Can the People Govern?

Popular Sovereignty and the Sovereignty of Ordinary People

Ivor Chipkin[1]

Introduction.

Last night, the 5th of December 2013, Nelson Mandela died. South African and international newspapers are carrying tributes to what he stood for and the life that he lived. Within hours of his death, The New Yorker had published a reflection on his life by Nadine Gordimer. The piece is called 'Mandela, my countryman'. There is a tension between the title of the piece and its appearance in a magazine that proudly and successfully elaborates a global, cosmopolitan audience. Mandela was a global icon. Yet the intimacy of the piece's title emphasises another audience, it is that of our country, South Africa. Nadine Gordimer is reclaiming him for a different public, composed of "We South Africans".

At South Africa's birth as an inclusive, parliamentary democracy, the constitution inaugurated a people that had never been one. There is no common language, no common religion, no common culture in South Africa. Instead there is a history of colonial domination and institutionalised racist violence. What is more, our 'colonialism-of-a-special-kind' was to be resolved in a country that 'belongs to all'. In this context Mandela has been, more than the Constitution, an object of common love. He has been a foundation for the post-Apartheid political community. How often have we asked 'what would Mandela say? What would Mandela do?' This is the spirit of much of the sad, sweet commentary of today.

We will no doubt enter a period of reflection and contestation over what his legacy was and what his life meant. Yet while he was alive, there was always the prospect that he, Nelson Mandela, would step forward and speak in his own name. He could tell us who we were and what our common project was, he would chastise those that had strayed and he would confirm who was on the right path. The death of Mandela thus represents a moment of disenchantment.

This is an opportune moment to raise a more general question. The peculiar character of democratic sovereignty is that it derives from the 'people' – this is one of the basic *problematiques* of the democratic imaginary (Wagner: 2013). Hence all political communities that want to be democratic must answer the 'question of the people'. Who belongs and who does not belong to the demos? This is not, however, a question of social justice in the Rawlsian mode. The question of democracy has to be posed in the contexts of colonialism, class polarisation, racial domination, ethnic fragmentation and patriarchal violence. These are contexts for which concepts like 'civic nationalism' or 'constitutional patriotism' are, following Charles Mills, largely irrelevant (Mills: forthcoming). If we start, as does Rawls, by conceiving of society as "a cooperative venture for mutual advantage," that is also "a closed system isolated from other societies" then it becomes impossible to consider the 'people' in colonial world. (Mills: forthcoming). Why? Because "three fourths of humanity" (Patterjee, p.3) do not live in monadic societies established as cooperative ventures for mutual advantage. They live in societies that have been configured by histories of colonial domination, race oppression, class exploitation and patriarchal violence. What is at stake, in other words, is generating the people in societies not simply marked by difference and variety but by power and by history.

This paper will explore different ways of identifying the people. It will develop a critique of the notion of popular sovereignty, suggesting that it imposes a terrible and often impossible burden on the

State. I will discuss this challenge in relation to the states that emerged after the Second World War as European Empires broke-up. The experience of States in Africa of *coup d'etats* and civil war in the post-colonial period makes by them paradigmatic on world terms, rather than exceptional.

Instead of thinking of the people as a pre-existing group that then organises itself (or not) on the basis of democratic procedures, I will argue that the people of democracy is never a substantial people. It refers, rather, to a term in an unjust *social relation* (of racism or exploitation or patriarchy) so that the people as such only emerges when 'ordinary people' rise up (to borrow from the words of a well known song). We will see that this conception of democracy has several advantages over the other, not the least being that it revives the historical terms associated with the democratic imaginary (equality-freedom in social terms, not just political ones) and that it allows us to rethink the political border in a way that is inclusive (not national). Yet it has its own challenges.

It has difficulty getting the people to stick, to outlast the moment (revolt, insurgency) through which it emerges. In other words, it is difficult to see how the people can govern. This paper will conclude by proposing a solution to this paradox by shifting the terrain of the answer, away from philosophy to public administration.

Decolonisation.

In the sixty six years since the founding of the United Nations the number of member states has grown from the original 51 in 1945 to 193 in 2011. It represents a near fourfold increase in little more than half a century. In contrast, in the period between 1919 and 1946 membership of the League of Nations never exceeded 63 members. The difference between the two periods is partly explained by the different relationships these bodies had to Imperialism and to nationalism respectively. The first, despites its name, sought to re-establish the principle of Imperial sovereignty – a logic of integrating large geographies and multiple peoples in single states. Indeed, the Treaty of Versailles tried to shore up the Imperial system, by re-allocating to those that won the war (Britain and France) the territories formerly held by the losers (Germany, the Ottoman Empire). In Lord Acton's terms we might say that the nineteenth and early twentieth century were periods of nations and 'great powers' (Acton, p.14).

The United Nations is the expression of a different logic. The principle of popular sovereignty on the basis of nations may have its origin in republican ideals of the French Revolution, yet it is only in the period after the Second World War that this model became the norm. That the world should be organised on the basis of sovereign nation-states animated the vast majority of anti-colonial struggles. European Empires after the Second World War and especially in a short burst during the 1960's shattered into so many new states. In 1956 Morocco, Tunisia and Sudan joined the UN as sovereign states. In 1956 they were accompanied by Ghana and the Federation of Malaya. Then in 1960, 17 new states appeared (Cameroun, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Gabon, Ivory Coast, Malagasy Republic, Mali, Niger, Nigeria, Senegal, Somalia, Togo, Upper Volta). By the end of the 1960's a further 27 countries had become independent – the vast majority of them in Africa, as Britain and France relinquished their colonies and dominions[2]. In the 1970's the Portuguese Empire collapsed, throwing up even more new states, including Mozambique and Angola. Then in the 1990's the Soviet Union dissolved. By 1994 there were 185 member states of the UN, up from 166 just three years earlier.

The vast majority of these states have been cut out from the fabric of European empires. "The British Empire has, in the course of the last few decades," noted one legal scholar in 1960, "glided quietly and decorously into the 'British Commonwealth of Nations' and the 'British Commonwealth of Nations' has slipped unobtrusively into the 'Commonwealth of Nations' (Schwelb, pp. 164-165).

---

[2] Mauritania, Mongolia, Sierra Leone, Tanganyika, Algeria, Burundi, Jamaica, Rwanda, Trinidad and Tobago, Uganda, Kenya, Kuwait, Zanzibar, Malawi, Malta, Zambia, The Gambia, Maldive Islands, Singapore, Barbados, Botswana, Guyana, Lesotho, Yemen, Equatorial Guinea, Mauritius, Swaziland.

That this was an untroubled process was a uniquely metropolitan perspective, yet the broader point is unmistakeable. New states invoked the principle of nationality, that of popular sovereignty, as the basis of their emergence into the world of States. Consider briefly the constitutional history of Ghana in its first few years. It is paradigmatic.

The Constitution which was to govern Ghana during the first years of its life as a sovereign State was the Ghana (Constitution) Order in Council of February, 1957. It provided for a Cabinet vested with political authority, made up of members of Parliament. Cabinet was responsible to parliament that was, in turn, elected by secret ballot on the basis of adult suffrage. Every citizen of Ghana, irrespective of religion, race, and sex, not suffering from any incapacity was given the right to vote. The Constitution of 1957 also guaranteed the office of Chief as existing by customary law and usage. It ordered Parliament to establish a "House of Chiefs" for each Region, and a State Council for the determination of all matters of a constitutional nature arising within the area of its authority involving a Chief (Ibid, p. 636). The basic law of Ghana of 1957, however, also made the new state a constitutional monarchy and parliamentary democracy on the British model. Executive power was, nominally, vested in the Queen and the Governor General as her representative. It was the origin of the Constitution, however, that was of particular consequence for the new, ruling elite after independence. While people like Kwame Nkrumah, soon to be President, were consulted during its formulation, the constitution was worked out largely in Britain and was enacted by an Order-in-Council of the British monarch.

Immediately on coming into government, moves were initiated to abandon the monarchical constitution in favour of a Republican one. There is surprise amongst British legal scholars at the time, not so much with the principle but with the process. All it required was a law adopted by the Ghanaian parliament with a simple majority. Limitations on member states of the 'British Commonwealth' to enact laws in contradiction with British law had already been repealed in 1931 by the Statute of Westminster. "Nevertheless," writes Schwelb, "the Government of Ghana set in motion elaborate machinery for the consultation of the people before Parliament enacted the new Constitution" (Ibid., p.638). It is not so surprising, however, when we understand sovereignty as a creative moment, founding the constituent subject (Kalyvas, p. 1534). We will return to this shortly. For the moment let us say that basic law of the State, to have democratic legitimacy, had to be seen to derive from the 'people' itself.

In February, 1960, the Government submitted to the National Assembly a Bill calling for a plebiscite on the future form of the Constitution of Ghana. It was duly approved. In March, the Government published a White Paper explaining the Government Proposals for a Republican Constitution and containing the draft of the Constitution itself. A referendum was the held where the people of Ghana were asked "whether they approve[d] the main provisions of the draft Constitution. If this approval is given the Constitutional Assembly will clearly be in duty bound to enact a Constitution along the lines of that approved by the people" (Ibid., pp. 638 – 639).

The Ghanaian Constitution of 1960 triggers an existential pursuit. It does so with surprising consequences. "The Government realises," states the White Paper of 1960, "that the present frontiers of Ghana, like so many other frontiers on the African continent, were drawn merely to suit the convenience of the Colonial Powers who divided Africa between them during the last century" (cited in Schwelb, p.640). The Preamble to the Constitution itself draws the consequences of this observation. It calls on the people of Ghana to "help to further the development of a Union of African States". Moreover the constitution specified certain 'fundamental principles', including that:

- "the union of Africa should be striven for by every lawful means and, when attained, should be faithfully preserved"; and
- "that the Independence of Ghana should not be surrendered or diminished on any grounds other than the furtherance, of African unity" (Article 13, cited in Schwelb, p. 640).

Even more, the constitution looked forward to its own redundancy. "In the confident expectation of an early surrender of sovereignty to a union of African states and territories, the people now confer on

Parliament the power to provide for the surrender of the whole or any part of the sovereignty of Ghana" (Article 2, cited in Schwelb, p.640). In other words, Ghana as a state could be dissolved by a simple Act of Parliament.

What was being asserted here? That Ghanaians belong to a nation that exceeds the territory of Ghana, that Ghanaians are Africans for whom Africa as a whole is their territory, that nothing less than a Pan-African state can give them rightful expression. The Constitution of Guinea of 1958 contains similar provisions. In its Preamble, the State of Guinea "affirms its resolve to strive to the utmost to achieve and consolidate the Unity in Independence of the African Fatherland." We find similar wording in the Constitutions of the Republic of Cameroun, of the Central African Republic, of the Senekal and of the Sudan Republic (now Mali). On this basis, moreover, the Presidents of Ghana, Guinea and Mali declared that they had formed a Union of African States in 1960 - though the union was more rhetorical than actual (New York Times, December 25, 1960).

It is not just in Africa, however, that the assertion of popular sovereignty triggered a quest for identity. The Constitution of the Kingdom of Jordan of January 1, 1952 provides in Article 1 that "the people of Jordan form part of the Arab nation." The Syrian Constitution of 1953 states that "the Syrian people form a part of the Arab nation" and goes on to provide that, "the State shall, within, the frame of sovereignty and republican regime, endeavour to realize the unity of this nation." (Art. 1/3). The Egyptian Constitution of 1956 did likewise, declaring that "the Egyptian people are an integral part of the Arab Nation." On this basis Syria and Egypt merged to form the short-lived United Arab Republic in 1958. We find similar expressions of Arab nationality in the Constitutions of Iraq, Jordan, Tunisia and even the Kingdom of Morocco.

The pursuit of popular sovereignty in Ghana, in Sub-Saharan Africa, in North Africa and across the Middle East and across what becomes the Third World set-off a logic of popular self-definition - what Peter Wagner might call a process of self-understanding (Wagner, p. 16). The 'self' in this case, the subject of the process, is the 'people'. In all these cases the people is identified as a nation split across multiple states and seeking representation, eventually, in a single State.

I have discussed elsewhere the origins of the national imaginary or the imagined community of the nation (Anderson) in the concepts, practices and debates thrown-up by the French Revolution (Chipkin: 2007). The French Revolution inaugurated a form of political community based on popular sovereignty. "Supportive but more sceptical observers," writes Wagner, "suggested that some commonality of values and beliefs among the members of a collectivity committed to self-determination is required to make a republic viable, and the best evidence for such commonality would be the speaking of a common language" (Ibid, p.40). This cultural-linguistic theory of the polity invested the 'people' with an ethnicity as the basis of their unity (Balibar: 1991, Chipkin: 2007, Delanty: 2013). Etienne Balibar used the term 'fictive ethnicity', to emphasise the imaginary character of the nation's genealogical heritage (Balibar,p.96 Race, Nation Class). It became the basis of theories of nationalism and practices of cultural homogenisation by nation-states.

This is not the place to discuss the crisis of the nation as a political ideal. Let us merely note than between January 1956 and the end of 1985 there were sixty successful coups in Africa, that is, an average of two every year (Hutchful cited in Shivji: 2003). In 1966 alone there were eight military coups and by 1986, out of some 50 African states, only 18 were under civilian rule (Nyong'o cited by Shivji: 2003). Shivji contends that an Imperial power, and the United States in particular, was behind nearly every one of these coups. What is certainly true is that in every case the identity of the people was at stake too.

In Zimbabwe the crisis of democracy begins, paradoxically, after democracy has been 'consolidated' (see Diamond: 1994, 1999). In 1999 ZANU-PF, the ruling party since independence in 1980 lost, not an election but a referendum on land reform. On its terms land ownership lay at the heart of national sovereignty. In anticipation of a referendum to approve the appropriation of 'white' farms, President Mugabe had declared: "We are now talking about the conquest of conquest, the prevailing sovereignty of the people of Zimbabwe over settler minority rule and all it stood for including the possession of

our land. Power to the people must now be followed by land to the people (cited in Ndlovu-Gatsheni, p. 15). For ZANU-PF the failure to secure a majority for its land reform plans could mean only one thing, that sovereignty itself was at risk.

Sabelo Ndlovu-Gatsheni explains what happens next: "[there] was a growing revival of the tradition of national liberation in Zimbabwe and the increasing 'othering' of all other political forces operating outside ZANU-PF as [a] front for [the] re-colonisation of the country. What unfolded in Zimbabwe at the beginning of the 2000s particularly the frenzied re-creations of the liberation discourse in very narrow xenophobic, racist and nativist terms ranged against whites and those belonging to the MDC [an opposition party] as fronts for colonialism" (Ndlovu-Gatsheni, p. 15)

It is alarming, though not necessarily surprising, therefore, that the recent 'Arab spring' starting in Tunisia, spreading to Egypt and Syria, has degenerated into civil-war, especially in Syria, not simply between those that are for and those that are against democracy, but between differing conceptions of the people (secular vs religious, Sunni vs Shiite). Nor is it surprising that the toppling of Saddam Hussain in Iraq in the name of popular sovereignty has provoked violent conflict between diverse forces often speaking in the name of mutually exclusive ideas of the Iraqi people (Arab, Muslim, Sunni, Shiite).

Cosmopolitanism.
The association of nationalism and nation-building with Fascism, Apartheid, racism and war, both inter-state and civil, has long stimulated interest, both intellectual and political, in transcending it. For a long while this was part of the project of European Union as well (see Balibar, We Europeans). Hence the current appeal of 'civic nationalism' and/or cosmopolitanism. I have argued elsewhere that this was, in part, the promise of the South African transition from Apartheid, to constitute the political community on grounds that where not national (Chipkin: 2007).

As a necessary first step it requires a labour of critique. In South Africa this is the kind of work that Megan Jones and Jacob Dlamini are doing in their new book, *Category of Persons*. Their intention is to move beyond 'race-talk', this ubiquitous foundation of the Apartheid and colonial enterprise, but also increasingly of the post-Apartheid state as well (Jones and Dlamini: 2013). It is the "fatal intimacy" (Ndebele, p. xi) of the situation in South Africa that Achille Mbembe says attracted him to the country. For a moment after 1994 the country promised another kind of 'contemporary African modernity' (Mbembe: 2005). Mbembe named this awareness 'Afropolitanisme' and designated Johannesburg its world centre *par excellence*[3].

This "quest for new horizons for man through the recognition of the Other as fundamentally human" is a central theme of postcolonial studies (Mbembe: 2008). It is what brings into conversation Franz Fanon, Léopold Senghor, Edward Said and Paul Gilroy. It has its counterpart in a certain "idea of Europe" as suggested by the image of a Cape (Derrida) or as a "cross-over of overlapping plates" (Balibar: 2009, p.7). When, however, this work of cultural critique, of making explicit the mutual imbrication of multiple histories, is invoked as a foundation, it too is captured to the logic of popular sovereignty[4]. It becomes another attempt to define, substantively, the people as a ground for *politics* (how the people are represented and by whom) and for the *political* (the limits of the people, that is, the political community), where the people exists *prior* to the "instituting moment of democratic founding" (Kalyvas, p. 1530). In other words, it comes to function at the same level as Nativism.

To the extent, however, that the principle of popular sovereignty is invoked as a *democratic* principle, then this exercise seems unnecessary.

---

[3] This text was written in 2005 prior to the violent attacks on foreigners and perceived foreigners in 2008.

[4] If we return to Mbembe's principle of *Afripolitanisme*, for example, we see that what it asserts, ultimately, is that the 'entangled' awareness that it endorses, as opposed to the 'nativist' consciousness it deplores, better reflects the people of Africa as they have always been and are now currently (see Mbembe: 2005). It accords more authentically with that he calls a "pre-colonial African modernity". Is this not a nativist claim?

A People Without Substance

What is peculiar about the people of democracy is the way that it comes into being. This is the argument that Andreas Kalyvas develops in relation to a reading of Carl Schmitt. The novelty of democracy's people is that it emerges in and through an act of 'constituent power' where popular sovereignty is "born out of nothing" (Kalyvas, p. 1533). We might say that the people of democracy emerges at the moment when the 'masses', the ordinary people, the 'wretched of the earth', seek to rule in their own name. Etienne Balibar calls this a moment of insurgency.

In the 1980's in South Africa, especially after the formation of the United Democratic Front, the moment of mass popular revolt happened under the banner of 'people's power'. Black people, a political term *par excellence*, referring to the victims of racism, to workers and women and school children, but also to users of electricity and water and payers of rent, revolted against Apartheid institutions to claim them in their own name.

This 'people', however, the people at the moment of insurgency, is not a pre-existing people in the way that a nation is. It is aware only of what it does not have – identity, political power, economic power, dignity, status (see Ranciere: 2011). It has a purely political substance. There are many instances during which such a people comes into being. In South Africa today, the field of local government is a site of what is designated with the anodyne term, 'service delivery protests'. In 2012 alone there were 173 demonstrations, more than double the year before (De Visser & Powell: 2012). They are more accurately moments of insurgency. The title of one of the more important collection of essays on this topic summarises a key argument. It is called 'The smoke that calls' and argues that protests are moments of often violent insurgency by people 'calling out' or speaking directly in their own name (see Von Holdt *et al*: 2011).

Can democracy's people, however, do more than emerge? Can the people govern?

Andreas Kalyvas notes the following difficulty: "No norm," he suggests, "can survive in a void, there is no norm in an abnormal situation." As a result, "a democratic norm requires a stable, predictable, and secure political order". That is, "Democracy, to be an effective and realizable regime, has to move from the extraordinary moment of its founding to the most prosaic, but equally essential, ordinary moment of its institutionalization and normalization" (Kalyvas, *Op Cit*, p. 1549). There is, however, a tension between these two moments.

> "While the supreme moment of democracy is defined when the constituent subject manifests its will directly and effectively, the requirements of constitutional stability and legal security demand from the sovereign people that they express themselves only in exceptional, extraordinary moments. To ensure this precondition, the democratic constitution must include provisions and mechanisms that would make difficult the constant reactivation of the constituent power" (Ibid., p.1553).

The practical challenge is not negligible. One has to generate an institutional form that does several things simultaneously. The people that is sovereign does not have a pre-existing identity. It is not a nation. In Lefort's famous terms, the 'place of power is empty' (Lefort, p.304). At the same time, the people of democracy is a particular people, it is the masses, the 'ordinary people'. Etienne Balibar outlines four notions of the people: the people as 'community of citizens'; the people as 'nation' (with a fictional culture and lineage, either of language and/or race); the people as the 'mass' of its own population (which means the 'ordinary folk' or 'people of the people' who are the majority; if not the poor, at least those who are not the privileged in rank or fortune); and lastly, the people as a collective with a mission or a destiny (Balibar: 2013). What the French Revolution had in common with the American Revolution was their shared, "visceral' rejection of inequality. Moreover, they "did not separate democracy as a government of the sovereign people from democracy as a society of equals" (Rosanvallon, pp. 14-15) (my translation). We must insist on this prescriptive aspect of the democratic imaginary. Democracy is government of and for the *ordinary people*, that is, the masses.

How can the ordinary people form a state without becoming a substantial people? They must have some substance (enough to govern, to produce stable institutions) but not too much (to fix the identity of the political community once and for all). In Lefort's terms we might say the place of power is not empty, but it is not very full either.

A People with too much Substance
Much of the political history of the Third World can be discussed from within the terms of this dilemma (between substance and lack of substance, between emptiness and fullness). Let us return to the Ghanaian constitution of 1960 and the paradoxes that it raises. The first concerns the identity of the people. The second concerns the limits of the State. Let us recall that what is at stake in the Ghanaian constitution is a fundamentally democratic impulse – not simply to give voice to citizens, but to constitute formerly colonised subjects, the masses, as a people that rules in its own name.

Between 1957 and 1960, there a three key moments. Firstly, the representatives of the people (in the form of Kwame Nkrumah and others) choose their own name – Ghanaians, Africans; refusing to be named by the British parliament, the colonising power. Secondly, they convene a constituent assembly to devise the law that gives expression to their will. These are insurgent moments. They are moments, that is, of rupture, of birth, of foundation.

The third moment concerns the institutionalisation of the people of Ghana as an African people. In the language we are developing in this paper it is about the movement of a people without substance to one with substance. At stake is producing the people as a stable entity that can rule in its own name.

In 1961 Kwame Nkrumah was declared 'President-for-Life' and Ghana became a one-party-state.

It is common in the academic and journalistic commentary to see in these developments the arrogance of a personality and/or the authoritarianism of socialist politics (see Kilson: 1963, Roth: 1968, Jackson and Rotberg: 1982). Something else is going on, however. Events in Accra took place in the context of what was in the 1960's a "worldwide phenomenon" (Rothchild, p. 31). Everywhere you looked, one commentator noted in 1963, and not just in Africa or the Soviet Union or Eastern Europe, but also in Spain and Portugal and even in France under Charles de Gaulle, legislatures were losing power to executives, individual rights were being eroded, labour unions, universities, political groups and youth organisations were increasingly falling under government supervision and control (Ibid, p. p.31). On the African continent no less than 38 countries had one-party states after independence. Most North African and Middle Eastern regimes were one-party states during this period too. No doubt reflecting a mood in certain Africanist circles at the time, some commentators distinguished between the tired authoritarianism of European states and the 'bristling' energy of new African governments (Ibid, p.34). The one-party-state was regarded as a potentially effective instrument of rule.

In the African context, a theory of the social conditions of the people underpinned the one-party-state phenomenon. As diverse a collection of people and actors as the Federation of African Trade Unions in Nigeria, Madeira Keita in Mali, the Kenyan trade-unionist Tom Mboya and Leopold Senghor of Senegal argued that multi-party systems were products of societies where class differentiation (and antagonism) was high. This was not the case in African societies. Even when the singularity of African society was not deemed to exist *apriori*, one-party rule was justified as the route to such unity (Neuberger, p. 287).

The instauration of the one-party-state is an institutionalising moment, where the *people-as-insurgency* becomes a governing people. In the context here it is a moment of tragic irony, for the institutionalising moment produces its opposite – twenty long years of civil-war and military rule. What is important to note is the slippage that takes place. As a subjected people, the identity African is a negative identity. It designates a people from whom everything has been taken (identity, land, rights, kingdoms, wealth, dignity and so on). As an identity of government it becomes too full. It

comes to refer to the permanent rule of particular people and organisations[5]. Before we think this slippage is peculiar to 'African politics', we see a similar process at work in Zionism, for example.

Zionism originally invokes the figure of the Jew as a negative identity – that category of persons arbitrarily denied property, professions, dignity and life itself. This is why figure of the Jew has long been associated with the figure of the universal (see the recent debate between Alain Badiou and Jean-Claude Milner[6]). Proto-Zionists, when they agitated in favour of the 'Jew' did not put forward a substantial definition of Jewish identity. What they sought was an end to violence. Many even favoured assimilation or the mass conversion of Jews to Christianity. They were ready, in other words, to sacrifice 'Jewishness' in favour of 'bare life'.

As the foundation of the State of Israel, however, Zionism transformed Jewishness itself. It did so by making Jewishness the basis of citizenship[7]. Hence Zionism defines the Jew, in the first case, in relation to Palestinians, in the second case in relation to the 'Goyim' (Non-Jews at large) and thirdly, in relation to the content of Jewishness itself. What is frequently overlooked in commentary on the Middle East is that the State of Israel bestows on a small Orthodox faction of religious groups the right to control the definition of membership in Judaism. That is, a small Orthodox rabbinate defines the basis of Israeli citizenship. Eva Illouz notes: "the built-in mechanism that discriminates against non-Jews (mainly Arabs) is the same one that excludes and discriminates against non-Orthodox Jewish denominations in Israel" (Illouz: 2013).

'African politics' is not exceptional, therefore. It is paradigmatic. Like the Revolutionaries of 1789 or of 1917, anti-colonial movements have been driven to confront the question of our time: how to institutionalise democracy's people, the masses, the 'wretched of the earth', as a governing people. They have had to do this in the context of colonial borders and of uneven histories of state formation. One-party-states, ethnic competition and military regimes in Africa are not, therefore, evidence of a peculiarly 'African' pathology or something like a distinct terrain of 'African politics' (see Hyden: 2006, Allen: 1995). They must been seen on the same level as that of the 'dictatorship of the proletariat' and experiments in participatory democracy; that is, as (unsuccessful) attempts to institutionalise the people.

Conclusion: The Sovereignty of 'Ordinary People'
We have seen that *democracy's people* is not like the nation. It is not a population with an identity or language that exists prior to the moment of 'constituent power'. It has no substantive presence outside the *social relation* through which it exists, be it of exploitation or racism or domination or slavery. Let us be careful, though, to avoid a category mistake. The people emerges at a particular moment, most likely through a party or trade-union, or a national liberation movement. It does *not* follow, however, that the people is in power when this or that party is in power too. Was this not the false step of the Second International? This is homologous to the fetish of consumerism. A new jacket may produce happiness, but the jacket is not happiness itself. Similarly, the party may give rise to the people, but it is not the people. Again: the people are not in power to the extent that the party is. *The people are in power to the extent that the relation that produces it (the people) is negated.*

Like happiness, there are several routes to it to the negation of the relation. How and who is best placed to do so cannot be known in advance. It requires a robust public domain to develop policies and programmes, to discuss and contest ideas, including political parties, parliament, universities, the media, civil-society and so on. As much as there is no privileged *people's party* (Communist Party or

---

[5] The moment these people and those organisations are recognised as ethnic representatives, moreover, we are firmly in the grip of nationalism and its ethnic politics.

[6] Badiou, Alain and Milner, Jean-Claude, 2012, 'De l'infini, de l'universel, et du nom juif' in *Controverse. Dialogue sur la politique et la philosophie de notre temps* (directed by Philippe Petit), Paris : Editions du Seuil.

[7] "On October 2, 2013," reports Eva Illouz, "the Supreme Court of Israel rejected a petition by a group of Israelis to have the word "Jewish" struck from their ID cards and be identified as "Israelis" instead. According to the Supreme Court, Israel does not recognize "Israeli" as a legitimate ethnic group (le'om) because the judges recognized only ethnicity as a valid juridical category (Illouz: 2013).

National Liberation Movement), nor is the people reducible to the figure of the citizen. Citizens are those that have political, civil and social rights in the political community. In a democracy they could be anybody because the boundary does not enclose any substantial people (nation, identity)[8]. Nonetheless, in a democracy the people has a privileged status amongst the citizens.

Can this people govern? I want to offer some speculative remarks in this regard.

Charles Taylor has approached the conditions of popular rule, though in a different context. He describes the challenge of democracy in this way. If the people are meant to rule then they must form a "decision-making unit", that is, a "body that takes joint decisions", either through consensus or, at least, a simple majority. The members of this unit must do more than decide together, they must deliberate together. This, in turn, requires a "degree of cohesion".

> "To some extent, the members must know one another, listen to one another, and understand one another. If they are not mutually acquainted, or if they cannot really understand one another, how can they truly engage in joint deliberation?" (Taylor, pp. 143-144).

Taylor's emphasis on the moral or normative conditions of the public sphere sets him apart from traditional liberals for whom democracy is merely a set of procedures and rules for making decisions. Traditionally, the 'degree of cohesion' or of 'mutual acquaintance' required to produce the public sphere has been regarded as one of ethnicity (nationalism). Taylor chooses his terms carefully, precisely to avoid such a connotation. He admits, nonetheless, that "modern philosophy suffers from an absence of alternative models of how people can bond together in difference without abstracting from their differences" (Ibid, p.153). Taylor addresses this gap by proposing his own philosophical solution (he calls it a model of 'communion'[9]). It too requires that the people precedes democracy. Does he not also, however implicitly, point to another ground or terrain for an answer?

That people must be 'mutually acquainted' is not a philosophical requirement. It is an *institutional* one. Without it, there is a danger that the members of the political body would never reach agreement and that, ultimately, Taylor's 'decision-making entity' itself would break-down. Social cohesion is required for the democratic model to have institutional integrity. This is a principle of governance. How institutions work and can work to achieve specific outcomes, including meaningful deliberation, is, in large part, a question of institutional design and institutional engineering. What matters, in other words, is the nature of the State, its institutions and, most importantly, their effectiveness.

Note, for example, the surprising shift of register in Anthony Marx's comparative study of race and racism in South Africa, the United States and Brazil. In South Africa and the USA state-building in the nineteenth and twentieth centuries required the reconciliation of two historical antagonists - between 'Britain and Boer' in South Africa and between the North and the South in the United States. In both cases this was achieved by emphasising their common 'whiteness' in relation to a Black 'other'. This did not happen in Brazil, which emerges as a 'racial democracy'[10]. Brazil, however, was

---

[8] Moreover, the boundary itself is open to contestation to the extent that overcoming relations of colonialism or patriarchy will potentially implicate multiple territories. We already see this happening in the form of the International Court of Justice and/or the emergence over the last fifty years of the field of 'international law'.

[9] Taylor proposes a form of identity that is strong enough to generate meaningful deliberation but weak enough to accommodate multiple identities. He calls it 'communion', and defines it as a 'sense' or 'idea' or 'model' that "people can bond not in spite of their differences but because of them (Taylor, Op Cit.p. 152).

[10] Alice Soares argues that medieval conceptions of Empire and monarchy were very influential in Portugal right into the 18th century – especially that political authority derived from both God and the People. The struggle against Absolutism in Portugal and, after 1820, in Brazil, re-animated these conceptions of legitimacy and sovereign rule so that Brazil emerged as a "sovereign and democratic empire". Amongst these conceptions was that of 'partial wholes', an organic conception of the State that "had as its core idea the notion that humanity constitutes a single *universal community*, a "mystical body" created and governed by God. All individuals and groups are "organic members" of a *whole*, having a place on it assigned by God, being

not without its own competing nationalisms in a slightly earlier period. What accounts for the difference? Unexpectedly, given how the Marx argument develops, it does not depend on a different form of 'othering'. Instead, says Marx, Brazilian nationalisms were muted by a strong *centralised authority* (Marx, p. 198). Even if Marx's argument is overstated, as a methodological cue it is valuable. Stronger and more effective institutions than what existed in South Africa or America were able in Brazil to integrate diverse demands and identities in a way that the South Africa and American States could not. In reply to Charles Taylor, we could say that the conditions of a deliberative entity are not social cohesion but an effective state.

The people are *in* power to the extent that there are institutions in place to produce equality and that they *work well*. The first is a constitutional principle. This is equivalent to the insertion of a property clause in liberal constitutions. We might call it the *right to a fair share of the social product*. It is the role of politics to determine what these institutions are and to define their particular mandates. The second is a bureaucratic principle. The people emerges in and through the State, especially when these institutions are carefully designed, effective and operate from the "perspective of society" (Bourdieu, Wacquant and Farage, p.17). As institutions rise to advance equality, collecting taxes, providing water and electricity or health and education, regulating markets and even transforming the very basis of production and the distribution of the social product, so too does the people govern. It is a paradoxical from of rule. The people governs so that they may become just ordinary citizens.

References

Balibar, Etienne, 2009, Ideas of Europe: Civilization and Constitution. IRIS, [S.l.], p. 3-17, ISSN 2036-6329. Available at: http://www.fupress.net/index.php/iris/article/view/2854. Date accessed: 11 Dec. 2013.

Balibar, Etienne, Sept/Oct 2013, 'How can the aporia of the 'European people' be resolved? Dossier: *The Greek Symptom: Debt, Crisis and the Crisis of the Left in Radical Philosophy.*

Bourdieu, Pierre, Wacquant, Loic and Farage, Samar (1994). 'Rethinking the State: Genesis and Structure of the Bureaucratic Field', *Sociological Theory.* 12(1), pp. 1 -18.

Chatterjee, Partha, 2012, *The Politics of the Governed: Reflections on Popular Politics in Most of the World*, New York, Chichester, West Sussex: Columbia University Press.

De Visser, J & Powell, D, 2012, Service Delivery Protest Barometer 2007-2012 Cape Town: Multi-level Government Initiative, Community Law Centre.

Delanty, Gerard, 2013, *Formations of European Modernity. A Historical and Political Sociology of Europe*, New York: Palgrave Macmillan.

Illouz, Eva, Nov. 23, 2013, 'In a single moment, I stopped being religious' in *Haaretz*. URL: http://www.haaretz.com/weekend/magazine/.premium-1.559388?fb_action_ids=10152096201598408&fb_action_types=og.recommends&fb_source=aggregation&fb_aggregation_id=288381481237582, accessed on the 18/12/2013.

Issa Shivji, Issa, 2003, *The Struggle for Democracy*, University of Dar es Salaam, Dar es Salaam, Tanzania.

Kalyvas, Andreas, Carl Schmitt and the Three Moments of Democracy in *Cardozo Law Review*, Vol. 25, pp. 1525 – 1565.

---

connected in a "divinely instituted Harmony". It is likely that such organic conceptions of the social body also go some way to explaining Brazil's different trajectory regarding race.

Lefort, Claude, 1989, Democracy and Political Theory, Minnesota, Minneapolis: University of Minnesota Press.

Marx, Anthony, 1996, 'Race-Making and the Nation-State' in *World Politics* 48(2), pp. 180-208.

Mbembe, Achille, 2005, Afropolitanisme, in Le Messager (Douala) and Sud-Quotidien (Dakar) and republished on the site of Africultures on the 3/12/2013.

Achille Mbembe, 2008, What is postcolonial thinking? An interview with Achille Mbembe (translated by John Fletcher) in *Eurozine.*

 Karl von Holdt, Malose Langa, Sepetla Molapo, Nomfundo Mogapi, Kindiza Ngubeni, Jacob Dlamini and Adele Kirsten (July 2011) "The smoke that calls: Insurgent citizenship, collective violence and the struggle for a place in the new South Africa" Centre for the Study of Violence and Reconciliation (CSVR) and Society, Work and Development Institute (SWOP): http://www.csvr.org.za/docs/thesmokethatcalls.pdf

Mills, Charles W., forthcoming in 2014, Decolonizing Western Political Philosophy in

Neuberger, Benjamin, Sep. 1971, 'Classless Society and One-Party State Ideology' in *African Studies Review*, Vol. 14(2), pp. 287-292.

Ranciere, Jacques, 2011, *Staging the People. The Proletarian and His Double*, London and New York: Verso.

Rosanvallon, Pierre, 2011, *La societe des egaux*, Paris : Editions du Seuil.

Rothchild, Donald, Sep. 1963, 'Progress and the One-Party State' in *Transition*, No. 10, pp.31-34.

Jackson, Robert H. and Rosberg, Carl G., 1982, *Personal Rule in Black Africa: prince, autocrat, prophet, tyrant*, Berkeley, Los Angeles, and London, University of California Press.

Schwelb, Egon, Autumn 1960, The Repubican Constitution of Ghana, in *The American Journal of Comparative Law,* Vol. 9(4), pp 634-656

Tilly, Charles, 1990, *Coercion, Capital and European States, AD 990-1992*, Cambridge MA and Oxford UK: Blackwell.

Taylor, Charles, 1998, 'The Dynamics of Democratic Exclusion' in *Journal of Democracy* Vol. 9(4), pp 143-156.

Wagner, Peter, 2012, *Modernity: Understanding the present*, Cambridge: Polity Press.

Wagner, Peter, 2013, 'Transformations of Democracy: Towards a History of Political Thought and Practice in Long-term Perspective' in Johann Arnason, Kurt A. Raaflaub, Peter Wagner, eds, *The Greek polis and the invention of democracy. A politico-cultural transformation and its interpretations*, Oxford: Blackwell.