I. MODERN DEMOCRACY IN CLAUDE LEFORT ’S THEORY

To think democracy today is primarily to think human freedom, to such an extent that the expression ‘liberal democracy’ appears from a certain point of view as a tautology. In fact, it seems that the dynamics of democracy are not separable from the expansion of liberalism, that is, the extension of the market economy. But to what extent can democracy be reduced to liberalism?

A few decades ago, John Rawls (1971), set out to think democracy as ‘a system of social balance’, in terms of the satisfaction of basic needs and civil and political freedoms. This vision was structured through his two principles of justice:

1. “Each person has an equal right to a full adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties are to be guaranteed their fair value”;  
2. “Social and economic inequalities are to satisfy two conditions: first they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit to the least advantaged members of society” (‘the difference principle’).

So, democracy – as a just society – has to avoid social and economic inequalities. To be just, social and economic inequalities must be linked to positions open to all under conditions of reasonable equality of opportunity. At the same time, civil and political rights must be secured for all members of society.

Rawls’ theory of justice expresses the idea that the basic rules regulating society should be such that all citizens are given equal opportunity when competing for positions and, more generally, in pursuing what they regard as ‘the good’ in life (Siri GLOPPEN, 1997: 83). To this theory, Robert Nozick opposes that of compensatory justice, which corresponds to his libertarian views as presented in his book “Anarchy, State and Utopia” (1974). It is a critique of, and an alternative to, Rawls' theory, and the two
theories seem irreconcilable. In effect, Nozick claims that Rawls' theory, more specifically his principles of justice, denies freedom. For him, Rawls' theory prevents individuals equipped with talents to benefit fully from the fruits of their talents. This is the fundamental question that Nozick poses, “is there a principle that obliges me to share the fruits of my talents and/or my hard work with other people in the society”? (NOZICK, 1974). Nozick has a conception of democracy which emphasizes the place of individual freedom. To such an extent that, for him, the only function which one should attribute to the State in democratic society is that of the guardian State, which enforces respect for justice in contracts between private individuals. So, the State has only to disappear to let out private freedoms and initiatives.

This minimal role to arbitrate conflicts is only relevant for preventing disorder and anarchy in society. For this purpose, it is necessary to protect, by courts, prisons, police force and army, the right of property of citizens and to prevent any form of violation of individual freedom.

On the other hand, Arend Lijphart has for years advocated the model of consociational democracy as a remedy for divided societies. His theoretical work on the consociational model, also called the power-sharing model, has its focus on minority rights, decisions by consensus and autonomy for each group in its own affairs. This communitarian model poses the question of cultural relativism and argues that moral principles can be understood only as accounts of the practices which prevail in actual societies. So, it tends to reject the idea of justice as the first virtue of social institutions; its alternative is a society governed by concern for the common good, in which the good of community itself is preeminent (Siri GLOPPEN, 1997: 116).

As we have indicated above, all these approaches take too much for granted and fail, as a result, properly to grasp the authentic meaning of democracy. Rawls, Nozick and Lijphart all rest their models on static conceptions of the social – a more or less robust individualism in the case of Nozick and Rawls and a cultural collectivism in Lijphart. All these constrict the popular will a priori in ways that reflect these ontological assumptions. Lefort, as we have already pointed out, goes further and broadens the scope of social indeterminacy to the point where neither individualism nor collectivism (of some sort or other) are prioritized as expressing the essence or nature of the social – these are possible concrete realizations or resolutions of the openness of the social, from Lefort's point of view.
And under the conditions of (modern) democracy, this fluidity is not repressed but institutionally articulated; elections' being the point at which society dissolves and recomposes itself, i.e. exercises its specific freedom.

The intimate conviction of Claude Lefort is then, that the political questions of our time all converge towards that of this freedom to become (Hugues POLTIER, 2003); freedom understood as the meaning immanent to our mode of political existence, as it practically governs the forms of our coexistence.

So, the most decisive question for him is to understand how to identify the conditions of the establishment and the maintenance of freedom. Yet, the idea of freedom is only understandable through the democratic experience. For this purpose, it is necessary to resort to the comparison between democracy and other regimes, such as monarchy and totalitarianism. This comparative step is significant because it is only by comparing the democratic experience with the weight of taboos which reign in other regimes that democratic freedom clearly appears in its essence, according to Claude Lefort (Hugues POLTIER, 2003).

Apart from its phenomenal differences, it is still necessary to give an account of this freedom. The problem is how to grasp its origin? How do we explain that freedom governs the relationship between people of democratic societies, whereas, at the extreme opposite, domination governed people of medieval society and oppression reigns in the totalitarian universe? Such is, ultimately, the decisive question to which Claude Lefort's thinking tries to reply. What is the source from which emerges political freedom? What is the nature of the historical change in favor of which this freedom occurred? The issue is as practical as academic because to discover the source of freedom through social relations allows clearly identifying the condition of its perpetuation as well as the nature of the threats that bear upon it (H. POLTIER, 2003).

In his endeavors to determine the origin of the difference between freedom in democracy and totalitarianism, Claude Lefort is equipped with a conception of society as a 'political society'. It is important to clarify this view here.
1.1. Society as *mise en forme* (shaping) of human coexistence

According to Claude Lefort, social life is always underlain by questions whose contents vary with societies. At the same time, a society is distinguished from another one by the constitutive meaning of its order and its relations to the world. In fact, our thinking is inseparable from the world thanks to which it occurs. Our ideas, our beliefs, our most fundamental representations, stem from the contact with the world and it would be illusory to try to make too sharp the division between what comes from our own background and what we borrow from the world. This appears obvious by comparing modern society with older forms of societies, known thanks to historical and anthropological studies. Can a philosopher of the Middle Ages look at a political issue in the same way than John Locke, for instance? It seems unthinkable. And yet, this impossibility has nothing to do with a positive system of rights and prohibitions. It concerns rather the fact that freedom is not a dimension of the world of this man of the premodern world. So, he cannot interpret his experience in terms of freedom. For people of primitive societies, any question is understood through the fact that an undetermined action is faithful to the will of the ancestors who created the group.

For people of the Middle Ages, the crucial question is that of their conformity to the will of God. Freedom does not belong to the system of categories which structure their experience and their apprehension of the world.

Consequently, how can individuals know that they belong to the same society? Who ensures the cohesion, the unity of society? What is the bond which holds together a society? Or, what shapes a society as such? What makes a society?

The comparison between democracy and totalitarianism shows that these societies do not differ only by the form of their government, but also by their *mise en forme* of human coexistence. In other words, the way in which they are organized and the relationships between people tied, is specific to each one of them. How thus to clarify the singularity of the configuration of the relations of each one? This

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2 Claude Lefort is here tributary to Maurice Merleau-Ponty, *La phénoménologie de la perception*, Paris, Gallimard, 1945, p.VIII-IX, 73-76, especially the chapter on the “Cogito”.

3 cf LEVI-STRAUSS, *La pensée sauvage*, p.313: “This justification every time repeated of each technique, of each rule, of each custom, by the means of a unique argument: the ancestors taught us it…”
research seeks to understand the origin of their respective social dynamics. For this purpose, it is important to probe the meaning of this operation of *mise en forme* of human coexistence?

The concept of *mise en forme* implies that of *mise en sens* (meaning) and of *mise en scène* (staging) of social relations. The expression of *mise en sens* suggests initially the idea of an operation. This operation refers to an agent who executes it. For Lefort, the form that a society takes is the result of an elaboration. At the origin of a certain configuration of social interactions, there is nothing other than society itself: ‘Society’ has no transcendental or exterior foundation; it starts from and by itself. It is its own source and ground. Now, what about its content?

The fundamental idea is as follows. The markers in function of which a given society is different and is organized do not have an existence in themselves. They do not preexist this society; they are established at the same time that this society is shaped. To be precise, in their significance and their range, these markers are not deducible from the objective attributes of the entities which are used by them as a support. For instance, if we consider primitive societies there are no natural attributes that determine why a certain space holds the place of sacred space and another that of profane space. And even if one were able to identify significant natural differences, the question would remain why the opposition sacred/profane should correspond to them. One could make the same remark in connection with any social figure. In the same register, what allows us to deduce from a series of observable features that such an individual is a ‘sorcerer’? The significance of ‘sorcerer’ is nowhere to be found in this series of observations.

These remarks lead us to conclude that if the markers that govern social life must depend on perceptible differences, these differences do not say anything about the significance that they cover in social life. In a word, one cannot understand the universe of sense which a society composes by bringing it back to “an objective space which would preexist it”, because the meaning of a thing or a whole of things in a given society is without relationship with its natural attributes. On the contrary, this sense is established by the society at the moment of its shaping (*mise en forme*). Lefort says it as clearly as possible in the following passage: “there does not exist any elements or elementary

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structures, nor entities (classes or segments of class), nor social ties, nor any economic or technical
determinations, nor any dimensions of social space, which would preexist to their mise en forme”

Thus, a society is initially a certain “organization of significances”, or a ‘space of intelligibility’. To be
members of the same society is primarily to have a common set of categories and markers in order to
give sense to experience and to give direction to the world. The strangeness of a foreigner precisely
resides in the fact that his behavior is not immediately understandable for us and that we do not
perceive and do not understand the markers in virtue of which he looks at the world.

In this sense, a society is nothing objective. Undoubtedly one can describe a certain number of facts,
analyze their relations, and even draw a model restoring their system of interaction. The problem is that
all this analysis proceeds under the presupposition that the ‘facts’ that the researcher identifies exist in
themselves. However, this presupposition contradicts the idea according to which a society is a ‘space
of intelligibility’. One of its corollaries is that ‘the facts speak to us because of a development whose
principles are not given in the natural experience or the scientific experience’. Clearly, there are no
facts in themselves, there are only the facts for us and these are dependent on a system of
representations on which they depend for their meaning. Lefort calls this system of representations,
which orders the mise en forme of social space as well as the access to the world of its members, the
symbolic. In short, a social space occurs at the moment of its mise en forme by its symbolic matrix.

To understand a society is then to grasp its symbolic apparatus; it is to clarify the set of oppositions in
virtue of which social figures are identifiable to others; it is to apprehend the principles which govern the
differentiation and the articulation of the social world in its multiplicity of statutes, roles, and places, and
which, at the same time, order the discrimination of the markers in function of which the experience of
coexistence is possible (H POLTIER, 2003).

We can conclude that meaning is constitutive of social experience, and that to understand this
experience is nothing other than discovering the meanings which order its relations to itself and in the
world.

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5 EP, p. 20.
1.2. The place of power as a symbolic pole

We do not know yet the nature of the bond which holds together a society and which ensures the unity of this ‘space of intelligibility’.

The internal division of the social supposes its *mise en forme*, i.e. its unity. On the other hand, it also supposes its *mise en scène*, i.e. the constitution of a scene in which society gives itself a quasi-representation of itself. It is only through this quasi-transparency of social space and the principles of its internal division that its members know its identity and adhere to this space. For Lefort, this scene is nothing other than the *place of power*. The following passage is particularly explicit. “This place provides society with the reference from which it is virtually visible for itself, from which its multiple articulations become intelligible in a common space and, at the same time, from which the real conditions appear as reality and legitimate”\(^6\).

Power is thus a *symbolic pole* in this double sense that it is the place by and in which society founds its unity and that it understands the principles of its difference with others, and it understands itself. This thesis of power as a symbolic pole has a decisive importance in Lefort’s thinking. It means power is a symbolic place *par excellence*, through which it is possible for society to observe itself. Without it, society would remain invisible to itself; it would know neither its unity nor its internal division. We might say that it would not exist. In addition, this thesis urges us to grasp why the work of interpretation of the forms of society merges with the understanding of the place of power. The notion of this place implies itself a determination and a singular representation of social space, its internal divisions and its articulations, and also symbolic dimensions according to which this space aligns itself. These dimensions are political (in the particular meaning of the term), economic, legal, and cultural. This is, however, what should constitute the object of the analysis\(^7\).

1.3. Democracy, monarchy and totalitarianism

Like all regimes, democracies depend upon the presence of rulers, persons who occupy specialized authority roles and can give legitimate instructions to others. What distinguishes democratic rulers from non-democratic ones? Most important are the norms that condition how the former come to power and

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\(^6\) EP, pp. 113-114.
\(^7\) Claude LEFORT, *L’invention démocratique*, p. 123.
the practices that hold them accountable for their actions (Philippe C. SCHIMITTER & Terry LYNN KARL, 1997: 103). Thus, the most popular definition of democracy equates it with regular elections, fairly conducted and honestly counted. Some scholars even consider the mere fact of elections as a sufficient condition for the existence of democracy. Moreover, common sense tends to identify ‘majority rule’ as the essence of democracy (Siri GLOPPEN, 1997: 147). This definition is echoed in much of the literature on democracy. Thus, Elster (1988: 1 in Siri GLOPPEN 1997) writes: “Democracy I shall understand as a simple majority rule, based on the principle ‘One person one vote’”. The attraction of the principle of majority rule lies in the claim that the majority ‘naturally’ is entitled to act for whole (BARRY, 1979: 172). But the question is, is this necessarily true? Is a majoritarian decision ‘democratic’ even if the vital interests of minorities are sacrificed? Should a minority, in the name of democracy, be expected to acquiesce in the majority’s trampling on its vital interests? When confronted with such issues, some democrats maintain the claim that democracy is unrestrained majority rule with the qualifier that it is also associated with safeguarding certain interests and rights for all citizens (Siri GLOPPEN, 1997: 149).

Today, partisans of democracy tend to be classified between these two ideal types: majoritarian democracy and consensus democracy.

The basic principle of majoritarian democracy is “the sovereignty of the majority” – government by the numeric majority of the people. Siri Gloppen (1997: 43) puts out the features of this system in these terms: “The electoral system most consistent with this model is the single-member district majority system. This system generally produces a political situation with two parties, one in government, and the other in opposition. A basic idea is that the parties will alternate in power as voter preferences change. Majoritarian democracy in ideal form produces clear choices for the voters, and governments that can be held responsible for particular decisions as well as general policies.”

On the contrary, consensus democracy is established on the principle that “no significant sub-group in society should be left without a say in government; democracy as a ‘government of all the people’” (Siri GLOPPEN, 1997: 43). This model emphasizes on the protection of minority rights and the diffusion of power between different groups in society. According to Siri Gloppen, this model heavily relies on elite cartels; and governments are less clearly accountable. The distinction between government and regime are more diffuse than in the majoritarian model. This model is generally more representative; votes are
converted into parliamentary seats and governmental influence with more fidelity than through proportional representation, which is the electoral system, at the basis of this model.

We can conclude that democracy is that regime which takes into account the advantages of these two ideal types. While defining democracy, Robert Dahl tried to introduce a new concept – *polyarchy* – in the hope of gaining a greater measure of conceptual precision:

> “(Democracy) designates regimes where the legislative and executive organs are elected at regular intervals, through free elections with universal suffrage and genuine competition between two or more parties” (Robert DAHL, 1971).

This definition, the closest to the ideal of political democracy, emphasizes three basic criteria: (1) *competition for all effective positions of government*; (2) *inclusive level of political participation*, and (3) *protection of civil and political liberties*.

These criteria seem close to Claude Lefort's approach and can help us to highlight its originality. But, first and foremost, it is important to raise this fundamental question, viz is democracy reducible to a system of judicial and political institutions? That is free elections, multipartism, and control of the government by the Parliament. If not, on what conception of the social does it depend?

Claude Lefort's reflection starts from a criticism of Marx's interpretation of human rights, the expression *par excellence* of democracy. In *The Jewish Question*, Marx delivers the essence of his interpretation of human rights. This interpretation proceeds from the conviction that the representation of these rights did not in fact prevail at the end of the 18th century, in the United States initially, then in France, but instead produced the dissociation of individuals within society and a separation between this atomized society and the political community (Claude LEFORT, 1994: 52). “Who is this ‘homme’, writes Marx, *who is distinguished from the ‘citoyen’? None other than the member of bourgeois society. Why does the member of bourgeois society in this view become ‘man’, plain man? Why his rights are called human rights? How can we explain this fact? By the relation between the state and bourgeois society, by the nature of political emancipation. Above all, we note that the ‘droits de l’homme’ as distinguished

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from the ‘droits du citoyen’ are none other than the rights of a member of bourgeois society, that is, of egotistical man, of man separated from the community” (MARX, 1959: 25).

From this interpretation, Marx drew a series of consequences relating to the status of public opinion (in particular religious opinion), freedom, equality, property, safety, etc. Basically, Marx's criticism claims to circumscribe democracy with a whole set of political institutions and to bring it back to a real base: relations of classes, themselves determined by the mode of production. In effect, for Marx “(the) products of the creative activity of nature, human beings do in turn transform nature through their labor to produce and reproduce their social existence. And it is the primordial character of this activity which is expressed through the idea that the way a society creates and maintains its material conditions of existence not only takes precedence over all aspects of human life but also determines in the last instance its politics, culture and development” (Georges NZONGOLA-NTALAJA, 1997: 3).

The analysis of a mode of production or of a matrix of modes of production specific to a social formation must therefore begin with an examination of the production relations in their totality as productive forces, i.e. the way in which individuals relate to nature through their labor, and as class relations. The latter aspect refers to the way in which individuals interact with each other as social groupings determined by their opposition to each other with respect to the appropriation of the surplus product. Class relations exist wherever this surplus is appropriated by those who do not produce. There is an expression of the fundamental contradiction and the antagonistic relationship implicit in any mode of production based on surplus appropriation by the non-producers. The contradictory and antagonistic relations thus created constitute the basis for class struggle, and it is the struggle of the fundamental classes of the dominant mode of production which determines the historical development of a social formation (NZONGOLA, 1997: 3).

Marx’s criticism holds that democracy is a system ready to mask social division, conceived as particular classes and interests (LEFORT, 1994: 147). However, the truth is that, of all the known regimes, democracy is the only one which allows the representation of social division in spite of those representations which tend to dissimulate it (LEFORT, 1994: 148).
However, it should be stressed that Marx claims to give an account of a great historical event, the passage from feudal to bourgeois society. For him, feudality indicates a type of society of which all the material and spiritual elements were political, and where they were structured into organically bound sets, the seigneuries, the States, the corporations, trade associations. While putting an end to this system, observes Marx, “the political revolution abolishes the political character of bourgeois society. It broke up bourgeois society into its simple constituents: on the one hand the individuals, and on the other the material and spiritual elements that composed the bourgeois life of these individuals. It set loose the political spirit that had been scattered and concealed the bourgeois life of these individuals. It gathered up its parts, freed it from bourgeois life and turned it to the service of the community, the universal concern of the people, for an ideal independence from elements of bourgeois life” (Marx, 1959: 31).

Marx characterizes the bourgeois revolution as “political emancipation”, i.e. the delimitation of a sphere of politics as the sphere of the universal, remote from society, this being reduced to the combination of particular interests and individual existences, broken up into elements. Unfortunately, this criticism of the individual is made within the horizons of a theory of society (viz ‘community’) which abolishes the dimension of power and with this the dimension of law and that of freedom of thought and belief. Such a theory does not make it possible to conceive the direction of the historical change in which power is assigned to limits, and rights fully recognized without any exteriority to power. Considering this history, what does the ‘political modern revolution’ mean? Claude Lefort replies:

“Not the dissociation of the authority of power and the authority of law, because this was already the case with the principle of the monarchical State, but a phenomenon of disembodiment of power and disembodiment of law accompanying the disappearance of the ‘body of the king’, in whom the community embodied itself and mediated justice;… It becomes, consequently, significant to scrutinize the event without precedent which is the dissociation of power and law, the simultaneous dissociation which constitutes the principle of power, the principle of law and the principle of knowledge… Power does not become foreign to law; its legitimacy is more than ever the object of the legal discourse; and at the same time its rationality more than ever is examined” (LEFORT, 1994: 64).

This «great event which determined both the constitution of a unappropriated power and that of free opinions … (is) the disappearance of an authority which subjugated each and every individual, and the
disappearance of the natural or supernatural basis which gave that authority an unassailable legitimacy and an understanding both of the ultimate ends of society and the behaviour of the people it assigned to specific positions and functions » (Claude LEFORT, 1988 : 34).

For Lefort, the political originality of democracy is attested by a double phenomenon: a power which is henceforth involved in a constant search for a base, because law and knowledge are no longer embodied in the person or a group of individuals who exercise it; and a society which accepts conflicting opinions and debates over rights because the markers that once allowed people to determine themselves in relation to one another in a definite manner have disappeared (LEFORT, 1988 : 34). This double phenomenon is itself a sign of a single mutation: power must now win its legitimacy without becoming divorced from competition between parties, and by finding a basis in public opinion. Now competition stems from, sustains or even stimulates, the exercise of civil liberties. The state does appear to be neutral, to have no opinions or to be above opinion, but the fact remains that the transformations it has undergone in the last 150 years, by separating it from the Church, occurred as a result of changes in public opinion, or in response to them (LEFORT, 1988 : 34-35).

This consideration leads us to carry our analysis of democracy from the ‘displacement of the locus of power, which marked the passage from monarchy to democracy, to that of totalitarianism. Let us ask our starting question differently: what characterizes the place of democratic power? And what is the direction of the change it inaugurates? Compared to monarchical and totalitarian powers, the most visible originality of democratic power lies in its unappropriable character: the exercise of the democratic power is in fact subjected to a periodic calling into question. Conversely, the power of the revolutionary leader, just like that of the monarch, appears unquestionable. However Lefort does not hesitate to advance that political freedom is maintained as long as the place of power is judged unoccupable⁹. Democracy is thus, according to Lefort, this regime where the legitimacy of power is based on the people; but to the image of popular sovereignty one must join that of an empty place, impossible to occupy, such that those who exercise public authority cannot claim to appropriate it. Democracy thus combines two apparently contradictory principles: on the one hand, that power emanates from the people; and on the other hand, it is not a power of anybody. However, democracy embodies this contradiction. In democracy the people are sovereign but its identity changes, rendering null and void any claim to occupy the place of power. Most importantly for Lefort, democracy is a

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« political » form of the social which best embodies the ontological status of the social, i.e. it registers that this is politically constituted. If the place of power appears, not only symbolically, but as really a vacuum, then those who occupy it are perceived as mere components of a faction at the service of private interests; at the same time, legitimacy diminishes throughout the social. Each one wants to privilege his individual or corporatist interest. At the worst, civil society ceases to exist (Claude LEFORT, 1994: 92). But if a party claims to be identified with the people and takes power under cover of this identification, the principle of the distinction State-Society, the principle of the difference of the norms which govern the various types of relationship between people, is denied. More importantly, it is the principle of the distinction between law and knowledge that is at stake. An imbrication of politics, economics, the judiciary, and culture then takes place. A phenomenon which is precisely characteristic of totalitarianism (Claude Lefort, 1994: 93).

In effect, for Claude Lefort, totalitarianism is not only a simple tyranny; it is a regime in which everything appears to be political: the judicial, the economic, the scientific and the pedagogic; a regime in which everything becomes public; and at the same time, totalitarianism refers to a law, or at least to the idea of an absolute law, which owes nothing to human interpretation in the here and now. It is finally a regime in which an absolutist discourse rules; a regime which appears to be revolutionary, which sweeps away the past and devotes itself to the creation of a 'new man' (Claude Lefort, 1988: 48).

This thesis immediately raises two questions: why is there an intimate link between the existence of political freedom and the unappropriable character of power? And how to explain the passage from an incorporated power in the person of the king to the "power of anybody"?10

Let us focus on the first question. Without going into detail, the bond which links the impossibility to appropriate power to freedom can be established in the following way. The obligation of the periodic calling into question of power has as its corollary the recognition of the legitimacy of political competition. Because, if a plurality of candidates could not enter in competition for the conquest of power, this would mean that this calling in question of its exercise would be a pure illusion. Thus, to be effective, the periodic calling in question of power supposes the opening of political competition to all citizens.

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In addition, the legitimacy of political competition supposes that of conflict, more exactly, of its expression. In effect, if the candidates to power did not have the freedom to defend the rights which seem to them legitimate, whatever they are, that would mean that a ‘doxa’ would be defined somewhere and to which each one would have the obligation to subscribe. That means there would still be a custodian of this ‘doxa’ infallible and beyond appeal. In such a case, one can wonder whether true power does not lie in the ‘doxa’ and its custodian. Here it is observed then that the assumption of an “a priori” limitation on what can be proposed by the candidates to power means the limitation of the effective character of the calling in question of its exercise. However, if no limitation must restrict the freedom of candidates to power to make political proposals, at the same time it is not very probable that all will speak in unison. On the contrary, it is probable that significant dissensions will emerge. In short, and in so far as it is effective, political competition, which implies the calling in question of power, is inseparable from the mise en scène of conflict, including the recognition of its legitimacy. What is at stake here, in the final analysis, is the status of the truth itself under modern democratic conditions, viz there is no absolute incontestable truth, including no final truth concerning the identity of the People.

However, in its turn, this recognition of the legitimacy of conflict supposes that legally nobody can be discriminated against for their views or actions as long as they do not violate the rules whose respect is considered to be vital for democratic coexistence. The legitimacy of conflict is thus concretely guaranteed only if the freedoms of thought and expression, association and assembly, are accorded to all. Thus, the position of an unappropriable power has as a result the introduction of a public space in which interactions between individuals are withdrawn from the authority of power. According to Lefort, there is a communication, a circulation of thoughts and opinions, words and writings, which escape, in principle, except in cases specified by the law, the authority of power. It is on account of the independence of thought and opinion vis-à-vis power (...) that it is in question in the assertion of human rights (...)\(^\text{11}\).

In short, for Lefort, freedom is not a natural attribute of individual citizens that past societies were set to choke by all means. It characterizes, on the contrary, the form of the bond which binds individuals in a social space in which power must regularly be redefined. And, in a more radical way, it is inseparable

\(^{11}\) Claude LEFORT, L’invention démocratique, p. 59-60.
from the recognition of the legitimacy of a questioning of the established order. Because such is, ultimately, the nature of the political debate which takes place in democratic society. The existence, even, of this debate testifies that in this order it is not a blasphemy to try to modify one or more aspects of society. *The legitimacy of this debate over the established order is what most clearly distinguishes democratic society from all other forms of society.* In medieval society, the monarchical order was regarded as untouchable and it was an inadmissible violation of law and order to publicly express doubts about the legitimacy of the absolute power of the king. This does not mean that the absolute monarchy is the reign of the arbitrary. On the contrary, the king is subjected to a law which preexists him and to which he must conform. However, this law defines monarchy as such and, for this reason, cannot be the subject of a public discussion. Because, to recognize the legitimacy of such a debate would be to recognize the legitimacy of a questioning of the monarchical order. That is, of course, unthinkable. There might be an "*Etat de droit*" (rule of law), however only modern democracy invites us to recognize a regime based on the legitimacy of a debate on the legitimate and the illegitimate – a debate necessarily without a guaranteed trajectory or end.

The comparison with totalitarianism is not less enlightening. There, as under monarchy, power is not the object of an open political competition, and this situation has, as a consequence, the absence of a public space of exchange withdrawn from the control of power. The *irremovability* of the revolutionary leader means that society is like a body of which the revolutionary leader appears the head. This representation shows that there is no exteriority of society vis-à-vis power. The totalitarian world constitutes the exact inversion of that which prevails in democracy. Here, the regular calling into question of power underlines the difference between power and society, the autonomy of the space of the social. But in addition, the identification of power with society has the effect that legally society does not enjoy any autonomy, that is, as ‘private space’. Legally, there is nothing which occurs in society which does belong to power.

So, totalitarianism is founded on the pure and simple negation of political freedom. And to characterize the situation of political freedom under this regime, in principle no communication, and no circulation of thoughts and opinions escapes the authority of power. Above we showed the existence of a bond

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12 ID, p. 66.
13 EP, p. 53.
14 ID, p. 60.
between *unappropriable* power and the existence of a public space distinct from power. However, this bond should not be wrongly interpreted. It does not mean that one is the cause of the other, but that they presuppose one another. Because, if power is truly *unappropriable*, it is necessary that there exists a public space escaping its authority; and, reciprocally, for such a space to be instituted, it is necessary that power is *unappropriable*. This conclusion does nothing but point out the central thesis of the theory of society worked out by Lefort, namely that one cannot isolate the determination of power from social interactions, the social, is *sui generis*. It does not rest on an external foundation but is self-constitutive.

Consequently, the problem is, then, to question the sudden appearance of this form of society characterized by such a degree of self-awareness. Similarly, the question which the birth of totalitarianism raises is that of knowing, how, starting from democracy, a 'space of intelligibility' is established in which power comes to be identified with society and therefore, to deny any autonomy to it. For Lefort, to answer these two questions is of crucial importance. Because it is only when one reaches that point that one will have clarified the ‘conditions of becoming of freedom’. If one reaches that point, in effect, one will have grasped the event through which political freedom occurred; and one will have also clarified the source of its inversion, i.e. totalitarianism.

### 1.4. Democracy, undetermined society

To pose the problem of the advent of democracy is to question the nature of the change which orders the passage from monarchy to democracy. To clarify this, we need to concentrate on what disappears with the fall of the monarchical order. What was the incontestable power of the king and the representation of a social order as immutable in right based on? Their base, affirms Lefort, resided in the concept of a society receiving its order from superhuman power - or at least, of an entity (Justice, Reason) transcending the imperfections of empirical society. As a product of the transcendent power, the human order is then considered to be immutable, and as the mediator between the origin of the social and men, the king enjoys power that no one thinks of disputing\(^\text{15}\).

In the light of these explanations, one appreciates the significance of the fall of monarchical power. Its ultimate significance is the disappearance of the belief in a base transcending of the social. This base produces in each the certainty of his belief in the instituted order and the unbreakable conviction that the place that he occupies is his own place. The disappearance of the king announces that society no longer conceives its order as already defined somewhere else, that is it is not conceived any more as having any exterior basis or foundation whatsoever. At the origin of the form of society which replaces monarchy, there is primarily the negation of a natural or supernatural determination of the human order. There is the conviction that nothing determines society to take a definite form, that it is undetermined. Now deprived of a foundation, the social order does not just smoothly reproduce itself. This causes a debate, which can have neither an end nor a guarantor, which is in other words endless. In a word, democracy is the regime for which the question of its nature does not cease being in debate. From this, one can deduce two features, i.e. the regular calling into question of power and the constitution a public space of interactions. But more fundamental is the impossibility of appropriating power. The idea of a debate without end on the order of the social suggests that the place of power is without definite identity and that, consequently, no figuration can correspond to it. And what unappropriable power makes visible is precisely this absence of identity. The “negation of a substantial reality of power” replies the “negation of a substantial reality of society”\textsuperscript{16}.

The indetermination of the social is illustrated in the \textit{empty place} of power. In this way democratic society shows its indetermination, the corollary of which is a public space for ongoing and deep deliberation. That means the recognition of the legitimacy of conflicts. In a word, democracy cannot be separated from the recognition of its division (Hugues POLTIER).

In sum, the democratic model of Claude Lefort emphasizes respect for each member of society, his point of view. According to this model, no society can claim to be a democracy while excluding a minority of its population from the decision-making or law-making process. This model is, thus, one that seeks as far as possible a large consensus on national issues of general interest. In effect, in Lefort’s democratic model, each individual is taken seriously; he has a say as part of this consensus. And his participation principally occurs through elections, a crucial moment in Lefort’s approach. With this mechanism, one reaches inclusivity in the construction of society.

\textsuperscript{16} ID, p. 156.
However, Philippe C. Schmitter and Terry Lynn Karl argue that “central to democracy, elections occur intermittently and only allow citizens to choose between the highly aggregated alternatives offered by political parties, which can, especially in the early stages of a democratic transition, proliferate in a bewildering variety, but during the intervals between elections, citizens can seek to influence public policy through a wide variety of other intermediaries: interest associations, social movements, locality groupings, clientelistic arrangements, and so forth”\textsuperscript{17}.

\textsuperscript{17} Ph. C. SCHMITTER & T. L. KARL, “What Democracy Is… And Is Not”, in \textit{Comparative Politics}, 96/97, p.103