autonomy by dispossessing the specific actors' (Gauchet 1997: 199)

Gauchet's fears for liberal democracies' evolution seeks to point to the limits (whether constitutive or not—that is the question) of modern autonomy and its reflexivity.[41] It would not be unfair, therefore, to claim, as a hypothesis, that both heteronomy and autonomy both conceal and reveal an irreducible dimension of the human condition, understood in terms of a primordial endowment.

> For it a question of shedding light on an endowment. We make ourselves from something we do not make, something that is given to us—which makes us human. We build on what gives us our ability to grasp ourselves and by extension exercise power over ourselves.[42]
>
> In other words, our constitution cannot be understood solely as auto-constitution. This is the dimension that religious societies privileged, to the point of making it the cornerstone of an entire system of meaning, which rendered the human condition completely dependent on an extrinsic endowment. Symmetrically, this is the dimension that

societies that have left religion behind tend to forget in favour of their auto-institution within the terms of history—an auto-institution that cannot explain what renders humans capable of history'

(Ferry and Gauchet 2004: 134–135)

Notes

1 This chapter is based on a text initially published in French under the title 'Marcel Gauchet et l'éclipse du politique', in G. Labelle and D. Tanguay (eds.), *Vers une démocratie désenchantée? Marcel Gauchet et la crise contemporaine de la démocratie libérale* (Montreal, Fidès, 2013, pp. 69–122), translated and partially reproduced with the permission of the publisher. The author thanks Brian C.J. Singer and Natalie J. Doyle for their translation.
2 This text was written before the completion of Gauchet's four-volume history of liberal democracy, *L'avènement de la démocratie*, published from 2007 until 2017. While it takes into consideration its first volume—*La Révolution moderne* (2007)—which develops the understanding of modernity outlined by Gauchet in his first single-authored book—*The Disenchantment of the World* (1997)—it does not draw on the subsequent volumes. It must be noted that the last volume of *L'Avènement de la démocratie—Vol. IV: Le nouveau monde*—sheds new light on some of the points raised at the end of this chapter.
3 'I became convinced, rightly or wrongly, that the enigma of the earliest politics—politics in the apparent absence of the political—contains the key to understanding our political condition. It was this wager on which my intellectual career was staked. Everything else came from the solution I believed I was able to give it' (Gauchet 2005a: 13).
4 See Stéphane Vibert (2013: 15–38).
5 On several occasions Gauchet has mentioned that it became possible to grasp this 'anthropological core of the religious' when modernity settled in. See, for example, 'Essai de psychologie contemporaine II' (in Gauchet 2002: 293) or his dialogue with Luc Ferry (Ferry and Gauchet 2004: 63).
6 A reference to the title of the major work of John Rawls published in 1971, and whose endless echoes in Anglo-American thought can still be heard today in the thousands of pages written to comment, amend, or criticise it. Gauchet considers the reasons for its influence in his text 'Les tâches de la philosophie politique' (in 2005: 521–530). Gauchet (2005: 522) situates it at the origin of the notion of 'political right', that is, of 'the theory of the foundation in law of the political community'.
7 To cite the title of one of the major works of the sociologist Michel Freitag, *L'oubli de la société-Pour une théorie critique de la postmodernité* (Rennes, Presses universitaires de Rennes, 2002). See also 'Échange entre Gilles Gagné et Marcel Gauchet sur la postmodernité', in Daniel Dagenais and Gilles Gagné (eds.), *La sociologie de Michel Freitag* (Montreal, Nota Bene, 2014, 33–65).
8 The notion of 'post-modernity' and the adjective 'post-modern' are often employed by Gauchet, despite their ambiguities, in order to describe the contemporary situation of liberal societies. It is, for him, a matter of grasping, via a commodious word, what is at play in the present crisis of democratic regimes, and of trying to define more generally its actual functioning. See, for example, Gauchet (2002: xii–xiv).

9 Gauchet, 'La dette du sens et les racines de l'Etat', in *La condition politique* (2005: 45–89), translated in abridged form as 'Primitive Religion and the Origins of the State' (1994: 116–122).

10 See the description of this three-step process in *La révolution moderne* with: first, the rise of the modern state (from the beginning of the sixteenth to the mid-seventeenth century, with the construction of the absolutist state embodying the political community); second, the foundation of modern natural law based on the individual (from the mid-seventeenth to the end of the eighteenth century, with the different versions of contract theory and their concretisation in the American and, above all, French Revolution); and, third, the 'advent of history' (in the nineteenth century), which marks the eruption of a new collective actor, 'society', capable of its own temporal self-production.

11 'The so-called "differences" that the new presentism affects to cultivate are differences within the same—a sameness that is regrettably unavoidable such that those true differences, those that form the major enigmas of human history, are no longer recognised. [...] Sometimes history appears as a monotonous succession of free and equal cultures, and sometimes as an endless conspiracy against liberty and equality. There is no longer a place, within such a framework, for an understanding of value systems opposed to our own—an understanding that implies the unity of human history throughout and beyond all its diversity, unity linked to the fact that civilisations centred on what we repudiate—domination, war, inequality—still make sense to us' (Gauchet 2002: 373).

12 For a fundamental approach to this problematic—not without ties to Gauchet's analysis, it must be said—see Louis Dumont (1983). For a didactic introduction to Dumont's work, see Vibert (2004).

13 Translators' note: as this chapter demonstrates, a major intellectual source of inspiration for Gauchet's theory of modernity is to be found in the work of the anthropologist Louis Dumont and the contrast it established between 'holistic' and 'individualistic' societies. At the same time, Gauchet has been critical of some aspects of Dumont's work, particularly his interpretation of British economic liberalism—'De l'avènement de l'individu à la découverte de la société', in *La condition Politique* (2005: 405–413). He has acknowledged this debt in relation to his understanding of the role played by Christianity in the genesis of modern culture in 'Tocqueville, America and Us: On the Genesis of Democratic Societies', *The Tocqueville Review*, 37(2) (2016), 163–231, in which he states that Dumont first established 'the essential elements of this problem' in his 1978 article 'Le conception moderne de l'individu. Notes sur sa génèse, en relation avec les conception de la politique et de l'Etat, à partir du XIIIème siècle' (reprinted as 'Genesis I and II' in *Essays on Individualism: Modern Ideology in Anthropological Perspective*, Chicago, IL, Chicago University Press, 1986). He again mentioned Dumont in the book in which he presented his own theory of modernity and of the role played by Christianity in the creation of the modern state, *The Disenchantment of the World* (Princeton, NJ, Princeton University Press, 1997, 27, 131, notes 31 and 33). Yet, in fact, throughout his work Gauchet has hardly discussed Dumont's work. It must be noted that he has defined modernity in terms of autonomy understood as a mode of historicity rather than individualism, even if he has extensively discussed the blind spots of liberal individualism. (See 'La grammaire de l'autonomie', in *L'Avènement de la démocratie, Vol. I: La révolution moderne*, Paris, Gallimard,

2007, pp. 49–58). In an article published in 2015 in reaction to the Islamist terrorist attacks committed in Paris, Gauchet, however, for the first time provides an account of what the notion of holism formulated by Dumont has contributed to his own understanding of what he calls the heteronomous social structure, which he contrasts with modern autonomy ('Les ressorts du fondamentalisme', *Le Débat*, 63, 64–65). Holism, renamed 'incorporation', is only one element alongside tradition, domination, and hierarchy.

14 This expression, originally drawn from Weber, is taken up by Dumont to characterise the genesis of modern representations of the social—i.e., the emergence of individualism as a pre-eminent idea and value. In the passage from an 'individual-outside-the-world' to an 'individual-in-the-world', the individual still conserves those asocial traits deemed as 'natural' to its dignity as an individual (conscience, liberty, equality, rationality, morality, etc.). See Dumont (1983). The metaphysical view is at the source of the 'rights of man' as formulated in declarations with universalist claims.

15 Along with such intellectuals as Pierre-André Taguieff, Alain Finkielkraut, Jean-Claude Milner, Shmuel Trigano, and Alain Besançon, but also with essayists and writers like Philippe Muray or Michel Houellebecq.

16 The expression clearly originates in Daniel Lindenber's (2002) caricatural, almost defamatory pamphlet, whose polemical biases and politico-academic hidden agenda have been well exposed by Pierre-André Taguieff (2007). Among the philosophers engaged in the heated discussion with Gauchet over his 'reactionary' position, one should also cite, among the better-known authors: Jacques Rancière (2006); Miguel Abensour (2008); Serge Audier (2008). The latter assimilates the positions of Gauchet and Dumont to a 'conservative anthropology' deemed 'truly reactionary' (Audier 2008: 320, 325), even if elsewhere he stresses that Gauchet should be considered as one of the 'master thinkers of an entire ideological tendency that wishes to be republican' (Audier 2008: 302).

17 Rancière (2006: 88) lashes out against republican analyses that, as with Gauchet, see the radicalisation of individualism as the principal cause of the present crisis of democratic societies: 'It is because democratic man is a being of excesses, an insatiable devourer of commodities, human rights and televisual spectacles, that the capitalist law of profit rules the planet'. For Rancière, it is a matter of these thinkers genuinely hating equality and the people. They have constructed 'democracy' into an 'ideological operator that depoliticises the question of public life by turning them into "societal phenomena", all the while denying the forms of domination that structure society' and go so far as to 'attribute all the phenomena connected with heightening inequality to the fateful and irreversible triumph of the "equality of conditions" […]' (Rancière 2006: 92–93).

18 'Essai de psychologie contemporaine I et II', reprinted in *La démocratie contre elle-même* (2002: 229–295).

19 'We have recently shifted to an individualism of disconnection and disengagement, where the demand for authenticity has become antagonistic to one's inscription in a collective' (Gauchet 2002: 245).

20 See also the 1985 article 'L'école à l'école d'elle-même', reprinted in *La démocratie contre elle-même* (2002: 109–169).

21 According to Gauchet (2002: 248), what is at issue in the (notably juridical) transformations that undermine tradition and delegitimise civility 'is the

psychic inscription of the precedence of the social, the psychic inscription of "being-in-society" that allows each and every person to reason from the perspective of the whole'.

22 Contemporary privatisation 'is anti-authoritarian and anti-institutional, as well as egotistic, hedonistic, and psychologising. It promotes an individual happily disconnected from the established order in pursuit of his singular achievements. Not a rebel, but a dodger who has decided not to accommodate himself to either the constraints of marriage, the educational authorities, the hierarchical order of business companies, or the sacrificial demands of the public realm' (Gauchet 2002: vi).

23 We are clearly referring to Gauchet's two texts, situated at some 20 years' distance from each other, and reprinted as the first and last essays in the anthology *La démocratie contre elle-même*: 'Les droits de l'homme ne sont pas une politique' (1980) and 'Quand les droits de l'homme deviennent une politique' (2000).

24 See the paragraph 'Au-delà de l'idéologie des droits de l'homme', in the article 'Quand les droits de l'homme deviennent une politique' in *La démocratie contre elle-même* (2002: 374).

25 'The rights of man are not a politics to the extent that they do not give us a grasp on the society considered as a whole, in which it is inserted' (Gauchet 2002: 26).

26 For a discussion of the notion of 'pluralism' in contemporary democratic societies, see Vibert (2007).

27 The question was asked by François Azouvi and Sylvain Piron in the interview that constitutes *La condition historique* (Gauchet 2003: 325).

28 'Pessimistic, because the present trajectory of our societies is so strong that a short-term correction cannot be envisaged. It is even likely that the troubling tendencies we see will be amplified in the near future. But they are a temporary reality, and do not represent the ultimate truth of history' (Gauchet 2003: 325).

29 This tension between his global condemnation of recent tendencies and the hope for a long-term reversal has generated legitimate doubts among certain informed commentators: 'If, as Gauchet himself says, all the larger structures that transcend the individual (nation, religion, state, society and culture) have been severely eroded, can one really expect the individual to actively engage in structures that, for her, no longer have any practical meaning, precisely because they are no longer perceived as structures?' (Braeckman 2007: 145).

30 'For the domain of politics, the domain of opinion and public debate, and of electoral suffrage, is equally the domain of the law's application and realisation' (Gauchet 2005: 532).

31 Translators' note: Gauchet's expression 'dévoilement par l'évanescence' seems to be reusing a formulation used by Heidegger to discuss the meaning of being that becomes accessible just as it receded. Gauchet's use of the expression is essentially historical. As long as humans live within the framework of religion, the components of this framework cannot be grasped by the human mind, the political, the law, and history being fused in a specific experience which Gauchet calls 'the religious'.

32 'From this perspective, the more rights for each of us, the less power for all of us. And even if one only seeks to extend individual rights, in the end, there will no longer be any power belonging to "all". The political community will cease to govern. There will no longer be anything but a political market society,

whose global form will be the result of the automatic aggregation of individual initiatives, where those who govern are charged only with upholding the rules of the game' (Gauchet 2005: 539).

33   For a similar critique of a work of political philosophy that defends Rawlesian positions, see Michel Seymour (2008) and Vibert (2010).

34   '[…] [F]oundational universalism cannot but be wary of, and even find abhorrent, states formed from nations. Instead of the ideals of contractual transparency and procedural rigour, it perceives in an apparatus of power originating in the depths of time only the arbitrariness of authority and the abuse of force. In place of an obsolete heritage that it yearns to dissolve, it promotes the constitution of a world civil society without politics, or without any politics other than the juridical supervision of the coexistence of individualisms and particularisms, this being the only form of being-together it is capable of recognising' (Gauchet 2005: 540–541).

35   Gauchet (2005: 543, 545) even speaks of the 'miracle of the nation-state', seen as an outcome of 1,000 years of European history, and alone permitting 'the possibility of conceptualising a collective space that can be juridified in accord with individual rights'. This thesis of the consubstantiality between the nation-state and democracy appears close to that developed by Pierre Manent (2006).

36   Gauchet (2005: 554) states: 'what allows a human community to exist and hold together, considering that it is neither a natural given nor a deliberate creation, though it bears traces of both? […] [I]n a way it develops from a natural endowment, though the latter has the remarkable property, not just of being open to the intervention of reflexive action, but of calling forth a labour of self-definition and self-constitution. Nature here has to be wanted, within limits that themselves form an essential part of the problem'.

37   'Where there is no state, there still remains, if restrained or repressed, the principle at the origin of the state, i.e., the primordial constitution of every social space in and by the political division. The political distance that society establishes with itself, particularly as incarnated in the transcendence associated with the perspective of power, *is the primary cause and form of every society*. Society is not possible if it remains too close to itself, in full concurrence with its rules, and in intimate union with the rationales that preside over its order' (Gauchet 2005: 71).

38   With the originary division of the social, the latter 'is engaged with and comes to itself […] in the symbolic order' (Gauchet 2005: 141). Because of this, in political modernity the state 'through its actions, substantiates the symbolic dimension of society as a whole' (Gauchet 2005: 145). The normative capabilities of power provide 'the mainspring of its symbolic instituting power' (Gauchet 2005: 146), a power which in primitive societies remains unaware of itself, and in modern political societies is expressed as the separation of power and the social division.

39   In the sense that there is no society without individuals living concretely in it, and no individuals who have not been socialised into an already given society.

40   See Philippe Descola (2014).

41   Even though it is possible to argue that it is precisely as autonomous, rational beings, who explicitly claim to uncover the objective truth, that this critical assertion concerning autonomy's limits is made.

42   Translators' note: the French text uses the verb *se donner* with an implicit pun on the word *donnée* (a given), 'la faculté de nous donner à nous-même'.

This is to emphasise the constraints within which human will and power can develop. This understanding of human power thus contrasts with the contemporary neo-liberal conception of humanity's innovative capacity that refuses to acknowledge its roots in the political. The translators thank Marcel Gauchet for having clarified the point.

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4 The Political Forms of Modernity

The Gauchet–Badiou Debate over Democracy and Communism

Craig Browne

The modernist signification of autonomy is a project, one that utilises the capacity of modern society for social and political constitution and whose exclusion of extra-social explanations makes possible a meaningful debate over political forms (see Browne 2017b). The signification of autonomy is contrary to heteronomy in modernity, as well as in premodern societies, and a generative presupposition of autonomy's practical instituting. Yet, the instantiating of autonomy has been resisted by dominant groups, established institutions, and reactionary movements, and, moreover, autonomy has been a topic of substantial contestation between political forms that claim to give authentic expression to it, like liberalism and communism. The debate between Marcel Gauchet and Alain Badiou over democracy and communism might be considered to reopen a dispute about political forms that appeared settled last century. Communism seemed to have failed the withering judgement of history and to be of no contemporary relevance to Western societies. In its historical institution, communism appeared driven by the imperatives of control and domination more than autonomy (see Castoriadis 1991; 1997; Browne 2020a; 2017a). In the debate, Gauchet argues for the renewal of a 'democratic reformism' oriented to collective goals, whereas Badiou advocates the revival of what he terms 'the communist hypothesis'.

The idea that the problem of political form was settled tends to be too complacent about the limited institution of autonomy in Western societies and neglects the fact that communism remains for some a political form of enacting autonomy that is yet to be realised. There never ceased to be small Communist Parties in Western societies and, no doubt, there has always been a broader endorsement in these societies of the values associated with communism, including their practical translations into 'real utopias' committed to equal participation and the communal sharing of wealth, information, and opportunities (Wright 2010). Yet, even in this context, Badiou's advocacy of the 'communist hypothesis' is unusual and atypical of current discussions. The heterodox Marxism of critical theory decisively rejected the communist movement's political practices and organisational forms from the outset, as well as the communist interpretations of Marxist theory (see Browne 2017a; 2019b; 2010). Although there are continuing

endeavours to rethink and give expression to the critique of capitalism and the Marxian project of emancipation, the anticipatory and utopian dimensions of contemporary critical theory are rarely connected to some vision of communism as an institutional system. Indeed, communism is rarely a topic of extended dialogue and reflection in current critical theory, except as a negative point of reference or, occasionally, for statements of utopian possibilities and revivalist projects (Douzinas and Žižek 2010).

Besides the opportunity to air some basic disagreements between two influential French intellectuals, the debate between Gauchet and Badiou over democracy and communism is justified by the need for deeper responses to the negative developments that have destabilised Western societies, including the financial crises, which may manifest capitalism's deep-seated contradictions, the consequences of increasing structural inequalities, the disintegrative effects of globalising processes that undermine capacities for collective self-determination, and the widespread diffusion of pathological forms of individualism that erode collective processes and commitment to the common good (Browne 2017a; Piketty 2013). At the same time, while the collapse of Eastern European communist regimes in 1989 may have resulted in the diffusion and consolidation of liberal democracies, it is not difficult to perceive how democracy's extant institution has been subject to strains and is possibly in crisis (Gauchet 2015; Doyle 2015). The loss of a common purpose within societies and across them being one of the major symptoms of this crisis of democracy (Doyle 2019).

Given these tendencies and their consequences, my analysis will, firstly, explore the contrasts between the respective conceptions of political praxis that inform Gauchet and Badiou's positions. Despite their substantial disagreements, Gauchet and Badiou share the assumption of praxis philosophy about the centrality to modernity of the nexus between *the subject* and history (Browne 2017b). Gauchet and Badiou consider the subject, though conceived differently, to be distinctive in its universalistic orientation. These conceptions of the subject constitute critical counterpoints to interpretations of freedom as simply individual choice and agency. Gauchet does not dispute, then, the validity of the egalitarian and collective values associated with the political programme of communism. Rather, his dispute with Badiou concerns principally the form of these values' practical-political instantiation and Badiou's almost Platonic separation of communism as an idea (or 'hypothesis') from the historical experience of communism and its theoretical sources. The notion of political forms is integral to both Gauchet's critique of Badiou and his articulation of the contestation between autonomy and heteronomy in modernity.

My analysis will then, secondly, examine how Gauchet's, Claude Lefort's, and Cornelius Castoriadis's modifications of the praxis philosophy conception of the intersection of the subject and history generated novel interpretations of political forms and social creativity. The notion of political

forms in the work of Lefort, Gauchet's teacher and former collaborator, and Cornelius Castoriadis, the leader and co-founder with Lefort of the Marxist group *Socialism or Barbarism*, was initially concerned with a specific question, that of understanding how the historical institution of communism was shaped by a social and political imaginary, specifically the imaginary Marx drew upon and extended (Lefort 1986; 1988; 2007; Castoriadis 1987). The imaginary is a collective horizon of understanding and its representation; it shapes and orientates the practical processes of institutionalisation and its meanings configure social forms, like the family. Gauchet built on Lefort's and Castoriadis's interpretations of political forms and a case can be made for the import of his collaborative contribution to this notion's development (Doyle 2019). Gauchet's theoretical approach results from a radical revision of Marxism, whereas Badiou's largely sustains a Marxian framework with certain twists. Notably, Badiou's work is based upon a commitment to the Maoism of the Cultural Revolution. At the same time, he develops a conception of the subject that owes a good deal to a reflexive dialogue with Lacan's psychoanalysis, and proposes a distinctive philosophical ontology of the event (Badiou 2009; Jameson 2016; Lacan 2005).

My analysis will, thirdly, consider the key contentions of Gauchet and Badiou's debate over political forms and how they inflect their respective critical diagnoses of the present. Gauchet's interpretation of totalitarianism as the institutional translation of the political forms of 'secular religion' is at the core of his contrast between democracy and communism (Gauchet and Badiou 2016). By contrast, Badiou's analysis of the historical experience of communism is limited to the reconstruction of contingent developments and the assessment of institutional distortions of communism's objectives, particularly the consolidation of the state and bureaucracy. Despite these fundamental disagreements, there are surprising overlaps in the tendencies Gauchet and Badiou identify as manifestations of pathologies and crises today, like the implications of financialised and globalised capitalism, Western societies' turn away from visions of the collective good, and the related growth of deleterious forms of individualism. Yet, these diagnoses' overlaps concern more the depictions of symptoms of crisis, rather than the explanations of their sources.

Badiou traces the sources of oppression exclusively to capitalism and seeks to disclose the reconfiguration of resistance to it, whereas Gauchet develops a more differentiated perspective. Gauchet considers that crises and pathologies manifest distinctive traits in different phases of modernity and that current political failings owe partly to the renewal of a strictly liberal version of autonomy at the expense of its more fully democratic meaning. Unlike this liberal individualist conception, a democratic regime seeks to reconcile individual autonomy with the common good and collective control. Gauchet's diagnosis of the present is a corrective to complacent interpretations of contemporary democracy and it illuminates the paradox of how contemporary democracy has come to undermine itself.

Of course, the view that democracy is an untroubled political form has not withstood the challenges posed by contemporary political developments, most visible in the rise of so-called populisms and capitalism's unrelenting domination, with its exacerbating of inequalities in wealth distribution (see Wagner and Rosich 2016). It is in relation to these challenges that Badiou's political economy of capitalism converges with Gauchet's analysis of global capitalism's dynamics and intimates at some legitimate objections to it, such as with respect to continuities with earlier neo-colonialism. Gauchet's analysis of globalisation, detraditionalisation, and individualism simultaneously overlaps with earlier theories of reflexive modernisation and differs from them in its critical diagnostic assessment (Beck, Giddens, and Lash 1994; Browne 2005). Gauchet accentuates how individualism and globalisation undermine the democratic capacity for collective creation and result in dissatisfaction.

Finally, my analysis shows that Badiou's conception of the communist hypothesis is too internally antithetical to be constitutive of a project of radical transformation and, more generally, that his positions are deficient relative to the subsequent revisions of praxis philosophy. Similarly, although Gauchet's substantial interpretation of the political form of modern democracy is a corrective to the dominant tendencies of the contemporary period, I argue that it is open to criticisms similar to those he rightly provides of the limitation of democracy's current institutional articulation and its inability to realise collective objectives, owing to the reduction of democracy to legal initiatives and a human rights regime (Gauchet 2015). This analysis suggests that persisting tensions continue to inhabit modern political forms and that some of the intentions associated with the ideas and values of communism are relevant to the structuration of autonomy. Nevertheless, despite democracy's current crisis, communism cannot supplant the political form of democracy. Democracy possesses a capacity for creative renewal that is only gestured towards by the communist hypothesis in a rather arbitrary fashion. The project of autonomy mobilises the democratic political form's significations and representations against the limited institution and social grounding of democracy, whereas the seed of the totalitarian imaginary within communism's political form has inhibited and suppressed the mobilising of communism against communism.

Praxis Philosophy: The Subject and History

Participation in different heterodox strands of Marxism influenced the early formative development of Gauchet's and Badiou's respective theories. In Gauchet's case, there is, of course, a substantial rupture with Marxist theory and politics, whereas with Badiou there is a continuing commitment to Communism, which is not limited to Marx's conception, rather, more specifically, involves a commitment to the Maoism of the Cultural Revolution. In fact, it was the experience of May 1968 that

was the inspiration of Badiou's embracing of the Maoism of the Cultural Revolution (Badiou and Gauchet 2016). It would be fair to contend that Badiou seeks to sustain the broad intentions of the Cultural Revolution, which means some qualified acknowledgement of discrepancies between its stated intentions and its actual political practices (Badiou 2015). The latter can indeed be readily analysed in terms of standard political interests and factional struggles, as well as part of the histories of revolutionary violence and terror (Leys 1977). The intentions of the Cultural Revolution that Badiou endorses are principally those of its claims to popular mobilisation and oppositions to hierarchy and state bureaucracy. Beyond endorsing the Cultural Revolution's explicit ideological-political intentions, there are diffuse parallels between it and Badiou's philosophical ontology, with its concern with the transformational character of an 'event' (Badiou 2005). The Cultural Revolution signifies, on this reading, an event that eludes inherited control and discloses possibilities that did not exist prior to it.

> The event is always unpredictable. It splits open and overturns the stagnant order of the world by opening up new possibilities of life, thought, and action. A political revolution, an amorous encounter, an artistic innovation, a significant scientific discovery are all events. They cause something profoundly new to emerge, they give rise to hitherto unknown truth – every truth is necessarily linked, and subsequent to, the occurrence of the event.
>
> (Badiou in Badiou and Gauchet 2016: 134)

Gauchet was a member, Gauchet was a member of 'council communist' political organisations during his early adulthood. Council communism was an anarcho-syndicalist and heterodox Marxist tendency whose commitment to direct participatory democracy differentiated it from communist and social democratic political parties. Council communism had a heavily workerist orientation; it proposed a version of workers' self-management as the institutional basis of a communist society. At the level of intentions, council communism opposed the external determination of social agency and sought to combine decision-making and execution at work. Despite the fact that Gauchet's participation in 'councilism' was early in his intellectual life, it is not difficult to perceive affinities between council communism's vision of self-management and the notion of self-organisation that is integral to his conception of autonomy and analyses of modernity. Significantly, self-management and self-organisation were central to Socialism or Barbarism's conception of emancipation. Its leading figures, Castoriadis and Lefort, developed the implications of these conceptions in terms that led away from Marxism. These departures from Marxism probably reinforced the trajectory of Gauchet's thought and the conclusions that he drew from the experience of May 1968.

Unlike Badiou's embracing the Maoism of the Cultural Revolution, Gauchet's analysis of May 1968 led to his endorsing liberal representative

democracy. Gauchet similarly deplored the French Communist Party's heteronomous organisation and modus operandi, particularly as it attempted to superimpose itself on the May 1968 revolt. The 'failure' of the May 1968 revolt led him to the view that effective political work could only occur within the framework of existing democracy (Badiou and Gauchet 2016: 5). While Gauchet's politics moved from council communism to democratic reformism, his subsequent theory retained, in revised form, many of the considerations that define the Marxist tradition of praxis philosophy, particularly its concern with the historical constitution of the subject and the subject's—intended and unintended—constitution of history. Like Lefort and Castoriadis, Gauchet's break with Marxism involved turning praxis philosophy considerations against Marxism and its communist institutionalisation. Badiou's Marxism is, to be sure, in a more uneasy tension between the heterodoxy of praxis philosophy and orthodox Marxism. In any event, the links to the praxis philosophy can be seen in Badiou's and Gauchet's early arguments opposing the fragmentation of the division of labour, critiques of bureaucracy in favour of participatory practices, and the attempts to develop the implications of some version of social creativity. The praxis philosophy conception of social constitution as a product of the intersection between the subject and history is a major informant of their subsequent theories and their respective interpretations of politics and the political.

The key praxis philosophy question of how there can be a transition from the subject being largely conditioned by the past to shaping the future in the present is one that they have both sought to address. Badiou's response is naturally that this transition is equivalent to that from capitalism to communism; however, he recognises that this contention is insufficient and that it is necessary to clarify the processes that generate this transition and the subject that shapes its direction, even though under capitalism the subject is not yet properly autonomous (Badiou 2009). Gauchet, by contrast, does not subscribe to this notion of revolutionary transition; rather, he considers that the capacity to control and direct historical developments is a defining feature of democracy and an index of its institution (Gauchet 2015; Doyle 2015). For this reason, Gauchet seeks to define the attributes of a democratic subject and to explain the historical preconditions of autonomy. Gauchet's conception of an autonomous subject is, in his opinion, contrary to contemporary individualism's fraudulent freedom and its promotion of depoliticisation (Gauchet 2015; 2021). Democratic politics is, rather, the medium and outcome of the subject's identification with a collective objective and this universalism is a defining feature of an autonomous subject.

> At the very heart of the democratic experience there is the conjunction of the individual and the collective, which ultimately leads to the formulation of the universal object that a political community can set itself […] The democratic idea lies in this ability to guide the

double—individual and collective—subjectivation toward the universal, using the modern political means of autonomy.

(Gauchet in Badiou and Gauchet 2016: 141)

Democracy is, then, the instantiation of a political form that is equivalent to what Rousseau described as the 'general will': the autonomous conjunction between the individual and the collective (Rousseau 1968). As the general will, democracy differs from the 'will of all's' mere combination of separate individuals and their interests. Gauchet acknowledges that the democratic subject involves some abandonment of a self-contained individual subjectivity in favour of one that identifies with the universalism of the democratic collective or general will (Badiou and Gauchet 2016). In this respect, collective subjectivation generates a greater capacity for agency than the combination of individual subjectivities and it enables the pursuit of a common project or objective. Yet, where participatory democratic critics of liberalism typically argue that the institution of representative democracy is inconsistent with the democratic 'general will', Gauchet believes that representative democracy has historically enabled the pursuit of collective objectives (Gauchet 2015; 2016). Significantly, Gauchet's interpretation of political forms, like Lefort's, entails a stronger conception of their symbolic dimension than is typical of praxis philosophy (Arnason 1991; 2017c).

Badiou's analyses of political forms emphasise two features of the subject that are particularly relevant to political praxis. The first is the centrality of the transformative experience of the event to the achievement of autonomy. Badiou's exemplars of such events, particularly politics, psychoanalysis, and, to some extent, art and love, overlap those of other theoretical attempts to explicate and illustrate the emancipatory interest of practice (Habermas 1978; Browne 2020b). The event generates new understandings by the subject of itself and its situation, but an event proper is one in which the subject binds its practices to this new understanding. It entails the 'will to incorporate' the experience of the event's implications and can take different orientations. This conception could imply something of a normative deficit, even though it is clearly meant to signify some order of emancipation. The second feature of the subject mitigates this possibility and is more consistent with the normative dimension of practice. Badiou contends that the political subject is concerned with universalisable relations to others and the creation of such relations (Badiou in Badiou and Gauchet 2016: 134).

There are then definite parallels between Gauchet's interpretation of the political subject and Badiou's conception of the subject's identification with a collective and the interest of the community. Badiou argues that the political subjectivation of communist militancy entails a universalism that extends to an identification with humanity, that is, it is a form of subjectivation that relates itself to the idea of the historical development of humanity (Badiou 2015). Needless to say, this image of the political

subject is contrary to the currently prevailing ideas of individual autonomy in Western society, which are founded on the pursuit of individual private interests. The problem of politics, Badiou notes, is how the separation between individuals can be overcome in order for an identification with a collective project to form (Badiou and Gauchet 2016). The achievement of such a unification characterises major modern political events, like the French Revolution and the Cultural Revolution (Badiou 2015). Now, while this interpretation is broadly consistent with the idea of revolution as history-making collective subjectivity in praxis philosophy, the tradition of praxis philosophy moved away from the models of theoretical and political leadership by either a revolutionary party, intellectuals, or class fraction which characterised early Western Marxism, such as that of Lukacs and Gramsci. In the case of the Frankfurt School tradition of critical theory, this move led to Habermas's shift to democracy rather than the emancipation of the subject as the means and objective of transformation (Browne 2017a; 2017b; Habermas 1996).

The idea of synthesis has been one of the guiding ideas of praxis philosophy. It can be seen as extending the interconnection between individual and collective autonomy implied by Rousseau's notion of the general will (Rousseau 1968). For Gauchet, the mediation of universal and particular associated with the notion of structure, including presumably the Marxian conception of class structure, is unable to account for the universalistic orientation of the autonomous subject and the subject's commitment to collective projects. He argues that this commitment has to be explained in terms of the internal processes of the subject's identification with the collective and the historical constitution of autonomy that made possible this democratic mode of identification and practice.

> But in reality, the notion of structure fails to provide a real understanding of the way a subject relates to the community to which s/he belongs. At best it provides an objective formalization of that relationship. It doesn't allow it to be understood from within. Aside from linguistic, economic, and psychic structures it's actually the political that holds the membership of society together. And it's in the sphere of the political that the individual constitutes him/herself as a social human subject. That's the insight I developed, following in the footsteps of thinkers like Claude Lefort and Cornelius Castoriadis, by approaching the issue of the political quite early on from the perspective of its historical transformation.
>
> (Gauchet in Badiou and Gauchet 2016: 12)

In the debate with Gauchet, the antitheses of Badiou's conception of political transformation are explicit in his analyses of the historical vicissitudes of revolutionary struggles, especially his defence of Lenin's political institution of socialism following the Russian Revolution (Badiou and Gauchet 2016). In that context, Badiou offers a kind of

realist justification of Lenin's political decisions in the face of inherited conditions and class opposition to the Revolution, while acknowledging the Soviet regime's variance from Badiou's own utopian vision of communism. Now, Lefort's and Castoriadis's conceptions of political forms and social imaginaries were stimulated by precisely the kind of antitheses of Badiou's arguments on the relationship between the Communist Idea and its historical institution. These notions of political forms and social imaginaries enabled an explanation of how symbolism, significations, and representations combined seemingly opposed meanings and disclosed the underlying justifications of practices that were seemingly contrary to their explicit intention (Browne 2019a; 2008).

Political Forms

The various endeavours to reconstruct the subject constitute one of the features that distinguish the Marxian tradition of praxis philosophy from communist orthodoxy. In some praxis theorists, this concern with the subject went together *with a reconsideration of culture* and an in-depth engagement with *the problem of meaning*, something influenced by the syntheses of Marxist theory with phenomenology (Arnason 1988; 1989; 1992; Kosik 1976). The need to explain the conditions of transformative practices and the critique of ideology were not the only reason for these theoretical developments. The concerns with the subject and culture were equally shaped by reassessments of socialist or communist society's institutional form. Praxis philosophy recognised that structural changes alone, like the abolition of private property, were insufficient for the institution of an emancipatory transformation. Badiou's theory of the subject and concept of 'the event' could be counted among these theoretical initiatives, yet his perspective and analyses are, in other respects, more typical of orthodox Marxist interpretations of democracy and communism, including in its espousal of a version of 'scientism' (see Habermas 1978). In the debate with Gauchet, Badiou interprets political forms as derivative of the system of production and the functional requirement of the management of contradictions. While this approach enables important insights into the difficulties of radical transformation, it is a limiting perspective and contrary to Gauchet's and Lefort's conceptions of political forms.

   According to Gauchet and Lefort, the 'political' is principally the symbolic representation of society and the processes of the creation of these representations. That is, the political is therefore the signification of the integration and divisions of society. In fact, the political is the ordering of society across its divisions and conflicts (Lefort 1988). The political defines the relation between the different parts and components of society, including the sense of identity and the subject. In other words, the political is the giving of form to the institution of society and it is the constitution of social perception, that is, the 'visible' and 'invisible'. For Gauchet, the political form is the social body's reflection on itself. Political forms

therefore extend beyond the usual meaning of a political sphere or political institution, since they concern the relationship between the formal political institution and the whole of society. In particular, the political involves the defining of the site of power and its form of organisation through its representation and symbolic 'staging', that is, 'staged in that this space contains within it a quasi-representation of itself as being aristocratic, monarchic, despotic, democratic or totalitarian' (Lefort 1988: 12). For this reason, the standard sense of politics is framed by the broader background horizon of the political imaginary (Browne and Diehl 2019).

The critical consideration for democracy, and in a sense for other modern political forms, is the extent to which individuals are able to autonomously constitute the political, rather than being subject to its heteronomous institution. Like Lefort and Castoriadis, Gauchet associates pre-modern heteronomy with the institution of religion and the religious positing of a representation of the institution of society and the world, more generally, as the product of extra-social powers, such as the will of God or the effects of Karma. In this way, the religious imaginary conceals the actual processes of the creation of the instituted society and the reproduction of heteronomy. Lefort argued, after Ernst Kantorwicz, that the image in medieval theology of the king's two bodies, as divine and human, implied a transcendental order that was inaccessible to human agency, but which gave form to European medieval societies (Lefort 1988; Kantorwicz 1957). By contrast, the site of power in modern democracy is, Lefort claimed, that of an empty place; it never entirely coincides with those who occupy positions of authority. Similarly, Gauchet's interpretation of modernity and democracy centre on the 'departure from religion', with its constitution and justification of heteronomy (Gauchet 1997). In fact, Gauchet contends that the transition from heteronomy to autonomy is 'the interpretation of modernity that I propose as an alternative to the Marxist interpretation of history' (Gauchet in Badiou and Gauchet 2016: 27). The departure from religion in the course of the sixteenth, seventeenth, and eighteenth centuries resulted in a radical redefinition of power as an 'effect of society' and its political representation amounts to a 'liberal inversion' of the medieval imaginary.

> Here it is no longer a matter of linking power with what was viewed as the superior part of the political body, as was the case with medieval representations. The issue is to transform power into an expression of society insofar as the latter is the source of collective creativity.
>
> (Gauchet 2015: 170)

One can see here how far Gauchet's approach to history and political forms diverges from Badiou's. There are, in fact, two facets of Badiou's approach to history. The connection between them seems to involve the kind of duplicity that Castoriadis and Lefort sought to expose and contest in their own critiques of state socialism and capitalism. This duplicity

is apparent when one recognises Badiou's conception of the event's theological dimension and its sense of revelation. What Badiou describes as 'the Communist Idea' may be equally, if not more appositely, described as 'the communist theology'. The affinity between communism's historical institution and religious theology is likewise critical to Gauchet's analysis of totalitarianism, although Badiou's arguments are not subjected to this kind of analysis in their debate. For Castoriadis and Lefort, the significations of modern science, like reason and progress, have regularly functioned in a manner similar to theology by appearing to be meta-social and independent of their social institution (Castoriadis 1987; Lefort 1986). In certain respects, this is precisely how Badiou depicts the communist hypothesis, as if it were a deduction from a logic that is outside of the very social-historical processes that it redeems. It leads Badiou to propose a somewhat inverted image of the social and political imaginary to those of Gauchet, Castoriadis, and Lefort.

> History, even as a reservoir of proper names is a symbolic place. The ideological operation of the Idea of communism is the imaginary projection of the political real into the symbolic fiction of History, including in its guise as a representation of action of innumerable masses via the One of a proper name. The role of this Idea is to support the individual's incorporation into the discipline of a truth procedure, to authorize the individual in his or her own eyes, to go beyond the Statist constraints of mere survival by becoming a part of the body-of-truth, or the subjectivizable body.
>
> (Badiou 2010: 11; 2015: 189)

The imaginary projection of this political practice is not really that of autonomy, even if it is intended to facilitate it, since it has to subordinate itself to the 'truth' of the Communist Idea. At the level of more straightforward political analysis, Badiou's historical schema of political forms is essentially the standard Marxist one from liberal capitalism through to the transition to socialism then eventually to communism. By and large, this is an analysis of political forms from the perspective of the paradigm of production, for which the political is but an extension of the social division of labour. These two facets of Badiou's approach to history, that is, the theological and materialist, are most duplicitous because each aspect seems to guarantee the other without being fully identified with the other. In short, political practice is deficient in relation to the Idea that it originates, but which it is, at the same time, its assessor. The parallels with the religious institution of the Church are not that difficult to discern and, no doubt, hope is part of the appeal of the Communist Idea that Badiou is seeking to evoke. The Communist Idea can then be a hope against reality, which Badiou identifies with the 'state' (Badiou 2015). Drawing on Louis Althusser's formulation, he thus argues that the state ideological apparatuses' interpellate subjectivity and processes of subjection define the

real (Badiou 2015; Althusser 1971). The Communist Idea makes possible the subject's rupture with the only reality that it has ever experienced.

Badiou seeks to justify this claim rationally through the proposition that the transformative component of the Communist Idea is evident in facilitating the subject's entry into a 'truth procedure' (Badiou 2015; Badiou and Gauchet 2016). Yet, the Communist Idea is combined by him with the ontology or theology of the event. This differentiates it from the Weberian-Marxist problem of institutionalisation (Browne 2017a); the event here signifies a political insurrection that is difficult to reconcile with institutionalisation—unless there is some external guarantor of the Communist Idea. In this regard, Badiou's idea of emancipatory truth procedure differs from the early Habermas notion of the 'ideal speech situation', which similarly emphasised procedures, the establishment of universal claims to validity, and freedom from both domination and the constraints of economic necessity (Habermas 1970). These differences are consequential. Habermas's notion of the ideal speech situation was intended to be a regulative idea, rather than a substantive form of life. Likewise, the practices of dialogical democracy underpin the ideal speech situation's linkage of communication and community. Habermas's conception sought to deepen the liberal ideal of equal freedom through the process of instantiating it. Habermas's grounding of critical theory in truth procedure has greater affinities with Gauchet's interpretations of democracy and the long-term historical background to the institution of autonomy in processes of disenchantment and cultural rationalisation (Habermas 1984; 1987a; 1987b; Gauchet 1997).

Democracy and Communism

The historical shift to autonomy with the disenchantment of the world means that the modern political forms of democracy and communism share some common lineages and represent different inflections of similar principles and values, specifically those espoused by the French Revolution of liberty, equality, and fraternity. Likewise, the historical institution of liberal democracy and the movements, particularly the workers' movement that gave rise to Communism, developed in response to connected processes of the modernisation of society, principally the consolidation of the state and the dynamics of class relations. The principle of universalisation—which Gauchet and Badiou consider constitutive of the political subject—is something modern democracy and communism claim to incorporate and serves as a measure of their effective institution. Consequently, modern political democracy's initial exclusion of the working class was a stimulus to both the communist movement and, alternatively, of the extension of the liberal rights of political citizenship. It would be a mistake, however, to consider that the extension of citizenship rights is an inevitable result of the principle of universalisation, even though it is unlikely to have occurred without it. The extension of political citizenship to propertyless males, as

well as subsequently to women and ethnic minorities more generally, was brought about by social struggles and the moral learning associated with social recognition (Honneth 1995).

The communist critique of liberal democracy was that overcoming the formal exclusion of the working class from political citizenship did not mean the realisation of autonomous political participation, because the substantive conditions of class relations persisted. In effect, the material conditions and capitalist society's ideological complexion impeded political participation and social agency. Likewise, the institutional form of modern liberal democracy was considered intrinsically limited and inconsistent with democracy's proper meaning. The principle of representation satisfied neither the requirements of democratic participatory self-governance nor the sovereignty of 'the general will'. Similarly, whether as an overhang of pre-modern heteronomy or as an outcome of bourgeois domination, the institutions of democracy did not just deliberate and provide oversight but were designed to limit the full expression of democracy and to uphold the established social order. In other words, the extant institutions of democracy preserved elements of heteronomy and social hierarchy (Browne 2019a; 2020c; 2009a; 2009b). Communism was envisaged then as either an emancipatory alternative to democracy or as democracy's most complete and proper realisation, because communism encompassed the totality of society and overcame the distortion of democracy by class domination.

The tension between these two conceptions of the relationship between communism and democracy would prove decisive, although the question concerning the political form of democratic communism was largely deferred. It was considered something to be addressed in the historical future. The undemocratic character of communist organisations, with their regimented structures and modes of hierarchical control, seem to prefigure communist regimes. Like Gauchet, Badiou is highly critical of communist organisations; however, with the exception of learning from the historical experiences of the Cultural Revolution and the Paris Commune, the question of communism's political organisational form is deferred and even denied by him. In his opinion, communist political institutions are superior to liberal democracy in one fundamental way. Liberal democracy is controlled by capital and it is 'impossible to extract democratic society as we know it from the capitalist matrix once and for all' (Badiou in Badiou and Gauchet 2016: 68). Badiou's theoretical conception is strikingly unmediated compared to later Western Marxist interpretations of democracy's relationship to capitalism (see Habermas 1976; 1987a; Jessop 2008). The novelty of Badiou's analysis resides, resides in its translation and application of Lacan's model of the psyche to the socio-political institution and the view that capital is the big Other of democracy (Lacan 2005). In these terms, the mediations of democracy's relationship to capitalism are merely secondary and overdetermined by the primary form of domination, that is, the power of capital (Badiou in Badiou and Gauchet 2016).

The main limitation of this contention regarding capitalist control is that it cannot explain the constitutive connection between democracy and autonomy. Indeed, this connection is relevant to the communist utopia; the idea of self-organisation is an attribute that it shares with democracy. Badiou's lack of conceptual mediation implies that modern democracy originated as a mechanism for representing the interests of the bourgeoisie and that there are intrinsic material and symbolic limitations to the transformation of this form by the class dialectic of control. By contrast, Gauchet argues that democracy's independent logic enabled the transformation of capitalism, although the regressive effects of current neo-liberal global capitalism are similar to the situation Badiou described (Gauchet 2010; 2017). Even so, the capacity of democracy to ('regain') control of capital owes to the autonomous creation of a collective identity oriented to a common purpose (Gauchet 2015; 2021; Doyle 2019). In Gauchet's opinion, the Marxist view that 'political economy is the anatomy of civil society' cannot effectively grasp this logic of democratic organisation; he drew inspiration instead from Alexis de Tocqueville's interpretation of the democratic revolution (Gauchet 1994; Marx 1977c). Tocqueville argued that democracy in America was originally grounded in the 'equality of conditions', that is, the basic equivalence of US citizens' circumstances and the recognition of semblances, that is, of individuals' similarity and shared quality (Tocqueville 2003; Gauchet 1994). The equality of conditions led to the 'democratic revolution': the extension of democratic principles into new dimensions of social relations. Yet, Gauchet (1994) is critical of a certain blindness on Tocqueville's part concerning the exceptional character of US democracy. The unity that owed to the equality of conditions did not apply to the European institution of democracy.

In Europe, equal liberty—or democratic equality—had to be achieved against strongly entrenched social divisions, given the background hierarchical formation of feudalism. Social conflict was formative of European democracy, since the struggle by subordinate classes for equal liberties shaped its institution. The modern democratic imaginary of 'bottom-up' control is the opposite of the hierarchical imaginary that had been the basis of European social integration. The hierarchical imaginary, Gauchet argues, derived from the religious interpretation of the world and its signification of transcendence. Religion's signification of transcendence did more than provide legitimation and demarcate aspects of the structure of society from mundane social processes. It provided the meanings and representations that integrated the overall society and sustained a heteronomous order. The pre-modern theological-political form 'was a very hierarchised, vertical system in which all individuals merged and became one with the community under the auspices of radical transcendence' (Gauchet in Badiou and Gauchet 2016: 26–27). Social divisions, expressed in class antagonisms and other conflictual group dynamics, resulted in the creation of a different institution of democracy in Europe to the US. The European political form simultaneously incorporated conflict and

constituted a source of unity and integration. Lefort's conception of democracy as the regularisation of internal opposition reflects this tension (Lefort 1988; 1986; 2007). The acceptance of conflict is also central to Gauchet's endorsement of liberal representative democracy.

Marx similarly contended that the critique of religion was foundational for all criticism and the overcoming of heteronomy. However, Marx argued that the political domain is limited and abstract with respect to class dynamics; it was only through the socialisation of production that social contradictions could be overcome. For Marx, as well as Badiou, the institution of the state evidenced persisting conflict and alienation. The critical experience of the Paris Commune had shown the state to be an institution that could not be simply reoriented towards the objectives of communism (Marx 1977b; Badiou 2015). Marx believed that the self-governance and self-organisation of a communist society would enable the institution of the state to be superseded. The three dimensions of communism that Badiou underlines: 'the deprivatisation of the production process, the withering away of the state, and the reunification and polymorphism of labour', are at variance with communism's historical institutionalisation but are meant to enable and express the social autonomy of the 'free association' of labour and the socialisation of self-governance (Badiou in Badiou and Gauchet 2016: 51). Deprivatisation overcomes a range of capitalist 'evils', such as class inequality and exploitation, through the abolition of private property and the privileging of the economic. However, along with the commitment to equality, it is the transcendence of the division of labour, with its separation between execution and control, that gives positive content to autonomy in a communist society. The political, then, represented a mediation of social relations that would not be required with this communist reorganisation of society. This is one of the reasons why the Marxist interpretation of communism was susceptible to what Castoriadis (1984; 1997) described as the myth of a society free from conflict and without institutions. It would mean, Lefort (1986) argued, that the social would be entirely identical with itself, and this imaginary unity was ultimately constitutive of the logic of totalitarianism.

Gauchet develops a variant of these analyses of the unintended implications of Marx's vision of socialisation enabling communism to supersede political divisions and for social organisation to derive from free association. At the same time, he seeks to disclose the sense of collective unity that is integral to the political form of modern democracy. The liberal democratic belief that the expansion of the civil sphere would constrain and limit the state has proven to be a misconception. The Marxist misconception that the state would be limited in communist societies to what Engels described, in the terms of Saint-Simon, as 'the administration of things' is a kind of mirror image of the liberal misinterpretation (Engels 1847). In short, the 'undeniable secession and self-constitution of the civil sphere […] has in fact gone hand in hand with a strengthening of the influence and extension of the competence of the political apparatus' (Gauchet

2009: 33). The expansion of political power has been another major tendency of modern society and the democratic political form presupposes a representation of power that is separate from it. Liberalism's 'lucid illusion' concerned the incompatibility of two aspects of modern social existence that are associated and have mutually supported one another: 'the grip of the state tightened even as the zone of individual independence widened' (Gauchet 2009: 33).

According to Gauchet, the aspiration of an autonomous self-organisation of society extends beyond its communist conception, with its subordination of the political to the social. It underlies a feature of the political form of liberal democracy, because it concerns the creation and integration of society by means other than administration and coercion. Liberal democracy involves in its principle of representation, Gauchet argues, a symbolic exteriorisation of power and a new relationship between state and civil society. Democracy's distinctiveness has been misunderstood by Marxist and conservative theorists, as well as mischaracterised by many liberal theorists, such as by way of notions of limited sovereignty (Gauchet 2009: 30). The conservative responses to the social power manifested by the French Revolution, like those of Joseph de Maistre and Louis de Bonald, proposed that there had to be a power distinct from and not subject to the sovereignty of the people. These conservative positions are inconsistent with the modern imaginary of autonomous self-government. The re-institution of heteronomy in modernity would be considered illegitimate and subject to contestation. It would require a programme of regression behind what Gauchet (2007) terms the 'modern revolution'.

The heteronomous institution of modern state sovereignty and bureaucracy undermine the political forms of democracy and communism, especially insofar as they are meant to instantiate autonomy. Indeed, Andreas Kalyvas (2016: 75) argues that to 'rethink democracy today, in short, means to radically question the primacy of the state form and its sovereign command'. In Gauchet's opinion, however, the political form of liberal democracy addresses this question in a manner that has been underappreciated, although it does not coincide with most radical democratic conceptions of a self-organising polity. The modern democratic state has been, on this view, one of the key means of shaping historical development and realising, to varying degrees, autonomy. Gauchet argues that Benjamin Constant's notion of a 'preservative power' that is distinct from that of the legislature and executive came closest to elucidating how individual and collective subjectivity retain constitutive power while constraining domination in the modern democratic form.

> For Constant, society needs to exercise full control over itself, but in reality a power that emanates from society and receives its mandate escapes its influence. Yet, the principles of representation and popular sovereignty remain inviolable. From these premises Constant derives the need for a preservative power, which does not act on society or

shape the collective process in any way but which offers the community a way to imagine, regaining possession of itself by turning against the powers derived from it. Through this preservative power society posits itself effectively and symbolically as the ultimate master of its fate and reasserts its full sovereignty while allowing the mechanisms of suffrage and delegation to operate freely.

<div align="right">(Gauchet 2009: 30–31)</div>

The political form of democracy that resulted from the departure from religion enabled the deepening of the principle of autonomy and its implication of self-governance, which involves not just individuals giving themselves their own laws, but the institution of autonomy as mode of structuration (Gauchet 2007). Yet, the rupture with religious heteronomy was at variance with the structure of society, with its residual and emerging forms of heteronomy. Social divisions did not dissipate with modernity and they challenged the unity generated by the political imaginary. The shift to immanence opens the way for society to be constituted through the collective agency of individuals; however, this makes the structuration of institutions more contingent and intensifies discrepancies between the actual institution of society and its normative ideals. Whereas theological-political forms incorporate these discrepancies into their rationale of the saving power of transcendence, such as through claiming to comprise the means of resolving the theodicy problems of evil and injustice, the autonomous mode of structuration has to control itself without limitations external to it.

Totalitarian Regimes

Given the upheavals generated by capitalist modernisation and the discrepancy between demands for autonomy and their deficient institutional expression, the initial phase of modern democracy confronted an 'unruly society', economic volatility, and concerns over social disorder (Gauchet in Badiou and Gauchet 2016). The subsequent conflicts resulted in the historical institution of alternate political forms. One trajectory is the consolidation, in different phases, of liberal democracy, but in other cases the political responses to social strains led to variants of totalitarianism: communism, on the one hand, and fascism and Nazism, on the other. For Gauchet, there is a complex relationship between democracy and totalitarianism, rather than the latter being simply the negation of the former. Democracy is a political form that simultaneously enables the expression of conflicts and articulates the unity of the collective. In this way, it is susceptible to crises if the synthesis of the three core drivers of autonomy—the secular power of the state, the formation of social bonds through equal liberty, and the capacity to shape historical development based on an orientation to the future—become unbalanced and are not effectively embedded (Gauchet 2015).

The exacerbation of social antagonisms in the early twentieth century gave a platform to movements that considered democracy to be impossible, being either incapable of realising the objective of autonomy or constituting the collective interest. Democracy struggled to realise the aspirations associated with autonomy, due to the failure of political institutions to effectively represent citizens, the deleterious effects of capitalist modernisation, especially economic inequalities and financial destabilisation, class conflict, and elite resistance, and the complications of cultural change and the effects of social complexity. According to Gauchet, 'in the face of divided societies, the only sensible project was to resort to unity'. 'The challenge was to restore the inner workings of the old religious totality and to do so within disputed modernity' (Gauchet in Badiou and Gauchet 2016: 28). Although it does not match the self-understandings of those political projects, Gauchet's thesis is that the totalitarian regimes were 'secular religions'. The structuration of totalitarian political forms sought to be equivalent to the former integration of society through religion and projects of radical transcendence were constitutive of totalitarian regimes, hence the image of transcendence was critical to their representation of the collective purpose of society. The unity of an organic nationalism or classless society extends to the totality of society and the internal structuration of parts should be consistent with the whole.

Badiou is right to caution that the notion of secular religion risks obscuring the principal differences between totalitarian regimes and their intentions. Gauchet contends that the notion of secular religions concerns the underlying formation of totalitarian regimes at the symbolic level, since there are indisputable contrasts between the substantive objectives of communism and fascism. Communism was meant to be a continuation of the modern project of overcoming heteronomy. This differentiated it from the fascist programmes of reactionary modernisation. Rather than being simply the negation of democracy, communism was supposed to overcome the class and other divisions that undermined the full achievement of autonomy. It would socialise democracy and thereby transcend the limitations of the liberal political form. Fascism, rather, sought the restoration of a hierarchical order and to cleanse the social body of impurities through the use of state power. It was likewise opposed to liberalism. Nazism's collective project centred on a strong programme of social integration based on ethnic 'identity'. The 'methods' of the totalitarian regimes, Gauchet argues, were the reverse of each other. Fascism and Nazism used the '"means" of autonomy (via the nation-state forms and plebiscitary leader, Mussolini or Hitler)' to restore heteronomy, whereas in the case of Soviet communism, the '"means" of heteronomy (through the state's total domination over society)' was meant to bring about 'autonomy (the project of a self-organising society)' (Gauchet in Badiou and Gauchet 2016: 29).

The deleterious effects of state power, which Gauchet argues the liberal democratic form seeks to overcome through representation, were integral to totalitarian projects but their form and logic went beyond it. The

latter considerations substantially differentiate Gauchet's analysis from Badiou's. Badiou emphasises how the expansion of state domination and bureaucracy distorted the communist project and served the fascist aim of the suppression of the working class. In short, totalitarian regimes constitute alternative responses to the capitalist crisis of that period. Although Badiou's overall analysis is less complex, it suggests that the totalitarian regimes are fundamentally different and that their distinction is shaped by the dynamics of social conflict to a greater extent than is implied by the notion of secular religion, which accentuates the processes of collective integration and the sense of transcendence that gives orientation to their historical projects and trajectory. The notion of secular religion could be read as exhibiting weaknesses similar to those attributed to Émile Durkheim's conception of social integration; by focusing on the commonality of problems, like increasing complexity and lack of control, weaknesses ensue with respect to explaining how the dynamics of contestation generate specific configurations of institutions (Durkheim 1964). In a sense, this potential weakness does not manifest in Gauchet's analysis of totalitarian regimes but, rather, in his lesser consideration of neo-colonialism and its institution and implications for the formation of modernity.

As might be expected, Badiou emphasises the significance of imperialism to that period of capitalist accumulation and how the intensification of contradictions generated the major crises that led to wars and alternative political regimes. Similarly, the workers' movements' internationalism was a dimension of the struggle against imperialism that extended the project of autonomy and contradicted the closure of totalitarian regimes. It would be tendentious to consider that internationalism is a precursor of the secular religion of totalitarian regimes, even though the history of communist internationalism is one of the subordinating internal opponents and control. From quite different perspectives to Badiou's, Hannah Arendt (1986) proposed that colonialism prefigures the totalitarian regime of fascism and Nazism. Likewise, Arnason (1993) has shown how the Soviet communist regime was generated by a synthesis of the revolutionary project and the historical background of imperial domination. Gauchet's framework can incorporate aspects of these interpretations of the imperial and colonial sources of aspects of totalitarianism, but they nonetheless highlight the need to elaborate upon the processual dynamics and mediations of the institution of political forms. The history of imperialism draws attention to how unstable the institution of autonomy is in modernity and how the development of capitalism contradicted the movement to democracy. In fact, Badiou accentuates the continuities between the contemporary globalisation and imperialism (Badiou and Gauchet 2016).

Democracy: Consolidation and Crisis

There are radical changes with the different phases of modernity according to Gauchet. This assessment applies to political regimes and capitalism.

The dynamic of transformation is intrinsic to modernity and its harnessing of creativity. It is why Gauchet contends that imperialism belongs to the past and that contemporary globalisation possesses a different logic to imperialism. Capitalism has undergone a major reconfiguration of its constituents and these elements' internal coherence has always been a fabrication, rather than a product of a necessary logical connection. In other words, capitalism's integrity as a form is a creation or construction, which does not lessen the actuality of its historical modes of oppression. Gauchet's interpretation discloses, in my view, how capitalism is an institution that effectively conceals, even to its critics, that it is a creation of instituting practices. Even so, the contemporary expansion of financial capitalism and economic globalisation have substantially undermined the capacity of democracy to pursue collective goals. Moreover, the development of finance as an 'autonomous system' has eroded, Gauchet argues, the substantive economy and effective economic coordination. The result is that capitalism is in contradiction with some of the core principles required for it to function and it is detrimentally subject to neo-liberal ideology (Gauchet in Gauchet and Badiou 2016). This analysis highlights the internal divisions between different segments of the capitalist system, such as between financial and industrial capital, business organisation and marketing, and the irrationality of rationalisation.

In Gauchet's opinion, understandings of democracy are subject to something similar to the concealing of capitalism's fabricated integrity, even though democracy's connection to autonomy should mean instituting practices are transparent. The crisis of modernity that led to the totalitarian political forms of fascism and communism was followed by the consolidation of democracy after the Second World War. During this period there was a substantial strengthening of the democratic component of a mixed regime of the liberal and democratic. This was achieved through: (a) enhancing the principle of representation and rectifying imperfections in its extant institution, which deepened the sense of self-governance and 'provides citizens with the possibility of recognising themselves in its actions' (Gauchet 2015: 173); (b) reform of administration and the integration of knowledge, enabling greater control, more effective rational planning, and organisation; (c) the construction of the welfare state, with its enacting a system of social protections and its constituting a framework for addressing society as a whole and from the standpoint of justice. Under the conditions of these developments, 'liberal freedom truly rose to the level of democratic freedom' (Gauchet 2015: 174). Yet, democracy entered into its second crisis just after it achieved its greatest global institutionalisation, following the period of decolonisation that commenced in 1945, the decline of dictatorships in Europe and Latin America in the 1970s, and then the collapse of state socialism in Eastern Europe.

Gauchet provides an original interpretation of how the crisis has been generated by democracy itself, especially by the renewal of its liberal dimension from the 1970s onwards. It is an inner crisis of the democratic political

form, because aspects of democracy generate tendencies that impede and undermine its functioning. The crisis owes, in effect, to the enacting of liberal freedoms at the level of individual agency and institutions. Of course, other developments, especially globalisation, reinforce this crisis and it is manifested in various ways, some of which are indirect and symptomatic reactions, such as in the aspirations of 'populism' (Gauchet 2021). The liberal dimension's renewal has been at the expense of democratic and the subordinating of the social rights of citizens that depend on commitment to the common good, such as through public institutions addressing inequalities in health, housing, and education. The liberal renewal is both a cause and a consequence of individualism, the retracting of the collective meaning of democracy in favour of rights, and recent detraditionalisation. Detraditionalisation reactivates facets of the departure from religion and promotes this individualism. Gauchet's critical evaluation of the liberal components prevailing over the democratic in liberal democratic regimes demonstrates that the regular interpretation of his thought as an uncritical liberal or neo-liberal is mistaken.

For Badiou, individualism is connected to capitalism and its value system. In one sense, Gauchet does not dissent from this view, but argues that the resurgence of individualism owes to several developments. The cultural transformation that promoted individualism is mirrored by institutional changes and the equating of democratisation with legislation. Further, a major means of promoting autonomy has been the institution and diffusion of human rights. Gauchet perceives two major failings of human rights that stimulate the crisis of democracy, while contending that human rights are essential and necessary. First, the reshaping of democracy as a human rights regime has diminished the core capacity of democracy to pursue collective objectives and to shape the direction of historical change. Second, human rights strengthen liberal individualism and reflect a delimiting of democratic initiatives to legislation. Democracy is reduced to 'personal freedoms' and their legal protection. Human rights, in Gauchet's opinion, are inseparable from the prioritising of individual self-interest (Gauchet in Gauchet and Badiou 2016: 79; Gauchet 2015). In my opinion, Gauchet is right that the necessity of human rights does not mean that they translate into greater collective capacity and purpose. In fact, misconceptions concerning this work against it and lead to the instantiation of a limited liberal version of autonomy—one which is compatible with other extant forms of social injustice.

The erosion of the orientation to the collective good is a product of democracy's delimiting to a human rights regime, the misguided understanding of autonomy associated with individualism, and processes of globalisation that undermine the national state's capacities and sovereignty, whether through the external relocating of power beyond the nation and financial flows, or internal adaptations to globalisation, like economic restructuring in the pursuit of 'comparative advantage'. These processes have resulted in the disassociating of the 'mixed regime' that

consolidated democracy; they have prised apart and fractured 'the complex and sophisticated intermingling of the three elements of autonomous modernity' that generated the mixture of liberal and democratic regimes (Gauchet 2015: 175). These changes, Gauchet emphasises, are implicated in a crisis of the democratic political form that is not simply an effect of socio-economic pressures and contradictions. In this regard, his analysis constitutes a critical rejoinder to those theories of contemporary modernisation that linked the 'new individualism' to democratisation. It is, rather, *the lack of collective power* that induces a reduction in the meaning of autonomy to simply that of individual personal control (Gauchet 2015).

The incapacity of democracy to achieve collective objectives and realise a common purpose generates seemingly antithetical reactions and tendencies, which partially reflect different aspects of democracy's bifurcation. The narrowing of liberal democracy to legislation and juridical-bureaucratic administration associated with the spread of structural autonomy and its project of rationalisation contributes to 'depoliticisation'. This intensifies the contradiction between democracy's claim to enable autonomy and its actual inability to realise it (Gauchet 2015). Globalisation reinforces this contradiction by dislocating national communities and altering the dimensions of sovereign power. Further, the left-modernisation of social democratic parties around the new millennium, pursued, for example, by Blair and Schröder in Europe, reinforced this bifurcation of democracy. Social democratic modernisers embraced liberal individualism, promoted financialisation and market deregulation, and endorsed post-material values and identity politics. This led to a growing sense of social democratic parties' disconnection from the working class, whereby political disenfranchisement compounded the experience of economic marginalisation. The lack of representation stimulated parts of the working class and other groups with diverse discontents, such as over immigration and cultural change, to move to populist political movements. Populism is fuelled by other sources as well, notably the undermining of rationality through the Internet's 'dehierarchising' of knowledge and the predominance of 'affective subjectivity' in contemporary culture (Gauchet 2021; 2015). Nonetheless, the overt inspirations of populism are distorted means for conveying discontent's deeper source in democracy's decline in collective self-determination and the capacity, as well as the will, to control the direction of historical development. Populism is a symptom of this decline and attempts to counteract it based on misconceptions.

By contrast, Badiou's analysis of contemporary discontent emphasises its origins in oppositions to the various injustices resulting from global capitalism's restructuring of social relations. Although this configuration of domination and resistance is a continuation of longer-term tendencies, the modifications in the collective subjectivity of opposition to capitalism are not difficult to discern. Owing to its original context of a political struggle in a modernising peasant society and the strategic consideration of the Chinese Communist Party's being forced during the civil war

into the countryside and into dependence on peasant support, Maoism transformed the history-constituting subject from the proletarian class to the 'masses'. Badiou's communist hypothesis takes this line of reasoning further in contending that collective agency today is basically open to those voluntarily committed to radical change. He identifies, however, a coalition of 'four forces' that could embody a 'new political subjectivity' oriented by the Communist Idea: (1) a portion of university-educated youth disposed to challenging domination; (2) dissident proletarian youth situated at the periphery of cities and that are mobilising in various global contests; (3) the international nomadic proletariat, which is revolting over exploitation, such as in factories in China and Asia; (4) ordinary employees subjected to the increasing work insecurity and the erosion of work and living conditions in general (Badiou in Badiou and Gauchet 2016: 58–59). Now, while these four groups have legitimate grievances and engage in various acts of insurrection, Badiou bases their presumed identification with communism on no more than general opposition to capitalist oppression and demands for justice, rather than upon a shared understanding or common objectives concerning transformation.

In my opinion, while the four forces' experiences of injustice and alienation possess some affinities, there are salient differences between them. The self-organising practices of university-educated youth, such as in the recent anti-austerity protests, contrast in their intentionality with the autopoietic 'unplanned coordination' of the acts of dissident proletarian youth, such as in the 2005 French riots (see Browne 2017a; Browne and Susen 2014; Browne and Mar 2010). There is the nucleus for collaboration in collective change, but the formation of these 'forces' into a movement enabling a political subject cannot simply be presumed, because of the differences in the conflicts' structural backgrounds and the logics of conflict. If communism simply means general support for emancipatory struggles, then there is no problem, but this is hardly sufficient. It obscures the problems that Gauchet's arguments pose—specifically, how to pursue emancipation in a manner consistent with autonomy and democracy. It is possible that *events* might lead to the conversion of these groups to a communist programme, but Badiou's conception of the Communist Idea does not really depend on the connection to political praxis, because of its almost Platonic formulation. Likewise, as remarked upon, Badiou's ontology of the event is far from addressing the problem of institutionalisation and, in short, it simply cannot. He distinguishes the event from an immanent tendency that contains a potential for emancipation. The latter was the basis of Marx's dialectical conception of contradiction and determinate negation, which did not solve the problem of a democratic institutionalisation, to be sure, but did enable a critical theory methodology for addressing it (Browne 2008; 2017a).

For Badiou (2015), communism is no longer a 'prefix' to an organisation or party. This warranted recognition of historical failings is still a long way from answering the question of how to achieve the transcendence of

capitalism. That said, the ideas or intentions associated with a communist social and political formation, as distinct from the prescriptive 'Communist Idea' or 'hypothesis', appear more relevant at the present moment than they have in a long time. This is not only due to the fact that the collapse of Eastern European socialist regimes is now more than three decades ago and that for younger generations these ideas are less contaminated by that experience. From the diametrically opposite angle, even less should this relevance be attributed to the renewed ideological mobilisation, though far less applied in practical political economy, of Chinese communism. In China, ideological mobilisation is connected to the assertion of greater party control. Rather, the relevance is principally due to the substantial critical problems for which there appears no solution within a capitalist social order and the resistance to both the recent predominance of the capitalist imaginary and to capital's counter-resistance to the democratic reforms of the period that established, in Gauchet's terms, the mixed liberal democratic regime (see Browne 2016; 2020a).

The critical problems that appear irresolvable within the capitalist order, like social inequality, the ecological crisis, the social grounding of justice, and the disparity between the project of autonomy and its institution, are not necessarily new, but they have achieved a particular acuity in the present. The reversion to earlier patterns of extreme divisions in wealth is seemingly being matched by the concentration of the mechanisms of political and ideological control. Marx's thesis of the immiseration of the proletariat was never central to his critique of capitalism and it was disproven by the early decades of the twentieth century at the latest, but his more qualified thesis of class polarisation is certainly relevant to contemporary circumstances, and it can be argued with some justification that the immiseration of segments of the working class is occurring. The ideological control of capitalism is probably more pervasive and veiled than ever before because of its integration into social practices, especially through the creation of technological dependencies and information technologies. For this reason, there is an even more extensive articulation of capitalist values than there was with the earlier culture industry and the 'new spirit of capitalism' presented itself as inhabiting the critique of alienation and hierarchy from the standpoint of autonomy, flexibility, and self-organisation (Boltanski and Chiapello 2005; Browne 2014a).

Similarly, there are many collectivising or socialising tendencies in the present that have been veiled by the predominance of neo-liberal ideology. Notably, the recent COVID-19 pandemic has shown the superiority of collective solutions in relation to this crisis, and it is one exemplar of the coincidence between the individual and the collective good. In this vein, the problems of automation were a major concern prior to the recent remobilisation of the capitalist imaginary and arguably this persists with future projections of mass unemployment and work becoming detached from subsistence. In any event, the capitalist labour market might be an economically efficient, but costly, in terms of human living conditions,

way of dealing with the displacement of wage labour by automation. The impasse of the welfare state with respect to overcoming injustice is likewise not new, but progressive reforms of citizens' social rights have largely stalled and the legitimacy that was previously provided by the notion of meritocracy has dissipated. In other words, the institutional reforms that Gauchet rightly argues made liberal capitalist societies more democratic are increasingly viewed as failing and intrinsically flawed. Yet, the economic consequences of COVID-19 and the recession that preceded it have again disclosed the social dependency of capital, as well as that of labour. A case for radical social and economic reorganisation may be justified by a comparison of the achievements of different moral economies of crisis (Manning and Browne 2022).

The ecological crisis is certainly an outcome of capitalist industrialisation and responding to it in terms of the logic of capitalism, such as through price signals, appears inadequate. Even if one accepted a mixed approach to the ecological crisis, it clearly depends on strong collective commitments and initiatives. The salience of communism to addressing the ecological crisis, notwithstanding the failures in this regard of communist regimes, is a broader normative one. The ecological crisis raises fundamental questions about property relations and the rights of private property. Even though Marx's theory was caught within the logic of industrialisation and historically the institution of communism principally defined itself as an alternative project of industrialisation and modernisation, communism could imply a higher level of collective responsibility, although this would only be possible through a highly effective democratic culture and a rupture with the capitalist imaginary. One might consider the recent excessive use of coercion towards contestation and the criminalisation of protest that challenge the capitalist order and the rights of private property, like those of the direct action of the 'Extinction Rebellion' network, as indicative of the strains associated with these critical problems and the suppression of discontent in the context of failing legitimacy.

The iteration of current problems does not, however, justify Badiou's communist hypothesis; rather, it simply demonstrates the relevance of some ideas associated with communism and the values that informed it. Of course, the historical institution of communism constitutes a failed programme of realising these ideas and the impediments to communism's actualisation of the project of autonomy originated at their source. The critical problems, whose resolution appears incommensurate with capitalism, make the limitations of Badiou's version of communism more, rather than less, consequential.

Conclusion

There was a period of time in which it was possible to consider communism as an ideal, and possibly even very briefly as an institution following revolutionary transformations, as a political form superseding and surpassing

democracy. It is rare to encounter this outlook in the present and it can only be sustained through delimited definitions and rather reductionist interpretations of democracy. This is effectively the approach taken by Badiou to democracy, that is, equating democracy with the actuality of the—admittedly deficient—institution of parliament and the domination by capital. Despite the fact that democracy is undergoing, in Gauchet's terms, another crisis, and that there remains a considerable discrepancy between democracy's historical institution and what it signifies as an ideal, democracy has not been denuded of legitimacy in the manner of communism. Yet, while this assessment is entirely justified in terms of the comparison of these two political forms, it discloses something of the decline in socio-political creativity in the current historical period compared to earlier phases of modernity (Browne 2006; Domingues 2000). It is important to underline this, because the notion of political forms is meant to elucidate socio-political creativity and the workings of the imaginary. Despite their fundamental disagreements, Gauchet and Badiou are at variance with this current tendency in seeking to reveal and to draw upon political creativity.

In Gauchet's theory, creation is basic to the generation of the meanings and representations of the political form and to the distinctive modern practices of self-organisation and collective creation (Doyle 2003). Badiou's concern with the ontology of the event and the notion of 'experiment' evidence his attempts to incorporate creativity into his conception. The notion of experiment has other connotations than the 'scientism' of hypotheses. It deviates from the idea of a fixed form of institutions, and it returns to a consideration of practice as the exploration of the possibilities of form. Badiou draws significant inspiration from the political creativity of revolutionary projects intending the radical reordering of society, but the duplicity of his communist hypothesis' prioritising an idealised form over the autonomy of practice undermines this incorporation of creativity and its sense of the plasticity of forms. Unlike Badiou's communist hypothesis, John Dewey and George Herbert Mead's pragmatist philosophical conceptions of experiment entail an acceptance of the fallibility of an idea and presuppose the public deliberation of a democratic community (Dewey 1988; Mead 1934; Browne 2014b; 2009a; Joas 1996). The implication of these interpretations of creative democracy is that political forms oriented by the project of autonomy require the instituting of substantive conditions that enable the enacting of autonomy. Autonomy has to be founded, in turn, on commitments to mutuality, the common good, and open communication (see Browne 2009a; 2017a; Honneth 2014; 2017).

The assessment of the political forms of democracy and communism is different to that of capitalism and communism. It is clear that when democracy is inflected by the capitalist imaginary it becomes hollowed out and delimited. It reverts to a system based on the model of the self-interested

property-owning subject and a selection of elite rule. Castoriadis's claim that contemporary democratic societies are not, in the proper sense, democracies but liberal oligarchic regimes is an appropriate description of these effects and the current constraints on democracy (Castoriadis 1997; 1991; 2007). This highly delimited sense of democracy and the individualism that undermines the pursuit of collective objectives have conditioned the politics of some recent movements for autonomy, including strands of identity politics and 'Third Way' modernisations of social democracy. These involve a movement away from the universalism of the political subject that pursued collective projects, even when this move is justified in terms of the universalism of human rights. Even so, the project of autonomy contradicts these effects of the capitalist imaginary and it is a stimulus to the reform of democracy. Communism's universalism did inspire an internationalism that transcended the nation-state form. Yet, the fact that this internationalism became subject to communist state control and was instrumentalised supports Gauchet's thesis concerning the secular religious character of the communist political form.

The outstanding question for Gauchet's interpretation of democracy and crisis-diagnosis is whether the institution of representation may be subject to the same contradiction as those he diagnoses in other facets of the institution of democracy, like those of human rights and liberal legalism. Although it is not a logical contradiction, the institution of representation tends to reflect restrictions on democracy and its deviation from the universalism of an autonomous collective, particularly through being undermined by sectional interests and instrumentalisation. In a sense, the symbolic representation of the political form constitutes the horizon of democratisation and the potentials for reforms. In this way, democracy is a regime that constitutes the solution to its own crisis and maladies, but it is likewise because of this at risk of undermining itself (see Browne 2006; Karagiannis 2016). The self-organising practices of contemporary movements certainly evidence an appreciation of the need to overcome the separation between means and ends that characterised the politics of communism and its enacting of a double dialectic of control, that is, the heteronomous control by political parties, trade unions, associations, and a movement's leading segments over the movement for emancipation and its practices of resistance (see Browne 2020a; 2019a).

In its original conception, communism aspired to be a fully socialised form of the 'general will'. This aspiration contains a potential for the development of totalitarianism, but it is not an inevitable outcome. It is a result of communism's adaptation to other institutions of modernity, notably the authority of the state and its apparatuses. Given this historical institutionalisation, paradoxically, communism was meant to achieve its objectives without the mediation of the state through 'free association' and a self-organising principle of structuration. Social relations, especially production, would be organised by different principles: collective ownership,

the abolition of hierarchy and the division of labour, the distribution of goods according to need, and the complementary organisation of activities central to social reproduction—health and education. Yet, it is not sufficient for communism to be simply a negation of capitalism's heteronomous system of economic organisation based on private, rather than social, ownership. It is insufficient, not least because this vision parallels that of the liberal utopia of a self-organising market society and its illusion concerning state power. Moreover, the concentration on the economic relations of property fails to come to terms with the expansion in modernity of the civil sphere of social relations. A more differentiated perspective is required to delineate the civil sphere's progressive advances from its regressive developments, such as in relation hierarchical relations in the family and patriarchy more generally.

The problem of a self-organising political form is that the institution of principles to facilitate radical democracy, such as direct participation, unimpeded dialogue and open deliberation, the rotation of positions, limited duration of office, equalising of opportunities, and the redistribution of resources, are ineffective without the background horizon of the imaginary and individuals' socialisation into commensurate democratic orientations. The communist utopia's presumption that it would institute a system of social relations that overcame conflict and alienation veiled these problems of political form. It meant that the question of opposition and resistance in a communist society remained unresolved, being considered illegitimate and subjected in practice to strict regulation and suppression. Gauchet considers that the control of power through the institution of representation and the capacity to shape future development are integral to the liberal democratic political form. If the idea of communism, or some conceptual equivalent, has a future then it must formulate a more creative democratic manner of incorporating opposition and being open to reform through public processes of collective reflection consistent with a commitment to universal autonomy. The normative political intent of altering social relations in order to achieve deeper social and individual transformations, which is a core presupposition of communism, remains valid and it is salient to disclosing enduring class domination. It is an intention that needs to be rethought in terms of an autonomous society's corresponding political form, given capitalist modernity's dominant tendencies and the critical problems that derive from its contradictions, intrinsic injustices, and institutionalised heteronomy.

Acknowledgement

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5 Marcel Gauchet's Political Anthropology

Originary Social Division and the 'Processual' Autonomy of a Community

Sean McMorrow

'Autonomy was thought to be the solution; it reveals itself as the problem; such is the surprise awaiting us at the end of the modern journey.'

(Gauchet 2017a: 713; my translation)

The question of how societies establish political regimes that serve to structure their existence is a foundational question of political philosophy. In the modern period this question inexorably requires reflection on an anthropological level because it necessarily raises issues concerning how political regimes are formed by a community, how and why they regulate their own modes of historicity, and, further, why they regularly fail at the task. Marcel Gauchet has been addressing these issues consistently throughout his work. His central anthropological concern has been to account for the ways that communities are answerable to the needs of their self-institution. These needs emerge purely from the fact that these communities are autonomous in a dual sense, because 'they produce themselves, and by doing so, act upon what they are' (Gauchet 2017b: 164). Gauchet argues that this dual sensibility constitutes the *political dimension* of a community. It is the source of a deep-seated social division that serves an instituting function, which establishes the institutional conditions of a society and provides the grounds upon which communities are able to constitute political regimes that, in turn, structure these conditions.

Gauchet argues that the significance of this dual sensibility is to revealing the autonomy of human communities, revealing 'a human community to exist in what constitutes the specificity of its mode of being' (Gauchet 2017b: 164). Social division, according to Gauchet, is based upon a tension between the forces unleashed by this dual sensibility; on the one hand is the logic of institutional forms put into place so that a society can produce itself *processually*; on the other hand is the capacity for a community to act upon these processes, reproduce them, or produce new modes of collective existence. This chapter will discuss two key features scaffolding Gauchet's political anthropology: first, the originary social division structuring the

political dimension of a community; second, how autonomy constitutes a *processual* mode of self-institution. Gauchet gives a structural inflection to the notion of autonomy that refers to the capacity of a community to incorporate an instrumental rationality into its institutional processes, be they technological, legal, scientific, and so on. These two features of Gauchet's political anthropology suggest that the cohesion and structure of human communities are not predetermined by any natural principle or substance, nor are they established on the basis of a consciously accepted social contract. Rather, they belong to 'the realm of institution' (Gauchet 2017b: 164). A community engages its institutions in the production and reproduction of its own cohesion and identity based upon what it has already instituted but also—given its political dimension or, alternatively, its autonomous instituting function—it does so without being limited to what it has already produced. It is in this sense that Gauchet views human autonomy as the capacity of a community to transform its own conditions by engaging with the processes of its self-production, which is to say, its *mode of self-institution*.

The fact that the cohesion of a community is based on self-institution means that communities sit within their own symbolic niche, or *symbolic infrastructure*. This infrastructure coincides with the social divisions that are set in place by the community itself. This engagement with the institutional conditions that ground a community requires a form of reflexivity which brings depth to its political dimension. In Gauchet's words, 'this instituting action operates through a cluster of separations allowing the community to have a relationship with itself, separations which, properly speaking, constitute the political' (Gauchet 2017b: 164). A community can therefore only begin to understand itself and its needs on the basis of the social divisions that appear as a consequence of the very conditions that ground it. This is an important point to establish when addressing Gauchet's work. It suggests that there exists a fundamental *distanciation* within human communities between the mode of institution set in place by their symbolic infrastructure and the regimes that represent their self-institution. In this chapter, I focus on the way Gauchet applies such an anthropology to understand the conditions structuring modern societies and their political regimes.[1]

Gauchet's political anthropology possesses great heuristic potential as it becomes the basis for a genealogical understanding of modern historicity; in particular, his work describes the political condition of modern democratic regimes which arise from what he calls 'the modern revolution of the political'.[2] His work opens up unique avenues to interrogate modern political regimes, situating their institutional conditions within a historical genealogy based on an understanding of differing forms of human autonomy. In doing so Gauchet traces the transition between heteronomous and autonomous modes of social organisation, which directly situates his work within the lineage of four figures who have undoubtably influenced his political anthropology: Claude Lefort, Maurice Merleau-Ponty,

Pierre Clastres, and Cornelius Castoriadis.[3] Each explains the distinction between heteronomous and autonomous regimes differently; however, the common impetus in each case is to present a theoretical account of human autonomy in the wake of political modernity. In what follows I will explain the theoretical significance of social division in Gauchet's work, which perhaps leads to its most innovative implication: the idea that political regimes and their underlying symbolic dimension are *beholden to distinct historical genealogies* which together frame the experience of a society's mode of historicity.

Originary Social Division and the Instituting Power of a Community

The influence of Lefort on Gauchet's conception of historicity remains decisive. In fact, without an understanding of what he drew from Lefort it would be challenging to grasp the development of his specific genealogical understanding of the structuring role of the political dimension in human history. Lefort was Gauchet's teacher at the Université de Caen during a period which led to the publication of a collaborative essay based on Lefort's 1966–1967 seminar 'Sur la démocratie: le politique et l'institution du social'. The essay was written by Gauchet based upon notes he had taken during the seminar, and involved some significant elaboration of Lefort's ideas, though it is hard to establish the extent to which the text remains faithful to Lefort's original positions. It clearly added to Lefort's Merleau-Pontian-inflected political phenomenology, providing an anthropological foundation, while simultaneously shifting the analysis of modern democracy onto a symbolic footing that surpassed the structuralist, rationalist, and deterministic positions influential at the time.

Lefort and Gauchet's essay foregrounds the *instituting power* of human communities. It describes how the political dimension of a community is engaged in an ongoing articulation of its power, which requires the community to anchor itself within its established institutional form. This idea spurred the pair to attribute great theoretical significance to the tension between the articulation of power and the power of established institutional form—a tension they otherwise describe as *social division*. This division requires the community to establish a symbolically based institutional framework which represents its power while placing limits on the divisions that are produced. I will first discuss the significance of this idea that sits at the heart of the two authors' work, highlighting the extent to which Gauchet shared some essential theoretical positions with Lefort but also, more importantly, making a specific contribution which established the originality of his subsequent work.

The essay marks a formative period for both Gauchet and Lefort, in that it illustrates a political anthropology based upon *social division*, which is more or less conceived in phenomenological terms. The purpose of the essay is to outline how, in their view, the social division of power establishes

the political dimension of a community. Further, they outline how social division produces a set of institutional relations that constitute the specific mode of social organisation shaping a community. Social division is seen to establish a mode of institution according to those who wield the instituting power of a society and those who are subject to this power. This division explains how the institutional infrastructure of a society carries a form of power that operates at a distance from the capacity of a community to wield it. It describes how the underlying power that is set in place by the institution exists in tension with an incessant communal articulation of this power.

What makes the issue truly complex is the fact that instituting power is divided within the community, and it is through the perception of these divisions that the political dimension of a community becomes visible to itself. The way that power is distributed across a community not only bears a direct relation to its underlying structural conditions—but also speaks to its temporal logic, the coherency of its self-articulation—and to how its form is legitimised and imposed. This is to say that social division bears a direct relation to a society's *mode of historicity*. What is common between Gauchet and Lefort's work is how they read human history as oriented towards two distinct modes of historicity, each of which is based on the way a community handles the division of its instituting power: by either denying this division, dispossessing itself of its instituting power (i.e., heteronomous societies), or harnessing its instituting power in order to act upon itself (i.e., autonomous societies). This is a contentious theoretical distinction that Gauchet proceeded to develop—as will be seen—into a more nuanced theory of historicity. First, however, it is necessary to give a detailed explanation of how social division structures the instituting power of a community.

Gauchet and Lefort propose that there is an originary dimension of this division, which underlies the capacity to articulate it in relation to the myriad social relations and phenomenal manifestations that are produced by it. They offer a largely phenomenological explanation of this originary dimension, which is conceived as a division of the *being of the community* in relation to *what the community can make itself become*. They propose that what lies at the heart of social division is not a substantive division of the community as such; rather, it is an ontological division experienced by the community coinciding with itself. The *originary division*, in Gauchet's and Lefort's view, remains elusive and indeterminate, and any representation of it is destined to be a 'distortion of the original', therefore 'there would be no sense in making an a-priori of the irreducible original division' (Lefort and Gauchet 1971: 13; my translation). It is a division arising from a community's coincidence with itself, which means that it is a coincidence giving rise to an originary capacity to produce social meaning, as a potential source of new origins: 'any attempt to inscribe the origin in a chronology, to describe its course as that of an event, can only make us miss the originary dimension' (Lefort and Gauchet 1971: 12; my translation). Gauchet and Lefort attribute the attempt to inscribe social significance to

this originary dimension as succumbing to the temptation of conflating the division with only its appearance, leading to the conceit of 'occupying an overview [*survol*]' (Lefort and Gauchet 1971: 12; my translation) that falsely historicises communal existence according to arbitrary determinations. This criticism is drawn from Merleau-Ponty, who regards this perspective as a *pensée de survol* (a 'survey from above') common to the history of Western philosophy, taking a bird's-eye view of history which presumes we can have definitive and total knowledge of society from its origin into the future (Merleau-Ponty 1968 [1964]: 230).

Gauchet and Lefort engaged with Merleau-Ponty's critique of this *pensée de survol* to establish an anti-foundational account of social organisation that begins from their contention that there can be no definitive knowledge of the origin of society. However, the question they pose concerns whether this critique, which announces the impossibility of a 'survey from above', does not preclude the fact that a community does not require the institution of such a view in order for it to represent its order to itself. Or, as Noah Rosenblum (2016: 73) has suggested, 'the problem of the origin of society must necessarily remain a problem'. This problem does not complicate the viewpoint offered by Merleau-Ponty's work, but rather leads Gauchet and Lefort to further develop his key notion of 'ontological diplopia'. Merleau-Ponty develops this concept in order to form a philosophical perspective that takes into account the innate division within lived experience, which he intuits from the seemingly unresolvable viewpoints of Cartesian dualism. In doing so, Merleau-Ponty strives to forge a perspective incorporating the irreducible relation between reality and ideality.

> Do we not find everywhere the double certitude that being exists, that appearances are only a manifestation and a restriction of being—and that these appearances are the canon of everything that we can understand by 'being', that in this respect it is being-in-itself which appears as an ungraspable phantom, an *Unding*? Could we not find what has been called an 'ontological diplopy' (Blondel), which after so much philosophical effort we cannot expect to bring to a rational reduction and which leaves us with the sole alternative of wholly embracing it, just as our gaze takes over monocular images to make a single vision out of them? Viewed in this way, the continual shifting of philosophies from one perspective to the other would not involve any contradiction, in the sense of inadvertence or incoherence, but would be justified and founded upon being.
>
> (Merleau-Ponty 1988 [1953]: 157–158)

Renaud Barbaras clearly expresses the import of Merleau-Ponty's perspective, in that the 'diplopia' between reality and ideality can be considered from a comprehensive viewpoint which would form 'an overhang [*porte-à-faux*] where, although actual, the difference of terms [between reality and ideality] remains unattributable, where each term, stopping short of

its difference from the other, nonetheless remains beyond its identity with it' (Barbaras 2004 [1991]: 145). Barbaras is quick to state that this perspective does not overcome dualism, but that these ontological registers are instead 'restored in their truth, namely as poles of a singular teleology' (Barbaras 2004 [1991]: 145), which considering Gauchet's and Lefort's anti-foundationalism should be understood as a non-deterministic telos. On the one hand, rather than seeking a pre-determined origin, 'the truth of realism is that there is transcendence only as ground or soil of a becoming sense' (Barbaras 2004 [1991]: 145). On the other hand, 'the truth of idealism is that there is meaning only as experience, as ordeal of a world, whether it is a question of the perceived world or the cultural world' (Barbaras 2004 [1991]: 145). This is significant because Barbaras clarifies that facticity produced in ideality is intertwined with the essence of reality: 'fact exists only as the possibility that articulates it, where the essence makes sense only insofar as it remains caught in facticity' (Barbaras 2004 [1991]: 145). This is also the key lesson that Gauchet and Lefort take from Merleau-Ponty, which demonstrates that this *porte-à-faux* perspective bypasses the *pensée de survol* that seeks a determinstic origin of historicity, and considers social division as the coincidence of the community with itself.

To understand how this perspective is applied to the originary social division of a community it is worth noting how Gauchet recapitulates the terms of this 'diplopia' in *Disenchantment of the World*. He observes that 'reality as it appears to us, as an inexhaustible multiplicity of sensible qualities, an infinite network of distinct objects and concrete differences, involves another reality: the one that suddenly appears before the mind when we go beyond the visible to examine its nondifferentiated unity and continuity' (Gauchet 1997 [1985]: 201). It is a matter of understanding 'diplopia' as the process of division splitting 'the visible and invisible', undertaken by facing 'the world as it is presented, grasped from within itself' (Gauchet 1997 [1985]: 201). This process speaks to the originary division of the *being of the community* (its instituted reality whereby its 'infinite networks' and 'inexhaustible multiplicities' render it invisible) in relation to *what the community can make itself become* (according to a 'nondifferentiated unity and continuity' that is made visible in ideality). Gauchet takes this even further, upholding that 'the human universe is suspended upon a before, an elsewhere, and its other' ('à un *avant*, à un *ailleurs*, à son *autre*'), and that despite having to draw its consistency from beyond its visibility a community still finds itself equally as 'the source and cause of what constitutes its own framework' (Gauchet 1975: 70–71; my translation). Gauchet and Lefort therefore adapt Merleau-Ponty's reflection on lived experience as 'justified and founded upon' being in a way that focuses instead on an explanation of social experience that is 'justified and founded upon' the community.

There is one more aspect of Merleau-Ponty's work that remains important for Gauchet (and Lefort), which—following on from developing a *porte-à-faux* perspective—is the need to consider how the relation between

reality and ideality reveals something about way the world is organised. Barbaras identifies this quite clearly in stating that 'while this "diplopia" is characterised by the to-and-fro movement between complicitous and antagonistic positions, Merleau-Ponty lays out the terrain in which this alternative is rooted, that is, he attempts to grasp each term according to the movement of its passage into the other' (Barbaras 2004 [1991]: 144–145). This passage between reality and ideality is given significance by what Merleau-Ponty describes as the 'flesh' of the world (*la chair du monde*). Gauchet regards this notion of *flesh* to be 'merely another name for this sustaining nondifferentiation [between the reality and ideality] guaranteeing, behind the apparent difference and distinctions between things, the continuous living tissue of the world' (Gauchet 1997 [1985]: 202). Gauchet highlights how our experience of the world not only depends on the endlessly relational movement—back and forth—through this passage, but that some order to the world must be produced between reality and ideality. This is why instituting power is considered to be the originary dimension of social division, because it opens up a passage between the established structural conditions of a community and a reflexive capacity to act upon them.

Gauchet (and Lefort) therefore develop the political implications of a communal reality that is in fact defined in ideality. For them 'social division' means that the reality of social experience is produced and maintained through an ideal, or *illusory*, representation of it.[4] It is important to identify that this 'illusory' representation is an articulation of the symbolic infrastructure of a community which, in turn, supports the 'structural characteristic of our understanding' (Gauchet 1997 [1985]: 202). This reveals how institutional frameworks define comes to define the reality of social and historical production (the political dimension of a community), as well as defining the instituting power of self-articulation, which provides the community with both its coherency and, simultaneously, the capacity to reflexively alter itself (the capacity for politics). For Gauchet the stakes are political; 'the real question is not that of being, but that of internal constraints forcing us to present the question in this way. Why is there this structural division presenting all reality in two antagonistic aspects?' (Gauchet 1997 [1985]: 202). The originary social division is seen as the source of 'complicitous and antagonistic' tensions between the power of the established symbolic infrastructure and the capacity to articulate this power in 'inexhaustibly multiple' ways, a problem which communities attempt to resolve through the imposition of political regimes oriented towards 'sustaining nondifferentiation'.

The early work of Gauchet and Lefort therefore inaugurates a new theoretical approach that translates the passage between these two registers of social division into political terms. They affirm the originary social division between 'the being of the community' and 'what the community can make itself become', in order to grasp a new perspective on political anthropology centred on the community's instituting power. The step towards a political anthropology—informed by the aforementioned

phenomenological concerns—is emphasised by their contention that an originary division between the *real* and the *ideal* (otherwise referred to as the *imaginary*) is nested in the *symbolic* infrastructure of communities. While there are obvious parallels with the anthropology of Marcel Mauss and Claude Lévi-Strauss, the theoretical shift towards the symbolic dimension of community owes its influence to Jacques Lacan's thesis on socialisation—otherwise referred to as the mirror stage—that speaks of a triadic relation between the symbolic, the real, and the imaginary (i.e., ideality) structuring human existence. As Sam Moyn has correctly pointed out, Gauchet and Lefort simply grafted the Lacanian thesis onto the dynamics of historicity, which 'for Lefort's (Lacanian) theory [developed in tandem with the work done with Gauchet] is that it is the *representation of the community's identity*, necessarily separated off from its real nature just as the mirror is outside the child, that nonetheless integrates the group' (Moyn 2012: 44).

It should be acknowledged that when taken up as differing ontological registers in Gauchet's and Lefort's work these Lacanian categories are relatively absent of any psychoanalytic import, and are instead revised in order to systematise *the political* structuration of society. I would argue that the use of Lacanian categories served a specific purpose, which was to synthesise the insights they draw from Merleau-Ponty outlined so far. Gauchet and Lefort are concerned with the existence of a community (i.e., the real) that structures itself by instituting an *illusory* mode of self-representation (i.e., the imaginary), which is nonetheless conditioned by its inherited symbolic infrastructure (i.e., the symbolic). The centrality of social division is a compelling anthropological hypothesis because it draws attention to how a community must continually represent the significance of its being (i.e., its forms and divisions), despite the fact that its significance escapes its comprehension.[5] From this theoretical perspective, what the pair consider foremost is how a community anchors itself in a specific mode of historicity. This development in their work is important because it addresses the institutional dynamic of *historicity* that arises from the grounding of a community in its originary division.

The innovation of Merleau-Ponty's (and, to a lesser extent, Lacan's) work presented by Gauchet and Lefort is to argue that a community is not determined by any given form of unity, nor is it constituted through a network of intersubjective divisions defined by a unifying logic. Rather, the unity and divisions of society are mutually exclusive and disclosed simultaneously. What constitutes a society is the response of the community to phenomena arising from the unity of divisions it has produced up to the present. Social division therefore incorporates the tension brought about through the passage between the two ontological registers. At a base level there exists a social *reality* that speaks to the conditions set by an underlying symbolic infrastructure, which can be otherwise viewed as the established institution of a community. Then, there is the capacity to impose order on the world, 'from within itself' in *ideality*, which, according to Gauchet,

allows a community to 'graft onto it[self] an understanding specified by the order of reality that it merely splits up: appearance and truth, sensible and intelligible, immanence and transcendence, etc.' (Gauchet 1997 [1985]: 201). As I will argue, Gauchet historicises both of these registers, which, to be clear, is replicated in the distinction between the *symbolic infrastructural conditions* that frame the political dimension of societies and then, on the other hand, the *political regimes* that represent and regulate the institutional processes that these conditions bestow. This becomes a critical methodology for Gauchet that serves to offer a *porte-à-faux* perspective which orients his analysis of modern democratic societies.

A community initiates a divisive distance from itself that invites a response to the requirement of its ongoing self-articulation. This means that a community responds to itself reflexively and on the basis of the institutional conditions it has produced. I contend that the necessary step required to understand Lefort and Gauchet's work is to identify the terminological transition from Merleau-Ponty's notion of 'ontological diplopia' to what they name 'social division', developed from the perspective of the political community. An essential lesson from their work stipulates that this perspective can only be achieved through an *illusory representation* of the communal origin. This is evident when they write: 'whoever exercises political authority must constantly secure their position, must ceaselessly re-establish it, without ever being able to completely succeed in doing so' (Lefort and Gauchet 1971: 14; my translation). According to Gauchet and Lefort, this means that a community must 'elaborate divisions that at the same time found it and make it necessary for it to be instituted' (Lefort and Gauchet 1971: 14; my translation). That a community must continually institute itself based on the self-representations it produces gives rise to an originating dynamic through which, as Gauchet and Lefort point out, 'its political structure becomes intelligible to us' (Lefort and Gauchet 1971: 14; my translation).

The key anthropological claim put forward by Lefort and Gauchet is that a community is open to *political contestation* because it is determined by nothing other than itself. Their argument can be understood as follows. Because the institutional structure of a community is a manifestation of what a community represents itself to be, its structure can therefore be contested. One can see that the dynamic of historicity is derived from an originary social division between a political regime supporting what the community represents itself to be and an underlying *symbolic infrastructure* supporting the actual production of the community. The division is *temporal* in nature and perpetually poses to each community the question of its being. At the same time the division incessantly reproduces itself due to the fact that the being of a community always exceeds what it institutes itself to be.

Based on this position it is difficult to miss the centrality of the political dimension in Gauchet's work. The two authors articulate the significance of social division in a way that lays the groundwork for Gauchet's

subsequent work. It is clear that the conditions of political contestation emerging from the dynamic of social division require the implementation of a political regime that organises a community's mode of institution. A political regime is made visible in its attempt to impose constraints and limitations on a community's capacity to produce and reproduce itself, leading to a form of cohesion imposed by the specific mode of social organisation. A community organises itself politically through the imposition of a regime which arises through the 'distorted' field of illusory (i.e., imaginary) and always contestable self-representation.

This is to say that every community comprises a political regime that organises the 'complicitous and antagonistic' positions derived from the contested representation of the community, and institutes its division of power accordingly. Gauchet and Lefort *temporalise* this requirement in order to show that, by establishing its symbolic infrastructure, the community sets into motion an institutional dynamic that proceeds from the need to perpetually institute itself in accordance with what it represents itself to be. This temporal understanding of the originary social division is elaborated by Gauchet into a broader theory of historicity. Gauchet and Lefort emphasise how this process provides a society with its coherency: 'such a division does not separate the social into foreign "parts"; through it, the social relates to itself, separates itself, and acquires its identity. It appears as such' (Lefort and Gauchet 1971: 13; my translation). In order for a community to produce and reproduce itself, it is required to incorporate its divisions while representing its 'nondifferentiated' instituting power to itself.

Genealogies of the Political: From the Primordial Reflex to a Reflexivity-in-Action

What Gauchet drew from his work with Lefort was the distinction between the anthropological dimension of the political that establishes a community's mode of institution, and the process of representation constituting its specific political regime. However, it is fair to say that his analysis of this distinction took a distinctly different path from that of Lefort. Gauchet's approach is distinct insofar as he develops a broader philosophical account of history, or, to be more precise, what he calls a 'transcendental anthropo-sociology', which provides profound theoretical insight into the political dimension of historicity that shapes modern societies. It must also be said that Merleau-Ponty did not persist as a great influence in Gauchet's subsequent theoretical trajectory, despite the fact that Gauchet drew from some of his central themes. The schema of social division, however, clearly left a decisive imprint on his genealogical conception of the modes of historicity.

Gauchet is able to chart a genealogical duality within the historicity of human societies because he is able to apply his anthropological notion of social division to the way that communities have historically formulated

their specific political regimes based upon their inherent symbolic infrastructure. However, this is not a clear-cut task, because what is required is an intuition of the 'invisible' symbolic infrastructure that manifests itself through representation. I will now present a very brief outline detailing how Gauchet historicises these two genealogical registers—the *symbolic infrastructural conditions* of a community and its emergent *political regimes*— which serve to orient his analysis of modern Western societies and their subsequent crises (withholding comment on the latter). His purpose is to interrogate how the legitimacy of any given political regime is oriented by an underlying 'processual autonomy' that guides its mode of historicity. This is the driving motivation of his work and where his divergence from Lefort becomes fully apparent. Whereas Lefort emphasises autonomy as a source of indeterminacy leading to human history being unmasterable, Gauchet instead foregrounds the structuring role of processual autonomy which supports the ongoing political project that is human history.

Gauchet envisages the unfolding of history in terms of a mutually irreducible relation between the symbolic infrastructural conditions anchoring a community in a *longue durée* which is, in turn, altered through the shifting processual logic of institutions articulated differently depending on the alternation of political regimes. A political regime arises through the symbolic infrastructure, but it is not identical with it. Political regimes emerge and dissipate far more rapidly, which imposes the need for self-justification through a specific genealogical explanation, even if all regimes are embedded in a broader metamorphosis of their symbolic infrastructure. Historicity is understood by Gauchet to be driven by the relation between these two historical registers and how they inform and transform each other. Gauchet's conception of historical genealogy is therefore devoid of deterministic teleology, avoiding the pitfalls of Marxism or structuralist anthropology, both being particularly influential in his more formative years. Instead, he develops his political anthropology into a theory of historicity based on clarifying the role of the political dimension in human history.

It is through this focus that, for Gauchet, human autonomy came to occupy centre stage. His theory of historicity is concerned with the autonomous response of a community to the conditions that its institutions have put into place. Gauchet reiterates this point in his latest work, *Le nouveau monde*, in which he insists that communities 'do not simply exist, they produce themselves, and by doing so, they act upon what they are' (Gauchet 2017b: 164). This is why 'the political is what provides human communities with their most decisive and enigmatic property: their reflexivity-in-action' (Gauchet 2017b: 164). Before discussing how this important notion of reflexivity-in-action became a core feature of autonomy in his later work, it is necessary to begin with the idea of a 'primordial reflex' which appeared earlier in the formulation of his genealogical approach.

In vulgar terms, Gauchet's view of history argues that 'since Prehistoric times, humans have striven for structured social organisation' (Gauchet

1994 [1977]: 116) and, still, 'human history is nothing but the history of a long, victorious battle against political alienation, that is, against an original separation of power' (Gauchet 1994 [1977]: 121). In what can be considered an over-generalisation, Gauchet argues that human communities tend to counter their self-originary instituting power, which serves to deny their institutional autonomy. From the perspective of the modern democratic period of Western societies, he identifies human history as a 'difficult break with the *primordial reflex* that prevents it from seeing itself for what it is' (Gauchet 1994 [1977]: 108; my italics). This 'primordial reflex' is a response to the originary social division, in that striving for its 'structured social organisation' the community prioritises *the being of the community* over *what the community can make itself become*. It is here that Gauchet understands human history as oriented towards two distinct modes of historicity, each based upon how a community incorporates the division of its instituting power. He develops this point to propose that a community can either deny this division, dispossessing itself of its instituting power (i.e., heteronomous societies), or it can harness its instituting power in order to act upon itself (i.e., autonomous societies). Heteronomy, he argues, has been the overwhelming tendency of human communities throughout history, and is accompanied by a 'feeling of obligation that arises directly out of the primordial logic dictating society's existence' (Gauchet 1994 [1977]: 116), or a sense that the community must be indebted to the original conditions of its existence in order for it to thrive. These original conditions are sedimented in the symbolic infrastructure of the community which, in turn, establishes a mode of social institution founded upon 'accepting the *external as the originating source and the unchangeable law*' (Gauchet 1997 [1985]: 28).

Gauchet then turned to a theoretical and historical account of religion to articulate the archetypal mode of heteronomous institution. His motivation is to understand the prehistory of modern democratic societies and to show the extent to which they emerge from a symbolic infrastructure based on the metaphysical debt to a religious framework of social organisation. Gauchet proposes that religious societies establish themselves upon a 'symbolic externality of the social foundation rather than the effective division of political authority' (Gauchet 1994 [1977]: 119). This mode of institution has a major implication; all decisions regarding social organisation, communal responses to social phenomena, and the feeling of obligation towards a society are made on the basis of this externalised 'primordial reflex'. Through the externalisation of society's foundation, the 'being of the community' is seen to be grounded in a symbolic infrastructure that separates from the community itself. However, from the perspective of social division, Gauchet suggests that this primordial reflex 'arises politically from the establishment of society's exterior perception of itself' (Gauchet 1994 [1977]: 119). A 'line of division' is subsequently established between the community and its mode of societal organisation (Gauchet 1994 [1977]: 119).

Gauchet's interest in pursuing this analysis of heteronomous institution is not to cast aspersions on this mode of being, but an attempt to understand the political function of religious social organisation, albeit from his clearly Eurocentric (some would even say Gallocentric) perspective of social institution. After all, Gauchet's concern is to analyse the political conditions of modern democratic regimes, specifically Western societies; my own concern here is with his theoretical project, and less so his actual analysis of such societies. What matters is that religion, as he says, 'is not just a mystical way to illuminate the universe and the connection of phenomena. It also constitutes a veritable social structure, an effective piece of the social reality that fulfils a strategic role in the actual workings of a society' (Gauchet 1994 [1977]: 119). More explicitly, Gauchet clarifies that what he calls religion 'makes use of the resources of the political, it makes its powers manifest but in a very special mode, that of denial' (Gauchet 2017b: 165), a denial which prevents the capacity to effectively question the legitimacy of its law. This, in turn, means that 'what the community can make itself become' is restricted to the externalised origins defining its institutional existence. The instituting power of the community is limited to this very activity, a question quite separate from the role of metaphysical beliefs in social and personal life generally.

If the heteronomous mode of institution 'prevents anyone questioning the legitimacy of collective life from its very founding—that is, it prevents anyone from exercising power' (Gauchet 1994 [1977]: 119)—how, then, is it possible for Gauchet to establish a genealogy of the political? The answer comes from the indispensable influence of Clastres's political anthropology on Gauchet's understanding of social division. Clastres, an ethnologist, detected in the dynamic of social division the potential for a rationale justifying external representations of power. Clastres challenged a common premise of anthropology in his time, which regarded so-called 'primitive' societies as being 'stateless societies' lacking the development of a state-form and, conversely, the belief that 'every non-primitive society is a society with a State: no matter what socio-political regime is in effect' (Clastres 1987 [1974]: 205).

From this premise he argued that the anthropological discipline is able to filter out a myriad of ethnocentric judgements as 'incomplete', 'uncivilised', and 'lacking' the progressive overabundance produced by societies with a State (Clastres 1987 [1974]: 189). Clastres promoted the notion that rather than being 'stateless' these are *societies against the State*, arguing that their heteronomous mode of institution serves the political function of averting the state-form. In fact, such societies are not lacking, nor merely passive. As Clastres contends: 'it is said that the history of peoples who have a history is the history of class struggle. It might be said, with at least as much truthfulness, that the history of peoples without history is the history of their struggle against the State' (Clastres 1987 [1974]: 218). Despite the fact that one could interpret this as Clastres retaining the anthropological reduction he worked to dismantle, which seemingly predisposes

pre-modern societies to modern structures, the fundamental point of his work is that this demonstrates how these distinct and opposite modes of social institution are both essentially political.

It should be noted that Gauchet did not simply take up Clastres's thesis. Rather, he considered what lessons his work offered to clarify the role of the political in human history. Gauchet, therefore, sought to draw from this work a genealogical understanding of the emergence of the State and the regimes shaping its consequent political forms. He was quick to unravel the implications of Clastres's work to show that 'the State arises by turning this arrangement of difference, originally destined to preserve society against the state, against society itself' (Gauchet 1994 [1977]: 120). Gauchet identifies a strong continuity of the externalisation of power characterising heteronomous institution, which is transferred into the community by establishing the modern division between the State and the social body (i.e., the rulers and the ruled); 'the State does not create the externality through which it justifies its own separation from society' (Gauchet 1994 [1977]: 120). Of course, Gauchet does not underplay the radical metamorphosis of a community that brings this division of power into the community itself, regarding it to be very significant, not least because it 'entirely transforms the mode by which the society relates to its reason for being and its regulating principles' (Gauchet 1994 [1977]: 120). The schema of social division is essential to understand this transition, as he makes clear.

> The State transforms society by openly giving shape to the social division, by bringing otherness inside the human community until it makes men think they have different natures, depending on whether they rule or submit. The State introduces such a fracture in the way individuals acknowledge each other in the midst of the same space that it gives the impression of being an unprecedented invention [rather than a revision of religious social division].
>
> (Gauchet 1994 [1977]: 118)

In fact, the very question of the State constitutes a pivotal point of divergence between Gauchet and Clastres. While Clastres saw 'primitive' heteronomous societies as organised on the basis of an unconscious mode of institution acting against 'the State'—or, at least, against the possibility of the state-form arising—Gauchet argues that it was the development of the state-form that opened up a capacity for modern societies to articulate their self-instituting power in a more autonomous fashion. Both viewpoints, however, consider the transition from 'religious' to 'state-based' modes of social institution to be a political revolution marked by the incorporation of social division within the community.

The social division articulated through the State has a political implication; power divides society between those who dominate because they have access to the community's instituting power and those who are dominated because they are dispossessed of such power. Though it is true that social

division opens a community to political conflict over the articulation of its symbolic infrastructure, an originary power is already embedded at the symbolic level. This originary power consists of representations grounding the community in a symbolic infrastructure that frames the experience of society and its meaningful order on the basis of a division between those who wield the instituting power of a society and those who are subject to it.

> The immense disparity resulting from the emergence of a partition in society separating dominators and dominated should not be minimised. It implies a relationship of subjection between members of the same community and an authority within the collectivity that monopolises force and legitimacy, thereby holding the power to decide for all.
>
> (Gauchet 1994 [1977]: 117)

As Clastres considered, this is the political revolution: the 'mysterious emergence—irreversible, fatal to primitive societies—of the thing we know by the name of the State' (Clastres 1987 [1974]: 202). In his view, this political revolution is presaged by a succession of compromises with the original aversion to the state-form, which slowly brought the social division of power into the community itself. For Clastres, the State is a deadlock imposed by an essentially exploitative division between the dominators and the dominated. While Gauchet would not disagree with this assessment, he takes it a step further, posing an alternate version of this political revolution, which presents the emergence of the state-form as merely a transition between religious and autonomous modes of institution. In doing so he sets out to describe the significance of the 'political revolution' from the perspective of its 'democratic' iteration. This is why the genealogical perspective he established is important; the State is no longer considered a deadlock between the dominators and the dominated, but rather as a conduit that can potentially lead to new articulations of human autonomy. The question of the state-form remains a presently unsurpassable horizon in Gauchet's work, even though he recognises that the state-form is not the final objective of the 'democratic revolution' (Gauchet 1994 [1977]: 121–122).[6]

Gauchet outlines this narrative in *The Disenchantment of the World*, a 'political history of religion' describing the genealogy of the shifting symbolic infrastructure of Judeo-Christian (i.e., Western) societies. While it has been noted by Charles Taylor, in his preface to *The Disenchantment of the World*, that this is a work of speculative history—and it has largely been received as such by scholars sympathetic to the philosophy of religion—what has been neglected is the fact that it constitutes a work of *political anthropology*. I would argue that its central premise is to describe a genealogy of the symbolic infrastructure underlying modern democratic societies, the counterpoint to which is the multi-volume collection *L'Avènement de la démocratie* and its analysis of the genealogy of modern

political regimes emerging from the 'democratic revolution' underlying the symbolic infrastructure of these societies. Both works are essentially concerned with narrating the movement within these societies, towards an increasingly autonomous mode of institution. Gauchet's genealogical analysis of the symbolic infrastructure of autonomous societies is significant because it offers an explanation of what made the 'departure from religion' possible for modern Western societies. This is the significance of the period regarded by Gauchet as the 'democratic revolution': 'the democratic age has undertaken to undo and detach us from this [primordial] reflex, and the stakes are high' (Gauchet 1994 [1977]: 108).

Gauchet shared with Lefort and Clastres the desire to trace the history and present conditions of human autonomy. However, in this deep motivation within Gauchet's work lies another significant, but largely unacknowledged, influence. It seems almost undeniable that Castoriadis has been a decisive influence on Gauchet's consideration of this human project of autonomy and its emancipatory significance in human history. This influence is seldom discussed, but has been most prominently addressed by Natalie J. Doyle, who locates the influence of Castoriadis's work on Gauchet as building on 'these insights into the symbolic, political infrastructure of modern societies to develop a more complex understanding of what constitutes autonomy as a new form of power' (Doyle 2018: 106). She points to a great sympathy between Gauchet's work and Castoriadis's 'project of autonomy', which is most evident in his analysis of the 'reflexivity-in-action' that is central to autonomous modes of historicity.

There is a distinct affinity between human autonomy and democratic regimes in Gauchet's work that bears a marked resemblance with Castoriadis's insistence on their inseparability. Both authors similarly consider the shift from religious to autonomous modes of historicity to be the fundamental significance of modern democratic regimes. In their view, it is through the democratic regime that a community attains its capacity to question the totality of instituted meaning reflexively. In Castoriadis's terms, democratic regimes are necessarily autonomous because they correspond to 'a type of [collective] being that attempts to alter itself explicitly qua form—or that attempts to break the closure within which it has hitherto existed' (Castoriadis 1997: 340). Gauchet adheres to this conception of the link between the autonomous 'being of the community' and the political regime set in place that allows 'what the community can make itself become', arguing that: 'this is not a society in which everyone is constrained to pose questions. It is a society in which the social process is itself a kind of question, so that although the visible actors oppose what seem to be ready-made responses, they actually continue to dig deeper, rendering any closed debate impossible' (Gauchet 1994 [1977]: 108–109).

Gauchet's interpretation of autonomy offers a different inflection to that put forward by Castoriadis, positing that the reflexive questioning of a community's foundation leads to an autonomous capacity for it to reconstitute its underlying symbolic infrastructure. Autonomy, for Gauchet, is

not the lucid and conscious intervention that Castoriadis would prefer it to be; rather, it is a capacity to alter institutional conditions in a way that can only be perceived at the level of social-historical processes. This is distinct from Castoriadis's emphasis on the radical creativity of human autonomy that he understood to be in tension with social-historical processes. For Gauchet, autonomy is processual and characteristic of a collective *reflexivity-in-action* which perpetually grounds the community within its own infrastructural conditions. In this respect, Gauchet's conception of autonomy emphasises the structural aspects of the political which constitute a community's mode of historicity.

The notion of 'reflexivity-in-action' is a vitally important formulation of Gauchet's anthropological position, which aligns a community's mode of self-definition with its generalised capacity to autonomously structure itself. It refers to the originary social division of a community set with the task of facing up to its self-representation, which 'makes social existence come under the category of self-definition' (Gauchet 2017b: 165) such that a community must consistently produce itself symbolically. This notion expresses the deeply temporal characteristic of social division. It establishes a valuable lesson that the temporal dimension of autonomy is only perceptible due to the fact that it plays out through an essentially political relation between the community and its symbolic infrastructure. The political dimension of a community can be seen in its reflexive interactivity with its symbolic infrastructure. As Gauchet would have it, the political dimension therefore 'represents the primordial structuring of collective existence that guarantees its inner coherence whilst leaving it open to reflection and action on the part of its members' (Gauchet 2005: 555; my translation). Or, put differently: 'human communities are political—are instituted through the political— insofar as they are endowed with processual autonomy' (Gauchet 2017b: 164), which is to say that they are endowed with a reflexive autonomy to act on the institutional processes that structure them.

It is important to take note of the qualification that Gauchet places on autonomy through the term 'processual'. In his view, communities are 'organised in such a way that they give to themselves the very conditions of their existence and in such a way that they have a hold on themselves, processually' (Gauchet 2017b: 164). With this term, *processual autonomy*, he proposes that human autonomy is essentially a *collective enterprise*— quite distinct from its manifestation at the individual level—because it refers specifically to the capacity of a community (with its constituent individuals) to engage with processes that contribute to its self-representation and effective institution. This marks a clear divergence from Castoriadis's theorisation of autonomy, which is comparatively regarded 'as the capacity, of a society or of an individual, to act deliberately and explicitly in order to modify its law—that is to say, its form' (Castoriadis 1997: 340). For Gauchet, 'autonomy is first and foremost a structural fact, and structural autonomy is not substantial autonomy' (Gauchet 2017a: 717; my translation), and he considers the latter a mirage, that of

a radical 'narrative' hopeful of absolute emancipation from *distanciated* forms of power. Instead, Gauchet argues that 'structural autonomy does not deliver a human-social world that is transparent to thought and controllable in its advance' (Gauchet 2017a: 717; my translation). In fact, he proposes that 'it may even be the opposite, as the current confusion and impotence [of Western societies] illustrate' (Gauchet 2017a: 717; my translation).

In Gauchet's view, the processual autonomy of a community is made possible at the infrastructural level because it speaks to a concrete 'primordial structuring of collective existence' that allows for an open articulation of its institutional framework. In essence, the modern revolution induces a reflexivity-in-action that reformulates 'the ways through which this concrete autonomy operates or, to put it differently, it consists in a system of mediations, those that put a community in relation with itself and make it capable of instituting itself' (Gauchet 2005: 556; my translation). For a community to be autonomous it must therefore ground itself within a set of self-originating processes that do not externalise its instituting power. Put differently, the institution of society must be open to the ongoing articulation of the laws of its own existence. Gauchet contends that this is the primary concern of modern political regimes.

The Problem of Modern Autonomy: Delusional Regimes

Here, we arrive at the critical point where a community is *beholden to distinct historical genealogies*. Despite the fact that it is bound by the conditions established by its symbolic infrastructure, it is still necessary for a community to structure its 'system of mediations' that place it 'in relation with itself'. This is the role of its political regime. Gauchet conceives of political regimes as necessary to give form to a community's symbolic infrastructure. They regulate the myriad representations structuring a community, sanctioning what becomes signified as 'the particular and the universal', 'desire and the Law', which is arguably structured through desire itself, 'in desire to have and desire to be, desire to dominate, and desire not to be dominated' (Lefort and Gauchet 1971: 13 fn. 6; my translation). Participation in a given political regime is a distinct historical experience because even if the infrastructural conditions of a community do not change, the way these conditions can be articulated can be vastly different, meaning that 'structural autonomy is in all cases only a basis calling on its actors to make what it makes possible' (Gauchet 2017a: 719; my translation). Political regimes set into place a 'system of mediations' that articulate and give appearance to a particular mode of self-representation. Further still, political regimes structure the processes through which instituting power operates, in that they give form to the social divisions of a community and regulate the reflexive processes through which a community institutes itself.

Gauchet describes the mode of self-representation set in place by a community as a *trompe l'oeil* (echoing the *porte-à-faux* perspective), an optical illusion, which 'develops from its own movement a system of appearances that conceals it for what it is' (Gauchet 2017a: 718; my translation) and makes it appear in its specific form—that of its distinct political regime. This act of concealment indicates how political regimes implement a mode of self-representation that carries with it a distinct historical register. In fact, Gauchet goes so far as to propose that human communities 'have the remarkable property of being delusional about themselves' to the extent that 'one could speak of a self-occultation on the part of autonomous structuration' (Gauchet 2017a: 718; my translation). It is for this reason that Gauchet's work remains critical of the 'democratic revolution' as it has been articulated through the modern political regimes that have emerged thus far.

> True democracy, in our societies, falls far short of what these social protagonists envisioned and hoped for. Without a doubt it has been materialised in rules, forms, and institutions that make it seem an explicit form of practice. However, as a social process, it has engendered itself and continues to unfold largely unaware of itself.
>
> (Gauchet 1994 [1977]: 105)

His main criticism of these regimes concerns their concealment of the 'truth' of their autonomous conditions. In doing so, Gauchet argues that modern communities tend to negate the irreconcilable social division at the heart of their existence, in favour of an illusory, ideological representation of cohesion and unity. A vision of mastery over the institution of a community itself serves to deny its autonomous potential.

This apparently paradoxical situation of modern democratic societies—the reason behind the persistence of the 'primordial reflex'—comes from the originary social division; the community represents itself through a regime incapable of fully perceiving the capacities of its originary infrastructural dimension. What is at stake is the capacity to open the passage towards increasingly autonomous modes of institution that would further internalise its instituting power, which at its deepest level would complete the 'difficult break with the primordial reflex' (Gauchet 1994 [1977]: 108), still lingering with the state-form. Ultimately, what has been denied through the modern political regimes is the possibility of creating a mode of autonomous institution that would allow a community to openly reflect on itself and then enter into the processes of self-institution which serve to constitute it in the first place. The surprising outcome of modernity, in this deeper sense, has come from the fact that the manifestation of autonomy has not brought any solutions to the problem of human power. Modernity, instead, has revealed that autonomy is in fact the problem that continues to sustain the community.

Notes

1 It must be stressed that his analysis is focused on modern democratic communities and in accordance with a worldview informed by the knowledge of specifically European communities.

2 See Gauchet (2005): 'Les taches de la philosophie politique'.

3 One could add Marc Richir and Miguel Abensour to this group, all of whom contributed to the short-lived journals *Textures* and *Libre* throughout the 1970s. It has become generally acceptable to associate this group with an anti-totalitarian revival of political philosophy in France, particularly in light what in light of what has been regarded to be a post-Marxist turn (see Breckman 2013).

4 This idea is also shared with Marc Richir, an editorial member of the *Textures* and *Libre* journals, who developed a unique *phénoménologie génétique* which includes a strong political dimension: 'the pure vision in coincidence, which it brings to bear on the pure fact, on the pure phenomenal individual, or on the pure essence or idea, is only an *illusion of the phenomenon which participates integrally in the phenomenon* and which is equally necessary to the phenomenality of the phenomenon' (Richir 1987: 78–79; my translation).

5 One could catch a whiff of the Lacanian 'lack' (*manque à être*) in this formulation; however, I would argue that it is in fact an idea derived from Merleau-Ponty's notion of *pensée de survol*, as has been discussed. See Lacan (1977: 259)—here Sheridan translates *manque à être* as 'want-to-be', rather than invoking the notion of 'lack'.

6 While Gauchet's argument concerning the birth of autonomy through the state-form is historically accurate, he has developed from it a rather caricatured attitude towards the radical aspirations of the left. He seems to view leftist politics as a set of fragmented and individualised demands for the institutional representation of 'identity' rights. In my opinion, Gauchet completely misses the collective political imperative of many leftist currents because he has not fully considered the colonial dimension of political modernity.

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Part III

Reflections on Marcel Gauchet's Analysis of Contemporary Democratic Culture

6 The Political History of Individualism

Mark Hewson

A concern with the phenomenon of individualism is a consistent element in Gauchet's reflection on social and political modernity. I will here work through a series of texts which reflect upon the historical conditions of the genesis of the individual. Gauchet's political stance is difficult to place within the existing range of options, and for this reason his work occupies a rather solitary position within the intellectual field. In view of the very wide scope of his work, based as it is on a series of theses on universal history, an inquiry limited to a single topic can serve as a means of opening his work up to debate and critique.

'From the Advent of the Individual to the Discovery of Society'

Among the first texts in which Gauchet deals with the question of individualism is an essay on Louis Dumont, 'From the Advent of the Individual to the Discovery of Society' (1979).[1] The study of traditional societies, Dumont observes, teaches us that the organisation of Western societies around the individual is an historical exception. The majority of societies are 'holist' in their organisation; individuals receive their identity and their role very largely from the place that they are assigned within the society. Holism implies the subordination of the individual to the society as a whole; individuals exist *for the sake of* the society. This is the very reverse of our own mode of thinking, which considers individuals as ends in themselves, and the good society as serving these ends (Dumont 1970: 1–19).

   After anthropological studies of Indian caste society, Dumont turned to an investigation into the genesis of individualism in Western societies. Basing his approach upon the historical survey of social thought, he argues that the emergence of the individual is closely correlated to the separation of the economic activities of production and exchange, as these acquire their own dynamic, and gain greater independence from the political structures and the traditional organisation of the society as a whole. The emergence of commercial society changes the terms in which its members think of themselves and others; individuals are no longer defined in terms of their relations to others in the society—in terms of their superiority or

inferiority in caste terms, for example—but rather in terms of their relation to material things, such as wealth and property (Dumont 1983).

Gauchet's essay begins by posing the same questions. We tend to think of society starting out from the individual; the functioning of society is assessed on the assumption that it is the association of individuals, for their mutual advantage. The individual is granted an 'ontological priority' (Gauchet 2005: 405). The individual is experienced as originally given and inherently valid, while society appears as an historical variable, which individuals have to negotiate and modify as best they can. What is the origin of these assumptions? The review of Dumont's work serves as an occasion for Gauchet to work towards his own position on the question. His approach is not so much to question Dumont's analysis, but to inscribe it within a larger transformation of the structure of collective existence.

> The advent of the economy as a separate sphere is one moment in the advent of a completely new mode of the cohesion of the social—a new representation of the way that society holds together [*tient ensemble*] and a new way of allowing actors to organise their activities.
>
> (Gauchet 2005: 412)

One should note here this concern with representation of the way that the society 'holds together', since it brings us at once to the most characteristic line of questioning of Gauchet's reflection, which also distinguishes him from a materialist history (to which Dumont is a little closer here). In the most philosophical moments of his texts, he describes his leading question as that of the collective as a mode and a structure of 'being-together' (*l'être-ensemble*). The holistic society prioritises its 'being-together' as a whole because it understands itself in terms of a design and an origin; the organisation of the society corresponds to a supernatural will that ordains the political and the moral order. The ideology of modern society does not suppose any such intentional principle. It is necessary therefore to think of the society as 'holding together' by itself, in some way. Such a conception is in fact implicit in the very notion of 'society' which, Gauchet argues, only assumed its present meaning and became an object of reflection in the eighteenth century. The idea of an historical or critical reflection upon 'society' supposes that one can identify a certain logic or dynamic which comes about as a result of the interaction of the spontaneous activities of individuals. The beginnings of political economy—studied in the work of Dumont (1977) to which Gauchet's essay responds—coincide with an attempt to answer this question of why individuals cohere into a society, rather than giving themselves over to a struggle of each against all or simply dispersing. These first answers tend towards a naturalistic response, under the influence of scientific modes of thought; the market organises a convergence and a redistribution between individual wills seeking their own interest. Such a point of view is mechanical; it does not recognise the originality of the social sphere in relation to natural phenomena. It does

show, however, that something new has come into view which could not have been seen before, when 'society' was understood as something that was meant to be and that was possessed of an intrinsic order. It constitutes 'a dis-covery (*dévoilement*) of the social as such, and of the specific transcendence of the logic of its functioning in relation to action of individuals' (Gauchet 2005: 421). An historical clarification of the advent of the individual, then, requires an inquiry into the conditions of this 'new mode of cohesion of the social'.

'Tocqueville, America, and Us'

'Tocqueville, America, and Us' (1980) is one of Gauchet's most important early texts.[2] It takes the general form of a critical engagement with Tocqueville's thought, but it extends far beyond the ordinary scope of the critical study of an author towards an historical reflection on the emergence of democracy and the presentation of an original political philosophy. In view of my specific concerns here, it will be necessary to extract the relevant section from a long and demanding text.

The premise of this essay is that the notion of democracy should be understood and analysed in a wider sense, not just as a specific political system, but as a 'mode of being of society' (Gauchet 2020: 307). Democracy is here interpreted as the form of collective existence that comes into being to replace the religious organisation of society. Tocqueville sees democracy as originating in a civilisational shift from a social organisation based on superiority and inferiority to one based on 'the equality of conditions', and so his work anticipates the understanding of democracy as an historical epoch. Natalie J. Doyle (2017: 92–93) traces this wider sense of democracy in both Gauchet and Claude Lefort to Tocqueville's 'sociological definition' of the concept.

The contrast between the European and the American experiments with democracy led Tocqueville to assert that democratic society can only function if it is sustained by shared religious beliefs. Only religion, he believed, can provide the framework of common values necessary to prevent irreconcilable conflict in a political process that depends entirely upon the judgement of the members of the society (Tocqueville 2000: 79–89). This is the point where Gauchet marks his divergence, since his theoretical aim is to understand democracy as a social form dictated precisely by the move outside of the religious and holistic mode. It is the very definition of democracy, he argues, that it is not based on any ultimate foundational principles, but is open to the infinite movement of contradiction and questioning. The religious form of society is defined by unity; democracy is the political form organised by the institutionalisation of conflict, allowing it to deploy without limit, but also neutralising it by containing it within the institutional form (Gauchet 2005: 308–339).

Now, it is one of Gauchet's key historical theses that such a specifically modern and non-religious political form first becomes possible when the

state makes itself independent from the authority of the Church (Gauchet 2007b: chapter 3). In outward terms, the new sovereign (absolutist) state of the sixteenth century is not very different from the religious state that preceded it; it remains 'holist', commanding the unity of the society and demanding the subordination of individuals. Nonetheless, the break with subordination to institutional religion introduces a profound change in the relation of state and society. Within the religious state, the political link circulates throughout the entirety of social life. The model of the society is the hierarchical pyramid, which includes all its members within a network of social bonds, leading from the practices of everyday life upwards towards royal power, which is the point of mediation with the supernatural authority.

The modern state introduces a separation between the political order and the society. The working of such a separate political instance is documented in Tocqueville's *The Ancien Régime and the French Revolution*, which shows the power of the centralised state over all aspects of life in pre-Revolutionary French life. Gauchet gives these observations their wider historical sense. The new state-form introduces the notion of 'the political' in the proper sense—'the notion of a power that is distinct, without common measure with the other powers at work in society' (Gauchet 2005: 369). The modern state tends to 'monopolise' the political bond, reclaiming authority from all the other sources of power: aristocratic families, regional and ethnic groupings, town and provincial rules, local religious authorities, and traditional ways of doing things. This affirmation of centralised power has an equalising effect on the *political* level (though not on the social or economic level). It signifies that there is a dimension of existence by which all are equal—namely, in their relation to the state. It is this shift, Gauchet argues, which makes possible the conception of the individual as independent agent. The modern state extracts its subjects from the network of intermediate powers in which they were enmeshed under religious systems of power—the family, the town, the social class, the profession.

> It is thus that the individual is born, as a result of this unique social power materialised in the state, which can no longer be considered alongside other incarnations of the hierarchy, not even as the highest link in the chain. This power deals directly with each of its members. It permits particular agents, from within their relation to this absolute instance for which they are all the same, to conceive themselves as independent from their effective connections to family, class, profession, and thus in their abstract individuality. There is one site within society in relation to which the fact that I am born into a certain family, that I live in a certain place, that I occupy a certain station, is without the slightest importance. Let us not deceive ourselves; the state is the mirror in which the individual was able to recognise himself in

his independence and self-sufficiency, in separating him from his man-
datory insertion in real groups.

<div align="right">(Gauchet 2005: 369–370)</div>

The state creates the conditions under which it becomes possible for the
individual to think of himself as autonomous in relation to the networks
of authority composed by tradition and by the life-world. It creates the
conditions, therefore, under which this independence can be theorised
within political thought in the guise of the rights of the individual. And
only then does it become possible to reverse the logical sequence, and to
conceive of the state as having been brought into being by the association
of individuals, despite the fact that it actually created these individuals
in the first place. We begin to see then the elements of the 'new mode of
cohesion' which emerges with the rupture with the holist mode; it will be
defined by the configuration between the separate state, the new mode of
coexistence represented by civil society and the market, and the detached
individual.

'Human Rights are Not a Politics'

'Human Rights are Not a Politics' (originally written in 1980) is one of
Gauchet's more widely cited essays, due to the very active discussion
around the politics of human rights (Gauchet 2002: 1–26). It differs mark-
edly from the preceding essays considered here, and indeed from most of
Gauchet's writings, by its strident and polemical character. The essay is
a topical response to the emergence of the category of human rights in
European intellectual and political culture. This represents a marked turn
in the French context, Gauchet observes, since it goes against Marx's
denunciation of the 'rights of man' as a bourgeois and individualistic
notion (in 'On the Jewish Question'), and seems to revive the 'humanism'
that had been subject to a sequence of demystifications in French thought
of the 1960s.[3] As distant as his own style of thought is from political radic-
alism and deconstruction, Gauchet's attitude towards this new movement
is sceptical. One of the main sources for the new currency of human
rights discourse was the situation of political criticism under Soviet con-
trolled states and, more generally, under authoritarian political regimes
throughout the world. It is far from evident, however, that a position
of solidarity with political prisoners and dissidents provides a basis for
activism within liberal democracies. The tendency of this new political
direction, Gauchet argues, is towards a 'minimal' politics, functioning
'indirectly to legitimate the established Western order' (Gauchet 2002: 6).
The point should be noted, given the widespread view of Gauchet as a
liberal or even neo-liberal philosopher (documented and questioned in
Doyle 2017). This misrepresentation is significant; it reflects a certain
bewilderment in face of the reserve in Gauchet's texts, which stop short of

the 'position' that is expected from political analyses. To be more precise, the texts are in fact characterised by a clear *parti pris* for democracy, but this advocacy takes place within the context of a historical reflection upon democracy which puts in question the established definitions that define the category, and ultimately only affirms it as a political form that is still in the process of invention.

The essay proceeds from the critique of the ambient discourse of the late 1970s to the substantive question of whether human rights can function as the primary point of reference for thinking of democracy. Such is not the case, Gauchet argues. The principle of rights only concerns *the individual*, and gives no access to a reflection upon the society as a whole; it does not offer a position from which the society can decide for itself a future. Above all, the discourse of rights is problematic in that it fosters and encourages a representation of political life centred upon the defence of the individual against the state and the society (Gauchet 2002: 17).

We can see why Gauchet would perceive such a representation as problematic. As we have just seen, the existence of the individual, in the sense of the politically independent unit of society, is made possible by a certain mode of state power. The arguments of the Tocqueville essay are restated here in the dense and important sub-section entitled 'The Individual and the State'.

> Such is the paradox of the liberty of the moderns; the emancipation of individuals from the primordial constraints which bound them to a community whose order preceded them, and which was expressed in very effective hierarchical relationships, did not involve a reduction of the role of authority, as common sense would suggest, by simple deduction, but in fact constantly worked to increase it. The undeniable latitude acquired by individual agents on all levels in no way prevented but, to the contrary, regularly favoured the constitution of an administrative apparatus, apart from and above the sphere of civil autonomy, taking in charge the orientation of the collective ever more expansively and minutely.
>
> (Gauchet 2002: 18)

The independence and self-sufficiency of the individual is not first an inner intuition, which then emancipates itself in contest with an external authority. It originates in consequence of a new form of authority, which is ultimately more remote from the individual and more exclusive in its sway that the state in the hierarchical world of holism. In the period between its origins and the present day, the sovereign state has progressively attenuated the imperative mode of command and the menace of violence; however, during this same period, it has continuously expanded its administrative reach over every facet of life. The freedom and sense of self taken for granted by individuals of the present day developed under the condition of this ongoing expansion of the power of the state and its institutions.

The dramatic representation of the struggle of the individual against the state promoted by the point of view of human rights may correspond to the facts of particular cases, even many cases; for all that, it is misleading at a symbolic level, as a representation of the fact of collective existence, since it dissimulates the historical and structural links between individual freedom and state power.

From 'When Human Rights Become a Politics' to *Le nouveau monde*

Twenty years after this intervention, Gauchet published a second essay on the same topic, presented as a sequel and a reconsideration of 'Human Rights are Not a Politics'. This second text is entitled 'When Human Rights Become a Politics'.[4] The shift in the premise reflects the adjustments made necessary by historical change. The first essay was an intervention within the current of intellectual debates in France. In declaring that 'human rights is not a politics', Gauchet was taking the position that the defence of rights did not provide the option of a political transformation which some at the time saw in it. In the interim, however, Gauchet acknowledges, human rights have become much more than the rallying point of an intellectual movement: 'By an unpredictable evolution, the rights of man have effectively become the organising norm of collective consciousness and the measure of public action' (Gauchet 2002: 330).

On the political level, the elevation of human rights to the status of a 'global social fact' expresses the triumph of liberal democracy over its ideological competition. From this point of view, the coincidence of the fall of the communist states in Eastern Europe in 1989 with the bicentenary of the French Revolution assumes a peculiar symbolic resonance. The new importance accorded to human rights can be seen as the realisation in practice of the principles expressed in the 'Declaration of the Rights of Man' 200 years earlier.

> The rights of man now return to the position and the status of foundations that the deputies had dreamed of giving to them, and which they had only occupied for the space of a brief and memorable experiment. *Foundations*, that is to say, not simply the position of supreme regulative values towards which society should aspire as best it can, nor merely the final limits that are opposed to political power. They now gain the position and the significance of *principles of definition*, that are at once initial and definitive, demanding that everything be reconsidered from the ground up, leaving nothing out of consideration. The difference in comparison with the inaugural experiment is considerable, however; it resides in the tranquil, diffuse, progressive and reformist mode in which the work of remodelling operates. There is no longer an *ancien régime* to be destroyed.
>
> (Gauchet 2002: 331; italics in the original)

The comparison with the onset of the French Revolution is intended to underline the 'radical nature of the process at work' (Gauchet 2002: 331). The challenge to the existing order now goes by way of the campaigns of social movements, legal challenges, and policy reforms, rather than through popular revolution, but nonetheless it tends just as much towards a total reconstruction of social relations. It must be acknowledged, therefore, that the principle of human rights has become a 'politics', in the sense that it defines a conception of collective existence and of its future direction. In surveying the outcome, however, Gauchet only finds his initial assessment confirmed.

> The consecration of the principles [of democracy] comes at the cost of practical contradictions. Democracy is no longer contested; however, it risks becoming a mere phantom, losing its substance from within, under the effect of its own ideals. In assuring itself of its foundations in rights, it loses the power to govern itself. The consecration of the rights of man marks in fact, a new crisis of democracies at the same moment as their triumph.
>
> (Gauchet 2002: 332)

These claims illustrate a new critical stance which gives orientation to Gauchet's work from around this moment. His earlier studies had primarily been engaged in the historical explication of modes of social functioning. Now he turns increasingly towards the contemporary situation, and his analyses are guided by the diagnosis of a malfunction.

The elevation of rights to this position of 'the organising norm', Gauchet argues, is part of a larger historical change; it is now possible to see that the period from the late 1970s onwards has marked 'a turning point in the history of liberal democracies' (Gauchet 2002: 332). The transformations of recent decades are the topic of many of Gauchet's essays from this time on, culminating in *Le nouveau monde* (*The New World*) (2017), a large-scale historical study expanding upon the theses advanced in 'When Human Rights Become a Politics'. The ascension of human rights in public discourse is here presented as the ideological face of 'the new world' created by a linked set of social factors of change: the transition away from the industrial state, the rise of globalisation, the expansion of the power of the media, and the 'digital revolution'. Gauchet describes the inner coherence of this world by interpreting it as a new phase in 'the modern revolution', in the sense of the exit from religion, following the perspective established in his earlier works. The initial premise of these studies, set out in *The Disenchantment of the World* (1985), is that religion should be understood first as a mode of political organisation rather than as a belief or a conviction. Once this point of view is adopted, it becomes possible to recognise that religion continued to exercise an organising power over societies within which its social and spiritual force had diminished or been relegated to the private life of its citizens. If the period from the 1970s

onwards has the coherence of a new historical phase, it is because this is the moment at which the remaining implicit substructures inherited from religion dissolved. 'The unrecognised but powerful links which continued to hold together the state and the society, the individual and the collective, the past and the future were abruptly effaced, and an unrecognisable landscape came into view' (Gauchet 2017: 18). Contrary to what is generally believed, the disenchantment of the world is not merely something that was definitively accomplished long ago, with the disappearance of magic and mythology, but also describes the experience of the most recent historical decades. Political and social life now begins to function without the 'mysteries' that still sustained the cohesion of societies until well into the twentieth century—the aura of state authority, the legends of national belonging, the myth of the future of reconciliation (Gauchet 2017: 635–636). The effect is one of estrangement and unfamiliarity. 'Each day we discover a little more, as we become definitively modern, the extent to which we did not know ourselves' (Gauchet 2017: 147): 'It is as if we awoke one morning in another world, with different thoughts, without understanding the reason for this displacement—a world in appearance identical to the preceding day, in its great outlines, and yet mysterious different' (Gauchet 2017: 207).

At the beginning of chapter 9 of *Le nouveau monde*, Gauchet sums up the analyses of his work until that point, in remarking that all the dimensions of the metamorphosis converge to place the figure of individual at its centre. The 'mysteries' of the collective each had the effect of inscribing the individual life in a greater overarching perspective and, accordingly, their dissipation gave the signal for a movement of individualistic liberation in the 1960s and 1970s. In addition to the emancipation from these unifying structures (*les englobants*) subordinating the individual to the life of the collective, however, he argues that the process of individualisation also has its own source in the 'element of right' (*dans l'élément du droit*) (Gauchet 2017: 486). This identification of individualisation with the category of right is what is most distinctive to Gauchet's writing on the topic. It separates his work from writers such as Ulrich Beck and Zygmunt Bauman, whose studies have also sought to depict the novelty of the contemporary social form and have pointed to the intensification of individualisation as one of its most distinctive characteristics (Beck and Beck-Gernsheim 2002; Bauman 2000). At the descriptive level, there is much in their work which converges with the picture given by Gauchet. Beck, in particular, has underlined the expansion of the regulative and administrative framework of state institutions as the enabling condition of the new individualisation. This individualising power of right is underlined by Gauchet in one of his most recent essays. What is distinctive about the individualism of the present day, he writes, is its 'juridical dimension'; 'it is based in an organising fact, the discretion of which masks its radicality: the junction between the foundation in right, the only foundation acceptable to modern societies, and their effective functioning' (Gauchet 2020: 159).

We have already encountered this claim in 'When Human Rights Become a Politics'; the new historical moment was identified with a transformation in the status of rights, as they became 'foundations' or 'principles of definitions', and no longer merely limits upon power or ideals. This claim is elaborated in much greater detail in chapter 9 of *Le nouveau monde*, where Gauchet returns to his reflection upon the centrality of the ideology of human rights in contemporary liberal democracy.

> It can only be fully understood, it will be argued here, within the framework of the structural radicalisation of autonomous modernity. It is the privileged manifestation of this radicalisation within the present configuration, along with the process of individualisation, which constitutes its social expression. At the same time, it is the source of the crisis which affects this configuration, the source of the optical illusion which leads our societies to misinterpret their own reality and encloses them within political impotence.
>
> (Gauchet 2017: 488)

The starting point of 'autonomous modernity', as we saw in the essay on Tocqueville, is the emergence of the modern state-form.[5] The sovereign state comes into being by secession with the authority of the Church, and so its claim to legitimacy is bound to be problematic. The change in the practical structure of the state requires a corresponding new theory. If the political body is no longer guaranteed from above, by its supernatural origin, then it can only find its legitimation from 'below', in the agreement of the individuals who make it up (Gauchet 2017: 497–502). The transition to the second of these two models was accomplished by the tradition of social contract theories, which justified the power of the state with reference to the hypothetical fiction of an original agreement made by its members.

These theories mark a rupture with holism in assuming that the political body is made up of individuals, 'existing each one by and for themselves, and hence independent' (Gauchet 2017: 500). This presupposition is not based on an observation of society; it is a purely logical genesis, and completely contrary to the actual situation of individuals of the time, enmeshed as they were in dependency and a network of social bonds (Gauchet 2017: 503). The rights of individuals are postulated because they are required by a chain of argumentation intended from the outset to conclude in a justification of the rights of the state. At the moment of the crisis of the *Ancien Régime*, however, the thesis of natural rights reveals an unanticipated political charge because it opens up 'the perspective of an appeal to the foundation'; at this point, the rationalism of the Enlightenment 'became revolutionary' (Gauchet 2017: 511). In face of political dysfunction, natural rights can serve as a measure for criticism, and a point of departure for a new construction, which seeks to clear away all that is merely historical and contingent in the existing social order, all that allows injustice through the force of inertia and vested interests (cf. Cassirer 1951: chapter 6). In this

way, natural rights, which had been devised in the interest of a legitimation, were able to become 'the rights of man' and provide the charter for a revolution (Gauchet 2017: 513).[6]

As Gauchet shows, nineteenth-century thought turns away from this foundational project. The principle of right is denounced as an abstraction, and as the root cause of the violence of the French Revolution. The dominant intellectual currents turn from the individual, as the hypothetical starting point of society, towards larger movements in society and history. For conservatism, the social bond is based on tradition and the history of the nation; for liberalism, the cohesion of society is to be identified rather with the collective dynamic, which leads to progress and reform; for socialism, social transformation has to begin with an understanding of the real conditions of production, and freedom appears as the end of the historical process, rather than being given at the outset (Gauchet 2017: 513–520).

During the long period in which the representation of society was divided between these alternatives, the rights of the individual entered into a phase of latency, but were not voided of all force. Their significance was minimised in theoretical models of the political relation, but in practical terms their position was consolidated. The basic protections of individual rights had been acquired with the Revolution, and now become a presupposition of the legal and constitutional principles of the nation-state. The acceptance of the principle that the source of political legitimacy is located in the assent of free and equal individuals becomes explicit at the beginning of the twentieth century with the success of the campaign for universal suffrage (Gauchet 2017: 521–531). The tacit acceptance of the norms contained in this principle is then consolidated by what Gauchet terms 'concrete individualisation'—that is, the provision of the basic practical and material wellbeing without which the attribution of equal liberty to citizens appears as an empty gesture, if not an ideological fiction. Here Gauchet gives primary importance to the rise in Europe of *l'État social*—a term for which there is no precise English equivalent since it refers not only to the 'welfare state' in the narrower sense of the social security system, but also, more generally, to a framework of legislation and institutions (public services, the regulation of the labour market, and economic policy) functioning to provide the citizens with the capacity to provide for themselves and participate in society. Gauchet argues that the reorientation of the state in this direction during the period after 1945 has an importance that has been overlooked in political reflection because it consisted in administrative measures more than in any definite ideological principle. Through a multitude of distinct and specific policy initiatives, the *État social* makes up a 'global and systematic enterprise', aimed at 'assuring the effective independence of individuals in all the circumstances of social and personal existence where it is challenged' (Gauchet 2017: 535).

Here, more than in the earlier texts, Gauchet acknowledges the acceleration of the process by material factors that enhance individualisation,

such as improvements in the standard of living brought about by technology and medicine. He mentions the contraceptive pill as an exemplary instance of the power of technology and commerce to increase individual power over one's own life (Gauchet 2017: 542). The process of individualisation has, of course, been accelerated by innumerable innovations—the car, the computer, the mobile telephone—which give greater power and security to individuals, but which, by a peculiar logic, also have a marked tendency to allow them to function without the need for the assistance and collaboration of others.

The convergence of social change and technology have therefore brought about a situation where the theoretical foundation of society—individuals who are originally equally independent and free—corresponds to a much greater extent to the real situation than it did when it was first postulated. The result of this long-term process is a new 'effective configuration of the collective (*configuration effectuante de l'être-ensemble*)', which Gauchet designates as 'the society of individuals' (Gauchet 2017: 537). To describe such a society as an 'effective (or "effectuating") configuration' is to signal that individualisation is here more than a sociological phenomenon. This is precisely why Gauchet's emphasis goes to the work of the state more than to technological change. 'The society of individuals' is made up only of individuals, certainly; but it is also a society, and its 'holistic' dimension, its work of socialisation, is directed precisely towards the production of individuals.

> The society of individuals is not simply a society which ideologically valorises its individual members, or a society whose members enjoy great independence in their conduct. It is a society which posits as its constitutive norm that it is composed of individuals, that there are only individuals in accordance with right, who are to be treated as such and have to act as such.
>
> (Gauchet 2017: 554)

The crisis of democracy that Gauchet diagnoses results from an 'optical illusion' (Gauchet 2017: 488) that is spontaneously produced by this new mode of collective existence. Democracy begins to undergo a shift in meaning, coming to signify the 'sovereignty of the individual' rather than 'the sovereignty of the people'. The political instance is assigned the role of maintenance and arbitration, assuring and regulating the coexistence of individuals. The exercise of political power as such tends to appear as an unreasonable infringement upon the rights of the individual. Therefore, the dimension of *collective* autonomy as opposed to individual autonomy—the ability of the community as a whole to reflect and govern itself—is diminished. The society as a whole loses its ability to act, and the actual direction it takes depends upon a technical consensus in response to the movements of the economy, and the shared interests of an oligarchy operating on a global plane (Gauchet 2007a; Braeckman 2008). Political

discussion compulsively orients itself towards the discussion of particular cases and is shaped by movements of emotional identification: 'we are hypnotically enclosed within an illuminated zone reduced to the individual' (Gauchet 2017: 20).

The question of the individual, then, indicates the continuity in the concerns of Gauchet's work over a considerable period of time. The first essay studied here begins by questioning the self-evidence of the position occupied by the individual at the centre of our social thought, and this question remains central even in his most recent work. The contrast between the earliest and the most recent treatments of the theme show how much more critical his treatment of the question has become over time. In this first text, following Dumont, Gauchet underlines the exceptional character of the position of the individual within modern society from a comparative point of view, and seeks to describe its historical and structural conditions. The autonomous cohesion of individual society is investigated in comparison to traditional holism as 'a new way for society to assume its reality as society'. It is a matter of two structural alternatives, and Gauchet remarks that there is no reason to see the latter as inferior (Gauchet 2005: 425–426). In the most recent texts, by contrast, individualisation is identified as the root of a self-destructive movement in contemporary society: 'a blind march towards the self-destruction of all that makes society liveable, democracy effectively practicable, and the planet inhabitable' (Gauchet 2017: 644). As he comes to offer an explanation for this movement, at the end of *Le nouveau monde*, Gauchet draws a distinction between 'structural autonomy' (the mode of collective existence of modern society) and the interpretation that such a society forms of itself. Structural autonomy provides the conditions under which both individuals and societies can act under their own lights; it is capable, however, of producing an 'optical illusion', a misconstruction of itself which is entirely human, in no way to be ascribed to the religious impulse, the traditional object of social critique. The implication would be that the society now stands in need of a critique of the sovereign individual—something that is bound to be difficult to carry out within a social space that is organised to produce such individuals, and without the assistance of religion, which had traditionally taken over this task.

Notes

1 'De l'avènement de l'individu à la découverte de la société', now collected in Gauchet (2005: 405–431). The text has not been translated into English. In order to maintain consistency, I have translated all of the passages cited.

2 The text was first published in the journal *Libre*, and then included in *La Condition Politique*. A complete version of the text has recently been published in English (Gauchet 2016). For consistency, I have translated the passages cited here myself.

3 See Lacroix (2013) for a good review of the positions of the main actors in the debate around rights in France.

4 'Quand les droits humains deviennent une politique' was published in *Le Débat* in 2000, and is now in Gauchet (2002). The text has not been translated into English.
5 See also Gauchet (2007b: chapter 3).
6 Gauchet's interpretation of the first moment of the 'rights of man' is based on his much more extensive historical study *La Revolution des Droits de l'homme* (Gauchet 1989), which analyses the debates which led to the composition of the 'Declaration of the Rights of Man'.

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7 Human Rights, Legal Democracy, and Populism

Paul Blokker

The rise of human rights since the 1970s, as a narrative as well as a practice, is remarkable and, at least until recent years, has remained a phenomenon relatively little discussed outside the sphere of legal studies. Only in the last two to three decades have sociological studies started engaging with human rights (Turner 1993; Morris 2006; Nash 2015); however, with few exceptions, the emphasis is on how to sociologically understand and analyse human rights, and less so on the question of what the significance of human rights is for an understanding of the nature of contemporary society and modern democracy (cf. Thornhill 2013).

This chapter engages with the emergence of human rights as a new or even last 'utopia' (Moyn 2012) in the understanding of human rights as a relatively novel core part—and *raison d'être*—of modern democratic societies. In other words, democratic societies have become understood as defined by human rights, and their institutions have become importantly grounded in these, and in related concepts such as the rule of law and constitutionalism. It can be argued that modern democratic regimes have importantly changed due to the rise and prominence of human rights. As will be discussed in the chapter, processes of juridification, resulting in a 'legal democracy' or a 'democracy of human rights' (Gauchet 2015: 176–178), represent a significant shift in the understanding and operation of democracy, while legal democracy is equally a crucial backcloth to the emergence of contemporary forms of counter-reaction, in particular in the form of populism as a protest movement against a juridified, unbalanced form of democracy.

The chapter will first discuss the—in many ways extraordinary—rise of human rights, in particular from the 1970s onwards, briefly discussing the (international) institutionalisation of human rights as well as the diffusion of a universal human rights language among a range of political, legal, and social actors, including judicial and political elites, social movements, and NGOs, as well as dissidents and intellectuals. In the second part of the chapter, the focus is on how the human rights language has also become a main point of attention in critical social and political thinking, perhaps most evidently so in France. Two critical, illuminating, but partially contrasting understandings of human rights will be discussed—those

of Claude Lefort and Marcel Gauchet. In both accounts, the centrality of human rights in modern democracy is elucidated, and in particular in Gauchet's work the contours of a 'legal democracy' or 'juridical democracy'[1] are put into strong relief. It is in relation to legal democracy that the phenomenon of populism is subsequently discussed, as a counter-reaction to a juridified, individualised form of democracy. The chapter concludes with Gauchet's powerful depiction of 'legal democracy' and his assessment of the negative impact of human rights on collective political projects (leading to populism trying to 'fill the void'). The conclusion, however, also returns to Lefort's insight by recuperating the indeterminate and potentially corrective possibility represented by human rights.

The Human Rights Turn in the 1970s

Human rights are frequently understood as a core dimension of modern democracy. It is less frequently noted, however, that human rights—in the way these are understood in current times, in particular, as forms of protection of the individual against state abuse—are a very recent phenomenon. And while the wake of the Second World War is rightly understood as a key moment of human rights fermentation, it is of great importance to realise that it was only by the 1970s that human rights became relatively widespread instruments in terms of their use by social movements and NGOs, by states in their domestic politics as well as in foreign policy, and by international institutions (Eckel 2013). Historians understand the emergence of human rights as an 'agenda-setting topic' and, as part of an increasingly popular political imagination and set of claims, as an intrinsic dimension of a complex period of change—the 'long 1970s'—which saw a range of significant changes in terms of socio-economic matters (the decline of the welfare state and the emergence of neo-liberalism), geopolitical changes in terms of an East–West *détente*, the process of decolonisation, and sociocultural change (Villaume et al. 2016).

It can be argued that since the Second World War, a distinctive *legal* imaginary—in which human rights play a crucial role—has emerged. What is significant is the fact that post-Second World War democracies have seen an important shift away from majoritarian political institutions towards strong and independent judicial ones. The human rights discourse is partially to be understood as part of this shift towards a legalistic understanding of democratic society, in which politics is understood as inherently problematic, while legal norms and human rights are interpreted as safeguards against a potential regression of democracy. As Timmerman et al. (2018: 225) argue, focusing on universal human rights,

> since the middle of the twentieth century, a major shift in the social imaginaries has been underway: the rise of a global human rights imaginary that expands and transforms earlier imaginaries grounded in conceptions of the nation and nation state. Collective imaginaries

today increasingly refer to the level of global society or the 'we' of a single human community. As expressed by the 1948 UN Universal Declaration of Human Rights, we imagine ourselves to be part of one humanity in which every human being, irrespective of his or her nationality, holds certain fundamental rights.

This shift in social imaginaries is important for at least two reasons. First, it meant the gradual acceptance of human rights, and at times active endorsement, by a wide and global range of actors (as discussed below with particular reference to the European context). Bradley (2016: 16) speaks of how a range of social movements all over the world 'set the 1970s global human rights imagination in motion'. Second, this human rights epoch is seemingly coming to an end as in recent years human rights (and international rights institutions) have faced a strong backlash, so much so that one might observe the contours of a new shift in social imaginaries (Diehl 2019; Ezrahi 2012; Turnbull 2019), potentially leading to a different form of democracy or political regime.

Human Rights Institutions

Human rights gained a specific relevance in Europe after the end of the Second World War. Human rights had 'serious political and social momentum' in the wake of the two world wars. A human rights narrative became a significant marker of democratic and democratising societies. At the same time, human rights had a deeply contestable nature, something that became particularly visible in the construction of the Council of Europe (CoE) and the formulation and institutionalisation of the European Convention on Human Rights (ECHR) (Greer 2006: 17–24).

A crucial dimension of the new human rights ideal, not merely as a courtesy provided by states but as an individual entitlement,[2] was the emergence of international rights regimes and institutions. In the European context, this can be largely explained by the consequences of the 1930s rise of fascism and Nazism, and the prevalence after the war of an antitotalitarian vision which was to be institutionalised within both domestic institutions and newly formed international ones (see Müller 2011). In the wake of the Second World War, the CoE, the ECHR, and the idea of a distinctive European court were proposed as pillars of a new European order, grounded in the ideas of universal human rights, and understood as means to integrate European society (Madsen 2013: 149). The ECHR could be understood as a regional version of the UN Declaration of Human Rights (1948), concretising the idea of securing human rights by means of international law (Huneeus and Madsen 2018). The idea was aimed against the fascist past as well as against the emerging communist present (cf. Huneeus and Madsen 2018: 141).

In institutional terms, the 1970s proved to be of great importance. In the 1970s, the ECHR became a more activist and progressive player, endorsing

a view of human rights in a series of landmark decisions that stressed the 'practical and effective' nature of human rights, in potential defiance of the member states of the CoE (Madsen 2013: 153). The European Court of Justice, in turn, increasingly started to refer to human rights in its judgments, and not only to those human rights relating to national constitutional traditions and to the Court's 'discovery' of 'unwritten general principles of Community law', but increasingly and explicitly also to those of the ECHR (Madsen 2014: 260). The growing importance of the European Court of Justice in human rights promotion reflected a shift in the human rights narrative, away from an exclusive focus on gross fundamental rights violations in cases such as torture and genocide, towards more 'ordinary' cases regarding social and socio-economic rights of European citizens, rendering human rights relevant for the 'evolving societal fabric of Europe' (Madsen 2013: 154; Huneeus and Madsen 2018: 148).

One could understand this as a process of a 'general orientation towards human rights in the two European courts, so that they began to take human rights seriously as real legal entitlements and thus as law' (Madsen 2014: 261). The 1970s can be seen as a period of convergence and consolidation of the idea of human rights in the two projects of European unification, perhaps most dramatically playing out in the human rights struggles in East-Central Europe.

Social Movements, NGOs, and Dissident Groupings

The human rights institutions discussed above gained clear prominence and an effective potential by the 1970s. In this period, human rights, probably also due to their invigorated juridical status, became part of a wider societal and political vocabulary. As Jan Eckel (2013: 227) has argued, 'the 1970s saw a vigorous surge in the popularity of the idea and an impressive proliferation of political practices associated with it'. This was in many ways a surprising turn, in particular since actors and movements that had been previously highly sceptical of human rights (not least radical left-wing movements) became increasingly explicit supporters of the idea. As Eckel (2013: 228) further claims, the 'essential attractiveness' of human rights 'lay in the fact that human rights seemed to provide a way of responding to the failure of older political projects, of transcending the logic of the Cold War, of basing political action on a moral foundation, and of reaching a vantage point that supposedly was above politics'.

The 1970s saw a strengthening and new vigour of professional human rights NGOs, not least Amnesty International, which saw its public standing and popularity, as well as political impact, grow significantly (Eckel 2013: 228). The 1970s further saw a strong increase in 'human rights activism' and the mushrooming of a range of movements with human rights claims, often identified by sociologists as 'new social movements'. These grassroots movements endorsed rights in relation to feminism, ecology, international peace, gay and lesbian rights, anti-racism,

and third-world solidarity as well as solidarity with dissidents in Eastern Europe (Moores 2017: 118; Eckel 2013: 228). Eckel (2013: 228) recalls how observers at the time were surprised by the upsurge in rights claims and spoke of a 'human rights industry'. A further striking dimension was the transnationalism of human rights promotion, involving highly different groupings in transnational forms of mobilisation, supporting dissidents in the East, solidarity with the Chilean population in the context of the Pinochet regime, or with the victims of apartheid in South Africa (Moores 2017; Szulecki 2019).

A distinctive dimension, strongly related to the more theoretical discussion of human rights that will be discussed below, relates to transnational activism and the support of Eastern European dissident groupings by the Western new left. In order to bring out the historical complexity of the human rights boom in the 1970s, it is highly important to understand how the universal human rights narrative was able to become part of the local vernacular of distinctive movements and activists. A highly significant case is that of the new left in France, which showcases how human rights could become part of a direct-democratic discourse which was pitted against the totalitarianism and authoritarianism of orthodox Marxism as well as against 'consensus liberalism' (Brier 2016: 74). The account of the historian Robert Brier shows how in particular the Polish trade union Solidarność developed strong linkages with the French 'Second Left' or *deuxième gauche*. This Second Left, with important intellectual protagonists such as Claude Lefort, Pierre Rosanvallon, and Marcel Gauchet, emphasised to various degrees ideas related to *autogestion* ('self-government' or 'self-management'), a concept which was equally important in the struggle of Solidarność. According to Brier (2016: 77), the encounter between the Polish dissidents and the French Second Left provided the latter with a 'concept to express, amplify and universalise their concerns about authoritarian tendencies in the project of the Left: totalitarianism'. Human rights provided an additional angle, in that 'human rights were politically attractive because, seemingly, they were not tied to any specific political, let alone revolutionary, project, but seemed to be rooted in a pre-political, purely ethical sphere' (Brier 2016: 77). In other words, 'human rights provided the moral groundings for the Second Left's anti-authoritarian, direct democratic views' (Brier 2016: 78).

Human Rights and Legal Democracy

In the 1970s, as we have seen above, human rights emerged as a strong and relatively new programme of political emancipation. As Samuel Moyn (2012: 293) states, '[a]fter 1977, human rights were everywhere in Western political discourse, and newly so; but nowhere were they more startling in their rise to prominence than in French political culture and theory' (Cohen 2013). Human rights as such were endorsed by a range of different social and political actors, including from right- and left-wing orientations.

As Moyn (2012: 293) further states, human rights 'provoked great enthusiasm in their own right, percolating from dissident monitoring groups, through intellectual statements, among social movements, and even penetrating into the rhetoric of high politics'.

Here, we are interested in two interrelated dimensions: on the one hand, the rather peculiar or at least unexpected adoption of the human rights language by (French) thinkers, including left-wing and radical left forces (cf. Moyn 2012: 291); on the other, and this will be the main discussion below, the critical view some leftist thinkers articulated, particularly focusing on the ideas of Lefort on human rights as well as Gauchet, and his (implicit) critique of Lefort.

Claude Lefort

Lefort developed an important interest in and conceptualisation of human rights, in a manner in which both the superficial scepticism of many Marxists and the neo-conservative embrace of human rights—as in the *nouvelle philosophie* of the late 1970s—were rejected. According to Jean Cohen (2013: 127),

> [w]hat is fascinating about his approach is that Lefort refused both the Marxist and ultra-leftist reductionist critiques of human rights as mere liberal and bourgeois ideology, while rejecting the ideological Cold War liberal and neoconservative position that framed the new human rights movements as efforts to get Soviet-type societies to catch up with what the Western constitutional democratic capitalist societies had already achieved while supporting Latin American dictatorships in their own backyard.

Rather than reducing rights to entitlements inherent in human nature, Lefort pointed to the irreducible, political, and even constitutive nature of human rights in democracy, in that rights are both an instituted feature of democracy but at the same time retain an instituting capacity (cf. Bobbio 1990; Moyn 2012: 294). For Lefort, rights were about the 'dynamics and symbolic meaning involved in claiming rights and in inventing democracy' (Cohen 2013: 125). As Lefort (1988 [1986]: 23) argued, 'the liberal state cannot be viewed simply as a state whose function is to guarantee the rights of individuals and citizens and to grant civil society full autonomy. It is at once distinct from civil society, is shaped by it and is a force which shapes it'. Rights are not merely individual, as in both the Marxist and neo-conservative readings, but have social and interrelational dimensions that are crucial for democracy. The public dimension of democracy, in terms of the possibility of making one's voice heard, to mobilise, and to construct a public sphere for the exchange of ideas and opinions, is significantly grounded in rights (to free expression, to assembly, to freedom of information, and so on).

In Lefort's view, the traditional grounding of the people's common body in the king and God was in modern societies replaced by the 'public space' (Keenan 2003: 6). The public space is essential for the democratic project in that it creates a space in which all aspects of society can be fundamentally questioned. As Lefort argues with regard to the French Declaration of the Rights of Man and Citizen of 1791 (cf. Keenan 2003: 6),

> [a]s everyone acquires the right to address others and to listen to them, a symbolic space is established; it has no definite frontiers, and no authority can claim to control it or to decide what can and what cannot be thought, what can and cannot be said. Speech as such and thought as such prove to exist independently of any given individual and belong to no one.
>
> (Lefort 1988: 33)

It is in this location, as Alan Keenan (2003: 7) underlines, that 'other rights so essential to democracy are formulated, questioned, debated, and accepted'. As Keenan (2003: 7) further observes, for Lefort citizens are bound together through rights, that is, the sharing of an 'everchanging set of rights, a public space, a commitment to the process of argument about those rights, a process that takes place within that space'. Ultimately, democracy is not about a regime or set of institutions, nor is it about isolated individual rights-bearers, but about an open and continuous debate grounded in a primary discourse of rights.

But rights do not only constitute a common language within society. Rights and particularly political claims expressed in a language of rights create a connection between the voice and claims for change of groups in society and the possibility of the realisation or institutionalisation of such claims. In Lefort's dualistic understanding, rights entail both a *negative* (protection from abuse) and a *positive* dimension (participation in public affairs), but what is more important is the fact that the 'principle of right' enables the emergence of new claims and new rights, because the law is not immanent in the order of the world and cannot be confused with power as such (Lefort, 1988 [1986]: 39). Lefort thus both denied human rights a 'natural', pre-political status and a narrow, negative, individual scope. Rather, rights can be related directly to forms of social interaction and collective behaviour, such as mobilisation, (radical) dissent, and critique, in that 'permanent contestation' is opened up by the 'demand for rights' (Abensour 2002: 708). Lefort 'reasoned from the perspective of the movements and dynamics involved in asserting and inventing rights and the symbolic meaning of the very idea of the right to have rights, of man and of the citizen' (Cohen 2013: 127).

The interesting argument that Lefort made is that rights reflect the indeterminate nature of democracy as an ongoing process, and as

> founded upon the *legitimacy of a debate as to what is legitimate and what is illegitimate* – a debate which is necessarily without any guarantor

and without any end. The inspiration behind both the rights of man
and the spread of rights in our days bears witness to that debate.

(Lefort, 1988 [1986]: 39; emphasis in original)

As Abensour (2002: 709)[3] notes, 'democracy is that form of society
in which law, by its external relationship to power, proves to be always in
excess of what is established, as if the instituting instance, once posited,
re-emerges in order to reaffirm the existing rights and to create new ones'.

For Lefort, democracy was fundamentally about keeping open the
debate on what is legitimate and what is not. Hence, any attempt to close
the debate, for instance, by conclusively (ideologically) defining which
rights are important and which are not, and who is to define and interpret
rights and who is not, endangers the democratic project (cf. Cohen 2013:
131). As Cohen argues, the success of human rights in our times carries
with it the risk of turning human rights into a 'frozen' ideology, imposed
externally by means of international human rights missions. As Cohen fur-
ther argues, international rights fundamentalism or the 'new ideology of
international human rights', which presents human rights as 'self-evident'
and 'non-debatable', risks turning into a 'moralisation of politics' (Cohen
2013: 132, 133). As Cohen rightly claims, this fundamentalism turns rights
into politics, but not the democratic, dynamic politics Lefort had in mind.
It is here that Gauchet's analysis of rights and his notion of 'legal democ-
racy' or a juridified democratic politics becomes important.

Marcel Gauchet

Gauchet, as noted by Moyn (2012), provides a decisively more critical or
negative view of the role of human rights in modern society, stressing the
affinity between human rights and the forceful modern trend towards indi-
vidualism. In contrast to Lefort's emphasis on the duality of rights, and
their indeterminacy, which make human rights a core language of dem-
ocracy (cf. Cohen 2013), in Gauchet the emphasis is on the mutation of
human rights into a purely juridical instrument, which threatens the core of
the democratic project. As Gauchet (2002) argues, a legal form of democ-
racy constitutes 'democracy against itself'. And while Lefort situated him-
self in opposition to both the old Marxist denunciation of human rights as
an intrinsically bourgeois instrument and to the new, fashionable, and mor-
alistic interpretation that emerged on the right and sees human rights as
a strictly individualist and anti-totalitarian instrument, Gauchet, in some
ways, returns to the Marxist critique of human rights as the expression of
individual egoism, of 'egoistic man' (Marx 1978: 42; cf. Gauchet 2017a:
292). As Marx stressed in 'On the Jewish Question', 'the so-called rights
of man, as distinct from the rights of the citizen, are simply the rights
of a member of civil society, that is, of egoistic man, of man separated
from other men and from the community' (Marx 1978: 42; cf. Moyn 2012:
292). A significant difference, though, is that while for Marx rights merely

constituted an epiphenomenon of the capitalist structures and development of society, Gauchet (2017a: 278, 284) understands rights, and law in general, as the core of the rational form of modern society; indeed, the 'ideal of law' consists in the 'ideal of a complete and rational codification of social relations'.

The emphasis in Gauchet's account is on how human rights—as inherently individualistic—undermine the collective or community. However, Gauchet gives this individualistic reading of rights a new twist by relating it not only to the structural development of modern society since the late eighteenth century, but in particular, in its most acute phase, to a distinctive form of democracy—a legal one—that emerged from the 1970s onwards and in which the famous 'social question' and social relations more generally became mystified in the name of individual autonomy (Gauchet 2017a; 2018; cf. Souillac 2005: 22).

Human rights are hence not a new concept in contemporary democracy (as Gauchet himself has extensively elaborated in his analysis of the French Revolution and the parliamentary debates in the late eighteenth century in *La révolution des droits de l'homme*). However, since the collapse of the left-wing, welfarist, or social-democratic project in the 1970s (and, with it, of the 'social question') and, simultaneously, the increasingly evident moral bankruptcy of its main contender, 'really existing' communist society, human rights have become the only available political language in modern democracies. In fact,

> the clamorous revival of the idea of human rights identifies a significant intellectual turning point inside of the *république des lettres* and in the circle of old militants: a new orientation, if not an ideological rupture of decisive importance
>
> (Gauchet 2002: 31; author's translation)

While the upsurge and popularity of human rights is understandable with regard to struggles against forms of dictatorship and authoritarianism, as in East-Central Europe and the Soviet Union, in Gauchet's (2002: 32) view, the value of human rights is less self-evident in democratic societies. According to Gauchet (2002: 33), human rights—in strong contract to the emancipatory dimensions Lefort emphasises—potentially form an 'instrument of mystification in order to makes us swallow the pill of a politics that is necessarily minimalist'. For Gauchet, human rights cannot define a democratic political project, because 'if by politics one intends an action which attempts to obtain the adequate means to reach its objectives, then human rights, one cannot repeat it enough, *are not politics*' (2002: 33; author's translation; emphasis in original).

The lack of a truly political nature of human rights emphasises their indeterminate nature, but this indeterminacy is understood in a very different manner to that found in Lefort's understanding of human rights. For Lefort, this indeterminacy is the great potential of human rights to

be applied to new struggles. For Gauchet, in contrast, this indeterminacy means the incapacity of human rights to resolve social problems and, even more, their inability to contribute to the formulation of 'a project for a more just, free and equal society' (Gauchet 2002: 34). Gauchet, hence, relates human rights to a decline in political potential, that is, the perception of a modern societal project, which is not based on transcendental norms, but finds its principles of justice and truth within society itself.

In contrast to the predominant view of human rights as the only way of founding modern democracy, while admitting the enhanced emphasis on the individual, Gauchet sees the current individualist and juridified approach to human rights as undermining the 'capacity to deliberate and to take decisions in common' (2002: 246; author's translation). As he states, to '[t]ransform human rights in a politics, means, ultimately, to condemn ourselves to collective impotence' (Gauchet 2002: 246; author's translation). One could say here that Gauchet acknowledges the role of rights in terms of politics in a narrow sense. In contrast, in the broader sense of the political—the definition of the terms of how to constitute a community of people—rights are strongly deficient. If Gauchet then argues, in contrast to his early intervention in 1980, that rights constitute a politics, he means this in a pejorative sense.

> Human rights have become, and on a large scale, that which I was afraid was inevitable, with all the resulting risks, that is to say, a politics—worse, the spirit and the anchor of any politics.
> (Gauchet 2002: 247; author's translation)

It is with regard to the political that we need to understand Gauchet's affirmation that '[o]ther than being insufficient to define a politics, human rights, having become the fundamental active principle of democracy, have ended with revealing the profound reason of their difficulty to transform into a politics' (2002: 243; author's translation). The political dimension of human rights, or the relationship between rights and politics, consists in the suppression of both the social-historical collectivity and of democratic politics. Today, according to Gauchet (2002: 250), law and rights pretend to define the whole of democracy. Human rights substitute for political and social discourses, and are political in an ideological, negative sense, by obscuring possibilities for democratic debate and imagining alternative societal arrangements. For Gauchet (2002: 276), 'Law, in the form of human rights, pretends to constitute the absolute truth of democracy, rejecting a consideration of a political and historical/social nature, with the evident will to substitute for the latter'.

Indeed, Gauchet identifies an important affinity of human rights with the arrangements of economic society, in terms of the necessities of a 'network society' and an 'information society', without such rights, however, contributing to a project which seeks to radically change social structures. This is a significant insight; the application of human rights tends to be

related to the return to a status quo ex ante, in case of rights violations, and is hence focused on the 'correction of injustices, without the sterile ambition to transform the entire social system to change every one of its single mechanisms' (Gauchet 2002: 260; author's translation). Human rights have become the only ideology, the last of ideologies, or the 'singular ideological paradigm' (Gauchet 2002: 266; author's translation), holding together a fragmented society, without any collective subjects with demands for emancipation and regeneration. Human rights, in this, are a perfect match for a fully diversified, atomised, individualised 'society of individuals'[4] (Gauchet 2002; cf. Braeckman 2008).

Human Rights and Populism

The 'explosion' and diffusion of human rights in the 1970s has in distinctive ways intensified since the 1990s. In recent years, however, a noticeable political counter-reaction has become visible, which questions the status and nature of (international) juridical institutions (Huneeus and Madsen 2018; Koskenniemi 2019) as well as the idea of human rights (Waldron 2020). This counter-reaction cannot be reduced to the widely discussed phenomenon of populism, but it is not unfair to argue that populism constitutes perhaps the most visible and condensed form of a political and social critique of (the liberal-legal understanding of) human rights and the rule of law. For Gauchet the starting point for understanding the contemporary phenomenon of populism is what he identifies as a 'third phase' or significant transformation of democracy, which started in the 1970s.[5] This third phase consists in the emergence of a form of democracy grounded in a 'juridical idea' of democracy, which 'puts at its centre human rights, understood in a very specific sense' (Gauchet 2018). In Gauchet's view, rights display both a positive value, in ameliorating the situation for individual citizens, and a negative one, in that rights are purely, or at least predominantly, understood as *individual* rights (Gauchet 2018). The clearest indication of the transformation of democracy in a legal or juridical form is the emergence of 'fundamental rights' as a substitution for human rights, turning these into positive rights for individuals (Gauchet 2018). This development is equally reflected in the substitution of the notion of democracy for that of the *État de droit*, that is, the *Rechtsstaat* or, more accurately, the state grounded in the rule of law[6] (Gauchet 2018). The third phase corresponds to the development of a new ideal of power (Gauchet 2018). In the early modern form of democracy, power resided in the legislation, whereas in the social idea of democracy (Gauchet's second phase), it was executive power that embodied political power. With the third phase, power becomes an expression of juridical institutions: 'With the juridical idea of democracy, we arrive at a new ideal of power: judicial power, adorned with all the virtues of power. The right way to exercise power is to go to court' (Gauchet 2018; 2017a). This also means that state institutions have been entirely recomposed, with a clear increase in the importance of

independent courts, in the name of the judicial ideal of power (Gauchet 2018; 2017a: 312ff).

Gauchet's emphasis on 'juridical democracy' corresponds to trends that importantly involve the transnational level in terms of the development of extensive human rights regimes (as discussed above). As Cohen (2013) argues, the fundamentalism on the part of those that understand a universal human rights system as a self-evident response to any kind of expression of interest, policy goal or problem, and claims-making conceive of human rights in a one-sided and not very democratic manner, not least because of a disconnect between universalistically envisioned human rights and local, domestic social communities. This corresponds to the mismatch that Gauchet identifies between universal and individual human rights, on the one hand, and political visions of a common living together, on the other (Gauchet 2017b).

Significantly, then, this transformation of the last 40 years in terms of a 'juridical democracy' is equally related to the emergence of the global entanglement of societies and the emergence of a truly international and transnational idea of human rights (cf. Cohen 2013). The legal form of democracy coincides with the emergence of a new understanding of liberalism. This neo-liberalism is grounded in classical liberal ideals, which are now, however, no longer conceived within a national context, but on a global scale. One consequence is that the connection between politics and rights within national collectivities loses its significance (Gauchet 2018).

Gauchet grounds the development of 'legal' or 'juridical democracy' in a deeper process of change, that is, the process of individualisation in modern societies, which takes an intensified form in an 'individualisation by means of law' (Gauchet 2018).

> This individualism is intimately associated, in fact, with the new juridical awareness of actors. Law used to be an instrument *external* to individuals, an instrument at their disposal in the social space which they called upon when necessary. [Law] has entered into the representation that individuals have of themselves: they first define themselves by means of the law.
>
> (Gauchet 2018: emphasis added; author's translation; cf. Gauchet 2017a: 273)

Individualism expresses itself hence through rights and rights claims (Gauchet 2017a: 272). All this occurs in a context of a deeper transformation by means of a 'legitimatory revolution' of juridical actors. In Gauchet's view, this new legal or juridical legitimacy brings with it great dangers for democratic society, in that it legitimises the extension of a form of hyper-individualism: 'Individuals represent the society that surrounds them as an oppressive collective which hinders an aggregate of free individuals in their fundamental rights' (Gauchet 2018; author's translation).

As Gauchet (2015: 163) further argues, the

> very meaning of democracy has become impoverished. The term used to refer to the goal of self-government; it is now taken to be fully synonymous with personal freedom and the cause of human rights. The legal dimension having come to prevail over the political one, democratic societies see themselves as ' "political market societies", societies that can only conceive of their existence with reference to a functional language borrowed from economics'. The depoliticisation of democracy has facilitated the rise to dominance of a new form of oligarchy.

Here, Gauchet makes the extremely important point that the rise of human rights has to be understood in relation to the rise of neo-liberal economic thinking and the ordering of society (cf. Moyn 2018). This rise involved the demise of the attention for the collective 'social question' in the 1970s, and its response by means of a form of 'privatisation' of the welfare state, a 'marketisation of citizenship' (Crouch, Eder, and Tambini 2001), and an individualisation of social protection by means of a 'responsibilisation' of the individual.

Populism, according to Gauchet, thus has to be understood as a reaction to the atomistic society of individual rights, the 'society of individuals' (Gauchet 2002; 2017b). Populism 'comes to fill a vacuum', not least left by 'progressive discourse', which 'has come to focus so much on the question of individual rights that it has forgotten to incorporate those rights in a vision of society from which they could derive their meaning' (Gauchet 2017: 208, 209).

Concluding Remarks

The great significance that human rights have acquired since the 1970s is widely discussed, but seldom in terms of the emergence of a new type of democratic regime. The analyses of human rights by both Lefort and Gauchet form important exceptions, and significantly help to conceptualise a new form of legal democracy. The discussion of Lefort's and Gauchet's contributions to the debate on human rights has shown the highly important and critical nature of the reflections of both thinkers. In the case of Lefort, a key contribution regards the elucidation of the duality of rights as well as their indeterminacy. These insights put one-sidedly optimistic and even euphoric views of human rights—still central in some, particularly legal, quarters—in a critical light, while appreciating potentially emancipatory dimensions of rights. Lefort hence recognises the importance of fundamental rights as guarantees for pluralism and the avoidance of an absorption of politics by distinctive forces, as with the populists in contemporary times (cf. Arato 2016: 280). But he remains equally sensitive to the evolving nature of rights and their provision of a core instrument against forms of domination (cf. Cohen 2013).

Gauchet's understanding of human rights puts the emphasis on a dimension less central in Lefort's discussions: that of juridical domination and the fragmentation of society by legal means. While Lefort's work sheds light on the populist attempt to eliminate pluralism and to invade the empty space of power, by constructing a myth of the People-As-One (speaking to many concerns in current debates on the populist abuse of constitutionalism and threat to the rule of law), Gauchet's sceptical view of rights illuminates the reactionary nature of populism, in the sense of its reacting to what Gauchet refers to as a 'juridical idea of democracy' or a 'democracy of control', a democratic system defined by juridical domination, individual rights protection, and a general incapacity to formulate a common vision of (the future of) society. In significant ways, Gauchet shows the individualising implications of a rational formatting of society by means of rights, which inter alia contributes to the development of a counter-movement that seeks to radically reintegrate society on the basis of the myth of the people, filling a vacuum (Gauchet 2017a: 208).

Gauchet's argument is forceful and convincing. Nevertheless, two dimensions need more attention and elaboration: the dualistic nature of human rights, on the one hand, and the transnational dimension, on the other. Gauchet's (2002; 2017a) analysis of contemporary democracy as a 'society of individuals' stresses the individualising and atomising implications of human rights, while also highlighting forms of alienation due to expanding state and juridical power and bureaucracy (Souillac 2005: 23). In his reading, human rights—or, better, 'fundamental rights'[7]—become part of the late modern project of the *État de droit* or constitutional state,[8] which is deeply grounded in fundamental rights, and based on an internalistic understanding of human rights and the ideal (or hegemony) of the rule of law (Gauchet 2017a: 312). This is in sharp contrast to the early modern project, which was grounded in popular sovereignty, and where human rights had a function external to the juridical system, as collective, societal aspirations. Gauchet's analysis of post-war 'legal democracy' and juridical domination is highly timely and of great value in current debates on populism, which are often reduced to a simplified stand-off between populism/anti-liberalism and anti-populism/liberalism (cf. Oklopcic 2019).

In Gauchet's view, tendencies of individualisation, judicialisation, and the loss of a sense of a collective self could be contrasted by a return to forms of social cohesion and the construction of meaningful politics and a political community. In this view, the three components that he sees as fundamental to the 'mixed regime' of liberal democracy—the political, the law, and history (cf. Gauchet 2015; 2016)—could be rebalanced again by reducing the juridical component. Gauchet's (2017b: 274) important stress on a juridified version of rights as fundamental rights (he speaks indeed of a 'fundamentalisation of rights'), grounded in the independent power of judges and courts, informs a view of human rights as contributing to

further individualisation and fragmentation, and to the reduction of a possibility for politics due to the loss of common objectives. It hence further unbalances the mixed regime of modern democracy. Fundamental rights are understood as a language of courts (internal to the juridical system), serving individual interests and needs, as further expressed in Gauchet's (2017: 314) account of the contemporary 'democracy of control', a control exercised in particular by judicial and constitutional institutions.

In this, however, Gauchet seems to bypass social and societal dimensions of human rights. His portrayal of fundamental rights as exclusively individualistic instruments downplays the dimensions of rights as collectivist, emancipatory instruments. When societal actors use rights, as in the promotion of individualistic emancipatory projects by social movements around, for instance, LGBTQI rights, they further contribute to the promotion of individual objectives, but not to a political project for society (cf. Doyle 2017: 192). This is a one-sided reading of human rights, which follows legalistic understandings of rights as largely pertaining to judicial institutions and interactions, as in the case of processes of litigation. But human rights, even in current neo-liberal and polarised societies, retain a social dimension of collective emancipation. Legal mobilisation by civil society actors is not reducible to individualistic projects that only entail narrow goals of individual justice, but potentially includes broader societal and political projects in which rights claims play an important role, not merely as calls for individual emancipation but as cornerstones of a larger, alternative view of society and democracy. This is particularly evident when collective, civil society actors refer to rights in forms of, for instance, legal and constitutional 'resistance' against authoritarian tendencies or capitalist domination (Blokker 2020). In this, Gauchet risks underestimating a potential of human rights as instruments for political articulation and claims-making, and as potentially crucial for emancipatory struggles for marginalised groups. At the same time, admittedly, Gauchet clearly acknowledges a collective, emancipatory potential of rights in his analysis of the 'first moment' of human rights in the Declaration of the Rights of Man and the Citizen of 1789. Rights have now, however, in the 'second moment', been fundamentalised and juridified. In the contemporary context, however, the possibility of 'humanising' or 'socialising' human rights seems to be taken into account less, and the return of a human rights language which taps once again into ideas of a collective project, based on popular sovereignty, seems not considered.[9] The latter might help rebalance the currently overjuridified form of democracy into the direction of a more balanced 'mixed regime' as Gauchet identified before the 1970s (Gauchet 2015). Hence, forms of protest and mobilisation, that is, a range of diverse rights subjects (citizens, residents, refugees, illegal immigrants), who often explicitly engage in human rights claims, are not included in the discussion of legal democracy. In this, there is a risk of overlooking the potentialities for individual and collective emancipation through the very same rights (Cohen 2013: 134).

A second, related, issue is the transnational dimension, which is particularly evident in Europe. Gauchet discusses the European dimension and recognises the unprecedented nature of the European Union as an 'advanced laboratory' (Gauchet 2017a: 158). The experience of European integration contains, however, an active dimension in the unbalancing of the mixed regime of modern democracy, not least in its strong emphasis on 'integration through law' (as discussed above, but not explicitly discussed in Gauchet's work) as well as in its pursuit of neo-liberal market-making. While these dimensions of European integration are undeniable, and the forces upholding the European status quo are formidable, more recent tendencies of politicisation and transnational societal mobilisation indicate that European integration cannot be reduced to this, as also attested by pushes towards integration in social, environmental, and fiscal terms. While a return to a status quo ex ante focused on the nation-state seems unlikely, the emergence of renewed collective, cross-border initiatives on the transnational level, partially on the basis of claims regarding rights, democracy, and constitutionalisation, might indicate one direction of a rebalancing of modern democracy.

Notes

1 Gauchet speaks of a 'juridical idea of democracy' (*une idée juridique de la démocratie*) (Gauchet 2018) or a 'democracy of human rights' (Gauchet 2015).
2 The societal, collective dimensions of human rights remain, however, of crucial importance (see Nash 2009; Thornhill 2018).
3 Both Abensour and Gauchet were students of Lefort. While, on the basis of Lefort's legacy, Gauchet started emphasising a deepening of the understanding of modern liberal democracy and republicanism, Abensour elaborated visions of radical democracy and stressed the emancipatory dimensions of rights claims (Ingram 2006).
4 Gauchet (2017a: 308; author's translation) defines the society of individuals as follows: 'the society of individuals is not simply a society which values ideologically its individual components or a society where the members enjoy a large de facto indpendence in their behaviour. It is a society which posits as a constitutive norm that it is composed exclusively of individuals, who only exist within it as legal individuals [*individus de droit*]'.
5 The first phase corresponds to the emergence of the claim for popular sovereignty in the late eighteenth century, and the second with social question which emerged in the late nineteenth century.
6 Gauchet (2017a: 313; author's translation) understands the idea of the *État de droit* in a specific sense, as the result of a 'triple evolution': 'an evolution of the idea of rights themselves, an evolution of the institutional architecture of our regimes, and an evolution of the place of judicial power in the collective functioning'.
7 Where originally 'human rights' were part of an emancipatory, collective political project, *external* to the law, fundamental rights are *internal* to the law and form the basis of a system of legal governance (Gauchet 2017a: 273).

8 Perhaps the best translation is the state based on the rule of law.
9 Such political projects might, for instance, be identified in some of the trans-national political projects that seek to democratise the European Union (Blokker 2019).

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8 Juridification

Liberal Legalism and the Depoliticisation of Government

Julian Martin and Natalie J. Doyle

Juridification is a multifaceted phenomenon with profound consequences for the functioning of democratic regimes.[1] By emphasising the importance of juridical notions (such as rights) and furthering the ascendancy of judicial power, juridification is a powerful force driving the loss of credibility in the political domain. It has resulted in the law occupying a preponderant position in contemporary liberal democratic regimes. However, the state of crisis in which contemporary democratic politics finds itself requires an assessment of the role the law can play in the contemporary configuration of democratic regimes. This chapter will use Marcel Gauchet's theory of democracy and his definition of liberal democracy to critically examine this contemporary phenomenon. First, it will argue that juridification rests on unstable philosophical foundations by reason of its reliance on contested juridical concepts such as the rule of law, as well as the contemporary human rights discourse, both of which draw upon liberalism's questionable universalist claims. It will then be argued that, in addition to these conceptual difficulties, juridification obfuscates the practical constraints limiting the law's ability to resolve social conflicts democratically.

Juridification, the Rule of Law, and Fundamental Rights

Broadly understood, juridification refers to the ascendancy of the law, particularly its authority over politics, and thus to a form of legal domination (Bohman 2004). However, this deceptively simple definition conceals the complex nature of juridification, which refers, in fact, to a range of heterogeneous phenomena. Hirschl (2008) distinguishes between juridification as it relates to the expansion of administrative agencies in the modern state and what he terms the 'juridification of social relations', referring to the proliferation of legal discourse and rules in the social and political sphere once governed in an informal or non-judicial manner. This form of juridification involves the capture of social relationships and the expropriation of social conflict by the law. In concrete terms, this societal juridification has materialised through the expansion of the scope of judicial decision-making power and the use of rights jurisprudence, which has

expanded the reach of judicial review, ostensibly to counter the encroaching power of the regulatory state (Hirschl 2008). This second dimension of juridification constitutes the main focus of this chapter.

This focus is assisted by the fact that there has been a remarkable convergence among legal systems on the importance of rights and judicial review (Merryman 1981; Hirschl 2008). Indeed, the idea of human rights has become so prevalent that even Arab states or communist China, condemned by Western states and the UN for their human rights violations, have been compelled to argue for the value or even superiority of their own understanding of human rights (Vitkauskaite-Meurice 2010; Kingsbury 2008). Hirschl (2008) attributes the increased prominence of rights to the spread of constitutional and statutory bills of rights in legal systems throughout the world. More specifically, these catalogues of rights confer upon judges the analytical framework necessary to move beyond judicial review on a solely procedural basis towards a *substantive* review (Hirschl 2008). The ubiquity of catalogues of rights also entails a greater level of consensus as to which rights are enshrined in positive law, as well as uniformity in their interpretation (Law and Versteeg 2011). In the European context, this consensus has been most visibly consolidated by both the European Court of Justice (ECJ) of the European Union and the European Court of Human Rights (the ECtHR), both having in fact exercised considerable normative influence beyond Europe (Kaczorowska 2013).

This chapter deals with the unstated, common assumptions underpinning this convergence on rights and judicial review and pays particular attention to the normative bases supposedly justifying it: the contemporary discourse of human rights and the notion of the rule of law. It is only through a critical examination of these aspects of juridification that one can understand the underlying philosophical or even ideological basis of the rise of juridification across the Western world.

The Rule of Law

The rule of law was once seen as a primarily abstract political principle—an ideal or aspiration that could not necessarily be enforced or guaranteed by the law (Gauchet 2017). At its essence, the rule of law refers to the belief that those who hold public power should not be able to exercise it in an arbitrary or capricious manner (Crawford 2017). Rather, their ability to exercise such power should be constrained by the law.

Although the notion appears rather straightforward, there is considerable disagreement as to what it actually requires in practice. 'Thin' (procedural) conceptions compete with those that can be described as 'thick' (substantive). The 'thin' accounts of the rule of law stress minimal requirements, such as clarity and stability. On the other hand, the 'thick' conception of the rule of law stipulates substantive requirements, equating the legal validity of a law with its *moral* validity (Crawford 2017). This substantive account of the rule of law posits moral validity *as an essential*

precondition to the legal validity of a given law, and therefore presupposes the existence of a shared set of basic moral values through which legal validity can be determined (Allan 2003).

The Rule of Law and Rights

The comprehensive theory of democracy advanced by Marcel Gauchet offers a persuasive account of what encouraged the contemporary discourse of human rights to establish such a set of collective moral values defining the standard of legal validity. Gauchet (2017) explains that this contemporary human rights discourse is a product of the transformation of the principles of natural law into *fundamental rights*, a transformation that took place over the course of European history and most importantly over the second half of the twentieth century. This has led him to speak of a 'second turning point in the history of human rights', after the first breakthrough of the seventeenth and eighteenth centuries, which he analyses as 'the juridical revolution of the political' (Gauchet 2015). In his view, this revolution involved a new understanding of the source of the law and of its norms: the subjective rights of individuals. These rights came to contest the traditional heteronomous justification of the monarch's authority presumably derived from a divine will (Gauchet 2005).

This radical reformulation inspired the 'revolutions of the rights of man' (Gauchet 2007) occurring between 1770 and 1800 in the United States and France. During the nineteenth century, however, this logic of rights was somewhat disqualified by a new historical-economic logic of social transformation, which reaffirmed the political authority of the collective over the rights of individuals according to a new *representative* logic (Gauchet 2007). Despite its apparent retreat in the face of the increasing ideological dominance of forms of political thought emphasising the pre-eminence of the collective through such notions as 'society', the ideal of subjective rights nevertheless continued to exercise a subterranean influence (Gauchet 2017). The fundamental transformation of social values in the late 1960s—which, among other things, challenged the principle of hierarchy and the traditional understanding of the state's authority—saw the question of the place of the law in the political order regain prominence, this time with fundamental implications for the assertion of the liberal dimension of modern democracy. Put simply, after having long remained ineffective, the originally abstract and inoperable principles of natural law 'descended from the realm of ideals […] into that of practical reality' (authors' translation) by becoming a set of enforceable 'justiciable' subjective rights (Gauchet 2017: 513).

As Gauchet (2017) explains, the shift from *human* rights to *fundamental* rights illustrates the gradual re-conceptualisation of rights from a collection of primarily political principles external to the legal realm to elements of positive law, at the disposal of individuals. This translation of rights from the political sphere to the juridical signified that the contents

of laws were to be evaluated by reference to fundamental rights possessed by individuals. Accordingly, the substantive conception of the rule of law prevalent in contemporary society became practically synonymous with a rights-based theory of law which gives primacy to the individual (Gauchet 2017; Craig 1997). Gauchet identifies this positivist understanding of human rights as fundamental rights at the disposal of the individual as the vehicle of a depoliticising form of individualism.

Gauchet (2017) elucidates how the pursuit of the rule of law, grounded in the contemporary human rights discourse, reflects the re-emergence of the distinction made in legal discourse between legitimacy and legality. As the discussion on the differences between thick and thin conceptions of the rule of law suggests, this distinction appears to require laws and administrative decisions to be not only *legally valid*—that is, to have been adopted through the proper procedures—but also *legitimate*, something demonstrated through their conformity with moral rather than simply procedural requirements. In this respect, the return of this distinction can be said to reflect the growing acceptance of Dworkin's (1982) thesis that rules are not the basis of law. For Dworkin, the moral and political justifications for rules—in other words, *principles of political morality*—are legally fundamental, not the rules themselves. According to this theory, it is incumbent upon judges, when making decisions, to give legal effect to the political and moral theory presumably underlying the rules. This conception of the law constitutes an unprecedented convergence between jurists' understanding of the law and that of philosophers, first signalled by the reappearance of theories of political law from the early 1970s, most notably those of John Rawls and Jürgen Habermas (Gauchet 2005).

Theories of political law are best understood as an attempt to resolve the inability of positivist legal doctrine to accommodate the notion of *constituent power* in its understanding of the legal order. As Loughlin (2014) notes, the notion of constituent power does not (and cannot) have juristic significance because it challenges the ultimate authority of the constitution at the apex of the legal order. However, in democratic political systems, the founding exercise of constituent power which inaugurates the constitution is legitimated by its link to popular sovereignty, expressed through the idea of 'the Nation' acting as a constituent sovereign (Kalyvas 2005). Positing that the constitution derives its legitimacy from qualities inherent to the law (such as fairness or respect for individual rights) obscures this important reality.

Juridification and Rights

As stated above, the political philosophy proffered as underlying the rule of law is that of *natural law* first formulated in the sixteenth century as part of the juridical revolution of political legitimacy of early modernity, which has ultimately found a concrete expression in the contemporary human rights discourse (Gauchet 2017). This discourse is the cornerstone of the

substantive conception of the rule of law and of the juridification this ideal promotes. First, rights are the practical translation of the common morality that the substantive conception of the rule of law presumes to exist because they offer a legal standard against which collective action can be judged (Poole 2005). More importantly, however, the contemporary discourse of human rights offers a normative basis that justifies the exercise of judicial power (Poole 2005). This second, justificatory dimension to rights is particularly relevant because it allows juridification to transcend the inherently counter-majoritarian nature of judicial review by conferring on judges the legitimacy to strike down collective action by reference to fundamental rights (Gauchet 2017: 569).

The philosophical foundations of juridification therefore rest on two interrelated claims. First, it is simply presumed that there exists a common morality that can specify the objectives to be pursued in a just and equal society. It is claimed that these objectives should be realised and protected by elaborating a set of fundamental rights that constitutes a form of *superior law* constraining collective action. Second, juridification presumes that the judicial method, in identifying these objectives, is intrinsically more reliable, appropriate, and legitimate than the parliamentary process on which modern democracy relies. What follows will demonstrate that these claims cannot be readily accepted.

A Common Morality

Juridification rests on the presumed existence of a common morality—a set of common values held by all members of the collective and seen as essential for human flourishing. According to this theory, democratic politics is simply a means of moral deliberation—a forum in which individuals discuss and debate what their common values demand in cases of dispute. Political disputes, however contentious, are therefore to be resolved within a common normative framework. The presumed existence of this common framework is a precondition of the theory of law proposed by Dworkin (1996), which insists that there can be an objectively ascertainable 'right answer' to all legal conflicts, as well as Rawls's (1993) endorsement of political liberalism, which affirms that there can be a consensus on fundamental principles of justice.

Though proponents of the substantive conception of the rule of law frame the essential values necessary for human flourishing differently, a common theme underlying these different conceptions is the importance of *individual autonomy* (Poole 2005). Individual autonomy is considered to be the source of all of society's common values and, by extension, the philosophical basis for the existence of actionable legal rights (Laws 1996). Behind juridification, there is thus a socio-cultural phenomenon: the contemporary intensification of individualism. Following the assertion of socio-democratic ideals in the form of the social state in the post-war period, the intensification of individualisation inspired a reassertion of

liberalism in the 1970s through a renewed emphasis on the law. This process of individualisation gave form to what we now know as *neo-liberalism*, which differs from classical liberalism in the alliance forged between the supreme arbitrating power of markets and the absolute rights of individuals. As Gauchet (2017: 458–459) stresses, the intellectual continuity that exists between contemporary neo-liberalism and principles of classical liberalism must not be taken at face value and allowed to conceal the radically new context in which liberal principles were revived and acquired a new meaning: the appearance of a new 'generalised' form of capitalism powered by a radical, purely functional, and non-reflexive vision of autonomy. In this respect, juridification is only one aspect of the imaginary representation of social relationships that characterises contemporary 'hypermodern societies', a representation that also draws on what Gauchet (2017: 433) analyses as 'economism'. This representation has fed both a legalistic utopia, that of a complete rationalisation of human social relationships based on the principle of fundamental rights, as well as an economic one, the transformation of the natural world by human science and technology to create an 'anthropocosmos' perfectly tailored to the needs and desires of individuals (Gauchet 2017: 468). These utopic projects are inspired by a similar ambition, that of rationalising and depoliticising human collective existence. In its legal form, this ambition has encouraged a dogmatic interpretation of liberal principles, which, as the next section will argue, involves unsustainable universalising claims.

Dogmatic Liberalism

Theorists who support the substantive conception of the rule of law assume that the fundamental values that form the framework of political debate must necessarily be liberal and individualistic in character. This illustrates Gray's (2000) argument that liberalism embodies two irreconcilable conceptions of toleration. The first prescribes a set of ideal principles, values, and institutions, regardless of the different historical and cultural factors at play (Gray 2000). This dogmatic account of liberalism considers liberal values to be at the heart of an ideal society and envisages them as capable of underpinning a rational consensus cutting across political divisions. By contrast, Gray endorses a more moderate form of liberalism, understood merely as a *modus vivendi*. This non-dogmatic form of liberalism accepts that there are many forms of collective life in which humans can flourish. Consequently, liberal values should not be understood as universal values, but as the terms on which peaceful coexistence can be built in an era of value pluralism (Gray 2000). This understanding of liberalism calls into question the presumption that every political community will inevitably adopt a set of fundamental values approximating the classic liberal catalogue. As Poole (2002) notes, there are many conceptions of the common good—both historical and contemporary—that are completely antithetical to liberalism and individualism. Indeed,

historical developments appear to have completely disproven liberalism's assumption that cultural differences are merely incidental and would be gradually eradicated through the convergence of all peoples on 'rational' liberal values (Poole 2002). The commitment to liberal values displayed by modern democracies should therefore be understood pragmatically as 'a matter of historical contingency and loyalty' rather than a result of their inherent rationality (Gray 1995).

It is, therefore, difficult to accept that all accounts of the common good, and thus of rights, must invariably lead back to the notion of individual sovereignty. Accordingly, it is difficult to support the claim that contemporary human rights discourse can be understood as constituting a set of values shared perfectly across the collective. Rather, the contemporary human rights discourse simply asserts a conception of individual sovereignty that liberal thought *presumes* to be at the heart of any value system. Consequently, insofar as juridification assumes that core moral values are necessarily liberal in nature, it enforces liberalism's erroneous claim to universal validity.

The Impossibility of a Common Morality

Even if one abandons the idea that shared fundamental values are necessarily liberal in nature, it still appears impossible to articulate a coherent theory of rights on the basis that there exists a shared morality. All notions that could 'replace' individual sovereignty as the operative element underpinning a common set of values (for example, justice or equity) are highly contested in pluralist societies. Consequently, the idea that one can speak of a shared morality, and thus of a collection of legal rights, appears far-fetched. Notions such as autonomy, justice, or equity (and the rights said to be derived from them) are internally complex. As Bellamy (2007) points out, the list of potential divisions over the meaning and application of rights appears potentially endless. Indeed, the so-called 'negative' rights integral to classical liberalism are not perfectly compatible with one another and, when applied to concrete situations, can enter into conflict (Gray 1995). The existence of such disagreements ultimately reflects the practical limits of human reason. The notion that rights can dovetail into a single harmonious pattern that can be located through mere legal analysis is therefore unrealistic. Rather than perceiving rights as flowing from a pre-fixed normative framework, they should be conceptualised as a site of *political conflict*, in which fundamental values (and the divergent conceptions of the common good at their source) can be compared, evaluated, and debated (Bellamy 2007).

Ultimately, the inadequacy of a theory of shared morality—be it liberal or otherwise—results from neglecting the importance of disagreement in any theory of politics, particularly in a pluralist society. As Gray (1995) notes, the existence of value pluralism requires the making of 'radical choices' rather than 'rational choices'. The making of a radical choice

requires acceptance that there can be no objectively rational solution when one is faced with a choice between different conceptions of what constitutes the common good. In these circumstances, it is necessary to recognise the particularistic character of human reasoning in order to arrive at some mutually acceptable compromise (Gray 1995). In this respect, John Gray's defence of this *agonistic* variant of liberalism converges with Gauchet's theory of democracy because both authors emphasise the role and necessity of conflict in democracy (Gauchet 1995; 2005; 2010). Rather than presuming the existence of a common normative framework, it is necessary to re-emphasise the importance of *democratic debate* and discussion, from which can emerge the establishment of a hierarchy of normative objectives, materialised in the form of a political agenda.

The Inability of the Judicial Method to Resolve Political Conflict

The fact that rights are inherently political does not necessarily entail that politics is the best method for resolving the disagreements about rights. Indeed, if, as is suggested above, it is impossible to speak of a shared understanding of morality and rights, then could not arbitration by an impartial third party be the best way to resolve these intractable differences? This is precisely the premise of John Rawls's (1993) argument, which posits that disputes about rights should be isolated from the political sphere so as to avoid the tensions engendered by such disagreements. For the reasons set out below, it would be a mistake, however, to conclude that the courtroom can serve as a forum where competing rights (and visions) can be evaluated in order to resolve conflict.

Legitimacy and the Nature of Judicial Power

The newfound legitimacy that judicial power enjoys today cannot be understood without understanding the evolution of the notion of legitimacy within democratic regimes. As Rosanvallon (2011) explains, legitimacy in liberal democratic regimes was traditionally composed of two foundational elements: electoral legitimacy (secured through electoral success) and legitimacy through identification with a 'social generality' exemplified by the civil service. However, since the 1980s, these forms of legitimacy have been progressively eroded as a result of social changes and neo-liberal policies, which have weakened the mandate to govern provided by elections. Sociologically, the idea of a majority has evolved from a supposedly homogeneous mass to a fragile and ever-shifting coalition composed of a 'vast array of minorities' (Rosanvallon 2011). Similarly, the legitimacy of the public service has been weakened by the application of neo-liberal principles stressing as the primary objective *the efficacy* of government action, presumably best delivered through market mechanisms countering the self-interested logic of state bureaucracies. In their place, novel forms of legitimacy have emerged that respond to a new understanding of the

notion of social generality (Rosanvallon 2011). First is the legitimacy of impartiality, derived from complete and total independence from the exercise of power. Second is the legitimacy of reflexivity, incarnated by institutions that facilitate the expression of social sovereignty outside the electoral sphere, particularly constitutional courts. Third is the legitimacy of proximity, produced by attentiveness to the preoccupations of individuals.

As Gauchet (2017: 582) has observed, these new forms of legitimacy have resulted in the sacralisation of judicial power as the 'gold standard' of power in democracy. This stems paradoxically from this power's now modest and limited aspirations (Gauchet 2017: 588). Unlike executive or legislative power, judicial power does not aim to formulate collective action and impose it from above. It limits itself to resolving the particular dispute brought before it by reference to pre-existing norms that are supposedly objective and known to all (Gauchet 2017: 590). Put simply, the decision of the judge does not alter the position or rights of the parties as the exercise of legislative power does. The judge merely declares what that position should be in light of the applicable legal norms. In this way, the judge is able to assert their complete and total independence not only from the partisanship of representative politics, but also from the very exercise of power.

Alongside this more constrained role, judicial power also features an adjudicative style of decision-making. In legal proceedings, litigants play the central role by controlling the aims and issues of the procedure. Indeed, judicial power is defined by its reactive nature—it is wholly dependent upon the judge's jurisdiction being invoked by an aggrieved individual. The role of the judge is not to direct the legal process, but to oversee it as an impartial arbiter (Gauchet 2017: 590). The parties are otherwise free to defend their interests themselves, and frame their arguments as they see fit. By contrast to representative politics, judicial power exemplifies the legitimacy of reflexivity by providing the means through which individuals may directly express themselves and regulate the mechanisms of majoritarian democracy. In addition, allowing the parties to direct proceedings in the manner of their choosing exemplifies the proximity of judicial power to its subjects. Indeed, Allan (2003: 19) suggests that the primacy afforded to the parties allows them to be 'treated in a manner appropriate to their dignity as autonomous moral agent'. It is, therefore, clear that the more limited nature of contemporary judicial power, and its focus on the parties, are characteristics congruent with the individualist paradigm that has conditioned the new forms of legitimacy.

Moreover, Rosanvallon (2011) stresses that these new forms of legitimacy are qualitative in nature; they describe the qualities that an exercise of collective power must be *perceived to possess* in order to be considered legitimate. This is in contrast to the institutional nature of electoral and bureaucratic legitimacy, which prescribe *procedures* for obtaining, and maintaining, legitimacy. Underlying Rosanvallon's analysis is the implication that judicial power has a greater claim to 'output' legitimacy by reason

of its innate characteristics. Indeed, although, Rosanvallon (2011) states that the consequences of this revolution in legitimacy remain uncertain, his work has optimistically emphasised the 'democratic potential' of both traditional institutions exercising judicial power (constitutional courts) and the new institutions that have adopted the judicial model, independent administrative authorities. According to Rosanvallon (2011: 20), both of these kinds of institutions can 'compensate for the deficiencies of electoral-representative democracy'. For example, independent administrative authorities (the classic example of which is the central bank) place certain areas of technical expertise beyond the domain of representative politics. Similarly, constitutional courts constitute new modes of representation by offering individuals the possibility of judicial review of collective action to ensure conformity with individual rights.

However, it is important to examine the veracity of the proposition that these institutions, by reason of their innate characteristics, can complement, or perhaps even replace, representative democracy. As Goldworthy (1999) notes, it is important to keep in mind that the characteristics of judicial power that render it attractive or effective—such as the fact that judges are not subject to mechanisms of democratic accountability—are the very reasons that disqualify it from the task of governing. By extension, the characteristics of judicial power that make it ideal for the resolution of private conflicts are the very same characteristics that render it incapable of adequately identifying the objectives that the collective ought to pursue.

The Counter-Majoritarian Attraction

One of the primary arguments advanced in support of the courts assuming the primary responsibility for determining the question of rights is that their independence from the democratic process allows them to prioritise individual rights (Laws 1998). This independence is reinforced by the fact that although judges enforce the law, they are not its authors. This independence from true decision-making power confers upon judicial decisions the aura of objectivity and neutrality at the heart of judicial legitimacy. In other words, judicial independence is a powerful contributor to the orthodox view of judges as being a counter-majoritarian check against capricious legislative or executive action.

However, although courts may be the least likely to infringe on fundamental rights, that proposition only holds true if judges do not assume functions to do with the coordination of collective life. Although judges generally enjoy a level of public trust and confidence not afforded to politicians and the bureaucracy, this flows directly from the complete and total separation of judicial power from the sectarian and partisan nature of electoral and parliamentary politics. Treating the courtroom as the forum in which contestable moral judgements regarding the public good are made would undoubtedly implicate the courts in the partisanship from which they are said to be immune. As Ekins (2019) notes, the political dynamic

created by a culture of judicial review is one where the court becomes merely another site of power to capture or exploit. It would therefore be self-defeating to entrust judges with the power to identify, articulate, and enforce a particular conception of morality translated into legal rights. This is for the simple reason that doing so would result in the court becoming a *political institution*, and thereby deprive it of the independence and impartiality that constitutes its primary source of legitimacy.

The Exclusive Character of Adjudication

Gauchet (2017) notes that a central claim made to justify the process of juridification posits that legal procedures allow parties to defend their own interests as they see fit and to be heard. Though this particularistic focus on the parties is appropriate for the vindication of private rights, it is highly problematic within the context of public decision-making that concerns the future of the collective. In such a context, the number of persons potentially affected by the outcome of the judicial process can be innumerable. However, unlike the legislature or the executive, judicial procedures are not structured to handle questions of a *polycentric nature*. It is evident that a judge cannot, within the confines of a single case, solicit and take into account the opinions of all those who could potentially be affected by their decision in the same way a parliamentary committee or administrative authority might.

Accordingly, the judicial process skews any assessment of rights (and the public good they serve) towards the one argued by the successful party. One should therefore question whether a procedure that excludes a multiplicity of perspectives can satisfactorily resolve conflicts of a political nature. As Bellamy (2007) has observed, the orthodox dichotomy of input and output legitimacy conceals the fact that in the context of decisions of a public nature, an equitable output requires an equitable input. Put succinctly, only the mechanisms of democratic responsibility—which confer on all persons only a single vote—can provide a result that respects all opinions in an equal manner.

Moreover, litigants should not be understood as 'benign citizen-philosophers' seeking to vindicate the common good (Crawford 2017: 189). Their primary goal is to frame the issues and arguments in order to obtain a favourable outcome. Indeed, the manner in which they choose to do so may be prejudicial to others who are affected by the decision in question. Consequently, given its exclusionary and particularistic nature, the exercise of judicial power seems to fall well short of the deliberative ideal that Rosanvallon suggests it is capable of matching.

The Nature of Legal Reasoning

To posit that the courts can resolve rights-based conflict of a political nature presupposes that judges are capable of acquitting themselves of

the task of weighing up the moral considerations inherent in such a process. For example, Dworkin (1985: 33) has described the United States' Supreme Court as a 'forum of principles' and Rosanvallon (2011) suggests that within this forum important political questions can be re-examined through the lens of judicial review, which he claims to be a more objective approach.

However, since rights are not harmonious and enter into conflict, a strictly legal analysis is unlikely to assist in resolving conflict. In order to settle the dispute before them, judges would be required to make normative choices and directly consider what fundamental values and rights require by reference to a shared political morality. As Poole (2002) notes, this rights-based logic appears to assume that judges are able to engage in abstract moral reasoning in the manner of a political philosopher or to choose the best policy from an array of conflicting options in the manner of a politician. However, it is evident that judges are not qualified to engage in this sort of decision-making. Unlike a democratically accountable politician, judges are not responsive to the views of the people whose shared morality they are meant to articulate. Indeed, judges are notoriously drawn from a narrow and unrepresentative segment of society (Goldsworthy 2006). There is therefore little reason to believe that they are uniquely placed to articulate collective values, and every reason to think that any attempt to do so would be skewed towards their own views of what those collective values are or ought to be.

Conversely, recourse to a strictly legal analysis to resolve disputes regarding the meaning and content of rights appears equally unworkable. Legal reasoning is necessarily formalistic and is directed towards addressing the 'second-order questions' located at a level of abstraction lying below the real issue at heart (Poole 2005). This conclusion is reinforced by a close analysis of the legal reasoning employed in cases where fundamental rights are involved. In the context of Australian public law, the most apposite example is the case of *Al-Kateb v Godwin*. Al-Kateb was placed in indefinite administrative detention after unsuccessfully applying for a protection visa because he could not be removed from Australia as no third country would accept his deportation into its territory. This case therefore raised serious questions regarding Al-Kateb's right to liberty and whether the government should be able to subject persons to indefinite detention. However, legal issues are necessarily narrower than political issues, and success in court requires conformity to accepted patterns of argument (Poole 2002). Accordingly, the legal question in issue was not whether a policy of indefinite administrative detention constituted an infringement of personal liberty inimical to the values of the Australian community. Rather, the judges of the High Court of Australia limited themselves to the mere question of whether such a policy was *authorised* under the Migration Act of 1958 or the Australian constitution. Put succinctly, the question was not whether such a policy *ought* to exist but merely whether it *could* exist.

This process of legal reasoning is, therefore, demonstrably meagre compared to the more nuanced arguments made in the context of a political debate. More than ten years ago, Rosanvallon (2011: 118) expressed hope that re-examining collective action through the prism of legal analysis would enrich the quality of deliberation in democracy. However, it is evident that legal reasoning, in its traditional form, imposes a rigid and formalistic framework with a highly constrained view of the social reality (Gauchet 2017: 599). It does not possess the flexibility in both ideas and argument that is necessary for it to become the forum in which the future of the collective can be debated and determined. Put simply, judicial power is unable to function as the framework that *produces* legal rules because it does not have the means of identifying, articulating, or coordinating collective will. As Gauchet (2017: 599) concludes, judicial power is inherently *incapable of governing* for the simple reason that the task of governing is beyond its very nature. Ultimately, the real risk posed by juridification is not the possibility that the exercise of judicial power will replace politics but rather that it will intensify the depoliticisation of collective life (Gauchet 2017: 601).

The Specificity of European Populism

The emphasis on individual sovereignty (embodied in human rights) over and above collective rule inevitably brings about a form of *minimal* democracy. This form of democracy displays an inherent suspicion towards collective power and seeks to disable it, notably through mechanisms of depoliticisation such as judicial review. Indeed, minimal democracy views the pursuit of individual rights and collective rule as being mutually exclusive. However, this now largely dominant understanding of democracy fails to account for the fact that the exercise of collective will is a 'necessary extension of individual self-determination' insofar as the individual freedoms defined in the abstract can only reach a state of effective fulfillment through collective self-government (Gauchet 2015: 182). This failure to acknowledge the importance of common government in the material realisation of individual freedoms has led to the paradoxical state of affairs in which European governments, for example, can affirm rights in the abstract (such as the right to housing, or equality of treatment) while simultaneously reducing funding and dismantling regulatory protections directed at implementing those rights (Supiot 2012). This is the basis for Gauchet's (2015) conclusion that European democracy faces a crisis affecting its very foundations; its rejection of the use of collective power in order to safeguard individual rights deprives it of the ability to give practical effect to those rights and consigns it to a state of impotence.

On a practical level, this rejection of conscious, collective self-government inevitably entails the restriction of democracy's task of facilitating the coexistence of individual rights. Accordingly, the political community simply ceases to govern itself and becomes what Gauchet has termed a

'political market society' (Gauchet 2015: 179; 2017: 667). This form of society does not operate on the basis of collective self-government but on the interplay between the plurality of individual interests, convictions, and identities. The purpose of representative politics, therefore, finds itself profoundly transformed, as its task is no longer to identify shared choices, construct them through democratic debate, or express them in the form of a political agenda. Rather, the state is to play a merely supportive role, mediating between individuals in order to achieve compromise between their competing demands and interests (Gauchet 2015). However, Gauchet (2015) states unequivocally that this does not in fact entail the *disappearance* of power. On the contrary, the overshadowing of politics brought about by juridification has encouraged the oligarchic appropriation of public power by a transnational network of elites who espouse a set of technocratic norms on which they have reached consensus. Although these norms, which embody a set of choices grounded in market and economic theory, are the subject of technical consensus, they elude public discussion and the clear attribution of political responsibility. As Gauchet's work demonstrates, though democracy's increasing technocratic rule has been tolerated, increasing awareness of democracy's oligarchic turn has fuelled the contemporary populist rebellion.

Nowhere is this dynamic of depoliticisation facilitating oligarchisation more visible than in the operation of the EU. This chapter cannot explore the complex debate surrounding the transfer of sovereign competences to EU institutions, but suffice it to say that this transfer has not been accompanied by the establishment of a real system of representative politics at the level of the European Union, which, coupled with the tendency of governments of the EU member states to circumvent the results of national referenda, has resulted in a deeper degree of depoliticisation than in other Western countries (Supiot 2012). As Gauchet (2015) argues, this depoliticisation does not result in a vacuum of norms, but merely facilitates the use of collective power to enforce a technical consensus whose domination in the sphere of labour law has been analysed by the French jurist Alain Supiot.

Enshrining Technical Consensus as Law

Convergence upon technical consensus as a means of governance is illustrated by the Open Method of Coordination (OMC), which was established by the Lisbon Strategy with the objective of making the EU 'the most competitive and dynamic knowledge-based economy in the world'. As an intergovernmental decision-making framework, the OMC in fact contributed to obfuscating the normative choices lying beneath the technical consensus reached between the political elites of the member states and the European Commission (Supiot 2012). This technique operates on the assumption that the interests of efficiency are best served by states employing a 'soft' approach of policy coordination—that

is, setting common policy goals, guidelines, and benchmarks and evalu-ating the progress of each state through competitive peer-review (Tsakatia 2004). However, as Supiot argues, the actual normative quality of the choices made in this process is concealed by its opacity and the indicators and statistics through which these choices are expressed are presented as 'incontrovertible facts' impervious to political debate (Supiot 2012).

Indeed, this ambition of dispensing with politics as a framework of pol-itical decision-making has culminated in the use of the law to enshrine supposedly objective choices in the form of quantitative objectives. Supiot (2017) uses the Fiscal Stability Treaty introduced after the Greek finan-cial crisis as an example of this phenomenon as it imposes a limit on the capacity of EU member states to incur public deficits. The criterion laid down by this rule—the deficit-to-GDP ratio—is presented as an ostensibly objective indicator of that state's fiscal health (Supiot 2017). The novelty of this Treaty, however, is the creation of an *automatic* corrective mechanism that is triggered when a state does not conform with the rule laid down by the Treaty and obliges states, in a legal sense, to implement corrective measures developed by an independent body. This mechanism, therefore, obviates any need for a concrete decision to taken openly in order to address a member state's perceived fiscal failings and replaces it with a (seemingly) objective signal that countermeasures are required. Moreover, it precludes public debate and discussion as to *how* any such countermeasures should be formulated.

Constitutionalism and Constituent Power

The role which the European Court of Justice (ECJ) plays in the cre-ation of a depoliticised European regulatory state should not be underestimated. In particular, the doctrines of EU law primacy and the direct effect of EU law in the internal legal orders of EU member states significantly expanded the reach of the ECJ's power. In doing so, the ECJ also opened the possibility, provided certain legal conditions are met, for EU secondary legislation (and the technocratic choices embedded in that legislation) not only to be directly actionable but also to prevail over the national law of EU member states (Kaczorowska 2013). This led Supiot (2012) to conclude that the ECJ in effect exercises considerable legislative power, in that it makes decisions with broad, prospective effect akin to legislation.

The national courts of the EU's member states are among the most vigorous critics of the doctrines developed by the ECJ. The most salient example of such resistance was the insistence of the Italian and German constitutional courts that the applicability of EU law was subject to their residual right to review those laws to protect fundamental rights recognised in their national constitutions (Corte costituzionale, decision 183/73 *Frontini* [1974] 2 CMLR 372; *Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel* [1974] 2 CMLR

540, 549). Accordingly, the premise for resisting the supremacy of EU law was the primacy of the constitutional order of each member state.

On its face, this insistence that the EU respect the constitutional rights and norms of member states may be understood as an attempt to reassert the political sovereignty of the nation-state and its legal order in the face of the progressive transfer of competences to the EU by national legislatures and the concomitant increase in the power of the ECJ. However, this position appears to conflate the formal constitution and constitutional rights with the exercise of constituent power that brought those norms into being. In a democratic political system, political sovereignty is not derived from the constitution or the legal order—what, drawing on Castoriadis's social theory, Kalyvas (2005: 229) terms 'the instituted reality'—as these only represent the arrangements through which the collective seeks to organise its political form. Rather, political sovereignty in democratic societies is derived from popular sovereignty, which itself is based on the constituent power of the people. Consequently, the popular sovereignty undermined by the process of juridification cannot be addressed by national courts insisting upon observance of constitutional norms. Reasserting political sovereignty requires an acknowledgment that the constitution rests on the continued exercise of sovereign constituent power, beginning at the time of the constitution's adoption and subsisting in the dialectical relationship between the self-constituted nation and its constitutional form (Loughlin 2014).

The model of constitutionalism on which juridification is premised, therefore, appears to fail to distinguish between the formal constitution and the exercise of constituent power to which it owes its existence. In doing so, it appears to ignore the question of political sovereignty by assuming that courts should be responsible for deciding questions of a constitutional nature, regardless of the political implications that such questions entail. It must be borne in mind that constitutions are not self-generating, and their continued operation is premised upon political conditions that they cannot themselves guarantee (Loughlin 2014). While the constitution may sit at the apex of a given legal order, its continued observance is dependent upon considerations *of a political nature*. As Loughlin (2014: 229) concludes, constituent power is dynamic in nature and is not merely a static 'existential unity' that inaugurates a constitutional order and remains inert thereafter. It is this dynamic aspect of constituent power that juridification seeks to suppress by positing a constitutional system where political sovereignty is totally absent.

The Incoherence of the Populist Project

Paradoxically, in Europe, populist attempts to revive the political dimension suppressed by juridification have taken the form of *constitutional* projects that are intended to dismantle and replace liberal institutions. As Blokker (2019) notes, populism must be understood as a distinct political

project in reaction to the liberal ascendance of the 1990s and the post-communist transformation process. Populist critique of liberalism is directed on a theoretical level to its universalist pretensions and individualistic nature, and on a practical level to the liberal-constitutional order that liberalism invariably imposes (which, in Europe, is manifested in the European integration process). In opposition to the rule of law's universalist claim, populist constitutional projects stress the role of national traditions, values, and historical practices that form the singular identity of the political community. Populism should, therefore, be understood as a muddled attempt to reassert a classical definition of democratic power as the expression of the constituent power's popular sovereignty.

However, although populists reject the liberal-constitutional order, their constitutional projects are in reality intended to *appropriate and remodel* the liberal constitutional framework, rather than dismantle it outright. For example, Blokker (2019) observes that populists seek to appropriate the human rights framework that is the linchpin of the liberal constitutional order to further their own political objectives. In concrete terms, these nationalist projects reformulate constitutional rights as a means of promoting conservative imperatives such as family, pro-life policies, and an individual willingness to protect the nation against multiple presumed threats. However, this 'sacrificial' concept of the nation venerated by populists is no longer accessible because, as Gauchet (2017: 645–669) demonstrates, the hierarchical relationship between the collective and its individual constituents has been destroyed by contemporary neo-liberal individualism. In other words, as demonstrated by the disappearance of compulsory military service, for example, the populist project of asserting a unitarian, non-pluralistic understanding of the nation no longer has purchase in contemporary societies. Accordingly, although European populist constitutional projects attempt to revive the political dimension by reframing the liberal-constitutional order, contemporary individualism and the state's inability to impose a singular understanding of the political community renders that attempt essentially incoherent.

Conclusion

Through the prism of Gauchet's theory of democracy, this chapter has called into question the philosophical foundations of the process of juridification. In particular, it has argued that the model of judicial power central to the notion of juridification rests upon an untenable understanding of liberalism as a universally valid political and moral philosophy which allows for the rational coordination of individual rights and the depoliticisation of collective life. This chapter concludes that despite the ascendance of judicial power as an exemplar of the legitimate exercise of power in contemporary democracy, its inherent constraints prevent the law from being the means of resolving conflict in a political community.

In the European context, this chapter has argued that the process of juridification has resulted in the emergence of a political market society where the exercise of public power is depoliticised and dependent on technocratic consensus. Although the populist projects in reaction to this depoliticised form of governance attempt to reassert popular sovereignty, those projects are fundamentally misguided because they seek to return to a classical understanding of democracy out of step with contemporary social reality. Ultimately, as Gauchet's work argues, addressing the issue of juridification requires the reinvention of the delicate equilibrium between liberal democracy's competing dimensions that first secured its legitimacy in the decades that followed the Second World War.

Note

1   The views expressed by Julian Martin in this chapter are the personal views of its authors and are not attributable to the government agencies where he has worked.

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9 Thinking the Populist Challenge with and Against Marcel Gauchet

Brian C.J. Singer

When Marcel Gauchet was writing the four-volume *L'Avènement de la démocratie* (2007a; 2007b; 2010; 2017) the prospect of populist rule appeared remote.[1] The emphasis was on 'the eclipse of the political' (see Stéphane Vibert's Chapter 3 in this volume). When Gauchet speaks of democracy he speaks of three dimensions: a political, a juridical, and a properly socio-historical dimension. The first, the political dimension, entails both the political (*le politique*) and politics (*la politique*), the political being common to all societies (as it entails a 'doubling' that allows a society to name, grasp, deliberate, and act on itself), while politics is particular to democratic societies, being a sphere of activity separated from 'civil society'. The second, the juridical dimension, encompasses both 'laws' and 'rights', notably individual human rights, the latter being particular to contemporary liberal democracy. By the socio-historical dimension, Gauchet does not mean that only democracies have a history (or a 'society'), but that only democracies understand and interrogate themselves, their order, sense, and value, as a society and in terms of its history. These three dimensions are not constant. They appear at different times in the move to democratic rule and, once democratic rule is established, these dimensions, the relations between these dimensions, and their relative prominence all change. Since the 1970s the tendency has been for the socio-historical dimension to be reduced to the free market economy, the juridical dimension to be reduced to individual rights, and the political to be eclipsed, with democratic politics appearing increasingly irrelevant. With populism the situation appears reversed and Gauchet speaks instead of 'the revenge of the political'.

Gauchet can be described as writing a philosophical history with an almost Hegelian cast, which seeks to uncover an underlying 'rationality' neatly periodised into stages, which would help explain the apparent 'irrationality' of the present. The tendency is towards a totalising history with a single overriding problematic which dictates history's ultimate meaning through all its twists and turns. This results in an attempt to relate all that one can to a central thematic and its development, resulting in a hierarchy of significances ordered according to their relative proximity to, or remoteness from, this thematic. This has evident advantages in terms

of its tremendous explanatory power, but also has what many would consider a disadvantage—the appearance that history is saturated in meaning. This is not to suggest that Gauchet's philosophical history is teleological, moving in a single seemingly predetermined direction towards a predictable future. He is not a prophet. The history of the past presents momentous developments that could not have been predicted, while his history of the present appears to present us with stark choices whose outcome remains uncertain. Yet history bears an overall logic that can be traced, at least retrospectively. Indeed, one can say that the measure of the success of his analysis of the present must be that it cannot be rendered obsolete by the events that follow it. In his essay in this volume, which reacts to the election of Donald Trump, he must render 'the revenge of the political' coherent with what had appeared in the immediately preceding stage of his work as its 'eclipse'.

At the heart of Gauchet's philosophical history lies the problematic of autonomy, of the collective self-determination promised by the political, the political history of religion (Gauchet 1997) being the story of the gradual overcoming of collective forms of heteronomy. The New World (Gauchet 2017), which began to emerge in the 1970s and which he refers to as the 'neo-liberal era', presents a final—seemingly *the* final—stage in this history of 'disenchantment'. Neo-liberalism is not to be understood simply in economic terms; in one sense, this final stage involves the extension of *Homo economicus* far beyond the economic sphere; but, in another sense, the latter would not have been possible if not for the development of a *Homo juridicus* based on the extension of human rights focused on the promotion of individual liberties. The consequence is a veritable change in 'the mode of coexistence of societies, their mode of composition, the relation of public to private', a shift from a 'mass society' to a 'society of individuals', from a 'society of organisation' to one of 'coordination' (Gauchet 2020: 159). With regards to disenchantment, this new era marks the end of the sacred, even in its secular forms, that is, the end of all forms of institutional authority, as individual rights now provide the sole source of legitimacy. As regards the problematic of autonomy, this era presents a 'structural autonomy', a form of functionality where different systems operate seemingly automatically, as opposed to a 'substantive autonomy', where 'the political' maintains its primacy and decisions are made consciously and with a view to the whole (Gauchet 2017: 641–645). But if populism is to be understood as a response to the grievances that have built up under 'neo-liberal democracy', it is not that the return of the political under populism represents the realisation of the desired 'substantive autonomy'. But how, then, is one to understand populism? What are we to make of the 'challenge' that it represents?

In posing these questions, I will be seeking in this essay to rub my own views against those of Gauchet, with a view to distilling analytic resources that will help us to better comprehend the phenomenon in question. It is a matter of drawing out what is valuable in Gauchet's analysis and extending

it in my own manner, as well as judging what I see as the limits of that analysis. The more knowledgeable reader will realise that my own views are inspired by perspectives opened up by Gauchet's one-time master, Claude Lefort. Let it be said from the start that neither Lefort nor myself is engaged in writing a totalising philosophical history.

Considering Populism

In the literature on populism there is much debate as to how to define populism, and which movements and regimes can be considered populist. Because Gauchet is writing a philosophical history, he limits his discussion of populism to its contemporary, Western right-wing manifestations, whose importance has been demonstrated by the election of Donald Trump. To understand why these right-wing movements have become so prominent leads one to a consideration of the developments that he deems important to the recent evolution of the democratic West. Populist movements or regimes in other times and places are without the same world historical significance and are ignored. This spares him the need to define a term that includes extremely disparate phenomena, or to engage in extensive comparative analysis. This despite the fact that the essay opens with the claim that the election of Donald Trump requires Europeans to consider the differences between the democracies on the two sides of the Atlantic. Instead of Trumpism being considered relative to its specifically American character, it becomes paradigmatic. By contrast, I will begin with a minimalist but inclusive definition of populism, on which can then be built a loose 'logic', elements of which may or may not be developed in a given populist movement or regime, depending on the context. Populism in my view must be understood as a symbolic resource that, for better or worse, inheres within modern democracies, and which, in moments of crisis, can be drawn upon in the most varied circumstances. As such, populism, by itself, tells us very little about the historic circumstances that, on any given occasion, give rise to it—even as its 'logic' adds its own contribution to the situational dynamics. Having said this, and in order to work with Gauchet's argument, I too will focus on Trumpism. Indeed, I cannot resist mentioning two characteristics of the American brand that distinguish it from the European equivalent, even if these characteristics do not strictly belong to a consideration of populism's symbolic 'logic' abstracted from national contexts.

First, there is the colour bar borne of the history of slavery. Immigration comes from outside the national community; African Americans have been in the United States longer than most white Americans. Trump's success is based on a condensation of inside and outside, thus blurring this distinction relative to the colour line.[2] Studies have shown that Trump's supporters are very much animated by racial resentments directed particularly against blacks, even if they deny that they are racists, while being very aware that is how they are seen by the haters (Sides et al. 2018). Trump is not against

immigration per se, only immigration from, in his inimitable words, 'shit-hole countries'.[3] Second, whereas in Europe populism's success is based on the decline of the older parties, resulting in considerable electoral fluidity, in the United States Trump was able to take over an existing party, and benefit from—even as he has exacerbated it—the growing division between the two parties.[4] There are very few swing voters, which accounts for the unprecedented constancy of both Trump's popularity (and unpopularity) and for the abandonment of the promise of worker protections and spending on infrastructure after the election (the Rust Belt working-class vote, however decisive for the election's outcome, not being sufficiently large enough to move the party).

Let us now turn to the loose, largely symbolic logic of populism. The central claim of populist movements is that the political elite, which tends to be tied to other elites, is totally unrepresentative, being indifferent, even inimical, to the interests of the people. This elite must therefore be overthrown in order to establish rule by the people, that is, a democracy proper. In a word, populism evokes 'the primal scene' whereby democracy was first established, though here this scene is enacted within an existing, if debased, democracy. Gauchet captures this perfectly when speaking of 'democratic fundamentalism'. This is what I mean by a symbolic resource, which, precisely because it refers to a primal scene, the overthrow of an *ancien régime*, can be adopted in democracies under the most diverse circumstances. In this sense, populism has no history and tends to be relatively empty at a discursive level. It is without a doctrine; its platform tends to be more rhetorical than substantive. Beyond the appeal to the people, it has no ideology except in a minimalist sense, though it may borrow from other ideologies according to circumstances. Again, this is captured nicely by Gauchet when he speaks of its incantatory character. The point here is that populism, by virtue of its discursive vacuity, lends itself to any situation where there appears—or is made to appear—to be a crisis of political representation, a crisis that will appear all the more serious to the extent that it can be tied to a larger crisis. To speak of populism as drawing on democracy's most elementary symbolic resources, by itself, tells us very little about the nature of this larger crisis. It does, however, suggest that that populism bears a symbolic 'logic' that is relatively autonomous of events. Gauchet is less interested in populism per se than in relating it to the present crisis of democracy. This is why he speaks of populism as a 'symptom'. As I hold that, if allowed to fester, populism threatens to become the disease, I will seek to pursue its logic abstracted from events. In order to structure my argument, I will turn to each of the traits that, for Lefort, characterise the democratic symbolic regime.

The Empty Place of Power

As populism is to be understood as an appeal to the people, we must ask: who are the people being addressed, and what is their relation to the place

of power? In the first place, the people are to be understood as sovereign, and thus as the ultimate source of power within a given democracy. They are, in the last instance, the constituent power (*pouvoir constituant*), the power that constitutes the nation, underwrites the constitution, and forms the constituted powers (*pouvoirs constitués*)—that is, the government. Moreover, the people judge—and not just through the electoral mechanism—those who, as their representatives, hold power. Particularly in their constituent role, the sovereign people present the very image of collective autonomy and self-government. The sovereign people, however, are not 'the real people', for the sovereign is transcendent—not the 'transcendent transcendence' of the sovereign monarch who, due to their privileged relation to the divinity, exists 'above' their subjects, but an 'immanent transcendence' that is exercised from 'below'.[5] As such, the sovereign bears more than a hint of the sacred, which serves to ground the power of power, as both a power of the whole, and a power that is external to (the sum of) those over whom it has power. Gauchet argues that, in the final turn in the history of disenchantment, political theology—even in its secular, immanent guise—has come to an end. Populism with its appeal to the sovereign people—and there can be no populism without such an appeal—demonstrates, I would argue, the contrary. The people to which populism appeals, as the ultimate power capable of overthrowing a constituted order, is sacred.[6]

At stake here is an argument of a more theoretical character. Gauchet does not claim that the loss of the sacred entails a state of pure immanence, which in his understanding would involve complete 'de-symbolisation', the loss of a meaningful world in common—though tendencies towards such exist, as evidenced by democracy's post-modern crisis. In his view, the creation of meaning supposes the detour of symbolism in its alterity. The question is whether the political, in its relation to the collective whole, entails not just an externality, but a transcendence that gives 'authority' to the relation of rule.[7] As I understand Gauchet, his ideal of 'substantive autonomy' implies neither transcendence nor the sacrality that transcendence accords. Whether 'authority' can be reconstituted in this manner—and he would agree that it has yet to be so constituted—is not a question that I wish to address here. My point is that the concept of (popular) sovereignty points to a people that is superior to, and therefore has authority over, the actual people. That popular sovereignty renders the people sacred is potentially highly problematic.[8] It hardly suggests that the 'place of power is empty'. Within functioning democracies, however, the sovereign does not, and cannot, act directly.

The sovereign people is a strictly symbolic people with no real existence independent of the term that 'annunciates' it. In a word, the sign here constitutes its own referent. Without the sign and its annunciation, there can be no sovereign people and no ultimate power. The sovereign has no real existence, and thus can only have 'reality effects' if attached to a notion of the people that bears a reference, however attenuated, to reality. This

reference can be to the people as given by the laws that determines who is and is not a citizen (whether on the basis of the *jus soli*, *jus sanguinis*, or some more voluntarist mode). The law here establishes an empirical, thus quantifiable, people consisting of all those deemed to be citizens of a given nation. Within this definition, there are those citizens with political rights, with a subset of those who effectively exercise their political rights forming the 'majority' that determines who, at a given moment, is to represent 'the will of the people'.[9] Then there is a socio/cultural discourse that speaks to those supposedly (stereo)typical characteristics that distinguish 'the people' from those without (other peoples) or those within (e.g., the elite), or some combination thereof. This definition has less empirical anchorage than the previous one and has, therefore, an imaginary character. Then there is a fourth definition, which refers to those who in the name of the people fill the streets and squares, demanding fundamental change to the constituted order—the revolutionary people. These notions of the people are very different, a fact that has at least two implications for the functioning of the empty place of power. First, as a constituent power the sovereign people generally hold themselves in reserve. Though when power reverts to the street, the appeal is to a power no longer in reserve, the place of power appears filled, yet up for grabs, unlocatable beyond its rhetorical construction. Second, the symbolic, discursive, and empirical definitions pull in very different directions; the first gives the other two their force; the third continuously undermines the imaginary element in the second. Although populism acts within a constituted order, its appeal is to the sovereign *pouvoir constituant*, and so chafes at the constraints of the *pouvoirs constitués*. Thus, populism appears as a revolution without a revolution, seeking to change the existing constitution when it can, and, when it cannot, ignoring or subverting it. Moreover, it seeks to equate the different definitions so that they all pull in the same direction. The Republican Party under Trump refers implicitly and explicitly to a racial/cultural definition, even as it claims a far more massive electoral majority than it received (claiming extensive electoral fraud without proof). And it actively seeks to discourage certain populations from voting, or to ensure that their vote carries less weight, and strives to narrow the definition of citizenship, restricting its voluntarist elements while reducing elements of the *jus soli*. This suggests that populism entails much more than the assertion of a 'national community'. In its attempt to substantialise 'the people', populism moves against the term's equivocality and 'emptiness'.

The empty place of power must also be understood in terms of the 'division' between the people and their political representation. The political representatives cannot 'fill' the positions of power as they remain divided from the people who, as sovereign, occupy the place of power. The two terms of the relation cannot appear identical without one of them becoming redundant—either that of the representatives (seemingly moving to a direct democracy) or that of the represented (moving towards a 'representational despotism'). Political representation supposes a degree of

division, though not too large lest the relation appear unrepresentative. Neither totally representative nor unrepresentative, political representation slides between the two poles that form the relation. This is why most political parties, as the word 'parties' suggests, claim to represent only a part of the population, arguing that their partial interest is in the general interest without being identical to the will of all. Populist movements, in this respect, move rapidly from one pole to the other. Their opening claim is that the existing political representation is totally unrepresentative, the relation being effectively broken. They then promise to repair the relation and declare that they alone represent the interests of the people as a whole, hiding their partiality behind claims to represent the 'real people'. (This is why they often call themselves not a party, but a national 'union', 'front', 'rally', etc.) In effect, populism now claims an identity between the representatives and represented, the question then becoming: which of the two terms is threatened with redundancy? When populism is vying for power, there is considerable talk of direct democracy, but what is meant is not the elimination of representation, but moving the terms ever closer together.[10] Once in power, populism easily shifts direction, with the populist leadership claiming to be the voice of the people, and substituting its voice for theirs.[11] Gauchet, however, emphasises the move towards direct democracy because, he believes, it reflects the increasing individualism of the present era, an individualism deemed to be corrosive of the organisational capacities required for effective collective action.[12] I would argue that the move towards the other pole is more characteristic of populism, with the close identification of the represented with the leader who, in the eyes of his followers, 'alone speaks the truth'. More generally, whether the move is towards the representative or towards the represented, there is a suspicion of the division that inheres in political representation. This suspicion points in the direction of what Pierre Rosanvallon (2020: 178) felicitously terms an 'immediate democracy', a democracy that pushes against all institutional mediations that are seen as obstacles to the realisation of 'the people's will'. The identification with a leader not only ensures that the will of the people appears undivided, unbending, and insistent; it is able to capitalise on the leader's claim to 'charisma', the gift of grace that inspires devotion. Admittedly, there is often a turn to strong, decisive leaders during periods of crisis, but populist movements have a particular penchant for such. Moreover, this leader is often 'transgressive', attacking not just 'the elites' but all conventional, institutional restraints, resulting in the paradox of an anti-authoritarian authoritarianism. For all the intermediary bodies, checks and balances, safeguards, and watchdogs are to be seen as so many obstacles that must be ignored, overridden or eliminated if the rule of the people is to be realised. This is only possible if the differences, within the populist imaginary, between the different definitions of the people, and between the people and their representatives, have been severely narrowed. Nonetheless, although the place of power is not as 'empty' as before, it is not 'full', as is the case with more totalitarian regimes. Not only can populist

leaders lose elections (in spite of their efforts to tilt the playing field); they can make no institutionally credible claim to being above everyone else, whether by virtue of their political genius, historical mission, moral excellence, or relation to the deity. Ultimately, their power, or at least their legitimacy, bears no external justification, no symbolic guarantee, beyond their momentary popularity.[13]

The Play of Division

Many would agree, Gauchet included, that democracy is the only regime to mediate social divisions through the institutionalisation of political conflict. The latter, to be sure, is only possible when the place of power appears empty, both because the people resist unitary definition, and because they remain divided from their representatives. Only by virtue of this 'emptiness' can conflict among the people and among their representatives be admitted. But populism, as noted, seeks to represent the people in the singular and, on this basis, to narrow the division between represented and representatives. This requires establishing mechanisms to reduce the appearance of divisions, beginning within the populist movement/ party itself. These mechanisms can come from above, or below, or both. The flooding of Republican primaries with Tea Party supporters to ensure the elimination of RINOs ('Republicans in Name Only') has only been extended under Trump by his personal endorsement of congenial candidates. And even as Trump encourages his supporters to keep his party in line, he demands signs of personal loyalty from those holding leading executive positions. There is to be no disagreement with Trump, though these persons often find themselves wrong-footed by his rapid and unpredictable changes in position, requiring from them signs of personal abjection in order to keep their positions. Then, there are the 'purges' of state administration. The United States has always had a 'spoils system' whereby the party that came into power rewards its followers with positions in the state apparatus, though since the Progressive era this has been largely limited to the upper echelons, with those in positions requiring professional experience and expertise being largely spared. But here one can speak of 'purges' not just because under Trump the spoils system has been massively extended, but because in its claims to resist the 'deep state' it mimics properly revolutionary regimes. The problem with the administrative apparatus is that it comes between the people and their representatives. Not only are administrators not elected, but, being beholden to professional norms, they often circumvent the power of the elected representatives, and thus do not appear subordinated to the will of the people. Where a regime promises to eliminate, or at least narrow, the separation between the people and its government, purges appear as both an attempt to reduce that separation and punishment for its continued existence. But whereas in genuinely revolutionary regimes the purges are accompanied by a massive expansion of the state apparatus (even as the purges disguise this expansion), with Trump

the opposite is occurring. In part, this is due to a neo-liberal ideology that seeks, in Steve Bannon's words, 'the deconstruction of the administrative state', seen as a drag on economic expansion. But it also accords with an 'immediate democracy', where the contraction of departments (with many key positions remaining unfilled) appears as a reduction of the 'mediations' interposed between the president and his people. Power thus loses its institutional thickness as it becomes centred on the personality of the president.

Reducing the play of divisions within a movement/party/state is one thing; it is far more difficult to reduce such play within a relatively autonomous civil society. This is not to say that there may not be attempts, particularly with a view to gaining leverage over the media and the commanding heights of the economy, whether through rewards to 'friends' or threats to those deemed resistant or recalcitrant. But what is far more significant is the relabelling of the divisions within the people. The latter, in effect, are externalised, the people now being divided from those who are not 'real Americans'. Now, it is generally not the case that the supporters of populism represent an overwhelming majority of the population. Often one is speaking of a population divided into almost equal parts. This relabelling follows a Schmittian logic, serving to simultaneously deny and affirm the division, thereby heightening the political polarisation. The conflict is no longer with a 'loyal opposition' or, to use Chantal Mouffe's (2005: 20) term, 'adversaries', but with enemies, enemies of the people. Enemies represent a far more existential threat than adversaries. As such, the implicit and explicit rules that regulated political conflict no longer have the same purchase. The limits of what can be said or done in order to ensure victory are abandoned when opportune, and one slowly slouches towards civil war. The threat of the latter has been bandied by Trump; it occupies the fantasy life of both his more adamant supporters and opponents, and the far right that has hitched its wagon to his train is openly calling for what it calls 'the big boogaloo'.

Gauchet is well aware of democracy's play of divisions; and yet, it seems to me, he is too quick to accept populist rhetoric, which presents the people it represents as the heart of the national community, while playing down the politics of enmity. He is right to criticise the left for abandoning its traditional base, the (white) working class, in the rush to attract the educated, minorities,[14] and wealthy donors. Still, a number of qualifications have to be made, particularly relative to the American context. First, the conventional image of the American people is not, as in the European left, based on the working classes, but on the 'middle classes'—a notoriously elastic category, which after the Second World War came to include the blue-collar working class, particularly if it was white. What renders the image of this working class so potent today is that it has come to represent the 'shrinking middle class', even as Trump has trumpeted the fate of its most backward sectors (e.g., coal miners). Increasingly, the declining workforce in the primary and secondary sectors is non-white (and non-unionised), while the growing number of workers in the tertiary sector

are increasingly female, educated, and precarious—none of which fits the increasingly archaic image of middle-class America. The failure of the left is not simply that it has abandoned its former base, but that it has not sufficiently rearticulated the struggles of the new working classes, while failing to reconstitute an image of the middle classes that is at once more accurate, more inclusive, and more aspirational.[15] As regards the white, blue-collar working class, Gauchet is well aware that it is not the working class of the Fordist era, which had confidence in both its value and autonomy, and was willing to engage directly in class struggle. This class is now not only angry but demoralised, looking for scapegoats and largely unable or unwilling to act on its own. Moreover, the logic of polarisation renders the appeal to the interest of this sector of the working class in terms of more appealing policies increasingly difficult. For if the rise of populist movements plays on deep social grievances, the logic of the present political struggle now bears its own momentum. What matters is less whether the original social problems are being successfully confronted, and more stoking the (out)rage that feeds political polarisation.

The Separation of Power from Law

Prior to the democratic revolution, would it have made sense to speak of the separation of law from power? It was not just that the law required, and still requires, power in order to be established and enforced; power identified itself with the law, such that power that ignored or opposed the law was said to be a power that failed to live up to its definition, not power but its corruption. As power lost its 'transcendent transcendence', it became increasingly identified with the use of force. As such, it became, for liberals at least,[16] less a question of separating a good, lawful power from a corrupt, unlawful power than of limiting power per se, including the power of the law should it appear excessive.[17] In this regard, the idea of rights associated with modern natural law seeks to limit power not from within the political, whether by reference to governmental norms, the separation of powers, or checks and balances, but from without, from a purportedly pre-political space—though the state is still required to establish and enforce these rights. The idea of rights thus presents a further degree of the separation of law from power and underwrites the separation of civil society from the state and, more contestably, the individual from society.

It has been argued that Gauchet broke with Lefort when he wrote an article entitled 'Les droits de l'homme ne sont pas une politique', which appears opposed to Lefort's essay 'Droits de l'homme et politique'.[18] The latter piece is an attack on Marxists who see rights as essentially bourgeois because they are focused on the individual and their property. Lefort emphasises instead the rights of movement, association, and expression, that is, rights that offset atomistic individualism, further the communication necessary to establish a healthy public sphere, and ensure the continuous questioning of, and conflict over, the socio-political order—not least by

struggles over, and attempts to expand, the panoply of rights. Gauchet, by contrast, argues that rights, being essentially pre-political, do not only not constitute a politics (*une politique*), but present an obstacle to the exercise of the political (*le politique*), that is, the capacity to reflect and act on the socio-political order as a whole with a view to the general interest. Thus, where Lefort points to rights as necessary to modern democracies and as inherently political, Gauchet, without denying their necessity, points to the tension between individual rights and collective self-rule. It has to be added that Gauchet is speaking only of human rights, and not political rights (clearly a condition of a functioning democracy) or social rights (which have atrophied under the assault of neo-liberalism)—if not group rights, which he associates with multi-culturalism, identity politics, and the fragmentation of the political.[19] On the other hand, he was writing at a time when human rights appeared to have increased in prominence with, for example, the strengthening of supreme courts, the adoption of charters of rights, and the establishment of the European Court of Human Rights and the International Criminal Court. Indeed, Gauchet has written at length about a second moment in the history of human rights beginning in the 1970s, which, in contrast to a first moment at the end of the eighteenth century, sought not to establish *la chose publique* and encourage citizen participation, but to enthrone the prerogatives of the private individual (2017: 487–632). In his view the law today asks, to reverse President Kennedy's dictum, not what you can do for you country, but what your country can do for you in terms of your pursuit of liberty and happiness.[20] This moment of 'abstract individualisation' is the correlate of a deeper 'practical individualisation' and represents for Gauchet an epochal change in society's composition. It is less a question of the separation of law from power—a separation that supposes an articulation between the two separated terms—than the displacement of power by law, and of law by rights. This claim merits more discussion, at many levels, than can be presented here.[21] We must limit ourselves to the question at hand: the implications of populism relative to the separation of power from law.

   Gauchet's argument is that, after 40 years of the eclipse of the political in the face of neo-liberal economics, increased juridification, and globalisation, populism represents 'the revenge of the political'. One thus expects revenge to be taken not just on neo-liberalism (though Trump's policy is better described as 'neo-liberalism in one country') but on the law and, more particularly, rights. And, indeed, populism's attitude to the rule of law proves cavalier. When in its interest, populism alternatively ignores, instrumentalises, undermines, or rewrites the law. This requires rolling back the limits on power posed by the law[22] and by rights. One can say that the separation of power from law is under considerable duress, and that at the expense of law, but Gauchet adds an interesting twist. Having invested so much in his discussion on individualisation, he claims that populism retains a strong individualist strain.[23] The argument, it seems to me, applies far less to Europe than the United States. Trump does not see himself as

the representative, let alone as the incarnation of a class, race, or nation; he presents, in particularly narcissistic form, an individualism born of a mix of economic competition and celebrity culture. Moreover, many of his followers exemplify a folk libertarianism marked by a hostility to the state, an advocacy of gun rights, and a 'don't tread on me' attitude, all in the name of the defence of individual liberties. The present resistance to wearing masks in the face of the COVID-19 pandemic, where Trump is arguably being pushed by his base, is illustrative of this notion of individual rights, and its resistance to collective action in the name of the public good. One could argue that for these people the rise of Trump has less to do with 'the revenge of the political' than a hatred of politics—not just the hatred of the existing political elite (as represented by a Hillary Clinton), but of the very idea that one's representatives have a right to rule, and won't just leave one alone to live one's life. The irony is that this hatred of politics leads to political activism. But then if the only way to express one's repugnance for politics is to vote, one can vote for a president who is not a politician, who refuses to conform to the norms of political life, and in this manner seek to square the circle. Of course, the expression of individual liberties is meant for 'us' and not for 'them', which renders the endorsement and enforcement of rights highly selective. One may think of rights, in their abstraction, as turned to the universal, but this is true only if articulated to a notion of justice, one that appertains to concern for the other, and not simply the liberty of the self. As the law in its transcendence points to just such a notion of justice, the separation of power from law requires the articulation, however difficult in practice, of these separate terms. What we are seeing are tendencies towards their disarticulation, which the present pursuit of individual rights, seemingly paradoxically, only abets. The result is that the transcendence of power can be asserted all the more forcefully, and all the more problematically.

The Separation of Power from Knowledge

Gauchet notes that the followers of Trump insist that he alone speaks the truth, even though he appears a serial liar. How is this possible? 'The real mystery behind the Trump phenomenon', Gauchet writes, 'concerns the effectiveness of *post-truth politics*, and of the imperviousness to critique of his discourse' (Chapter 2 on page 37 in this volume). He provides three responses to this mystery: 1) parties are no longer able to filter and organise the diverse currents of opinion, and hence the 'super-ego of political rationality' has been removed; 2) the resulting free affirmation of particularisms, aided by the development of 'a new type of personality', takes on an emotive, unconditional character amplified by social networks (Chapter 2 on page 37 in this volume); and 3) populism reflects a confused aspiration to political mastery. The third response speaks to the return of the political, the first two to the contrary thesis of de-hierarchisation and generalised individualisation. The first two responses must be qualified

relative to the United States. The Republican Party under Trump has proved fully capable of organising diverse currents by opposing much of the existing 'super-ego of political rationality' tied to democratic norms. Moreover, the emotive, unconditional character of contemporary politics reflects less the free affirmation of particularisms than a logic of polarisation. Indeed, there is evidence that more particularistic, social divisions are becoming absorbed into, and exceeded by, political identifications (as when Americans increasingly claim that they would prefer their child to marry someone of a different race than a different political party[24]). Gauchet states that democracy, even as it is open to conflict, supposes a mode of cohesion; polarisation erodes that mode at the national level, but strengthens it at another level, enabling the conflict to be pursued beyond its formerly acceptable limits. Gauchet (Chapter 2 on page 37 in this volume) is more convincing when, in speaking of Trump's apparent invulnerability to critique, he speaks of a mode of cohesion so buried as to be only apprehensible at an emotional level, and then only by those suffering from its erosion. That Trump alone speaks the truth to his followers is easily explained. For them, he speaks to the truth of their identity as Americans, that is, their identity as a people, even as he exposes and inflames the symbolic wounds attached to this identification. The question—and we are limiting our questioning to the symbolic level—is: what sort of truth is this? and why does it (or why is it made to) appear contrary to other types of truth? When Lefort spoke of the separation of power from truth within democracy, he did not mean that power (here the sovereign power of the people) was without any relation to truth, or that the relation was negative.[25] He was certainly not claiming that the people are by nature ignorant, irrational, and easily swayed by demagogues, a claim made by anti-democrats since the Greeks. He was affirming that power no longer had a monopoly on truth, that truths need not be enunciated from a position of power, and that the claims of power could be questioned because knowledge now arose from a variety of positions and a variety of modes. This did not mean that there are not attempts to establish a weak relation between the people and some notion of truth,[26] or that democratic powers should openly oppose those truths attached to the most reputable forms of knowledge. Here it is useful to consider the concept of ideology.[27] The latter maintains a claim to truth (in Marx's terms it bears a rational kernel), though one distorted by its relation to power, that is, by the need to justify and rationalise a given social order. In this sense, ideology locates its truths not within its discourse, but in what its discourse refers to, an immanent objective reality. This renders the truths of ideology different from, to use our previous example, the 'truth' of sovereignty, which exists with real effects, but only through the discourse that represents it. The latter, the more strictly symbolic discourse, renders present what it refers to; ideology, by contrast, claims to represent what is already present as an independent reality, concealing whatever symbolic effects it might have. Ideology thus imitates science, claiming

to speak to 'the facts'—the latter being the touchstone of science's truth claims. Totalitarian ideology stiffens and extends the claims of 'bourgeois ideology', donning the mantle of an alternate 'science' (race science or historical materialism), which promises a system of iron-clad certitudes. Populism, unlike the totalitarianism with which it is often associated, makes no claims to science; it plays at a much more openly symbolic level. Populism, to repeat, is without ideology.

In appealing to the people, and to popular sovereignty, populism is not simply appealing to a subjective, visceral truth. It is, as Ernesto Laclau notes, constituting the people to which it appeals. This is not to say that the 'truth' of its appeal does not depend on its emotional resonance among those to whom it appeals. It is to say that without this appeal there would be no people, which is why this appeal comes as a revelation, one that, in constituting the people, allows this people to recognise itself as a people and, as a people, to recognise itself as immensely powerful. That the 'truth' of its appeal is both symbolic and profoundly empowering allows populism the luxury of being able to ignore, instrumentalise, or oppose truth claims rooted in the facts. One hardly needs to note that Trump and his supporters are suspicious of all those who speak in the name of science; the latter place themselves above everyone else, wielding their knowledge as a privilege. It is as if claims made in the name of expertise were fundamentally anti-democratic and to be rejected as such. But it is also the case that 'facts in plain sight'—for example, those noted by journalists—are also rejected, when circumstances require. Of course, not all facts or expertise are rejected. Like all successful political movements, populism must acquire the technical knowledge increasingly necessary to win elections—a knowledge that demands a dip into the social sciences and their techniques. What arguably distinguishes populism here is that its relation to these social science techniques is more focused and ruthless, as evidenced by the Cambridge Analytica affair. Such knowledge, however, must be limited to political advisors and their consultants, and not shared with the hoi polloi; for no one wants to see themselves as manipulated.[28] If the movement's followers are to engage in an arcane knowledge, better that it take the form of conspiracy theories. The latter present the world as totally opaque (things are the opposite of what they appear) but potentially totally transparent (everything can be explained in terms of the bad intentions of bad people working in secret). We are, however, far from that crystallisation of conspiracy theory into an overarching myth characteristic of, to take the paradigmatic case, the Nazis' belief in a Jewish conspiracy for world domination. The latter, while totally fabricated and completely outlandish, bore an internal coherence and logic, whose psychological satisfactions ensured that it was believed by both leaders and followers, while still bearing a tie to 'race science'.[29] It is doubtful whether Trump actually believed that Obama was born outside the United States, or that climate change is a Chinese hoax. Conspiracy theory is used here in an ad hoc, circumstantial manner, such that the claims can be quickly dropped.

Its purpose is not to produce certitudes despite appearances, but to sow doubts and reinforce the world's apparent opacity, while painting one's enemies in the darkest possible colours. Much of this, however, is only for the movement's most ardent enthusiasts, with QAnon turning Trump himself into a conspiratorial figure struggling against more evil conspiracies. Much more worrying is the airing of 'pseudo-conspiracy' theories, such as the claim that the mainstream media purveys 'fake news'. Here the actors are not hidden; the media outlets, newspapers, and journalists are all acting in plain sight. And their motives are supposedly known: 'they hate us, and because of their hate they will say anything'. Not only do these pseudo-conspiracy theories claim that the world is not as it appears, it reflects and exacerbates the logic of polarisation, while seeking to immunise the movement's followers from any self-critical thoughts, not least through a heavy dose of denial, displacement, and projection.

How, then, can we characterise the separation of power from knowledge under populism? As in all other democracies, the sciences—those specialised, fact-based disciplines that since the seventeenth century have constituted the gold standard for truth claims—appear relatively autonomous. But unlike other forms of democracy, populism can be utterly contemptuous of evidence-based knowledge claims. Moreover, it cannot be characterised in terms of the different figures that, historically, have sought to connect the people with the 'truth'. It certainly does not see democracy as entailing a pedagogical project, whether in Tocquevillian terms, as demanding civic education with a view to political participation in associational life, or in Habermasian terms, as an education in reason, whereby one learns how to make, or at least recognise, the better argument. Nor does it make a claim, as with Rousseau, to the truths of the 'heart', universal moral truths with which all (but the corrupt) can agree in order to form a 'general will'. It does not even really appeal to Thomas Paine's 'common sense', that seemingly intuitive, practical knowledge based in everyday experience and opposed to the ungrounded, abstract claims of an elite unwilling and incapable of 'plain speech' because it has things to hide.[30] Populism speaks to only one truth: the ability of the people to recognise who they are once their truth has been enunciated. This is in our terms a symbolic truth, one that is in a sense tautological, having nothing to back it up but its own rhetorical force. Still, by conjuring up the democratic sovereign it is literally a powerful truth, one capable of 'trumping' other truths. This could only occur in a symbolic regime where there are different, relatively autonomous social spheres separated from power, that is, where power need make no claims relative to the whole as the guarantor of some larger truth about the world. But populism is able to take this separation further, dismissing all truth-claims, however solidly based, when they conflict with the wounded identity of those to whom populism appeals. The danger, which has become ever more evident, is that in its scorn for 'reality-based' knowledge populism both reveals and guarantees its own incompetence when reality throws up problems that cannot be rhetorically controlled.[31]

The Dissolution of the Markers of Certitude

Lefort spoke of the democratic symbolic regime as dissolving the markers of certitude. To take an obvious but not entirely trivial example, we cannot be certain, as a matter of principle, who will be in power four or five years from now (unless we live in an oxymoronic 'managed democracy'). Democracy supposes an open, dynamic society, one that to a degree welcomes change and the indeterminacy that change necessarily entails. I say 'to a degree' because not all the markers of certitude can be dissolved without producing total disorientation. Uncertainty can appear a spur to innovation and invention, but it can also be a source of insecurity, experienced in the most unsettling terms. To be sure, whether it appears as promising or disturbing varies widely according to circumstances, populations, or even persons. Still, it is no accident that the modern sense of the term 'crisis'—which implies an exacerbation of uncertainty at the level of the socio-political totality—first appears in the late eighteenth century, coinciding with the modern democratic revolution (Kosseleck 2006).

The rise of populism, it was noted, supposes a crisis of political representation, and has much more resonance if tied to a larger crisis. This is to say that populism is invested in a sense of crisis and, therefore, seeks to exacerbate a sense of instability and insecurity. In the words of Benjamin Moffitt (2016), populism 'performs crisis'. This is particularly true during its rise, but remains true when populism is in government, at least to the extent that its support requires the brandishing of an existential threat posed by its enemies, real and/or imagined. Sometimes crisis appears as more than an instrument strategically deployed to gain or retain power. Sometimes it appears as if the crisis was not just external but also internal, as when one speaks of 'government by crisis', whether as a management style or as a reflection of managerial incoherence. And it is very much the case that a sense of a societal crisis inhabits the followers of right-wing populism, who voice not just their dissatisfaction with the present, but their disorientation, their loss of a world in common. Gauchet speaks of the workers of the Rust Belt feeling abandoned by society; Arlie Russell Hochschild speaks of the supporters of the Tea Party feeling that they are *Strangers in Their Own Land* (2016); Lefort (2007: 947), more problematically, spoke of the apparent danger of 'desymbolisation', that is, of a world without meaning. One must not treat this sense of disorientation narrowly as a product of immigration or deindustrialisation. A few decades ago, there were sociologists who spoke of the decline—even the end—not just of society (eroded by the forces of globalisation), but of 'the social'. Different things were meant by 'the social' and, therefore, by its end. Sometimes it seemed to revive an older debate that spoke of the end of community; sometimes what was meant was the decline of social capital, the individual's capacity to build cooperative ties in an increasingly networked society; and sometimes, building on the latter discussion, it referred to a loss of trust, trust not just in one's political representatives, or institutional authority more

generally, but in others, including close others. Perhaps not unsurprisingly, all these claims have been revived as explanations of the rise of populism in the West. Timothy Carney (2019) understands the rise of Trump in terms of the collapse of family, church, and community; David Goodhart (2017) speaks of a conflict between the 'Somewheres' and 'Anywheres', the former lacking the social, economic, and educational capital to thrive in a cosmopolitan networked society, turn their immobility into a virtue, and root their sense of worth to a sense of place. Yann Algan et al. (2019), in the most sociological and therefore most rigorous of these studies, demonstrate that both the supporters of Le Pen and Mélenchon are angry, but the former show low levels of trust, whereas the latter have a much higher level of confidence in others. Now I would hardly want to deny the substance of their analysis, but it should be pointed out that as a political movement, populism provides a (compensatory?) sense of community, however imaginary;[32] as a movement, it requires a high degree of social cooperation, not to mention networking; and to demonstrate on the step of a state capitol during a pandemic, some people with guns and without masks or social distancing, requires a high degree of trust in at least certain others. On the other hand, there is a sense that 'the social' has collapsed. For it once appeared as more substantial and deep-seated than the political, providing a comforting source of continuity, and appearing as a buffer against political shifts. But now the social offers less comfort, its continuity undermined, its substantiality appearing increasingly fragile. In short, the social no longer acts as a buffer, as politics in tooth and claw becomes primary.

There was one other account of *The End of the Social* (Baudrillard 1983 [1978]), which claimed that the social was a simulacrum, by which was meant that it presented a story, closely tied to notions of progress, enlightenment, industrialisation, increased welfare, and so on, which no longer had any purchase on reality (if it ever did). In effect, Baudrillard was alluding to one of those 'grand narratives' that tied together past and present to a desirable future, thereby reducing the uncertainties borne of continuous change; for even if that desirable future had to be struggled for, the struggle had a good chance of success precisely because this future was rooted in the present and past. Contrary to Baudrillard, there was more than one grand narrative and the masses were not entirely agnostic as regards their credibility. In the last volume of *L'Avénement de la démocratie*, Gauchet (2017: 378–486) has a very interesting chapter that culminates in what he calls 'the crisis of the future'. In a word, the past is no longer living in the present, having been mummified. The present appears increasingly frenetic, seemingly absorbing everything into its short-term concerns without producing a coherent sense of direction. Last, it is increasingly difficult to imagine, let alone construct an image of a desirable future, one that is both tied to and different from what preceded it, particularly as conservatives no longer believe in conservation, liberals in progress, or the left in the revolution. One wonders, then, what is populism's relation to this 'crisis' of the

future. Seemingly, it both reflects and exacerbates it. As a thin ideology at best, it has no grand narrative linking the past, present, and future; the lack of trust about which Algan et al. (2019) speak concerns, perhaps above all, its lack of confidence in the future.

This point can be furthered if one takes seriously Gauchet's (2017: 378) comment at the beginning of his chapter concerning the political, as represented by the nation-state, serving to articulate the particular and the universal. The reference to the universal points towards a desire for transcendence (though this is not Gauchet's language), for it suggests a desire to bridge the real and the ideal, by moving beyond what one is (one's particularity) to what, in one's eyes, is better and should acquire more general assent. This raises the question of populism's relation to the universal, the values that it seeks to project into the future. Indeed, one wonders: does populism, particularly the Trumpian brand, have general values? One asks the question because most appeals to the people pose the people as inherently virtuous, and the elite as fundamentally corrupt and hypocritical. But in the present case there is no appeal to the people's better angels. Rather, the claim is that the elite pretends to morality whereas the people rejects only the pretence: 'we are as bad as you, but openly so'. Trump's brazenly transgressive behaviour is therefore celebrated; it separates him from elite hypocrisy, while encouraging 'bad behaviour' among many of his supporters. This is not to say that Trump's base is without morals, though they scorn the morals trumpeted by 'social justice warriors'. In Hochschild's (2016) study, the supporters of Trump are constantly complaining of unfairness. In what she calls their 'deep story', within which they recognise themselves, they are standing in line for the American dream, expecting to move forward on the basis of their virtues—their work ethic, self-reliance, patience, and godliness—but the line does not move, or moves backwards, largely because of people (minorities, women, government workers) unfairly cutting in ahead, but also because of those behind who when working drive wages down, and when not working receive undeserved handouts.[33] There are several things noteworthy about this 'story' of *ressentiment* (though Hochschild avoids this term), but for our purposes here let us simply note that there is no larger concern for 'other' others, and thus a robust expression of a sense of justice; the emphasis is on their status as innocent, unrecognised victims. Rather than an articulation of the particular and universal, one should speak of a purposeful if unspoken disarticulation, a disarticulation that, precisely, feeds polarisation. And what applies internally also applies externally. It is not a question of seeking to become a nation newly respected among other nations; the measures taken shred whatever respect the United States already had. It is less a question of changing the rules so that they become fairer, and more of showing one's contempt for the rules when the game appears to be going awry. There is a strong if vague sense that the present is untenable, but, rather than seeking to construct a future, one is faced with a kind of hysteresis laced with apocalyptic scenarios and survivalist fantasies.

Conclusion: Judging Populism

Gauchet commends populism for exposing the bankruptcy of democratic rule since the 1970s with the rise of neo-liberalism, globalisation, and the second coming of individual rights. For the last 50 years, the political, the vector of collective self-determination that enables a society to come to grips with its problems, has been eclipsed. Populism now promises to restore the political, enabling society to confront, in the face of widespread anger and disillusionment, the pressing issues that face it. Moreover, Gauchet, as a republican in the French sense, bears a certain sympathy for the currents fuelling populism's rise, notably those that bear on the decline of the republican community's coherence and integrity. There is thus a tendency to underplay the threat to democracy. Admittedly, contemporary right-wing populism is highly ethnocentric and intolerant of minorities; but populism nonetheless raises the question of what it means to be a national community. And though it may carry authoritarian tendencies, it points to the larger problem of the decline of authority consequent to the decline of the sacred. In this regard, an article in *L'Express* (January 2020) in which Claire Chartier poses questions concerning populism to both Marcel Gauchet and Pierre Rosanvallon provides a good illustration. In response to the latter's concern for the restrictions placed on the 'intermediate authorities' that regulate the exercise of power, Gauchet complains: 'But in real terms, these practical political measures remain quite limited. Victor Orban does not wish to abolish the constitutional court; rather he places his people inside it.'[34] And in the same article he refers to the *gilets jaunes*, as a 'populisme brut'[35] and writes: 'From a political perspective [this movement] is self-destructive as it expresses both a strong demand for direct democracy and rejects all forms capable of translating its aspirations into reality. Relative to this truth concerning populism, Orban in Hungary and Kaczynski in Poland present, I would dare say, a moderate version.' This latter quote makes clear where the threat lies, with populism's unwillingness or inability to realise its promise, rather than with democratic decline. Populism presents, or can present, the mirror image of what it is reacting to; it too can embody a form of 'organised impotence', though paradoxically through the political. In short, it fails the test of collective autonomy, and thus betrays the promise of the political.

My emphasis, by contrast, has been on populism's torsion of democracy's symbolic resources, threatening democracy with its implosion, portending more authoritarian forms or, possibly, civil war. I would hardly wish to deny the misadventures of neo-liberal democracy, but populism threatens its own additional disasters. And I would agree that the revival of the political is necessarily part of the 'solution', but, in and of itself, it is also highly problematic. Without an articulation to law (with its concern for justice) and knowledge (with its concern for truth), the political threatens to turn power, its solidification, and glorification into an end in itself. In contrast

to justice and truth, which are genuinely universal ideals, the transcendence of power, being limited to a given collectivity, remains necessarily restricted in its generality. This difference only begins to point to the difficulties in articulating the three terms, yet it is only through their articulation that power looks beyond itself, whether relative to the wellbeing of its own community, or to other powers in terms of solving what are increasingly global problems. Gauchet is justifiably suspicious of supra-national treaties and organisations, as they subtract from the nation-state's capacity for self-government. Yet such problems as climate change can only be successfully addressed through such treaties and organisations. MAGA, as a promise to put America first, seeks to ensure one remains on top, even as the world itself sinks.

In stressing populism's potential menace to democracy, I have turned to its relatively autonomous symbolic 'logic', which renders it irreducible to the crisis that helps explains its advent. This means that, in comparison to Gauchet, this essay has little to say about this crisis, and about how to respond to this crisis. But in contrast to Gauchet, the claim here is that to explain populism's advent is not to explain populism, that is, its form and dynamics. On the other hand, by treating contemporary right-wing populism as a 'symptom', its rise appears overdetermined. For the ultimate explanation of populism appears in the millennial saga of disenchantment, whose last and final iteration entails a sea change in the social bond marked by a remorselessly secular ultra-individualism. Indeed, when the full weight of the philosophical history's most fundamental tendencies are at play, the determinations extend beyond right-wing populism to what appears most opposed to it, the more contemporary iterations of the left, which in his view are subject to an equivalent affective subjectivism, a similar exclusion of otherness, and the same radical impotence. However persuasive this history, it can be questioned. I have suggested, with particular reference to the idea of popular sovereignty, that the more secular iterations of the 'sacred' are far from having run their course. The claims concerning contemporary individualisation can also be queried, or at least refined. Gauchet's claim that only today can individuals deny their dependence on society is reminiscent of a phenomenon Alexis de Tocqueville noted among Americans in the 1830s, though the latter combined the very real independence of the settler with an imaginary identification with the whole (rather than combining a very real dependence on the whole with an imaginary claim to individual independence).[36] I am convinced that contemporary Americans, despite and because of their individualisation, still identify with, and very much feel their dependence on, America as a whole—and would cite the resonance of the populist appeal as proof. What, however, I find most problematic about Gauchet's philosophical history is its relentlessness. One feels oneself thrust into a post-bureaucratic iron cage that would appear to resist the contingencies of history and, when it admits contingency, pushes it beyond the conflictual give-and-take of politics with its competing logics.[37] It is no surprise that Gauchet claims

to be a pessimist in the short term, but when he claims to be an optimist in the long run, one can only gape and ask: how?

Notes

1 I would like to thank Natalie J. Doyle for her comments, which have sharpened my argument, though perhaps not in the ways she would have desired.
2 Consider the claim that Mexican immigrants are rapists and murderers. Despite the drug gangs, prior to Trump Mexicans were rarely described in such terms, but this is exactly how many white Americans have seen African Americans for centuries.
3 Immigration by itself is hardly a basis of populism. I am writing from Toronto, Canada, which has more immigrants than any other comparable city in the world. Toronto had a populist mayor, the notorious Rob Ford of crack fame. Immigration, race, and religion were not at issue; indeed, he won considerable support from first-generation immigrants, in part because they do not see themselves as part of the elite.
4 Since Karl Rove the Republican Party increasingly resembles 'European' parties with growing doctrinal uniformity, and mechanisms to establish greater party discipline. Thus, the astonished accusations of 'spinelessness' directed against sitting Republicans in the House.
5 Whether 'above' or 'below', the sovereign is at a distance from society, and thereby denotes the 'division' constitutive of the political. It should be added that this 'immanent transcendence' can be transferred to the nation and its symbols, or to the state or one of its branches, for example, the military.
6 In a sense, this agrees with Durkheim's characterisation of the sacred as entailing the representation a power of society over society (a power that, in his view, religion distorts by attributing it to the divinity).
7 Alterity, when speaking of the people, can simply mean, in strictly semiotic terms, its diacritical binary: the non-people or elite. Transcendence implies the idea of a people that, by doubling the 'real people', becomes both external to and superior to that people. Populism appeals to both notions.
8 There are those like Andrew Arato (2016) who, for this reason, would abandon the concept of sovereignty, with its 'myth of the people', in order to establish a strictly deliberative form of democracy *à la* Habermas.
9 A majority can mean the majority of voters in an electoral college as opposed to the popular vote; or it can mean some unholy alliance of different parties, potentially excluding the party with the most votes.
10 This potentially includes a whole set of measures including referenda, term limits, recall petitions, and other participatory mechanisms, as when Hugo Chávez established participatory organs of 'people's power', which were to be 'protagonistic'—as opposed to 'antagonistic' (López Maya 2015).
11 The original American People's Party was very much the exception in this regard, not least because it originated as a cooperative movement among poor farmers, and not as a political movement with clear leadership.
12 Thus, Gauchet treats the *gilets jaunes* as a populist movement, even as they reject political representation. There are a whole series of questions concerning this individualism and its implications relative to collective action, which I do not have the space to deal with here (though they are central to the critical reception of Gauchet's work).

13 In monarchic regimes, charisma was institutionalised (as evidenced by the monarch's thaumaturgic powers). In democracies charisma becomes a strictly personal quality. Not all leaders have leadership qualities, the term being limited to exceptional individuals capable of inspiring others under difficult circumstances. Initially the term 'leadership', which first appeared in the nineteenth century, was limited to political or military contexts, but in the late twentieth century was extended to CEOs whose success was attributed to their 'charisma' (and not just, as formerly, to their hard work, discipline, scrupulousness, corruption, or dumb luck). Thus, we now have the figure of the celebrity CEO, which Donald Trump has been very much able to exploit.

14 He describes the relation with minorities as essentially clientelist, which is not entirely fair given that their weight within the Democratic Party is often decisive. Moreover, a distinction must be made between those that seek to gain the rights held by the majority, and those that seek to gain rights as a minority, which encourages clientelism.

15 We may be seeing shifts in this regard; with the pandemic there is much emphasis on 'essential workers' who do not fit the profile of the white, blue-collar working class, while the increasing willingness of the suburbs to vote for the Democrats suggests that Republicans may be losing their lock on the conventional image of the middle class in its *locus classicus*.

16 There was also the glorification of power for its own sake, understood in terms of, precisely, the exercise of force—which follows from the maintenance of power's (immanent) transcendence. One wants to say that the latter was blunted within democracies—unless one considers their relation to their purported enemies.

17 This shift in how power was understood is particularly clear in Montesquieu. He understood democracy, which he identified above all with its ancient Greek form, as entailing a fusion of law and power, resulting in the excessive regulation of public and private morality. For a greater discussion of this point see Singer (2013).

18 I am not entirely convinced that this was *the* reason for the split, or whether the reasons were more 'personal'. Gauchet's essay was originally published in 1980 and republished as the opening article in *La démocratie contre elle-même* (2002) (with the closing article titled 'Quand les droits de l'homme deviennent une politique'). An English translation of the Lefort essay, also first published in 1980, can be found in Lefort (1986).

19 From the context of someone writing from Canada, and from the capital of multiculturalism, Toronto, the claim that group rights necessarily result in the fragmentation of the political is highly debatable, as there was formerly less communication between different groups, with multiculturalism providing, precisely, an alibi—however imperfect—for dialogue.

20 In truth, Gauchet (2020) interprets such individualisation as at the root of minority rights, as the latter grant a right to express a dimension of one's identity that is an intimate expression of the self, which was once sanctioned. I would note that pariah groups felt that their sense of self was being violated long before this second moment. What has changed, at least in the United States, is that a large sector of the former majority population claims the victim status of former minorities, with all the symbolic wounds that such implies.

21 One can ask whether power is reducible to the rule of law, whether the rule of law is reducible to rights, whether rights are reducible to the pursuit of

individual liberty/happiness, and whether the pursuit of the latter can ever simply bracket out the larger community or, alternatively, seeks out new forms of community.

22 Though there is always the exception that proves the rule. As I write it is highly likely that, with the death of Ruth Bader Ginsburg, Trump will end up extending the autonomy of the judiciary, thereby limiting the freedom of political action should the Democratic Party win.

23 In *Le nouveau monde* (Gauchet 2017: 674–675), one has the impression that populism is opposed to individual rights, and notably its *figure-limite*: the right to individual transnational mobility, even though the debate over immigration is rarely phrased in terms of rights.

24 www.theatlantic.com/politics/archive/2012/09/really-would-you-let-your-daughter-marry-a-democrat/262959/. Accessed on 19 October 2021.

25 Just as I have not been arguing that the place of power is *completely* empty or, as we shall see, that *all* markers of certitude have dissolved.

26 Among these attempts one can include the figures of the general will, common sense, and public opinion, all of which in their different ways suppose the people has a capacity for reason. See Singer (2004; 2021).

27 See Lefort (1986).

28 It is often argued that such manipulation, whether by Russian agents or Cambridge Analytica (which, using aggregate data stolen from Facebook, micro-targeted its political advertising to individuals based on sophisticated psychological profiling), makes very little difference in terms of swaying voters. But in tight elections a little difference is all that is required.

29 Gauchet provides a fascinating discussion of this coherence with its psychological functions (2010: 227–241).

30 Donald Trump appeals to his own intuition, not that of the people, and his intuition appears based not on practical reality as generally understood, but on its media-based simulation.

31 Elsewhere Gauchet (2020: 165) claims that the 'post-truth era' is due to the new era of individualisation whose subjective radicality and emphasis on affect— particularly affects rooted in indignation—lead to a hostility to the objectivity of the world on the part of both the left and right. My argument is that the post-truth era owes more to the 'logic' of populism. It is not that the Democratic Party, even as it bears considerable blind spots, is openly hostile to 'the facts'.

32 One can sit alone at one's computer, trolling those sites and those people that one sees as one's enemies, and feel personally empowered, a part of a movement that includes millions.

33 Hochschild notes that those at the head of the line are invisible; though elsewhere she notes that it is with the latter that these 'poor whites' most identify.

34 The example is rather unfortunate; a few months after this interview, Orbán, with the support of Fidesz, and taking advantage of the COVID-19 pandemic, declared that he will be ruling by decree, suspending the constitution in practice if not in principle.

35 Though in the same interview, when faced with the variety of populisms, Gauchet states: 'There are certainly common themes: the importance of the political leader, national identity […]'.

36 The settler and his family lived voluntarily many miles from his nearest neighbours, but saw himself not just as an American, but as an icon of

Americanism, because, by virtue of his self-reliance and ambition, he was living the American dream. Tocqueville noted that if the settler was not in society, he remained of society (Singer 2008).

37   In the last paragraph of Chapter 2 in this volume Gauchet insists that the shock of the present 'is not likely to reinstate the ideals and formulas of the previous mode of functioning and its automatism'. However, we are not speaking of history's deeper social currents, but the contingent occurrence of a pandemic that fleetingly reveals the exigencies of the present. Moreover, rather than ending the 'trench warfare […] between progressives and populists', the pandemic has only exacerbated this warfare.

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Part IV

Applying Gauchet's Analysis of Liberal Democracies: Beyond the Crisis?

10 The New World of Neo-Liberal Democracy

Natalie J. Doyle

The chapters in this book have explored different aspects of the contemporary crisis of liberal democratic politics in Europe and Western countries more generally,[1] a crisis which Marcel Gauchet has analysed as *a crisis of growth.* The crisis of growth involves the hypertrophy of autonomy in its *functional* dimension. It is associated with the fact that Western societies have become fully modern in their outlook, that is, exclusively geared towards the production of a presumably better future, primarily through a new form of capitalism, which now functions as the only template for their self-understanding. As Chapter 3 by Stéphane Vibert demonstrates, for Gauchet, this crisis has paradoxically been created by an unfolding of the very logic of democratic culture, which is centred on the value of autonomy. For Gauchet, democratic autonomy is multidimensional. It incorporates the freedom of liberalism but cannot be reduced to it because it also depends on a shared political responsibility and intent which liberalism cannot account for, as a result of the individualistic values through which it pursued its liberation of human power from the heteronomous conception of the political dimension of human life, based on a vertical sacralisation of political and social authority.

As Chapter 2 of this book illustrates, Gauchet considers populism to have emerged primarily from the way the progress of autonomy since the last decades of the twentieth century has assumed the form of a reassertion of liberalism. This reassertion has considerably weakened another central dimension of modern autonomy, the aspiration to collective self-determination. Gauchet's analysis of populism builds on the entire analysis of liberal democracy formulated in *L'Avènement de la démocratie*, especially its last volume. For the reasons outlined by Daniel Tanguay with respect to Gauchet's entire oeuvre, four years after its publication, the original argument on the crisis of democracy presented in *Le nouveau monde*, however, still remains largely ignored in the intellectual debates pursued in the English-speaking world. As a result, it is not mentioned much in the other chapters of this book.

In concluding the present volume, this chapter aims to rectify this ignorance of Gauchet's later work and, in the process, offer a synthesis of the

themes explored in the preceding chapters. First, it will present a summary of the overall hypothesis that runs through the volumes of Gauchet's tetralogy on liberal democracy. This will allow me to then discuss the analysis of the crisis of contemporary democracy presented in its last volume, which provides a fully developed picture of Gauchet's theoretical project. As Tanguay points out, Gauchet's normative discussion of liberal democracy's principles of justice is indeed always contextualised within a narrative framework, which needs to be understood if one wants to evaluate the theoretical dimension of his work and its interpretation of the contemporary crisis of politics. Presenting the narrative framework and its theoretical implications will then enable me to come back to the question of populism and to Gauchet's argument that it constitutes a symptom of the depoliticisation which the new neo-liberal ideological landscape has encouraged, in both its economic and juridical forms.

Gauchet and History

Gauchet's genealogy of political forms is what underpins the unity of his intellectual project from *The Disenchantment of the World* to *The Advent of Democracy*. This is also where his understanding of history deviates from Lefort's, for whom autonomy is primarily a source of *indeterminacy*, making human history by definition impossible to master, an idea forcefully reasserted by Brian C.J. Singer at the start of Chapter 9. For Lefort, in liberal democracy, this indeterminacy is given a constitutional status through the principle of human rights, placing the constitution above political power and the electoral process as an expression of popular sovereignty. This re-interpretation of liberal democracy stressing the importance of constitutional law encouraged a specifically North American reading of Lefort's work as primarily a reassertion of French liberalism, which ignored its post-Marxist dimension.

This interpretation of French intellectual history in the 1980s and 1990s was exemplified in Mark Lilla's (1994) introduction to *New French Thought* mentioned in Tanguay's Preface. It brought together French political philosophies associated with the Centre de recherches politiques Raymond Aron at the École des hautes études en sciences sociales but without accounting for the different emphases that separated them. This oversimplified account of the French intellectual landscape fundamentally affected the reception of Gauchet's work since *New French Thought* was the first book in English to include translations of some early texts by Gauchet. Gauchet's work certainly contributed to the rehabilitation of liberal democracy after decades of its denigration by French Marxists but, as we shall see, his analysis of liberalism is essentially critical, albeit not in the vein that has made many other French political theorists influential in the English-speaking world.

As Tanguay argues, French political thought has been selectively appropriated in the United States because of the predilection of intellectuals

for radical attacks on the forms of domination subsisting in modern democracy. In this context, Lefort occupies an interesting place and, as some of the book's chapters demonstrate, his work remains the prism through which Gauchet's work is approached. On the one hand, Lefort's definition of autonomy as acceptance of absolute indeterminacy (Steinmetz-Jenkins 2009) inspired a commitment to the way the role of the law in modern democracy and the liberal principle of human rights can allow more rights to be put at the service of democratic equality and asserted against domination, an idea which, historically, converged with the creation of the EU and is in this context upheld in Blokker's chapter. On the other hand, Lefort's work inspired both in France and North America new radical critiques of power in the name of a libertarian understanding of democracy leaning on the idea of human rights, the so-called *démocratie sauvage*, the adjective *sauvage* signalling the link to a different interpretation of Clastres's (1977 [1974]) political philosophy than that formulated by Gauchet.[2] This different interpretation established a superior normative ideal, the anti-statist popular democracy of primitive cultures, whereas Gauchet sees in this elementary form of democracy a rejection of human power characteristic of heteronomous culture (Doyle 2017).

Lefort's anti-statist emphasis on the role of the law as vehicle of democratisation—shaped by his critique of totalitarian bureaucracy—constitutes the point on which Gauchet's theory of modern democracy most clearly opposes his work (or that of his successors), despite some degree of overlap in their interpretations of the place occupied by the law in modern democracy. This difference of opinion is linked to Gauchet's understanding of modern autonomy as the fulfilment of the processual autonomy, of human communities, which makes them unceasingly engage in history as an ongoing *political project*, whether they express it openly or not. In that respect, Gauchet sees in modern (liberal) democracy a superior form of self-reflexive self-government which developed in the course of European history and manifests a growing acceptance of the historical indeterminacy of modern autonomy and, as part of that, of conflict. Modern autonomy is the fulfillment of the historical creativity specific to the human species and the power of its imagination, which he defines as the product of an elementary form of cultural autonomy at play in all human societies. As shown in the Introduction, Gauchet characterised this autonomy as *processual.* As McMorrow points out, in this emphasis on imaginary creativity and its conception of human history, Gauchet's theory of modern democracy is close to Castoriadis's hypothesis about the 'project of autonomy' running through European history and its universal resonance.[3]

Gauchet's affinity with Castoriadis's hypothesis exists despite their very different assessment of liberal democracy, which Castoriadis (1990) attacked as nothing more than a form of 'elective oligarchy' and also despite Castoriadis's sustained attachment to the possibility of absolute historical innovation (and by extension absolute political revolution), which

Gauchet rejects. Gauchet's understanding of processual autonomy indeed leads him to stress the essential paradox of modern democracy, 'the radical finitude of the absence of any end' (2007a: 14), which characterises modern autonomy. Modern autonomy rejects the limits placed on human power by heteronomous culture and celebrates the absence of ends. It is, however, still confronted to limits, those established by the symbolical processes through which the political operates in human communities. This 'radical finitude' exists alongside the indeterminacy of history stressed by both Castoriadis and Lefort in their own rejection of the heteronomous conception of history and its denial of alterity.

For Gauchet, the creation of modern democracy cannot be separated from the assertion of human power in all its forms: individual and collective, material and epistemological. This assertion of human power has, however, become imbalanced and this is now apparent in the contemporary crisis of democratic culture, of which the dysfunctionality of contemporary politics is the most obvious symptom. The progress of modern power in its functional, scientific, and technological dimension has not only seen democratic politics become subservient to economic objectives but, more fundamentally, it has encouraged the role of the political to be forgotten altogether. Yet, as we shall see below, since the 1970s, the political has been undergoing a momentous historical shift. What we are experiencing as the disruption of democratic politics is but an expression of this transformation, which affects all aspects of human existence, from personal identity to the relationship to knowledge and truth.[4] What is involved is a second revolution of legitimacy after the one which Gauchet designates as 'the modern revolution' (Gauchet 2020: 497–502). This still-unfolding contemporary revolution affects all forms of authority. Coupled with a revolution of identity, it has very destabilising consequences, not just for politics but for all social relationships and, some would also argue, interpersonal and private relationships.

The argument pursued through the volumes of Gauchet's history of liberal democracy asserts that this overall crisis of democratic culture is, in its myriad manifestations, a *crisis of growth* because it comes at a time when Western societies have eliminated all traces of the 'old world' of heteronomy and radicalised the logic of modern autonomy, which includes them having reached an unprecedented level of functional power, that is, of *structural autonomy*. This evolution is the product of what Gauchet calls the departure from 'religion', the term he uses to define the modes of legitimacy based on a heteronomous logic of social cohesion which possess five elements defined in *La Révolution moderne* in contrast with 'the modern grammar of autonomy' (Gauchet 2007a: 49–58):[5] 1) the *imperial, universal conception of political power*; 2) *hierarchy*; based on 3) the sacralisation of political power and of the social order; 4) the holistic logic of *incorporation* which makes individuals produce and reproduce the hierarchical identity of the collective body; and 5) *tradition* or the reverence for what came *before*.

The Meaning of Modern Autonomy

Tradition, the last component of heteronomous culture, highlights the role which a new relationship to time played in the creation of modern autonomy. On the five points listed above, modern autonomy constitutes the exact opposite of heteronomy. Being autonomous is not just about creating one's laws as Castoriadis stressed in his definition of the 'project of autonomy'. For Gauchet, autonomy involves a lot more *in practice*. It involves a new attitude to time which pushes societies to open up to historical change and to entrust it with the task of defining their identity. It involves a *praxis*, which also delivers a new kind of self-knowledge, the functional knowledge of structural autonomy. Modern autonomy thus constitutes a phenomenon quite different from its early definition in philosophy, which, starting with Kant, was purely epistemological and intellectual (Gauchet 2017: 636–640). This new relationship to time and emphasis on *becoming*, rather than preserving, replicating the past, motivates modern societies to produce their future in very concrete terms, *including economic activity* (Gauchet 2007: 45–50).

This new emphasis on what Gauchet refers to in shorthand as 'history'—but with the meaning of 'future-oriented activity' since it is the exact opposite of the reverence for tradition that characterises non-modern cultures—was asserted around 1800, the date which constitutes for him the start of the modern era. This 'historical revolution' associated with Hegel's name constituted the third and final chapter of 'the modern revolution', which possessed a prehistory marked by two earlier revolutions: the transformation of the political in the wake of the reformation associated with Machiavelli's political realism, and the transformation of the conception of law inspired by the idea of the social contract born of Hobbes's Leviathan (Gauchet 2005a: 505–521; 2007a: 77–114). To summarise Gauchet's understanding of the 'modern revolution', first of all, the turmoils caused by the Reformation within the religious institutions of Christianity inspired the invention of the modern state and the assertion of its *sui-generis* authority (*raison d'état*). From the sixteenth century, the political, the force that bound societies, thus started to become disconnected from 'religion', that is, from the theologico-political principles of heteronomous culture. In a second stage, this emancipation of the state and rise of absolutist monarchies inspired a transformation of the very understanding of the law, of the principle of state legitimacy, which through the notion of social contract brought to the fore the idea of *right*. Finally, this idea of right contested the domination of society by the state, leading to the assertions of civil society's 'historical' creativity against tradition. Between 1750 and 1850, the Enlightenment's notion of progress was then subsumed into a new conception of history. While the idea of progress considered change to be a steady increase in human power, which was thought to affect the collective from the outside but to leave constant its identity, that of history now conveyed a power of *self-constitution* which needed to be

both emancipated and controlled (Gauchet 2007a: 45–48). Liberal democracy was developed in response to this new political problem.

This emphasis on conscious historicity as the central aspect of modern autonomous culture has led Gauchet to reassess the definitions of democracy, stressing rights-based legalism, influential since the 1970s, and to formulate a different interpretation of liberal constitutionalism, distinguishing between its eighteenth-century significance and its contemporary one. In the landmark essay 'The Tasks of Political Philosophy' (Gauchet 2005a), written in the lead-up to the start of his tetralogy *L'Avènement de la démocracie*, Gauchet insists on the reasons why constitutionalism again became such an important force in the last three decades of the twentieth century, after its long displacement by philosophies that emphasised historicity, first and foremost Marxism. The rediscovery of constitutionalism in the late twentieth century in a variety of forms (from John Rawls to Jürgen Habermas) responded to the entry of European and American societies into *a new stage of modern autonomy*. This stage saw them strive to construct a new foundational logic based solely on the rights of the individual just as they started actualising the principles of natural law through a new form of individualism which profoundly transformed social and political institutions.

Contemporary Individualism and the Society of Individuals

As Mark Hewson's Chapter 6 shows, the novelty of contemporary individualism is a major concern running through Gauchet's work. It underpins his exploration of modernity, both social and political. In other words, contemporary individualism is for Gauchet a 'total social fact'[6] commanding over the organisation of Western societies. It encompasses all aspects of their existence. As Hewson notes, Gauchet's work is here fundamentally indebted to the contrast established in Louis Dumont's work between modern individualistic societies and holistic ones, even if his own understanding of modern individualism developed from a critique of Dumont's normative indictment of contemporary individualism as blind to the novel form of social bond it involved (Gauchet 2005b); individualism is itself a 'wholistic phenomenon', one in which the creation of social bonds has become primarily entrusted to the state, on both symbolic and concrete levels. This role of the state has progressively translated into a sociological reality the independence of individuals posited as a purely abstract principle of legitimacy in the eighteenth century.

While Gauchet has discussed extensively the impact of contemporary individualism on the reshaping of social and interpersonal relationships and even the very psyche of individuals, it must be stressed that he is not primarily concerned with the social or psychological dimensions of the phenomenon, but rather with *its overall political significance* as the underlying logic of liberal democratic culture.[7] This logic occupies a privileged place in the form assumed by modern autonomy. By definition, modern

democratic freedom has two facets, that of equal participation in public
life and that of private independence, which involves the need to protect
the personal sphere and at the same time to open up to all the sphere of
collective choices. The assertion of democratic freedom required a funda-
mental reformulation of the principle of individuality on which the value
of autonomy now rests legally, through the notion of right. Individualism,
in other words, is the underlying political principle structuring collective
existence in all its facets.

The societies that have today conquered their autonomy from the meta-
physical justifications of the social order and political power defining
heteronomous culture can only think of themselves as being composed
of individuals, and this *in both practice and theory* (Gauchet 2007a: 24).
Gauchet argues that this dual aspect of contemporary individualism and
the new form of society it has produced explains what he describes as the
spectacular and sometimes somewhat contradictory socio-cultural changes
so prominent in Western societies in recent decades. Western societies have
experienced, on the one hand, a huge wave of concrete individualisation
which has made them reconnect with the dynamics of equality but pri-
marily in the sphere of personal identity—most recently, gender and sexual
identity—and, on the other hand, a rediscovery of the spirit of natural
law and of the logic of human rights. The two phenomena are connected
but distinct. Gauchet considers that the sociological manifestation of a
more profound consciousness of ontological equality—of the sameness
that transcends the differences that exist between human beings—has been
combined with a *juridical redefinition* (and increasing *contractualisation*) of
the bonds between individuals (even the most intimate), on the basis of an
equal freedom. The convergence of this juridical individualism inherited
from natural law and of the sociological individualism of the last decades
of the twentieth century constitutes a novel historical phenomenon.

Western and especially European societies have entered a stage of com-
plete liberation from the heteronomous principles discussed above: imperi-
alism and the sacralisation of power, hierarchy, the wholistic incorporation
of individuals in the traditional social order. They have entered what he
describes as an era of *radicalised* modernity which seeks to concretise fully
the logic of modern legitimacy. Of course, it does not mean that hier-
archy and domination have effectively disappeared—only that they have
been abolished *conceptually*. They have become literally *unthinkable* in
societies which want to be totally in accordance with the individualism at
the heart of the principle of legitimacy underpinning social and political
authority. Hierarchy and domination are, however, still very much in evi-
dence and since the global financial crisis they have been accompanied by
the reappearance of a great wealth divide which adds to the permanent
sense of frustration produced by the new ideology that has accompanied
the shift towards a radicalised autonomy in the form of neo-liberalism.

As discussed extensively in Chapter 3, the political has been eclipsed by
the logic of individual rights. A new, minimal conception of democracy

prevails, encapsulated in the term *governance* which upholds the ideal of a purely procedural and intersubjective mode of coexistence based on individual rights. Governing elites are now only required to safeguard the rules of this coexistence in political communities. These are reduced to being 'political market societies', that is, societies governed by a political market. This has engendered a sense of political paralysis insofar as 'more rights for everyone means less power for all' (see Chapter 1 in this volume). The minimal democracy of the society of individuals is thus a democracy without power but also, as a result, a democracy that produces an ever more powerful oligarchic control over government. With globalised capitalism, this oligarchic control has acquired an international dimension, producing a deep social divide that now pits a new elite composed of those with skills marketable in a global competition of individuals—an elite characterised by its cosmopolitan mindset—against those limited to what their nation-state can offer and by extension attached to traditional markers of identity.

This new, transnational educational divide has come to overlap with the traditional left–right opposition on which the political party systems of liberal democracy were constructed over the decades following the Second World War. For Gauchet, populism is the most visible symptom of this destabilisation. The destabilisation, however, goes beyond the crisis of politics. It is profoundly cultural. The crisis of the party system is only one aspect of the transformation of the ideological landscape associated with the rise to dominance of neo-liberalism. Neo-liberalism in fact corresponds to what is now 'thinkable and credible' for modern, autonomous societies. It is not a coherent, distinct ideology but constitutes more a kind of ideational force that shapes the ideological field as a whole. It has diffused the traditional left–right divide and produced a new form of consensus that accommodates left- and right-wing interpretations and is shaped by two extremes: on the one hand, libertarian individualism; on the other, disciplinarian economism.[8] The latter is at the service of a new form of capitalism that constitutes the common matrix around which a new conformism has formed: generalised capitalism. The juridification of government action encapsulated in the notion of governance is part of this project (Doyle 2014) but so is hard science, empowered by the 'industrial revolution' induced by information technology, which has fostered a new ideological self-understanding of 'hypermodern societies'. Understanding this new culture and how it has destabilised contemporary liberal democracies is the underlying objective of Gauchet's theoretical reconstruction of liberal democracy's history and the theme of its last volume, *Le nouveau monde*.

Juridification and the Rebirth of Liberal Constitutionalism

Before exploring Gauchet's analysis of the 'new world' in which we now find ourselves living, it is necessary to come back to the specific question of juridification which has been a major theme of this book. While the

question of human rights has been an important aspect of Gauchet's analysis of the foundational logic that has turned liberal democracy 'against itself', it would be a mistake to reduce Gauchet's understanding of juridification to the sole question of individual rights. Although the 'loss of common purpose' discussed by Browne is an important aspect of Gauchet's assessment of the crisis of democracy, it does not exhaust his analysis. The last volume of *L'Avènement de la démocratie* makes it clear that besides the promotion of individual rights, Gauchet identifies in juridification another component, that of *rationalisation*, inherent to what can be called liberal constitutionalism.

Gauchet argues that juridification has been empowered by the socio-logical concretisation of the abstract individualism associated with the first revolution of the rights of man of the eighteenth century. This has promoted a new, constitutional understanding of the state in which judges arbitrate on the state's actions and the way these conform to a superior norm, which as Chapter 8 discusses has been created through the elevation of human rights into *foundational rights*. Gauchet identifies this transformation as the 'second chapter in the history of human rights' and discusses it in its interaction with the creation of the 'society of individuals'. Whereas the first era of human rights in the eighteenth century produced a new political principle, that of popular sovereignty, the contemporary era has seen a dissociation between the notion of government and that of the state, producing a new normative understanding of the latter under the banner of constitutional law (Gauchet 2017: 562).

A new hierarchy of norms has been instituted. This new hierarchy establishes the supremacy of the constitution over ordinary laws. More broadly, the penetration of this new understanding of the state has translated into a greater status for judges and, on the level of principles, into the recognition of judicial power as fully autonomous from the executive function. Judges of course do not only assess the conformity of governmental dispositions with constitutional justice but their moral authority in the area of foundational rights enhances their authority, across the board. Juridification which, for Gauchet, constitutes the concrete manifestation of the new foundational logic of legitimacy thus encompasses three different changes: a transformation in the very ideas of rights linked to the subjective appropriation by individuals of the juridical definition of individuality; a transformation of the institutional architecture of liberal democracies; and an evolution of the place of judicial power in the ways societies function (Gauchet 2017: 562–557). The subjective appropriation of an idea which dates back to the rhetorical artifice of individual freedom used by natural law has transformed both the self-consciousness of individuals and in return the very idea of right.

Starting with its distant roots in the first revolution of legitimacy of the eighteenth century, juridification has a long history in Europe, stretching back to the second German Reich, the work of jurists such as Kelsen on the hierarchy of norms, and later the impact of totalitarianism, especially

Nazism, as well as the influence of the specific federal constitutionalism characterising the political culture of the United States. Gauchet's historical narrative examines this complex history but also insists that there exists a common trend unifying those political cultures and their specific legal traditions in the decades following the Second World War (Gauchet 2020: 563–564). He thus charts the progress of constitutionalism from the 1950s onwards, which triumphed even in those countries most resistant to it, those with a strong parliamentarian tradition such as the United Kingdom and France. This common evolution has led to the creation of a new form of democracy in Western countries which he calls 'democracy through control', which pushed aside the democracy of parties and electoral legitimacy, an expression he prefers over the expression 'public opinion democracy' used by Bernard Manin (1996 [1995]).

Gauchet indeed argues that the idea of *control* better accounts for the transformation of the logic of political representation this new understanding of democracy entailed. While it certainly involved a new understanding of public space, the emphasis on public opinion does not do justice to the double transformation of political representation that took place. The increased autonomy of civil society and the individuals that compose it eroded the identification between political representatives and their electorates, which undermined the party-based, electoral conception of democracy and amplified the distance between those who represent and those who are represented. This distance was exacerbated by the growing role of an autonomous sphere of public information. At the same time, the growth of the media removed the monopoly long possessed by politicians over information and also furnished the tools allowing their actions to be monitored. These phenomena gave shape to a new understanding of how representative democracy should function. The 'staging' of political representation in the media reinforced the perception that political representatives are simply that, *representatives*, and in their representative function constantly need to be under the control of civil society.[9] To understand how this new ideal eventually destabilised the consensus on which liberal democracy was secured following the Second World War in Europe, I will come back to Gauchet's account of the history of liberal constitutionalism, starting with the legal revolution of the eighteenth century. This will then allow me to complete the presentation of Gauchet's understanding of modernity.

The First Revolution of Legitimacy

Through a complex history, liberal constitutionalism, the spread of the values and practices of constitutional law, built on what Gauchet calls the first revolution of legitimacy that saw the creation of the modern European nation-state and the assertion of its representative function. This revolution of legitimacy started with the question of knowing which type of law could confer its authority upon the law. To counter the logic of divine right,

those wishing to contain monarchical or imperial power could only conceive of this *meta-law* as that based on a fundamental right possessed by the individuals composing the 'body politic'. The new definition of legitimacy which was first sought in the seventeenth century to justify the state's authority—irrespective of the metaphysical considerations used by monarchies and empires—could only be thought as originating in *a primary form of law* existing before human positive law, which acquired the label of 'natural'. This constituted the first transformation in *the theologico-political logic* through which European societies defined legitimate political power, a transformation which brought about the 'modern revolution' (Gauchet 2007a: 77–114).

The term natural law came to designate a very special form of right conferred upon humans, purely intellectually and solely by virtue of their existence. This existence was imagined to be in its original condition characterised by individual freedom and independence, which then inevitably produced a first abstract principle of equality in societies that remained, however, still fundamentally hierarchical and socially stratified. This new, purely logical formulation of modern legitimacy—counterintuitive if one considers the actual dependency of human infants at birth—then brought in the question of what allowed this natural independence and freedom to produce collective existence or 'society'. This was resolved through a no less artificial notion: the *social contract*. Despite its artificiality, this notion allowed an imperative of political representation to be asserted, which in the French Revolution of 1789 saw the notion of the people's *constituent power* theorised and invested in an originally premodern notion, the nation. At the same time, it brought to the fore a new, constitutional understanding of the authority of the law above political power. In association with the notion of *progress* formulated around 1750 (which first introduced the perspective of historical change driven by rationalisation and techno-scientific knowledge), the juridical definition of the individual at the heart of this first constitutionalism acquired the power to inspire a project of complete, rational reconstruction of both political and social bonds, first articulated by Enlightenment thinkers, which aimed at concretising the juridical artifices of natural law.

This constitutes what Gauchet calls *the first stage in the history of human rights* which established the authority of the law as supreme expression of the source of all power, both in association with state power and in tension with it (Gauchet 2017: 502–512). The logic of representation it established through the notion of an original constituent power allowed the notion of society to be formulated and used to counter the supremacy of political power. As Gauchet's discussion of the French Revolution shows, while it turned natural law into *human rights* and encouraged demands for national self-determination and electoral representation, the constitutionalism of the French Revolution both entrenched the importance of politics and disempowered it as its absolute understanding of the rule of law. French constitutionalism—formulated to compete against the authority of the

absolute monarch—drew on the political philosophy of Rousseau and his concept of general will. This concept retained traces of the pre-modern monistic conception of society and thus made it impossible to conceptualise the need for society to be represented in its plurality and associated tensions. The problem was resolved empirically in French political culture through the influence of the English model of political representation which used the originally aristocratic mechanism of election. In the course of the nineteenth century, this parliamentary model gained credence, together with the political form of the nation-state. This eventually fostered the creation of party systems and their gradual democratisation from the early twentieth century.[10]

Liberal Democracy as Historical Synthesis of Three Vectors of Autonomy

This democratisation of liberalism prepared the ideational and social context within which liberal democracy was able to take form after the Second World War. For Gauchet, liberal democracy was the outcome of a synthesis of the successive historical expressions of modern autonomy, of the revolutions discussed above (political, legal, and historical), which, together, can be synthesised and seen as constituting what Castoriadis called the 'project of autonomy' running through European history. This historical synthesis produced what Gauchet calls the 'mixed regime' of liberal democracy (Gauchet 2007a: 7–44), the term having a broader meaning than the constitutional one used by traditional political theory. This 'mixed regime' possesses three components in tension with one another: the collective political imperative (*le politique*), rights-based law (*le droit*), and historicity, that is, future-oriented historical action (*l'histoire*). The synthesis was established within the framework of the nation-state, which secured its success but whose principle of legitimacy has been eroded over the last two decades, from within and from without, under the combined impact of growing *individual empowerment* and *globalisation.* Autonomy in its dimension of self-determination indeed presupposes the sovereignty of a defined political community.

The principle which secured the legitimacy of the liberal democratic nation-state combined a 'juridical rule of composition' based on individual rights—empowered by the post-world-war assertion of foundational human rights and an organisation of collective action based on a specific relationship to time, requiring societies to work deliberately towards transforming the present world and producing a future essentially different from the present (Gauchet 2017: 20–23). These two additional components of modern autonomy created societies that celebrated human will and rationality, eroding the influence of 'religion', the legitimacy that hitherto established the predominance of the collective imperative and gave it a heteronomous form. In the terms of Gauchet's theory of the 'modern

disenchantment of the world', this erosion amounted to a loss of *the political function of metaphysical beliefs*.

Each of the elements of modern democracy appeared and developed from the sixteenth century onwards, according to its own logic and own pretentions, to provide a full and self-sufficient definition of life in society. The legitimacy of modern democracy has thus always been unstable, engendering alternating periods of harmony or tension when each sub-element tried to assert its relative independence from the other two.

The hypothesis underpinning Gauchet's history of modern liberal democracy posits that that we are currently in a moment of discord because the three 'vectors of modern autonomy'—the collective imperative, rights-based law, and historicity—have developed unevenly and reinforced their own logics, upsetting the balance that was established between them in their earlier forms. As Arnason stresses, these three components of liberal democracy, or its 'historical orientation', have, as Gauchet conceives of them, both a 'descriptive and normative content', to which 'historians or historical sociologists' must do justice by accounting for 'their rival and changing interpretations' (Arnason 2018: 185).[11] This precisely constitutes the ambition of the historical narrative constructed by Gauchet across the four volumes of *L'Avènement de la démocratie* as it examines the factors behind the manifestation of this loss of balance, which has arisen most notably through *juridification* and *economism*, the latter referring to the tendency of Western societies to see their power of historical innovation as simply the outcome of their economic capitalist systems.

Contemporary Juridification and the Loss of Balance Within Liberal Democracy

Juridification involves the domination of the individualistic logic of rights over politics but also the domination of a specific kind of rationality, whose limitation in treating political problems is analysed in Chapter 8. As seen above, the triumph of juridification as a rational process is linked to the concretisation in contemporary individualism of the logic of rights, which at the time it was formulated did not correspond to any social reality. In the eighteenth and nineteenth centuries, European societies continued to possess a hierarchical structure which imposed the domination of government over society, the superiority of some social groups, and for all groups the power of the collective interest over individuals. After the Second World War, but especially from the 1970s onwards, during what Gauchet calls *the second era of human rights*, the legal fiction progressively helped individuals attain an unprecedent degree of autonomy from social authority. This then empowered juridification as a tool for the rationalisation of social life, a project first formulated in the Enlightenment period. In the late eighteenth century, however, juridification had a limited goal, simply that of eliminating the imprint of tradition on social customs and the law.

This resurgence-cum-concretisation of natural law constitutes one—if not *the*—central theme of Gauchet's theory of liberal democracy, but one open to misinterpretation. Gauchet's critique of the depoliticising impact of the culture of individual rights has encouraged accusations that he is a conservative resisting the widening of rights in the sphere of personal life, an accusation which is easily dismissed. Gauchet has indeed consistently stated that the broadening of rights in that sphere is consistent with democracy and in this respect unstoppable. At the same time, it produces new forms of social conflict, new dysfunctionalities, as one category of rights can come into conflict with another without the rationality of the law being able to arbitrate this intersubjective conflict. In particular, the broadening of rights has encouraged the push for minority rights, which can encourage a sense of victimhood. This push, when it establishes a kind of competition for recognition of degrees of discrimination and suffering, complicates the task of defining the values that still bind the political community as a whole and thus that of establishing a shared social consensus. The problem is compounded by the epistemological consequences of the new individualistic form of legitimacy, which has devalued the quest for truth and replaced it with an endless contest of opinions. The 'society of individuals' has become a jungle of competing claims to uniqueness and to 'individual truths' all demanding legal recognition (Gauchet 2020: 164).

The segmentation encouraged by the push for individualisation has been mobilising Western societies over the last 15 years or so, merging with the new educational divide mentioned above in ways that have contributed to the crisis of democratic politics and the rise of populism, through what I described as the loss of common purpose (Doyle 2017). The push for so-called diversity has claimed the attention of the academic world in Western countries but, in the perspective of Gauchet's work, it is merely an *epiphenomenon*. To show how the pursuit of diversity is not a self-explaining and self-driven phenomenon, I must come back to what Gauchet sees as the root problem: the fulfilment of what he originally described as 'disenchantment'—that is, the elimination in all social relationships of the remaining traces of heteronomous culture and the following destabilisation of democratic politics.

The 'Thinkable and Credible': The Common Ideational Framework Behind Social and Ideological Conflict

It must first be noted that none of the historical orientations that inspired the invention of liberal democratic society were established without resistance. No historical determinism can explain them, and they all won after conflict with the pre-existing order of legitimacy. For Gauchet, the synthesis of this orientation which established liberal democracy was established through a praxis which responded to the problems engendered by the move to modern autonomy. Before they became a central concern

in the second half of the twentieth century, human rights thus appeared, in the nineteenth century, to have been pushed aside by a preoccupation with historical economic progress and politics. This occurred alongside a new contest of ideologies that characterised the new political framework of European societies.

This ideological contest was exacerbated by a new form of social conflict. The class struggle accompanied the deconstruction of the old social order brought about by liberalisation, which saw the rise of socialism. In the first half of the nineteenth century, conservatism fought a rear-guard action against the new legitimacy pushed by liberalism which asserted its ideological dominance around 1850.[12] Liberals saw as a major flaw of the first revolution of human rights the way its thinkers formulated the rights of individuals in a completely abstract and atemporal fashion. The rights of individuals instead needed to be related back to the real individuals living in societies, thus encouraging the figure of the free and sovereign individual to be reduced to that of the *property owner* (Gauchet 2017: 524). This justified a restriction of the right to suffrage based on wealth. This restriction was long attacked by Marxism as solely the manifestation of class privilege.

Even though he acknowledges the role of the class struggle and class prejudice in nineteenth-century European history—and of all the social conflicts leading the 'crisis of liberalism' between 1880 and 1914 (Gauchet 2007b)—Gauchet insists that there was also an underlying significance to this restriction. As Browne states in his chapter, Gauchet's work is indeed concerned with *the broader cultural context* within which the class struggle unfolded: the shared framework of meaning established around the value of progress. Gauchet defines this shared framework as the common space of what was then 'thinkable and believable' (*le pensable et le croyable*), a recurrent notion in Gauchet's writings, very close to that of social imaginary used by Browne after Castoriadis.[13]

This common ideational space became dominated in the nineteenth century by the idea of progress alongside two other 'idols' of liberalism, the 'people' and 'science'. It was part of what Gauchet calls the 'liberal upheaval' which reversed the hierarchical order between the state and society, making the latter be perceived as the exclusive source of human collective creativity (Gauchet 2007a: 155–187). The restriction of suffrage during the era dominated by liberalism—justified by those in power through patronising arguments on the lack of education and autonomous political judgement of the working class—thus was not simply the outcome of class domination. This restriction also flowed logically from nineteenth-century confidence in the spontaneous march of progress, from optimism about a coming expansion of wealth and education that would automatically secure a gradual expansion of suffrage.

The new cultural impulse towards autonomy contained in the liberal values of freedom and individual rights, however, inspired protest against 'the limited institution and social grounding of democracy', as Browne

puts it in Chapter 4. In the last two decades of the nineteenth century, the liberal vision of history as progress, stressing society's capacity to transform itself autonomously through its political will, was contested and replaced as the dominant ideology by a new conception of historical time, the socialist idea of *revolution* came to the fore. Its influence ended up exceeding its interpretations by socialists and the working-class movement, as the appearance of right-wing revolutionary ideologies attest to or, even simply, the metaphorical use of the notion of revolution in the history of ideas.[14]

To come back to one major point of disagreement with Badiou discussed in Brown's Chapter 4, it would thus be wrong to think that Gauchet does not acknowledge the role played by the class struggle in the European history of modern democracy. As Gauchet argued in *Le nouveau monde*, class identity was not the only factor behind political struggle; ultimately, class lost its centrality in the self-identification of individuals and was replaced by broader politics of identity. This is not to say that the hierarchy of classes disappeared. Rather, it is linked to a problem that puzzles Marxists: that the working class vote against their own interests. Gauchet analyses at length the reversal of power between capital and labour that occurred in the 1970s. He discusses the strategies used by business to regain the power it had lost in the course of the three decades following the Second World War. At the same time, however, he also examines the broader phenomenon that allowed this defeat of the working-class movement, in particular the reasons why class identity ceased to be seen by individuals as the sole determining element of their identity.

In this context, Gauchet comments on the notion of *recognition* used by Axel Honneth (and mentioned by Browne), but interprets the historical appearance of this theme of recognition in different terms. The struggle for recognition was not only the product of the resistance of the working class to its dehumanisation in the capitalist labour processes. It was also intrinsically linked to the cultural influence of individualism, which had been produced over three centuries by the juridical definition of the individual. The resistance of the working class built on this individualism of rights. For Gauchet, the desire for recognition is proof of the psychological internalisation of the abstract conception of the individual first formulated by natural law. This abstract representation of individual autonomy first underpinned the modern revolution of legitimacy associated with liberalism, and then progressively inspired transformations within social reality itself, which obviously involved social struggles but cannot be solely reduced to them, as Marxist writers tends to argue.

The Juridical Individual and the Return of the Political: The Role of the Nation-State, the Place of Capitalism

In the chapter of *Le nouveau monde* devoted to contemporary juridification and its foundational logic, Gauchet insists on the subterranean role played

by the principles of natural law throughout European history. Using a surprising metaphor, he describes the juridical definition of the individual as a kind of stowaway passenger or free rider (*passager clandestin*) who survived hidden in the depths of European cultural history to re-emerge fully after the 1970s and to occupy centre stage (Gauchet 2017: 526–531). In the course of the nineteenth century, liberalism encouraged only a *pragmatic* rationalisation of positive law, which transformed the way social bonds operated. Liberal individualism was not a direct heir to the abstract individualism underpinning the theoretical constructs of natural law. In fact, it constituted an essentially critical reappropriation of this first individualism. This reappropriation rejected the fiction of a state of nature, the illusory belief in the atomistic character of individual independence and the fanciful idea of an original social contract (Gauchet 2007b: 258). It drew on a new understanding of the social-historical dynamics of human societies, which encouraged a realistic definition of the individual as primarily *a political, social, and economic actor*.

Gauchet's theoretical reconstruction of European history argues that the ideological hegemony of liberalism which asserted civil society's capacity for self-sufficiency and self-organisation was first thrown into question in the last two decades of the nineteenth century *by the return of the political*, which asserted the prerogative of the collective interest over individuals and the collective purpose over the politics in which the different groups of liberal civil society indulged. This return of the political paradoxically served to strengthen the cultural influence of 'the juridical individual', despite the appearance of two phenomena mobilising the masses: nationalism and imperialism. In parallel, over the course of the liberal era, the nation-state imposed itself as the only political framework within which the new principle of society's representation could develop. However, this did not exclude the figure of the juridical individual, which reasserted its authority and continued to maintain its cultural influence on this new stage. Gauchet's argument is here largely counter-intuitive insofar as liberalism is generally thought to be synonymous with the defence of individual rights and antithetical to the mobilisation of mass movements.

In this respect, Gauchet's (2007b: 209–256) interpretation of imperialism goes against the perception encouraged by Marxist-Leninism that imperialism was an essentially economic phenomenon attributable exclusively to the needs of capitalism, something which appears clearly in his debate with Badiou.[15] For Gauchet, colonial imperialism was driven by economic imperatives but these economic imperatives were themselves the product of political and geo-political dynamics linked to *the resurgence of the political* in its pre-modern form of *domination*. Gauchet then considers that the phenomenon of post-colonial domination requires a complex analysis incorporating the political significance of the dynamics of contemporary globalisation, although, it must be admitted, he has not himself really engaged with the debates surrounding post-colonialism.

As a number of commentators have noted, in his earlier work, Gauchet also neglected the question of capitalism.[16] By contrast, in *Le nouveau monde*, he devotes a large section to the very notion and offers a model of capitalism's history, from its commercial then entrepreneurial or spontaneous forms in the industrial revolution to the much more radical form it now assumes, via the systematised capitalism that emerged from the second industrial revolution (Gauchet 2017: 54–63, 441–470). To summarise this complex line of argument, if understood in its technical definition as a strategy of investment with the view of generating profit, capitalism is far from being an immutable phenomenon, nor an exclusively modern one. It has existed whenever and wherever commerce could be pursued over great distances which imposed risks but also the promise of great returns. In historical terms, what matters is when the capitalist mechanism, starting with the industrial revolution, acquired the capacity to transform the way the collective body functioned as a whole and came to be at the centre of all collective activity. In other words, when it became *systematised*. Despite its systematisation through the invention of the capitalist corporation, the acquisition of its legal status, and the invention of salaried work, capitalism was not in itself responsible for the growth of modern science and technology, nor was it responsible for the understanding of history as progressive future-oriented relationship to time. It was but one element in an extensive cultural transformation, which, even if it possesses its own self-referential logic of expansion, cannot explain the overall transformation (Gauchet 2017: 441–470).

According to Gauchet, capitalism was an instrument put at the service of the collective goal of autonomy, of society's self-creation, and can itself only be explained within the framework of the structures established by the 'vectors of autonomy', the political imperative, the law, and historicity. This then leads him to question the usefulness of the very notion of capitalism because it is too limited. He thus prefers to talk of the contemporary domination of the economy over all aspects of collective life, not just capitalism, or of the 'economisation of the future' (Gauchet 2017: 433–470).[17] At the same time, he acknowledges that talking of capitalism has the advantage of highlighting the self-referentiality inherent to this domination of the economy, a self-referentiality that conceals its links to the creation of a new type of society—the society of individuals (Gauchet 2017: 442–443)—and he thus devotes many pages to discussing what made capitalism acquire the capacity to become exclusively synonymous with the aspirations to autonomy in what he calls the 'new society'.

This brings us back to Gauchet's hypothesis about the nature of the contemporary crisis of democratic politics. For him, it is a symptom of the revolution of legitimacy that has created a society whose cultural basis must be found in the translation of the abstract individualism of natural law into a general framework. This general framework now commands over all social relationships. The society of individuals is not simply a society defined by the individualistic behaviour of its members but, much

more deeply and broadly, a society that defines itself *in both theory and practice* as, in the first instance, composed of individuals which functions exclusively on the basis of that particular form of individualisation (Gauchet 2020: 157). Put differently, the society of individuals constitutes a new type of society whose very collective purpose is the pursuit of individual autonomy, which, of course, does not mean that it always creates the conditions required to make this principle of autonomy effective—only that it defines its legitimacy in those terms.

For Gauchet, two historical phenomena have most contributed to the cultural transformation that produced the society of individuals. First, one that has been pursued by the upper echelons of Western societies and has been exercising pressure from the top: *globalisation*. Second comes individualisation, which is exercising pressure from below, a phenomenon quite distinct from the *individuation* characteristic of pre-modern societies (Gauchet 2020: 156). Combined, the dynamics of these two phenomena have far-reaching implications. They create optimal circumstances for the expansion of the capitalist mechanism, a new battleground for competition, and a new type of actor. This new actor is the cosmopolitan individual pursuing his or her self-realisation in a now global competition of talents.

Liberal Democracy and the Social Nation-State

One major aspect of Gauchet's understanding of contemporary individualisation is its debt to the nation-state, a debt of which contemporary individuals are now unaware because of the very logic of individual modern autonomy based on the fiction of natural law. To explain it fully, it is necessary to come back to the crisis of liberalism, which induced a reassertion of the political imperative of collective existence and, in a much less obvious way, also that of the juridical definition of the individual. The return of the political in societies that were now moving away from heteronomy indeed induced changes in the responsibilities of the state that later allowed the focus to come back onto the rights and needs of individuals. While the state's traditional domination of society and its imperial understanding of power were reaffirmed in the process, protection—the second duty of the state existing alongside its aspiration to universal domination—assumed a much wider, social form. In the last decades of the nineteenth century, it involved the development of state administration, a new understanding of public service, the expansion of public law, and finally, in reaction to the new problems created by the new division of labour induced by economic liberalisation, the first introduction in Germany, under Bismarck's rule, of 'social laws' (1883–1884) (Gauchet 2017: 535). Rather counterintuitively, these pioneering social insurance measures must be seen as foreshadowing the appearance after the Second World War of what Gauchet discusses as the European 'social state'. This state secured liberal democracy under the aegis of Christian democracy (Gauchet 2017: 161–166) but in the context

of the Cold War and therefore in competition with the socialist redefinition of progress, the belief in revolution.

While the second volume of Gauchet's tetralogy which covers the crisis of liberalism constructs an extremely well-documented historical account of the causes behind the discrediting of the liberal ideology and the 'return of the political', it also advances Gauchet's *theoretical* argument and presents the central hypotheses of his theory of European liberal democracy. First, Gauchet argues that liberal democracy developed within the framework of the nation-state, the meaning and function of these two components having been modified under the influence of the aspiration to autonomy. Going against the new cosmopolitanism that became very influential in the first decades of the twenty-first century, Gauchet stresses that the nation and state remain essential components of democratic culture, despite their apparent obsolescence in the face of the problems created by the new wave of capitalist globalisation, including climate change. Second, he argues that the reassertion of the political vision of democracy obscured in the course of the nineteenth century in fact involved a profound transformation of its *symbolic logic*, which eventually allowed the political and its incarnation in the state to move away from the commanding one it possessed before and acquired an essentially *infrastructural* role. Over the course of the twentieth century, especially its second half, this role encouraged European societies to become fully autonomous 'societies of individuals'. The symbolic dimension of this infrastructural role of the political was created by the organisational capacity of the social nation-state and *its capacity to anticipate and regulate the economic and social spheres* (Gauchet 2010: 588–599). Ultimately, this new role of the state allowed novel institutions to be created and liberal democracy to replace the 'democratised liberalism' of the first half the twentieth century (Gauchet 2017: 19).

From the 1970s these institutions helped eradicate the last traces of heteronomous culture remaining in European societies through the authority of the state over society, the respect of individuals for government, the domination of males over women and the family, or the hierarchical structure of many social institutions. Paradoxically, the triumph of the modern nation-state was indeed secured because society continued to be organised around heteronomous social structures which started to be themselves questioned when the state, through its social action, acquired the responsibility of producing the bonds that created and sustained the national political community. In the second part of the third volume of his tetralogy, Gauchet thus develops a complex analysis of the transformation of the liberal state in Europe after the Second World War. In the three decades or so that followed the war's end, the legitimacy of liberal democracy was secured in Europe through the construction by the social state of a new understanding of the nation as an abstract political community (Gauchet 2017: 531–537). This move away from the sacrificial logic of heteronomous culture was signalled by the abolition of the death penalty

and, one may add, also eventually that of military conscription (Gauchet 2017: 571).[18]

The new infrastructural but still protective role of the state was established on the idea of *social rights* inspired by the foundational logic of juridical individualism, which Gauchet summarises by appropriating the phrase 'the right to have rights', coined by Hannah Arendt (1973 [1951]) in her discussion of totalitarianism, to which he gives a much broader meaning incorporating the legitimacy of juridical individualism (Gauchet 2020: 574). Awareness of this right enabled the growth of individual autonomy through concrete means. Gauchet describes the process as a revolution in the very definition of social relationships, which produced a form of independence predicated on a specific form of abstract social belonging, quite different from the feelings of belonging based on proximity and similarity traditional societies still influential in the United States despite their own version of modern culture.[19] This new form of belonging created a strong commitment to the individualistic principle of socialisation and at the same time to the nation-state in its dimension of social state. It did not exclude endemic dissatisfaction with the specifics of state action constantly debated in politics or even some continuous resentment of state power, which is, in fact, in complete continuity with the foundational individualism.[20] This constitutes another aspect of the paradox we saw earlier: the tendency of liberal democracy to work against itself.

The Symbolic Infrastructure of the Society of Individuals

The success of the European social state had profound political implications. It weakened the appeal of the socialist ideology and, as already mentioned above, reduced the perception of social stratification and class consciousness. This internal evolution of European societies then combined with external phenomena, first and foremost the end of high economic growth in the 1970s brought about by rise of the cost of petrol, growth which had helped the institutions of liberal democracy consolidate their legitimacy through the consumeristic success of the social state.[21] The economic crisis then set the scene for a return of liberalism and the invention of a new form of individualism whose appeal benefitted from the blindness of individuals inherent to the process of socialisation based on the social state and its 'welfare provisions'. It also forced European societies to abandon the social/national introversion of the post-war decades behind the creation of the social state and to enter the *extroverted* world of globalisation where national communities define themselves in comparison and competition with one another (Gauchet 2017: 49–62).

This shift to social extroversion then allowed what Gauchet calls 'the silent revolution of 1975' and the entry of European societies into the 'new world of neo-liberalism', a new common ideological landscape. For Gauchet, the changes that followed the turning point of 1975 form the latest episode in the theologico-political history of modern autonomy

(Gauchet 2017: 27, 145–200) and can only be understood with respect to this history's previous episodes, which explains the space devoted to historiography in the present chapter. Here, again, his history of the crisis of European democracy is rather counter-intuitive. Going against the influential reading of neo-liberalism as a phenomenon that first appeared in the United Kingdom and the United States through the neo-conservative turn of the early 1980s, presumably fully synonymous with right-wing economic theories, Gauchet argues that neo-liberalism, as a new political culture, assumed a different form in Europe and even thrived within the institutional framework of the EU. This framework not only went the furthest in the dismantling of the national borders limiting the mobility of capital investment (and with it, of the labour force), but it also fostered depoliticisation though a very high level of international juridification (discussed in Chapter 8).

The social state had *individualisation* as its goal but used means of socialist inspiration to produce a new individualistic form of normative socialisation.[22] This socialisation created a sense of common identity through a now purely implicit process of symbolisation disconnected from the sacred and working paradoxically through prosaic means. Here, Gauchet draws on the work of the British philosopher John L. Austin. The title of Austin's book *How to Do Things with Words* (translated into French as 'Quand dire c'est faire'—that is, 'when saying something is doing something') inspired Gauchet to reverse Austin's idea to summarise the way the political operates symbolically in autonomous societies: 'doing something concretely communicates something'.[23]

Going against the Marxist understanding of what constitutes the infrastructure of human societies, the division of labour, Gauchet has been arguing that the material infrastructure of modern societies in fact rests on a *symbolic* infrastructure but also, paradoxically, that the concrete infrastructure of collective life which contemporary modern societies have constructed for themselves actually allows them to rely on a symbolic infrastructure that is now essentially *abstract*. Seen from the perspective of the past, when the symbolic aura of power was very strong and communicated materially through such things as crowns and sceptres, this transition to a new symbolic mode is often perceived as a form of *de-symbolisation*, leaving for political power only a purely pragmatic, functional role. This assessment has been formulated by many 'postmodern' social theorists who insist on the fact that there can be no symbolic processes without some form of sacralisation, but Gauchet argues that this view is an illusion. De-symbolisation is only a phenomenon appearing on the surface and, in parallel, the reduced influence of politics does not amount to depoliticisation, to the complete disappearance of the political; the political continues to be active, but differently.

The symbolic dimension has not disappeared. It cannot, since it is essential to human social life, nor has the political lost its function in structuring collective life. What is involved is a transition to *a completely new symbolic*

and political architecture. The very destabilising end of sacralisation, of 'the theologico-political nexus' (Arnason 2014)—accompanied by the de-traditionalisation and de-institutionalisation of some aspects of social life such as the family—has encouraged the false perception that Western societies have truly become completely depoliticised, that their individualism is self-sufficient and self-generated. This probably constitutes the most misunderstood aspect of Gauchet's work, but it is central to his understanding of the crisis of democratic politics and of the appeal of populism. Populism reaffirms the primacy of the political by manipulating symbols, even if the symbolic aura of the state is in fact no longer operative, which makes of the populist discourse a form of incantation with little hold over actual political problems and little capacity to offer a workable alternative.

As Gauchet argues, for his supporters, it thus did not really matter if Trump's proposal to build a wall with Mexico was not a realistic proposal. What they perceived in his discourse was *a powerful symbolic reassertion of political will* to counter the crisis of American politics. This crisis was brought about by the growing economic and cultural divide between two kinds of America as well as the awareness of the loss of the world leadership that was central to the United States' national identity. This self-inflicted loss was the outcome of the short-sighted strategy adopted by American elites to maintain economic growth: the globalisation of their corporations aided by their original advance in information technology and in financialisation, which first and foremost benefitted Wall Street (Gauchet 2017: 220–228). Behind this assessment of 'Trumpism' lies not only a different understanding of populism than the one promoted by the new elites, but also an alternative perception of globalisation itself. Rather than sealing the Unites States' power, it represented for other countries the acquisition of an economic, scientific, and technological power which had hitherto been the monopoly of Western countries. It opened up the prospect of a multipolar world. This power was then put at the service of internal cultural and political objectives, giving birth to the notion of the *civilisational state* (Acharya 2020); but here, again, Gauchet reaches counter-intuitive conclusions.

Gauchet and the Extroverted Logic of Hypermodern Societies: Globalisation, Europeanisation, and the Legacy of Totalitarianism

While he sees the dangers inherent in the stance of those countries claiming the status of civilisational states—leading to the revival of imperialistic visions of power alongside the ensuing destabilisation of geo-politics and politics of cultural identity—Gauchet stresses a positive aspect in this contemporary form of globalisation. He sees this as being part of a very old cultural process operating at the level of imaginary representations of space (Gauchet 2007b: 228–233). This positive dimension can only bear fruit over a long timeframe: on the one hand, through the recognition of

cultural equality between countries officially designated as nation-states, of their right to appropriate modernity in the light of their cultural specificity; but, on the other hand, also through a diffusion of the values of democratic autonomous culture, which, he argues, necessarily accompanies the spread of material power (Gauchet 2017: 9, 228–233).

In other words, economic globalisation is part of the creation of a consciousness of global identity and solidarity which extends the 'reduction of otherness' that fostered the advance of ontological equality in modern European societies (and, after the Second World War, the reduction of their material inequality). This of course, does not prevent capitalist forces in Western countries from having sought to steer the process to their advantage, using financialisation, free trade treaties, and the commercialisation of higher education. They thus encouraged the reactive assertions of civilisational identity. Gauchet, however, sees in the civilisational state a transitory political form, whose victory over the nation-state it would be premature to predict (Gauchet 2017: 234–291). Gauchet's history of globalisation is complex. It establishes a contrast between three different ways it was conceptualised in the United States, Europe, and the rest of the world (Gauchet 2020: 211–234), arguing that the EU was conceived both in reaction to the underlying imperialistic objectives of the Clintonian vision of a post-national world and in continuation with its specific historical legacy, that of totalitarianism.[24]

This critical assessment of the EU to which Blokker alludes at the end of Chapter 7 must not lead to Gauchet being labelled as a so-called 'Eurosceptic'. First, his critique of the depoliticising effects of the EU sees in them the symptom of a problem that started *within* the framework of the nation-state. Second, again counter-intuitively, Gauchet argues that despite its present dysfunctionalities, the EU is a 'laboratory' in which a new mode of international relations has been experimented with, a model with an inspirational force outside Europe which could feed into the reshaping of world politics (Gauchet 2017: 214–220). His critique is thus not directed at the project itself but at its *anti-statist bias*, which *at the level of its ideological representations* (if not actually in its politics) has made it deny the role of the nation-state.

In the ideological rhetoric used to promote both the legitimacy and efficiency of the EU's institutions in the fields of economic performance and rights, the nation-state was presented as economically restrictive because of the size of the member states' markets (a debatable argument), and as a result incapable of defending the European 'social model' against the pressures of economic globalisation, and even ethically regressive because it fought nationalism. Nationalism was reduced to its role in the first half of the twentieth century as refuge for a sacrificial understanding of the relationship of individuals to society, which, empowered by the reach of the modern state, led on European soil to the bloodshed of the First Word War and the human rights abuses of the second.[25] This rejection of the national political form, which it goes without saying can accommodate

federalism, promoted a new form of cosmopolitanism relevant only for a sector of the population, while those with education remain solely attached to their national identities and the memory of the welfare state, be it in its Western incarnation or communist version. It also promoted a form of amnesia with respect to what the European nation-state actually achieved for its citizens. In this respect, Gauchet's assessment of the potential of the EU is very close to that of Richard Bellamy (2019), stressing the need to create a 'republican Europe of states'.

A central element of Gauchet's critique of the EU is the question of the roots of its *anti-statism*, the result of the imprint of the trauma Europeans experienced as the result of the Second World War and the need to combat totalitarian ideologies. The hopes for a new constitutionalism to be promoted by the EU and for human rights to revive liberal democracy in Western Europe and entrench it in the former communist member-states (as articulated by Blokker in the conclusion of Chapter 7) attest to this imprint. This brings me to the place totalitarianism occupies in Gauchet's theory of democracy and also in his assessment of populist neo-authoritarianism.

Totalitarianism: The Spectre Haunting European Democracy

The totalitarian period of European history is discussed in great depth and detail in the third volume of the tetralogy. Within the constraints of this chapter, it is not possible to do full justice to the depth of this historical analysis. but it must be noted that Gauchet 'shows more convincingly than anybody else has done how and why modern totalitarianism, and particularly Communism, is linked to the democratic imaginary' (Arnason 2018). Totalitarianism was an alternative path to autonomy different from the one that led to liberal democracy, the appearance of which was by no means pre-determined. Rather, the confrontation with the alternative ideological interpretations of modern autonomy formulated by communism, fascism, and Nazism played a major role in the synthesis being found after the Second World War between the three 'vectors' of autonomy through the institutional mechanisms of liberal democracy.

Totalitarianism came out of the crisis of liberalism. It responded to the problems engendered by the liberal belief in the self-sufficiency and self-organisation of civil society and is part of the return of the political collective imperative discussed in Gauchet's historiography. Gauchet's analysis of the crisis of liberalism is complex and nuanced but its central theme is the failure of liberalism to promote liberty and historical creativity, which it presumed to be exclusively predicated on the emancipation of civil society from state control. This failure came from an inner contradiction. Liberalism left untouched the other aspects of heteronomous culture that survived in traditional forms of social relationships and reproduced a hierarchical form of social unity. The new, modern form of unity that was expected to be delivered by progress under the aegis of the belief in

science and rationalisation thus did not eventuate. In the second half of the nineteenth century, it became clear that liberty did not give more power to human communities over themselves but engendered instead new forms of divisions, while depriving society of the tools needed to steer the collective (Gauchet 2007b: 302–304).

Modern liberty disconnected individuals from one another, fragmented labour processes, and produced conflict between classes. At the political level, the broadening of suffrage did not deliver democratic government. Parliamentarism did not offer an efficient representation of society's wishes. Rather, the contest of its parties too often produced political paralysis as well as the impression that parliamentarism possessed a self-serving logic cut off from the needs of those it was supposed to represent. Within this context, the nation-state became the refuge of the political in what it retained from heteronomous culture: a superior, transcendent collective identity and the respect for hierarchy and tradition, which justified sacrificing individual freedom (Gauchet 2010: 302–307). Externally, the quest for liberty did not deliver either the peace between nations promised by liberalism in its mid-nineteenth-century ascendency, when the assertion of nations was accompanied by visions of mutual international recognition. With the pressures of nationalism and imperialism that accompanied the growth of the state and the broadening of its capacity to dominate society, together with the 'systematised' form of capitalism that accompanied the second industrial revolution and fuelled the first globalisation (Gauchet 2007b: 66–77), the liberalisation of European societies in fact engendered a new, exacerbated military and economic competition between countries. In the face of the conflicts both internal to European societies and between them, the power and prestige acquired by the state inspired the rise of totalitarian ideologies, precipitated by the First World War, whose destruction discredited the residual appeal of hierarchy and tradition and made any return to the conservative vision of social unity impossible (Gauchet 2010: 19–62).

Totalitarian ideologies formulated totalising projects that promised to fuse the three components of modern autonomy within a single collective purpose, with the ambition to rebuild the political community as a universal community, which revived the imperial state form—explicitly as in the case of Nazism or implicitly in the case of the Soviet Union (Arnason 2018: 185–186). State sovereignty was reasserted through the figure of the supreme leader who in reality simply exercised despotic power over society. The logic of rights was absorbed in the vision of the individual's political participation in a greater purpose. The modern conception of human history as something to be directed by human action towards a better future was reformulated as the fulfillment of an *inner necessity* of history presumably *governed by unquestionable laws* imposing essential limits on freedom—those of evolutionary biology or of economic organisation. Totalitarian ideologies thus constituted what Gauchet, after Raymond

Aron (2001 [1955]), calls 'secular religions', whose ideological hold on societies came from their promise to recreate the unity of heteronomous societies destroyed by liberalism *but with modern means*, that is, through the power of the modern state and that of modern science (Gauchet 2010: 516–551).

The totalitarian regimes were defined by their extreme reassertion of the political, purely through the power of ideology, leading Gauchet to call them 'ideocracies'. At the same time, they pursued antagonistic projects. While fascism and Nazism explicitly aimed at a form of mystical social union and did not admit to their purely secular power objectives, Soviet communism asserted its materialistic credentials to present itself as being in absolute discontinuity with previous Russian regimes. Yet, it drew implicitly on the spiritual dimension of their legitimacy. To express it in simple terms, fascism and Nazism thus tried to construct a kind of 'heteronomous autonomy', while Soviet Communism, by contrast, strove for an 'autonomous heteronomy' (Gauchet 2010: 547).

These contradictory logics were the outcome of the totalitarianisms' attempts to repudiate modern culture, including democracy understood in the broad sense of individual and collective autonomy. They exhibited all the ambiguities accompanying the passage from heteronomy to autonomy. This then leads Gauchet to highlight their ideational debts to autonomous and democratic culture but also *their historical uniqueness*. This puts him at odds with the interpretation of totalitarianism that grew from Lefort's work, which saw in the phenomenon a perversion of democratic culture *always structurally possible*. For Gauchet, the totalitarian projects belong to *a transitional period* of European history in a process unfolding over five centuries: the deconstruction of the heteronomous conception of collective life summarised as 'the departure from religion'. They appeared in societies in which the hierarchical, traditional, and communitarian structures were disappearing but where their memory was still active enough to inspire the desire to recreate them in a vastly new form (Gauchet 2020: 548, 550).

This emphasis on the unique historical and geographical context of totalitarianism has implications for Gauchet's discussion for the contemporary reappearance of authoritarianism. For him, the phenomenon is quite distinct from how it is often portrayed, as the rebirth of the 'totalitarian beast'. While contemporary neo-authoritarianism possesses decidedly unsavoury characteristics, these are not on the same plane as the gross abuses of human rights promoted by the totalitarian ideologies. For Gauchet, the age of secular religions is over. Totalitarian ideologies cannot find any cultural anchor points in contemporary societies. They are simply no longer believable in societies that no longer understand the sacrificial logic of heteronomous societies and the way individuals were required not only to maintain the traditional and hierarchical social order through biological reproduction but in fact to constantly *produce it* culturally (Gauchet 2020: 161).

Neo-authoritarianism cannot be understood through references to the past but only on the basis of a full understanding of the contemporary crisis of democracy. Gauchet's understanding of totalitarian ideologies as 'secular religions' opens up a very different interpretation of the significance of populist neo-authoritarianism, including that evident in the so-called post-communist member states of the EU. This is not to say that he ignores the negative consequences of its attempts to reassert the authority of the political and re-establish hierarchical social relationships by undermining the logic of rights upheld by the law. His analysis just invites us not to look at this phenomenon exclusively through the prism of the past and to take into consideration the fact that there has been considerable cultural change since the totalitarian age, which makes individuals less vulnerable to ideologies that push them to sacrifice themselves to a collective cause, not to mention the fact that the institutions of liberal democracy are more resilient because democratic culture now no longer has any strong rival with a coherent ideology (Gauchet 2010: 536, 550).

As seen above, Gauchet's theoretical reconstruction of the history of European liberal democracy stressed the way different ideologies competed to set the tone for society as a whole by offering their own interpretation of the significance of the modern revolution and solutions to the tensions it engendered. As he puts it in its general introduction, the history of modern democracy has to be a history of the ideologies that accompanied its institutionalisation. The 'advent of democracy' after the progressive dismantling of heteronomous culture is inseparable from the invention of a 'discourse possessing different entry points, a discourse used by individuals to make sense of their world, to justify their political choices and seek an understanding of the history of which they are part, or, again, to formulate what they expect from the future' (Gauchet 2007a: 12; author's translation). Gauchet's theory of democracy thus contains a theory of ideology which this chapter, because of space constraints, can only sketch.

Suffice it to say that Gauchet sees ideology as central to the way these societies function after they have turned away from heteronomy. Historical societies are societies that know they create themselves, that act upon themselves deliberately through politics (*la politique*)—an explicit collective activity distinct from the political, which is present and operative in all societies. Ideology is central to that activity as it provides social actors with an ideational framework to guide their action, in the form of a comprehensive interpretation of the past, present, and future that can guide their choices in the contest of politics. By definition, ideology is thus plural, but for Gauchet in the history of European democratic culture, there have only been three great ideological families—conservatism, liberalism, and socialism—each privileging one dimension of modern autonomy: the collective imperative of the political for conservatism, rights-based law for liberalism, and social historicity for socialism (Gauchet 2002).

While the second and third volumes of *The Advent of Democracy* study the rivalry of these ideologies and their confrontation with anti-democratic totalitarian ideologies in the so-called short twentieth century, *Le nouveau monde* accounts for the latest ideology, neo-liberalism. This ideology both expresses the new aspirations of those societies that have become ultra-modern and provides them with what they perceive as the most plausible explanation of how they function, as societies of individuals whose collective purpose is defined by the economy and for which the relationships between presumably fully independent and autonomous individuals must be mediated by both market mechanisms and legal rationality. The rise of this new ideology since the 1980s—combined with the disintegration of the Soviet Union, which discredited the mystique of state-sponsored revolution (Gauchet 2002)—has completely destabilised the political culture that was based in Europe on the contest of conservatism, liberalism, and socialism. European populism has been a symptom of this destabilisation and of the progress of neo-liberalism, against which it rails but cannot in fact counter.

Gauchet's analysis thus goes against the assimilation of populism with totalitarianism. At the same time, it stresses that the potential of human societies to produce new forms of political oppression is not extinct but if barbarism was to reappear, it could only do so in unprecedented form. History follows symbolic patterns but never repeats itself exactly. The word totalitarianism is also being used loosely in protest against current illiberal public health measures. As Browne argues, because of a pandemic, we are indeed seeing the reassertion of the political. It is, however, in a new form of state *disciplinarianism*, based on a bureaucratisation of public health informed by scientism and on the politicisation of the notion of expertise encouraged by the close ties that now exist between the interests of political and corporate elites. The plutocratic evolution of the oligarchy that has sprung from neo-liberal culture presumably devoted to the expansion of human power through the pursuit of scientific knowledge, the corruption of public health, and even of scientific publishing by the interests of big pharmaceutical companies, all these phrenomena are not surprising phenomena.[26] They build on trends that have been visible for quite some time. What is surprising is the popular support for intrusive state power based on an alliance between government and 'big tech'. A new social conformism accepts disciplinarian control over the actions of individuals in the name of a collective 'health good'. It tolerates the censorship of critical discussions regarding the policies adopted by states and their use of propaganda, in blatant conflict with the true scientific method. The contemporary reassertion of the political seems to have appeared in a completely surprising form, which builds on a fear of mortality quite alien to the sacrificial logic of totalitarianism but which, at the same time, still demands that younger generations sacrifice their freedom for the sake of their elders.

Conclusion: Populism and the Neo-Liberal Ideological Virus

Gauchet's account of the crisis of contemporary democratic culture highlights a situation of *political paralysis*. The systems of political representation have been undermined over the last four decades by the pursuit of a new principle of socio-political legitimacy predicated on the assertion of individual freedom. In parallel, it also analyses how the fulfilment of the individualistic revolution of legitimacy has plunged Western societies into a condition of *anomie*. They have lost the language through which their symbolic dimension previously expressed itself and are yet to find a new one (Gauchet 2017: 313). This maintains them in a permanent sense of insecurity, fuelled by the real problems their autonomous power has engendered (climate disruption, the risks of technology) fear now being encapsulated in the threat posed by a virus (Gauchet and Rozès 2020) whose origins are at the time of writing still unknown.

This degradation is superficially reminiscent of the 1930s through its empowerment of ideological extremes. A new form of populism clamouring for the return of the collective imperative and authoritarian efficient government action confronts an equally fanatical mindset which Gauchet designates as *democratic fundamentalism* (Gauchet 2020: 160). Through its liberal legalism exclusively concerned with the broadening of juridical equality, this political fundamentalism pursues the deconstruction of discriminations and an almost limitless expansion of minority rights, which aggravates the loss of common political purpose provoking the populist protest. This new extremism even seeks to destroy all remaining traces of past hierarchies even to the point of erasing their memory, a project spearheaded by the US in its brand of abstract radicalism.

The new populism of the second decade of this century is the perverse product of this depoliticisation of contemporary democratic societies in the broad sense of de-traditionalisation, de-institutionalisation, and de-symbolisation (Gauchet 2017: 413–426), which has converged with the destabilisation induced by the external forces of globalisation. Despite its own extremist reassertion of the nation-state and its authoritarian overtones, it is poles apart from the all-encompassing politicisation of social life fostered by totalitarianism and from the nationalism promoted by fascism and Nazism. It is contradictory in its attempt to revive a state authority that has lost its aura while constantly questioning state power, in its own attachment to the supreme legitimacy of individual freedom. It is, in other words, the offspring of the new register of what is 'credible and thinkable'.

This register is that of neo-liberalism (Gauchet 2017: 645–655), which Gauchet is reluctant to call an ideology; unlike the ideologies that accompanied the growth of modern autonomy, it is deliberately limited in its explanatory power and its transformative power of inspiration. It merely justifies and seeks to optimise what exists in the present, a radical project to expand autonomy purely in its structural function and reshape

the world in full accordance with the principles of abstract rationality. This project, that of the 'knowledge society', is essentially contradictory. It has discredited experience through the need for constant innovation. At the same time as it has sought to increase knowledge, it has produced a generalised form of conformist 'half-knowledge'. It has created a new class divide between (often self-appointed) 'specialists'/'experts' and the rest of the population, fragmenting knowledge in a way that has destroyed the capacity to see the whole picture and steer a course connecting the past, present, and future.

Neo-liberal knowledge is caught in a constant reactive mode, in a presentism, fuelled by the electronic media and their constant coverage (Gauchet 2017: 471–480). The transformative power acquired by humanity has become its own self-justifying end (Gauchet 2017: 483–496). With the broadening of education and the acquisition of new data-gathering techniques, modern societies have acquired an unprecedented reflexivity (as first defined by Giddens (1990)), one based on a presumably rational use of knowledge. This functional reflexivity, however, is not synonymous with 'substantive autonomy', which requires 'self-reflection' (Gauchet 2017: 641–645, 712–729). In particular, it seems to have replaced intellectual debate with an ultra-positivist cult of 'science' dominated by mathematical quantification and statistical modelling. In this respect, it has produced a fanatical dogmatism, or at least an exacerbated form of scientism.

In the context of the COVID-19 pandemic, this scientism focuses exclusively on new vaccination technologies as the sole means of salvation and, obsessed by an ideal of evidence-based medicine, ignores clinical experience, in a capitalist environment where the presentist profit motive deliberately obstructs the use of repurposed drugs. More fundamentally, it has blurred the distinction between individual risk and collective risk, absolute and relative risk as quantified by epidemiologists. One may even argue that it is generating a new form of populist democracy cultivating the politics of fear in the sphere of public health. This democracy generates an individualistic mass, easily manipulated into giving up many of its pre-existing rights and freedoms in exchange for consumeristic privileges. Based on fear, it seeks to conjure back the aura of political power by asserting, above else, its protective capability.

Despite its facade of mundaneness, the neo-liberal ideology possesses a radicalism giving it the capacity to influence the entire political chessboard (Gauchet 2020: 654). It has rendered obsolete the left–right opposition and itself branched out into two directions, two visions of what societies should move towards—one which, in its fanatical individualism and brutal economism, tries to deny the constraints of collective existence, and the other which, in its fanatical obsession with the equality of rights, seeks to reconstruct it completely. It has created a new majoritarian liberal–libertarian centre, oscillating between the two extremes and seeking to find a point of balance. This means that it now permeates all aspects of social life. In this

respect, neo-liberalism behaves *as a kind of virus*, which has considerably weakened modern societies and rendered them vulnerable. It has just been demonstrated by the pandemic, which has exposed all the weaknesses of Western societies and completely paralysed them. At the risk of abusing the metaphor, populism was then more than a symptom. It was like an auto-immune response, which made the disease even worse. The prospect of Trump's election was indeed a major factor in the politicisation of public health which suppressed democratic and scientific debates surrounding the choice of policies to manage the pandemic. Starting in the United States, this neo-liberal politicisation contaminated the entire Western world in a way that belied the country's claims to leading the world through its scientific and technological superiority.

Gauchet's theoretical account of the crisis of European democracy in *Le nouveau monde* provides the tools to understand the political significance of this latest episode of democracy's crisis. At the same time, it ends with a sorely needed message of hope. Societies—that is, the political on which they rest symbolically, as well as their historical creativity—are resisting the degradation induced by the sole pursuit of structural autonomy which ultimately produced the virus—be it through the destruction of the animal habitat, industrial animal husbandry, or direct bio-technological engineering. The virus is showing the vacuity of the artificialisation of human life pursued by the neo-liberal ideology.[27] Targeting mostly the oldest populations, COVID-19 is demonstrating the incapacity of Western societies to accept the inevitability of death after decades of increased life expectancy, because of their unconditional will to eliminate all forms of risk. The radicalisation of rational autonomy and the concomitant deconstruction of heteronomy have severed the link to the past. In the process, this development has engendered a latent existential *insecurity* that has seized control of democratic politics. Neo-liberalism offers no vision of the future to counter it. Its tendency to foster a new form of bureaucratisation based on the aspiration of individuals to both freedom and absolute safety from risk amplifies this fear. It has now found in public health injunctions an ersatz form of common morality and purpose, aided by the new form of intolerant social conformism.

Together with the new social divide have appeared two opposing visions: an elite one seeking to radicalise the logic of equal individual rights and the neo-liberal artificialisation of human life; and the populist aspiration to return to political mastery, This evokes Gauchet's cautious optimism about the capacity of the human mind, of humanity's processual sociability, to reinvent democratic culture by rediscovering the collective power without which personal freedom is meaningless. It remains to be seen whether the pandemic can, indeed, inspire such a rediscovery, transcending populism and capable of re-balancing the three dimensions of democratic autonomy.

Notes

1 Gauchet's work is always primarily concerned with European societies and, understandably, with the problems associated with France's form of liberal democracy. As discussed in the Preface to this volume, the ambition and level of abstraction of his theorisation is such that his theory of democracy holds insights into Western democracy as a whole. While he considers American modernity to have become distanced from its European roots, these roots have created many points of commonality. Following Tocqueville, his work always has a comparative dimension between the European and North American subvariants of democratic culture. Space constraints, however, prevent me from presenting his full analysis of the United States' specific experience. I discuss the main points of similarity as pertaining to Western societies but will specify when Gauchet's analysis points to major differences. For more details, see Doyle (2017; 2019).

2 The expression comes from Abensour, another former student of Lefort. See Chollet (2019).

3 The expression is used by Gauchet once (2005: 556) in a theoretical discussion of autonomy.

4 I touch upon the question in Doyle (2021).

5 Gauchet's use of the term 'religion' has encouraged a fundamental misinterpretation of his work as an extension of secularisation theories. Gauchet, however, uses it in the Durkheimian tradition to discuss the role of metaphysical beliefs in the symbolic self-institution of human societies. See Doyle (2017).

6 I use the expression such as it was coined by Marcel Mauss.

7 Alongside his work on political modernity, Gauchet has had a long-standing interest in psychoanalysis as part of his general hypothesis on the existence of a historical homology between the different forms of individual and collective political subjectivity (Gauchet 2003: 558–559). He has thus written also on the way personality has changed across different historical periods (Gauchet 2000).

8 Muzergues (2020) has analysed the crisis of Western democratic politics from the perspective of the splintering of the class structure into a four-party system along two axes, economic and cultural. Gauchet does not discuss extensively the link between social stratification and politics—his primary interest lies with 'the political', not politics—but his discussion of the twin impact of individualism and globalisation converges with Muzergues's with the idea that there is now a specific political demand that is not supplied by the conventional parties. This is apparent in his use of the contrast made by Goodhart (2017) between the 'Anywheres' and the 'Somewheres'.

9 Just as it took time for the appeal of the new constitutionalism to strengthen within European societies, Gauchet's assessment of the transformation of political representation developed over three decades and through the detour of historiography. In his second book on the French Revolution, he discussed the debates conducted by the French members of the National Assembly around the establishment of a representative political system, with a minority stressing the need for a third countervailing power alongside the legislative and the executive. Gauchet argues that this imagined counter-power prefigured the increasingly important role conferred upon constitutional courts in the transition to a new understanding of democracy in the second half of the century.

10 Gauchet's account of the modern revolution aims at demonstrating how liberal democracy came out of the encounter of French republicanism with English liberalism, or two understandings of freedom.

11 It must be noted that the term used by Arnason to discuss Gauchet's vector of autonomy in this article, 'the political', is translated as 'politics'. In view of his deep knowledge of Gauchet's work, it is obviously an involuntary mistake.

12 It lost the battle after the First World War, when the values of tradition and hierarchy lost their specific appeal though their appropriation by the nation-state within the complete restructuring of the ideological field that saw a voluntaristic revolutionary concept of historical change become influential and pave the way for totalitarianism (Gauchet 2010: 110).

13 After having used it in his early work then abandoned it, Gauchet again uses the expression 'social imaginary' four times in *Le nouveau monde* (2017) and 'political imaginary' once but in passing. However, he uses the expression 'thinkable and credible' repeatedly throughout *Le nouveau monde*.

14 Gauchet (2007b) analyses the genesis and evolution of the notion from its nineteenth-century socialist understating to its Leninist statist interpretation, including the debate surrounding the genesis of social democracy which, he argues, remained faithful to some aspects of the socialist revolutionary project just as it took distance from the timeframe of Leninism (Gauchet 2010: 179–188).

15 Gauchet's analysis of imperialism draws on Arendt's contrast between continental and colonial imperialism but connects it to the contrast between the imperial form of the state and the nation-state, making of colonial imperialism one of the strategies used to secure support for the nation-state.

16 It is fair to say that, by extension, Gauchet does not devote much attention to post-colonial forms of capitalist economic exploitation, although he is clearly aware of the problem.

17 The expression 'economisation of the future' designates the way the pursuit of autonomy in Western societies, their future orientation, has found in economic activity a privileged means of expression.

18 This obviously constitutes a major point of difference with the United States, where belief in the nation's sovereignty remains strong and it retains its right to put some of its members to death. See Manent (2007).

19 Gauchet stresses the integrative role played in the United States by communities defined by religious faith, which contrasts with the decline of religious practice in European countries, at least within Christianity.

20 It goes without saying that this contemporary European individualism is not identical to the individualism evident in the United States, shaped by the glorification of entrepreneurial capitalism which characterised the reassertion of liberalism in the 1980s. However, it has the same framework of legitimacy, with its roots in natural law.

21 The strong growth that made the European state possible was clearly facilitated by post-colonial control over oil, which lowered the energy costs of industrial production.

22 This is the root of the profound misunderstanding by ordinary citizens of the United States of European social systems, which they perceive as essentially collectivistic or 'communist'. It goes without saying that American political culture entertains a very different relationship to the state, hence the difficulty

of securing what Europeans now consider as a right to free higher education and medical care.

23 This point was clarified in direct communication with Gauchet.

24 I have discussed Gauchet's theory of globalisation in Doyle (2019) but primarily from the perspective of the contrast between its meaning for the United States and Europe.

25 Gauchet does not exclude colonial violence, which he discusses in Gauchet (2007b). He seems to subscribe to Arendt's analysis about it feeding back into the culture of the colonial powers and contributing to the eruption of the First World War but he does not discuss it extensively.

26 Richard Horton (2015), editor of *The Lancet*, wrote that 'science had taken a turn to darkness' since 'much of the scientific literature, perhaps half, may simply be untrue'. Dr Patricia J. García (2019) went further by talking of the global *corruption* of public health as 'an open secret'.

27 Gauchet does not discuss it explicitly, but the most radical offshoot of neo-liberalism is the transhumanist movement, with its ambition of transcending the limits of life on earth.

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