

A SOCIOLOGICAL ANALYSIS OF POLITICS AND DEMOCRACY

Ph.D. Prof. Albert OGIEN
Centre National de la Recherche Scientifique
E-mail : ogien@cnrs.fr

ABSTRACT : This paper endorses a pluralist conception of politics, which articulates three proposals : 1) the order of politics is scattered throughout society ; 2) its institutionalization takes place in a multitude of ways which are not confined to those acknowledged by State administrations ; and 3) forms of political action manifest themselves under modes that often go far beyond the usual bounds set by official political. In such a perspective, politics is not conceived of as if it were totally detached from the daily life of the members of a society. It thus contends that in their political dealings citizens make use of an ordinary conception of politics and democracy which endows them with a specific idea of the common good and of the rights a State should guarantee to nationals. This contention is empirically put to test through two case studies of political claim staking: civil disobedience and gatherings (encampments, occupations). The article eventually suggest that democracy should be seen as a method for organizing ordinary social relations on the basis of a principle : respecting the plain autonomy and unconditional equality of any citizen.

Keywords: democracy, ordinary conception of politics, radical pluralism, civil disobedience, gatherings

It is usually taken for granted nowadays that politics only exists within the limits of what has become, in the twentieth century, the major framework allowing for its expression : the Nation-state. This framework leads to conceive of societies as stable entities, defined by established borders bringing together individuals who are supposed to abide by the same legal order and share the same value system. This monolithic view of society goes hand in hand with a

narrow conception of politics reduced to problems concerning the conquest and exercise of power. In an analytical perspective, this monolithic view of society as well as this narrow conception of politics have to be dispensed with and superseded by a reflexive account of the collective practices societies and politics are made of. I would like to substantiate this claim by demonstrating how such an analytical perspective allows to offer a dynamic conception of democracy. The very first stage in such an inquiry consist in looking into the notion of pluralism.

1. Consequences of pluralism

Sociology and social anthropology have taught us that any society is a composite entity, structurally divided and constantly experiencing multiple tensions (between social classes, peer groups, ethnic affiliations, generations, traditions, religions, residential areas, regional disparities, language, etc.). From this pluralistic point of view, the perpetuation of any large society depends on a collective commitment to establish, tacitly or explicitly, a steady state of equilibrium between all these centrifugal forces – even though it is provisional and always threatening to break down. In other words, the State’s monopoly of physical violence (Weber, 1971) is never enough to maintain the unity of a society and ensure that it will not be called into question by separatist manoeuvres. One can assume that the permanence of a nation-state depends on what I call the “political work”¹ (Ogien, 1995) any society has to carry out to preserve its existence. Such a political work is protean, continuous, diffuse and institutionalized at the same time. It is performed on a daily basis in the multitude of “sites of reglementation” (Falk-Moore, 1978) in which collective life is organized and currently unfolds. All societies and all types of political regimes require and feed a political work of this kind. This work which a society performs on itself aims at solving, as satisfactorily as possible, the conflicts that regularly emerge in the process of social change – as well as it helps reproducing the legitimacy bestowed on the temporary holders of power.

¹ One can contend that this notion offers a sociological version of what John Rawls (2003) has called the “domain of the political”.

When one admits that a multiplicity of “levels of legality” (Pospisil, 1974) operate simultaneously in a global society (which means that the State is only one of these levels), one is able to contend that each of the members of a society has to comply with the norms of both a general and local normative orders. This pluralist conception of politics (which somehow gives an analytical content to Tocqueville’s notion of “intermediary institution”) can be recapitulated in three propositions :

(1) the organization of societies always predates to the theories which claim to give them one. This proposal helps discarding all tentative descriptions of ideal forms of government and all abstract definitions of the principles on which a political order should be set up to be called democratic.

(2) the mere fact of living in a given State endows an individual with a practical knowledge about the political order in which he finds himself. This is what can be noticed when one observes how ordinary people formulate practical judgments on the ways a government exercises power, on the political affairs they are concerned with and on the competence or reliability of those who are in charge.

(3) a collective action can be called political only when it is defined as such by those who engaged in it. All collective actions are not of political nature. To be acknowledged as such, it must meet three requirements : a) being ostensibly organized around an acceptable political aim ; b) defining a public cause to fight for or an adversary to oppose ; c) assessing the accuracy of the mobilization by scrutinizing the signs of its success.

These three requirements can be summed up in a statement : the public life of each society perpetually and simultaneously develops on two levels, which do not necessarily move on at the same rhythm : the domain of the political on the one hand, and politics on the other hand. Since ancient Greece times (Finley, 1976), the existence of these two levels are duly acknowledged : politics is the sphere of practical activity the aim of which is the establishment and continuous adjustment of the constitutional framework of a state and the functioning of the organs of government, representation and participation; the domain of the political refers to the collective practices all members of a society are involved in the purpose of which is setting up an ongoing order of social relations between citizens of a political entity – be it a group or a society. Somehow, one can assume that the domain of the political is the melting-pot in

which the practices of politics are forged and constantly reshuffled. That is precisely why these practices sometimes are involved in the creation of institutions that guarantee the citizens' rights, freedoms and security and the enforcement of the legal means which warrant that these institutions fulfil the duties assigned to them. Now, to avoid any misunderstanding, a prefatory methodological question has to be cleared up : what is a political phenomenon?

2. The political phenomenon

There are four main ways to answer this question. The first can be called *essentialist* : politics reduces itself to the legitimate struggle to get control of the administration of the State and to the way public policies are decided and implemented. A second way to consider politics may be called *absolutist* : politics encompasses any human affair and the public policies which are devised always reflect the state of the power or domination relationships specific to a given society. Which usually triggers the protests of those who are subjected to such unjust or unequal treatment. This absolutist view is summarized by the motto "everything is political". The third way could be named *institutional* referring to the fact that politics is totally enclosed in this sphere of activity which people engage in when they are busy working in government agencies, State administrations, organs of opinion shaping or in associations and activist groups. Analysts frequently mistake this sphere of activity for politics or hold that it imposes a dominating form of legitimacy which seeks to reproduce its grip on society

These three conceptions of politics bestow an identical primacy upon the State, and reckon that the key element of politics is the takeover of the crucial sites which are said to be the seat of power (government, parliament, justice, the army, the police and other official duties). In this perspective, politics amounts to either working directly within the machinery of government (on the basis of a mandate or an office), or partaking in the process of decision making (as an authority, an expert or an civil society member or association) or working as an opposition to those who momentarily are in charge of the executive. This is typically what is taught in Political Sciences High Schools or Universities. But one can pretend that this is the statuesque face of official politics.

As I have contended earlier, a pluralist conception of politics does exist, which articulates three proposals : 1) the order of politics is scattered throughout society ; 2) its institutionalization takes place in a multitude of ways which are not confined to those acknowledged by State administrations ; and 3) forms of political action manifest themselves under modes that often go far beyond the usual bounds set by official political.

One should go a step further and assume that this pluralistic outlook has to be supplemented by a practical conception of the citizen's role in politics. I claim that citizens master and make use of an ordinary conception of politics to criticize the government and the ruling elites and bring about unexpected social and political changes. The question now is how do these changes which emerge at the grassroots level of political work turn out to be legal regulations ? Which leads us back to a prefatory question : what role should a government play in a pluralist perspective ?

Studies in sociology and social anthropology have made it clear that the creation and the perpetuation of a society are invariably accompanied by the institutionalisation of a governing body to which responsibility for collective matters is delegated (Simmel, 1999 [1898]; Balandier, 1970). This body fulfils two groups of functions : allowing for cooperation between individuals by enforcing a single compelling codification of citizen's rights and duties ; and securing peace and stability to entrench the unity of a human community. The degree to which a government extends its grasp on public life is commensurate with the legitimacy it manages to acquire. In the case of a democratic regime, the charges delegated to a government and its Departments cover large parts of citizen's daily lives (education, health, justice, family, employment, housing, etc.). In advanced democracies, such a delegation occurs in a dynamic process in which a question of private interest eventually obtains the status of a question of general interest, prompting State intervention. Note that the public policies that are handed over to a government never last forever : matters that are subjected to public action one day (may it be sovereignty, security, economy or well-being) may stop to be so on the other. Hence, one dimension of the political work a society performs on itself consists in setting the content

and extent of the scope of State intervention – defining at the same time the criteria by which citizens assess the legitimacy of their government’s decisions.

This dynamic conception of government as product of a relentless political work suggests that the power the leaders are endowed with is never absolute : they constantly act under citizen’s scrutiny who exercise their control over the way the administration of public affairs should be conducted through all kinds of means. The political means used by citizens to control their government are extensive : they range from voting to indifference, including militancy in political parties, affiliation to unions, abstention in elections, violent protests, antisocial behaviours, riots, opinion polls, rumours, slander, sarcasm and irony.

We know that, in democracy, the electoral procedure appears to be the most symbolic dimension of political work since the vote synthesizes, in a basic way, a given state of the dynamics of politics. But one has to remember that election is not the only arena in which political work is carried out. Multiple sites for the production and testing of new rules for the organization of social relations have gradually emerged with the advances made in advanced democratic regimes: negotiations between unions, employers and government; participatory and deliberative procedures ; initiatives to elicit public concern around specific themes; mobilisation calling for the commitment of a population group. Political work operates in all of these minute and slow evolutions that go unnoticed but do quietly shape citizens’ attitudes and customs – and eventually lead to new claims for rights and entitlements (in terms of social welfare, working conditions, environment, women’s equality, homosexuality, etc.).

To sum up: though claims for the enhancement of common welfare emerge and are primarily voiced within the domain of the political, they must necessarily be handed over to politics to become general regulations or laws. As Weber wrote, the State is the institution devoted to do this. But this institutional arrangement must not lead to overlook a phenomenon : the forms taken by the practices and the contents of politics are forged within the ceaseless back and forth between the domain of the political and politics.

Authoritarian as well as democratic governments often think they can stop this hidden but relentless political work which vitalizes societies. History shows that however strong and lasting the efforts a ruling power undertakes to hinder social change, it is doomed to fail in the long run. And if this so it is just because the domain of the political ties in with social change. This calls for a further elaboration on the notion of citizenship. To do so I will rely on John Dewey's work.

3. Citizenship as a community of inquirers

In *The Public and its Problems*, Dewey (1984 [1927]) provides a political conception of association. As Durkheim, he contends that "the fact of association does not in itself constitute a society." (Dewey, 1984: 289) But, contrary to Durkheim, he does not resort to the notion of collective representations to account for this constitution. For him it rather requires "the perceived consequences of a joint activity and the distinctive role of each element that produces it. This perception creates a common interest, that is to say a concern on the part of each for joint action and the contribution of each member who engage in it." (*ibid.*)

In other words, the passage from association to society requires the actual involvement of all the citizens in the production and sustainment of common interests. According to Dewey: "the problem of discovering the State [...] is a practical problem for humans living in association with each other. This is a complex problem. It depends on the power to perceive and recognize the consequences of the behaviour of individuals united in groups and to trace these consequences to their source and origin." (*id.*: 113) Dewey claims that this power is exercised in what he calls an inquiry. And he adds: "What is required to direct and conduct a successful social inquiry is a method that develops itself on the basis of reciprocal relations between observable facts and their results. This is the essence of the method that we propose to follow." (*id.*: 118) Dewey gave a name to this method: democracy. It is important to recall that this term does not refer here to a political regime, but to an experimental method of research.

Dewey's analysis is driven by a problem: what he names "the eclipse of the public" – i.e. the "depoliticization" of citizens in the urbanized America of early twentieth century. The problem, as he puts it, is to figure out what are the conditions under which the "Great Society" – a society in which individuals are only concerned with their private affairs – could be converted into a "Great Community" – a society in which individuals feel they share common interests. His claim is that such a conversion should be brought about through promoting inquiry – i.e. getting together to constitute what he calls a "Public" committed to the resolution of common problems. A first problem arises at that point : how could one imagine that a society as a whole would engage collectively in an inquiry on every issue at hand (which can be considered as the condition for the inception of a "Great Community").

Dewey puts an emphasis on the implementation of the method of democracy (i.e. getting involved in inquiry). He is less concerned with the personal qualities that ordinary citizens must possess and display to correctly carry out an inquiry. Dewey's theory rests on what he calls the "collective intelligence" that a *community of inquirers* demonstrates when it engages in an inquiry prompted by the need to solve a common problem. Dewey acknowledges that in contemporary societies, collective decisions that citizens should come to take or ratify are about complex problems which require professional or technical knowledge to identify and propose the most satisfactory solution from a scientific point of view. This work of identification and proposals is, for Dewey, the preserve of experts. But he thinks that democracy is not overstepped as long the data collected by these experts is openly and exhaustively made available to anyone concerned. Dewey claims that ordinary citizens, provided they are duly informed and are given time to deliberate, have the ability to understand this specialized knowledge and to take the right decisions according to rationally expected consequences. Dewey adds an important comment : "As long as secrecy, prejudice, bias, false reports and propaganda will not be replaced by inquiry and publicization, we have no way of knowing how the actual intelligence of the masses could be fit for assessing public policies." (*id.*: 312). The method of democracy works as long as the community of inquirers remains plainly responsible for the decisions it decides to take.

Now I would like to take a larger view on the relationship between citizens and the State. To do so, I will draw some arguments from John Rawls' analysis of the social contract.

4. Democracy as radical pluralism

According to John Rawls (1971), citizens' consent to their political institutions is not based on the fact that they all approve of the same conception of the good, but to the fact that they publicly accept that a political conception of justice should govern the basic structure of the society they live in. For Rawls, the concept of political justice is independent of the concept of good and prior to it. This is why he contends that the function of the social contract is to allow citizens to publicly acknowledge the fact that all their fellow citizens subscribe to the same system of institutionalized constraints. I must recall that for Durkheim (1895), the social contract does not refer to some original foundation of a political community that would warrant a surrender of individual freedom in favour of a Leviathan (in Hobbes' view) or the collective formulation of common rules to which all agree to abide by on behalf of a higher common good (in Locke's and Rousseau's outlooks). Rawls' conception goes a step further by stating that if the contract allows individuals to become members of a society, it is because it sets the principles of justice that should apply to order their current relationships and solve in a peaceful way the conflicts that would arise in their daily intercourses. These principles enable to reach what he calls the "reasonable disagreements" and "overlapping consensus" which actually make up a political society.

Rawls' conception of the social contract as "public acceptance of certain moral principles" reverses the prevailing explanation of it. According to him, what builds social ties and allows for cooperation is the ordinary knowledge of the fact that correct ways of doing and thinking exist and can be taken as collectively shared. In short, the social contract reflects the grassroots consensus established and reproduced by the members of a society in their daily lives rather than being the product of a rational agreement reached through a public debate. Provided that a democratic society has to guarantee the equal value of all forms of instituted morality, pluralism seems to be immanent in the way it organizes social life.

In other words, pluralism should be conceived of as a fact rather than as a program to be implemented to achieve democracy. According to such a conception, another outlook on politics takes shape, which gives a prominent place to the practices that citizens are implementing in order to discover, while acting in common, the relevance and appropriateness of the principles that should govern the organization of their collective life in a mutually acceptable form.

The pluralist conception of politics affords an escape from ruinous distinctions : between policy and politics, between the economic and the social, between political society and civil society, between essence and practice. It recalls that the normative system governing the relationships between members of a society as citizens define at the same time a range of expectations and the principles of reciprocity ordering these relationships. This is the practical foundation upon which politics rests. In such a perspective, politics is not conceived of as if it were totally detached from the daily life of the members of a society. Which reinforces the idea that citizens make use of an ordinary conception of politics which endows them with a specific idea of the common good and of the individual rights and liberties that a State should guarantee. And that is what regularly happens when people take to the streets and stake a claim for democracy which justified by the spurning of unacceptable limitations to citizens' rights. To illustrate this point, let us review two case studies of such claim staking : civil disobedience and gatherings.

5. Civil disobedience as a form of political action

The legitimacy of civil disobedience is highly questionable in democracy. And the rationale for such a suspicion is simple : openly claiming a right not to abide by a legal law or regulation which is allegedly illegitimate is a decision that poses a threat to a principle of democracy, namely majority rule. The strength of this rule is particularly important the stronger a democratic system is entrenched. To sum up, in a living democracy, civil disobedience can be objected to for reasons of justice (evading the law is an unacceptable option), for reasons of legitimacy (the interests of individuals cannot prevail over the interests of the community), for reasons of stability (the State must not yield to

those who openly challenge it) or for reasons of efficiency (refusing to fulfil an obligation is an approach that does not address the roots of domination and inequality) (Ogien and Laugier, 2010).

However, civil disobedience is still resorted to in contemporary democracies. Why does that happen, may one ask, since expressing a disagreement can easily be done by joining political struggle or using one of the numerous legal channels that justice affords in democracy ? A first insight is empirical : if citizens make use of civil disobedience, it is just because the political circumstances prompt them to do so. This answer is compelling since it forces to admit that ordinary people know when and why resorting to civil disobedience to support a legitimate cause it is possible and acceptable. In other words, they master a political know-how and make a proper use of it.

Which raises a puzzling problem : on what grounds can one assert that civil disobedience is a form of political action ? The best way to answer this question is to consider the facts. First, one must clear up a fairly common semantic confusion. Indeed, the verb to disobey can embrace the entire scope of all actions which consists in refusing to comply with a law, a regulation, an order or a standard. As a consequence, one may name disobedience any type of dissent, resistance and rebellion. But one has to recall that civil disobedience is a term which has an historical background and displays unique political features.

The emergence of civil disobedience dates from to the decision of Henry David Thoreau, American writer living in the 1850s, to no longer pay taxes to proclaim the withdrawal his membership to the American State which, at his times, still tolerated slavery and was waging an unjust war against Mexico. In 1879, a French feminist activist, Hubertine Auclert, took the same decision publicly expressing her refusal to fund a State that did not recognize women's right to vote. Then Gandhi, an Indian lawyer living in South Africa at the time of the British empire, resorted to civil disobedience in order to claim the Indian minority's rights in the 1910s, before using the same weapon in India in the 1940s, to demand (and eventually get) the country's independence. Gandhi's example was followed by many national liberation movements (the Wafd in Egypt in 1919 for example), by the movement for Afro-Americans civil rights in

the 1960's United States (led by Martin Luther King) or against the Vietnam War as well as against the French war in Algeria. Civil disobedience has also been used in France to get the recognition of abortion rights (in 1971), the end of the penalization of homosexuality or the integration of illegal aliens (in 1997). Thus history has bequeathed to mankind's political patrimony a form of action that has proven its success in changing the destiny of societies.

Enough with history. Let us turn to political features now. To count as civil disobedience, a refusal to fulfil a legal or regulatory obligation must meet a series of requirements : it has to be publicly expressed, in one's own name, in a collective way, specifying how this obligation violates a civil or political right and basing this claim on the invocation of a higher principle (equality, justice, solidarity and dignity). And this is still not enough : one must also and above all make sure that that refusal will be sued in court (civil or administrative) so that the penalty imposed on the offenders would reopen a public debate on the legitimacy of the contested obligation. Why should one turn to such a demanding and dangerous form of action to voice a grievance ?

Two arguments help answering this question. First, let us consider the content of the acts of civil disobedience. In contemporary France, these acts serve two main political causes : the first one is to enhance the rights of alien residents (assisting illegals, opposing arrests and expulsions, refusing to denounce, etc.) ; the second one is to extend the political and social rights of citizens. Observations attest that the latter are motivated by different political aims: resisting the nuclear power, exposing polluting companies, destroying Genetically Modified Organisms, challenging the ban on euthanasia or the obligation for journalists to reveal their sources ; reprovng unacceptable infringements of democratic principles (this is an action led by teachers, academics, judges, doctors, psychiatrists, policemen, job-center agents, social workers, etc. who refuse to follow instructions that reduce equal access of citizens to basic needs (health, education, justice, etc..) or limit their social and political rights or seriously downgrade the quality and universality of public service. All these motives are political in nature but seldom taken into account in institutional political life.

The second argument touches on the nature of the acts of civil disobedience. They are deliberately non-violent and submit the legitimacy of their claim to public judgment the verdict of which - positive or negative - is generally respected peacefully. Moreover, these claims are always motivated by a demand for increased individual rights and liberties. There is nothing here that would threaten or destroy democracy. It is quite the opposite. Since these acts aim at giving these principles their full actuality, one can contend that civil disobedience is essential to democracy and, when resorted to, serve to revitalize it.

This argument is however difficult to accept since history is replete with examples of protests that have used disobedience as a means to destabilize democracy, as was the case in Chile to bring down the Allende government and establish the dictatorship. It should however be remembered that these seditious movements are easily distinguishable from civil disobedience in the strict sense : first, their aim is not the increase of social and political rights but the overthrow of a power that has conceded too much of these to the citizens ; second, in these cases, the rejection of legality is not expressed by a small number of individuals but is a collective action with powerful allies, and the call for disobedience is closely linked to violence. Although these differences are well known, one finds that they are still unconvincing for those who prefer to think that civil disobedience is the instrument of a project that undermines democracy. Let us turn now to my second example.

6. The political nature of gatherings

The “Arab Spring” uprisings have unexpectedly led to a global movement of opposition to government and economic powers, the speed and strength of which have been striking. To the “Get out” that was chanted in Tunisia, Egypt and elsewhere in the Middle East, have echoed the “You are not representing us” in Spain and Greece, “The people demand social justice” in Tel Aviv ; “We are the 99%” in New York and elsewhere in Europe or Asia. And more recently the “We exist” or “Don’t let Putin enter the Kremlin” in Moscow and the “Enough is enough” in Dakar - to name but the most famous among them.

This sudden and unpredictable outbreak of claims for democracy has given birth to a new form of political action, which I call “gatherings” (Ogien and Laugier, 2014). What is a gathering ? Ordinary citizens taking to the streets on their own, outside of parties, unions or associations, with no leader and no program, and non-violently occupying city squares to ask for a complete change of the political order. The international dimension of this movement compares somehow with that of two of its historical predecessors : the student revolts of May 68 in the western world and the occupation of Tiananmen Square in Beijing and the fall of the Berlin Wall in 1989 in the Communist world. Some say that 2011 is the year in which the democratic wave has hit the Arab world (the riots in Tehran in June 2009 being a forerunner). The first feature of these gatherings is the unexpected and circumstantial nature of these eruptions of anger which express a chaotic collection of grievances. They differ in kind from what has happened during the decolonization movements of the 1950s - the purpose of which was the construction of sovereign nation-states - or even from the Iranian revolution of 1979 - which was organized in a secret manner by clandestine political parties.

Gatherings are an innovative political form of action which, like civil disobedience or riots, arises outside traditional ways of expressing political grievances - i.e. through opposition parties, trade unions, Non Governmental Organisations or associations. The first feature of these alternative forms of political action is that they emanate from crowds of outraged citizens. A second of their feature is the absence of a unified theoretical slogan : no specific reference to class struggle, or to the overthrow of imperialism or capitalism, or even to religion are ever made. The only demand is for democracy (though this word covers a infinite list of grievances). The third feature of gatherings is that they are paradoxically based on the rejection of power, as is clearly demonstrated by the fact that they claim no leader, no agenda, no censorship, no hierarchy among people’s statements. Gatherings are scenes where “direct democracy” (general assemblies, open meetings, no majority vote, total equality between participants, shared responsibility on practical matters, etc.) and free information through autonomous news networks are put into practice. A fifth feature of these movements is that they are often called or promoted through modern means of communication, such as Facebook, Tweeter, personal websites, satellite television, etc.

When one considers the common features of gatherings - wherever they took place all around the world - one can contend that they can be regarded as a new form of political action characterized by two attributes : complete independence vis-à-vis the official channels of political representation (parties and unions) ; and absolute respect for the equality of the individuals who participate to the protest. And these two traits are political in nature : they betray the distant relationship citizens have now established to the authorities and the crave for autonomy they publicly expose in their ordinary as well as political behaviours. More generally, it expresses a demand for democracy as form of life rather as institutional regime.

7. Democracy as an unreachable horizon

This article has tried to substantiate a proposition : democracy should not be reduced to a political regime defined by a series of individual rights (vote, opinion, association, strike, religion) and by a specific system of institutions (party pluralism, legislative control over the executive, impartial administration, independent justice, free information). It has to be seen as a method for organizing ordinary social relations on the basis of a principle : respecting the plain autonomy and the absolute equality of any citizen. And it is in line with this principle that people are able to stake political claims to achieve the new rights and freedoms they from time to time come to petition for. The fact that such claims are relentlessly voiced proves that citizens are never deprived of their ordinary capacity to judge the actions of those who provisionally govern and to resist them. Nevertheless, a question has still to be answered : on which grounds could ordinary citizens legitimately press a claim for democracy outside of the official channels designed to this effect (parties, unions, associations) ?

All extra-institutional forms of political action - gatherings, encampments, civil disobedience - express a demanding conception of politics. When they emerge in democratic regimes, they operate as a reminder of democracy's essential principle ; namely that it is an open system, whose nature is to secure an official reckoning of the plural ways of life making up a society and constantly expand the sphere of individual rights and freedoms.

These forms of action therefore possess a kind of intrinsic legitimacy insofar as no one might oppose the motives which are publicly advocated to justify them : injustice, inequality, contempt of citizens, abuse of power, arbitrary decisions, disdain for the common good on the part of the rulers. A second ground of legitimacy is the massive support the population usually give to these activists. The third ground resides in the concept of democracy itself. One has to reckon that it contains in its very definition a series of descriptive categories one can invoke to press a political claim. What are these categories ?

- 1) Democracy is a regime in which power should proceed and derive from the people : one may then assert that it is not the case any longer.
- 2) Democracy is based on a system of delegation to representatives : one may then claim that representation does not work satisfactorily.
- 3) Democracy requires equality between citizens : one may contend that equality is in jeopardy.
- 4) Democracy is based on majority rule : one can then pretend that this rule has noticeably ceased to be valid.
- 5) Democracy should offer public services to allow for an equalization of conditions - health, education, standard of living, etc. : one can then observe that equalization is no longer enforced.
- 6) Democracy must guarantee individual rights and freedoms : as nobody knows where one should set a limit on rights and liberties, one can always pretend that a right or freedom is disregarded.
- 7) Democracy requires impartiality of the State, as a condition of justice : one may then profess that impartiality is grossly violated.
- 8) Democracy requires the separation of executive, legislative, judicial and media powers : one can then proclaim that this separation is no longer effective.

These are descriptive categories that any ordinary citizen can legitimately rely on to press a claim for democracy when one of its constitutive elements is deemed to be absent, ignored or not fully enforced. The use of these categories is part of what can be called a process of democracy production which is constantly at work in a State society. This hidden process is made visible at different points in time – and is particularly blatant when civil disobedience or gatherings are resorted to in order to voice a political claim. And though it is difficult to say what the final results of these actions are in each case, their

sheer existence demonstrates that any State society is irremediably engaged in a process of democracy production. And that this ceaseless process is made possible by the ordinary conception of politics and democracy that any citizen is endowed with and which is currently made use of.

Bibliography:

Balandier, Georges (1970), *Anthropologie du politique*, Paris: PUF.

Dewey, John (1984) [1927], *The Public and its Problems*, in *The Later Works, 1925-1953*, vol.2 (edited by Jo Ann Boydston, Carbondale and Edwardsville: Southern Illinois University Press.

Durkheim, Emile (1966), *Rules of the Sociological Method*, New York: The Free Press.

Falk Moore, Sally (1978), *Law as Process. An Anthropological Approach*, London : Routledge and Kegan Paul.

Finley, Moses I. (1985), *Democracy Ancient and Modern*, Rutgers: Rutgers University Press.

Ogien, Albert (1995), *L'Esprit gestionnaire*, Paris: Éditions de l'EHESS.

Ogien, Albert & Laugier, Sandra (2010), *Pourquoi désobéir en démocratie?*, Paris: La Découverte.

Ogien, Albert & Laugier, Sandra (2014), *Le Principe démocratie*, Paris: La Découverte.

Routledge.

Pospisil, Leopold (1971), *Anthropology of Law*, New York : Harper and Row.

Rawls, John (1971), *A Theory of Justice*, Harvard, Harvard University Press.

Rawls, John (2003), "The domain of the political and overlapping consensus" in Matravers Derek & Pike Jonathan E. (eds.), [*Debates in Contemporary Political Philosophy: An Anthology*](#), London : Simmel, Georg (1999), "Comment les

formes sociales se maintiennent”, in *Sociologie. Etudes sur les formes de socialisation*, Paris: PUF.

Weber, Max (1971), *Economie et société*, Paris, Plon.