

The People Disciplining the State

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**A philosophical analysis of counter-democratic mechanisms and their effects
on political representatives**

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Word count: 8094

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Main study: Political Science

Date of completion: 25-07-2019

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Introduction

Although the number of democracies worldwide is on the rise, we paradoxically also see the number of people who are dissatisfied with the functioning of democracy grow. The democratic wave of the Arab Spring led to disappointments with all but one country which could actually be successful, in the case of Tunisia. However, even in Tunisia, democratic institutions are fragile and talks of alternative models have become more prominent (Bell, 2016). Not only do we find this dissatisfaction in young and developing states, but also in countries which are supposed to have a 'well-established democracy'. Discontent with democracy seems to go become more and more universal. What is the future of our democracy? It is time to assess the challenges that democracy is dealing with in more depth and make a critical analysis of what is actually occurring with respect to the development of the political systems.

Problems facing democracy take various forms. I will shortly discuss three of the challenges that democracy is currently facing, namely declining party-membership, decreasing trust in politicians and low levels of turn-out. In case I write about the problems of democracy, I refer mostly to these three issues. Perhaps these issues imply that democracy is losing its grip.

Starting off with declining party-membership. Many western democracies are characterized by their representative government in which the political party plays a crucial role. Political parties and democracy have become inseparable concepts. However, the fact the parties perform such a vital role in the democratic structure is not represented in the membership among these organizations. In the Netherlands party membership has dropped 12% in 27 years (DNPP, 2017). This leaves only 2,2% of eligible voters as a member of a political party. If this trend continues, we could see a future in which the political parties are unable to fulfil their current functions. How far can we let this number drop? And does this actually form a problem?

Perhaps this decreasing number in party-membership is strongly related to an increasing distrust in politicians. When comparing to half a century ago the levels of trust in politicians has become considerably lower (Warren, 2010). Some even go as far as to coin the term 'democratic malaise' (Kupchan, 2012). Citizens are expecting their government to deal with big issues like growing inequality, increasing immigration and climate change. During campaigns, politicians tend to make a lot of promises, which they are often unable to meet if they are elected. No matter the reason for not adhering to the promise it results in a loss of confidence in the politics by the people. Citizens become increasingly suspicious and sceptical about the use of elections and lose their trust in the system.

The third factor is political participation. While looking at some indicators one could argue that political participation is relatively low. Voter turnout in most western democracies has at best become

stagnant (Warren, 2010). Various explanations can be given, but perhaps people simply lack the time to be as politically active as a democracy requires them to be. Is it too much to ask for people to gather information and vote every four to five years? And is this perhaps the reason that people have lost interest turned their backs on politics?

The three features clearly point towards an important trend which should not be ignored. However, in all three features, we have mainly looked at a very limited part of democracy, namely elections. Although elections form a crucial part of democracy there is, of course, more to look at. This is the perspective presented by the French writer Pierre Rosanvallon. His book *Counter-Democracy: Politics in an Age of Distrust* (2008) shows a different perspective to look at democracy. Rather than focusing on elections as the key feature of a democracy, Rosanvallon proposes to analyse alternative means of political participation in a democracy. More specifically, he is interested in the ways in which political distrust is channelled within the system.

In the first chapter of this thesis, I will describe the theory of counter-democracy which Rosanvallon proposes. If Rosanvallon is correct and distrust has had such a pervasive effect on our democratic system what does this mean for politicians? To gain more insight into this matter I will turn to another French philosopher in Michel Foucault. I will look at Foucault's analyses on surveillance and discipline. In doing this we will gain a better understanding of the effects of distrust towards politicians. In the third chapter, I will combine both these views and show how the citizens through their distrust are committed to a constant process of disciplining of their own political representatives. In the fourth and last chapter, I will go into detail about the consequences of this process. I will argue that even if citizens are able to control the government this does not constitute power in their hands.

Both Foucault and Rosanvallon use a historical approach to their research. In their analyses, they show how institutions have changed over the years and what the impacts of these are. To give a good overview of their theories, I will sometimes also make use of these historic examples when necessary. However, these are not my main focus and I will mainly keep to the philosophical analyses that lie behind these historical developments.

Chapter II. Rosanvallon

In this first chapter, I will describe the work of Rosanvallon on what he calls counter-democracy. I will give an overview of the counter-democratic theory and subsequently describe in more detail the power of oversight which for this thesis is the most relevant mechanism of counter-democracy.

2.1 Counter democracy

Rosanvallon offers a new way of looking at democracy and its problems. Historically, democracy has always been as much a promise as a problem (2008, p. 2). A promise reflected on the needs of a society, which are based on the realization of autonomy and equality. And a problem of the political reality in which these problems are far from being realized. Although in our contemporary society we have made big steps forward it is doubtful we will realize the promises anytime soon. Democracies are thus characterized by a certain inherent tension. This tension arises through the fact that representatives are never able to adhere to the ideal demands set by society. For this reason, the electoral mechanism which is supposed to legitimize power always goes hand in hand with a level of distrust from the people. The focus for Rosanvallon is the organization of this distrust.

Usually, democracy is understood through the limited perspective of elections. Citizens choose their representatives and subsequently become politically inactive for the next four to five years. Rosanvallon gives another definition of democracy. One that is much broader and less specific. People are not merely constituted as voters. In political reality, people are also watchdogs, veto-wielders and judges. Decreasing turnout numbers, lower level of party-membership and declining trust in politicians, therefore, do not necessarily imply that citizens have become less interested in politics. Citizens use other means to express their opinions and defend their interests. Rather than to look at how representatives are elected, Rosanvallon (2008, p. 5) introduces the concept of counter-democracy. Counter-democratic mechanisms function by keeping the representatives to their promise and make sure that the elected officials serve the common good of the society (2008, p. 8).

Counter-democracy is not the opposite of democracy. Instead, it attempts to improve and assist democracy. The mechanisms form a counter-power meant to keep the representatives in check. The notion of political distrust is most certainly not a new phenomenon. Political systems inherently constitute a form of distrust towards their sovereign and ways to channel this distrust predate modern democracy. In ancient Athens, the people's tribunal played as important a role as the citizen's assembly (2008, p. 192); Montesquieu wrote extensively about the ability to nullify a political decision taken by someone else (2008, p. 121); and after the French Revolution there was a high demand for surveillance since representatives tended to claim autonomy for themselves (2008, p. 29).

Democracy, which one could expect to solve some of these trust issues, did not succeed in doing this. More recently, the democratic form of political distrust has been especially important due to a decrease of trust in our modern-day society (2008, p. 9). Societal distrust has promoted political distrust in the three following ways. First of all, we have broken with the technological optimism of the 1960s and instead, society has learned that technological progress brings along risks. In order to avoid these risks, society constantly keeps a check on scientists and requires them to explain their actions. This model is partially applicable to the notion of checks and balances in the political domain (2008, p. 10). Secondly, in numerous cases economic predictions have been wrong, which has caused people to feel insecure about their economic future. This distrust towards economic forecasting has been transferred to politics in the sense that public policy is not able to impact the economy as was previously thought. Thirdly, modern-day society is characterized by alienation (2008, p. 11). Modern-day society has fewer personal ties, which causes people to have less trust in each other. Research shows that there is a direct relation to the diminished trust in others and the growing distrust towards politicians.

These three societal developments have turned modern-day society into one of generalized distrust. The societal developments coincide with the democratic distrust and increase its effects. Distrust is channelled in counter-democracy through the power of oversight, power of prevention and power of judgement. I will discuss two of these briefly in the next paragraphs. After having done this, I will go into further detail on the third and for this thesis most important form of counter-democracy, namely the power of oversight. This mechanism is the most important, because, as I will explain further on, it not only controls behaviour but normalizes and internalizes the demanded behaviour as well.

2.2 Prevention and Judgement

Because of the new societal developments, people have increasingly started channelling their distrust through the power of prevention (2008, p. 14). These are mechanisms that are meant to prevent, rather than to act. Citizens in many cases are unable to compel governments to do as they like. They are however able to assert influence by obstructing their government from doing specific things. We can refer to this notion as the 'negative sovereignty' of civil society, which contrasts the 'positive sovereignty' associated with the legitimacy and which is obtained through elections and other legal institutions. From a sociological perspective, it is clear that gathering a negative majority is often easier than gathering a positive majority. Negative coalitions have an easier time tolerating each other's differences. This is seen in events such as Brexit where the remain campaign had a difficult time explaining what was positive about the European Union (Lowe & Suter, 2016). Whereas the positive campaign needs to deliberate in order to reach agreement the negative campaign does not need this coherency. In this sense, the power of the people is, according to Rosanvallon (2008, p. 15), a veto

power. Political regimes, therefore, cannot be merely described by their institutional structure, but the ability of various actors to issue a veto must be taken into consideration.

The second counter-democratic force is the testing of judgments (2008, p. 16). The most basic form of this mechanism is the justice system. Normally when the government's responsiveness is in decline, the desire for accountability will be on the rise. Judgement takes the other powers to its limits by actually adding consequences to the actions (2008, p. 191). Although citizens delegate their judgement power to the courts this does not imply that there is no societal dimension. In some countries, citizens can sit as jurors or citizens can participate actively in an investigation. Moreover, courts act 'in the name of the people'. They act based on collective expectations or as a result of pressure from societal organizations and public opinion. They are thus necessarily connected to society. In this sense, the power of the people is constituted in the people as judge.

Before we turn to the power of oversight it is important to shed some light on the conclusions that Rosanvallón draws from his analysis on counter-democratic activity. The perspective introduces a new way to understand democratic participation. Even if, as previously mentioned, indicators show that political participation is low and that citizens trust in politicians is decreasing this does not constitute the citizen as passive. Rosanvallón (2008, p. 18) calls this the myth of the passive citizen. While the number of participation is in decline, the number of people participating through alternative channels suggest that citizens are all but passive (2008, p. 19). The form of political participation may have changed, but people are not silenced.

Contemporary democracy is thus not dealing with depoliticization in terms of diminishing interest. However, something did change in our relation to the political. According to Rosanvallón (2008, p. 22), we are today not dealing with the problem of passivity, but with a problem of the unpolitical. This problem refers to a renewed relationship between civil society and political society. On the one hand, as I will further explain in chapter IV, counter-democratic activity is a sign of citizens engaging in political activity. On the other hand, these activities are difficult to penetrate and understand. And, if taken too far, counter-democracy can lead through paralysis of the political system.

2.3 The Power of oversight

Oversight is about the ability to control the representatives that are elected (2008, p. 12). During election campaigns, politicians will propose their plans for the future. Oversight is intended to keep check of the politicians to ensure that they fulfil the duties which they have committed themselves to. Already after the French Revolution, it became obvious that the watchful eye of the citizens is necessary to keep the representatives in check (2008, p. 29). The idea behind this counter-democratic power is that the amount of poorly functioning representatives can be reduced and that the low levels

of trust in the representatives can increase. Oversight brings the power closer to the people as it is a way for citizens to use their influence beyond mere elections. Rather than being present once every four years the people are always present and always looking. In my own words, this means that as a representative you always have to be on edge and always choose your words wisely. If one fails to commit to the standard set by society, this will have a direct impact on your image as politician.

Vigilance is one of the three forms of oversight that Rosanvallon discusses. Vigilance can be defined as a permanent and close inspection of the actions of government (p. 33). It is not so much a characteristic of individuals, but rather a property of the public sphere as a whole. Vigilance should not be understood as something which produces something, but it also should not be understood as passive. Rather it is a mode of action. It sets out the limits of what a government can do and cannot do. Rosanvallon (2008, p. 36) compares it to the usage of a fire alarm. Similarly to the fire alarm, vigilance is a decentralized system which functions through the activity of the citizens. By pulling the fire alarm citizens put the firefighters into action. This fire alarm function makes politics more tangible and perhaps even more effective. Citizens have a direct way to reach their representatives. This compensates for the indirectness of a representative democracy. Within this category, we can also make a distinction between civic vigilance and regulatory vigilance. The former consists of interventions like strikes and petitions, whereas the latter consists of a constant stream of criticism, like a poll or a report.

The second mode of surveillance is denunciation (2008, p. 42). Denunciation often takes form in a public statement against the representative or the system as a whole. Interesting about this concept is that it puts a large amount of faith in the possibility of using publicity as a corrector. Denunciation does not necessarily involve any direct action but merely takes the form of an accusation. At the end of the 20th-century, the demand for more transparency had immensely increased (2008, p. 46). As politics became decreasingly dependent on ideologies room was made for a more individualized approach. The personal trustworthiness of politicians all of the sudden became an important topic of debate (2008, p. 47). Nowadays trustworthiness has become one of the most important characteristics of a politician. It is all about protecting your reputation. In traditional politics, trust was perhaps still generated through party membership (2008, p. 49). In new politics, it is the reputation of the representative, which constitutes the level of trust. Denunciation forms a direct threat to a reputation. Politicians have to avoid being denounced.

The third and last form of oversight is evaluation. It involves carefully researched, technically sophisticated, often quantified judgement of specific actions or more general policies (2008, p. 52). The goal of the process is to improve the quality and efficiency of the government's functioning. The development of evaluation methods has increased the expectation that citizens have of government. After all, there are more ways for the government to improve themselves so why should they not?

There is also a big change in the relationship between the governed and the government. Government officials are under constant watch from citizens. They need to conform to expectations of outputs and if they do not this can be quickly established. The evaluation has given citizens a new direct power, which they can exercise without any intermediates.

2.4 Change in democratic activity

To summarize, oversight works through citizens who have certain powers, namely the power of vigilance, denunciation and evaluation. These powers are in constant development and in this process keep changing the way in which democracy functions. In recent times, the people are constituted as watchdogs. As a watchdog, citizens are subjecting the government to surveillance. With this, the citizens have gained a new role in which they have become increasingly more important. In this light, it seems better to speak of a change in the behaviour of citizens, rather than the diminishing importance of political participation (2010, p. 110). According to Rosanvallon diminishing voting numbers and the decreasing trust in politics must be analysed in the context of a changing form of democratic activity.

Chapter III. Foucault

In this second chapter, I will continue by describing the work of Foucault on surveillance and disciplining. I will subsequently describe how these processes work through the whole of society in what Foucault refers to as panopticism.

3.1 Discipline and punishment

In 1975 Foucault publishes his famous *Discipline and Punish*. In this work, Foucault executes a genealogical study towards the development of punishment. Such an approach consists of revealing that any given system of thought is a result of contingent turns in history (Schirato, Danaher & Webb, 2012, p. 41). History is thus, according to Foucault, not the outcome of a rational inevitability; instead, everything could have been different. With a genealogical approach, Foucault develops an understanding of the processes that have brought us to where we are today, but also how these steps are never necessary. In his analysis, he focuses on the punishment of criminals. Foucault emphasises, however, that the new modes of punishment have become a model for controlling an entire society.

In the 18th century, there is a new focus on the body (Foucault, 2010, p. 190). The body is discovered as a target of power, which causes the body to become docile. Attention for the body in itself is nothing new, however, the techniques used in the 18th century involved new elements. First of all, the level on which the control is executed. It is no longer about the body as a whole, but rather the body in fragmented sections. Control is aimed at influencing the mechanics of the body. Secondly, the object of control changes. It is no longer about the ceremony and the meaning behind the punishment. Instead, the focus is on the effects that it brings about. Thirdly and also essential to our analysis, there is a new modality of control. This new modality is uninterrupted and with this, constant control over to body is achieved. It is not so much about direct results, but more so about changing the actual activities of the body. This process as such is what Foucault (2010, p. 191) refers to as disciplining.

In 1792 the guillotine is introduced as a way to efficiently carry out executions. This was part of a development in which the spectacle of the punishment had become increasingly less important and it had become more about efficiency. Later on in 19th-century, corporal punishment completely disappears. The historical explanation behind this development is not that corporal punishment is seen as inhumane, but that this form of punishment is no longer seen as enjoyable. Instead, it could even be inflammatory and thus, to protect public authority, the very nature of punishment must change. The goal of the punishment is not revenge but it is to preserve control over the people. Foucault (Schrift, 2013, p. 141) speaks of the political economy of the body. The body can only gain economic

utility when it is a productive body. However, productivity is not enough for economic utility, as the body also must be subjected. The body can be corrected and improved, which results in more utility for an industry or even the whole of society.

3.2 Elements of disciplining

Foucault continues to analyse various ways through which the body is controlled and made docile. Most evident are the developments in the prisons, armies, hospitals and schools. Through events like industrial innovation or the outbreak of an epidemic, there is a sudden demand for control (Foucault, 2010, p. 193). This control is achieved by drilling soldiers in the army or by institutionalizing punctuality in schools. Subsequently, the developments spill over to different areas. Slowly the society as a whole functions on the basis of discipline and surveillance. This process is dependent on three key elements, namely hierarchical observation, normalizing and examination (2010, p. 238).

In hierarchical observation, the disciplining occurs through a process of observation. The perfect disciplining mechanism is the ability to observe everything at all time (2010, p. 242). This hierarchical, continual and functional observation has developed in the 18th century into a well-integrated system. Observation is a mechanism that itself coerces. The point here is that the person subject to the observation feels forced to do something by being observed constantly. Power thus has a direct effect on the body without ever becoming physical. It is crucial that observation may occur in several directions (2010, p. 246). It is a network of power relations which functions top-down, horizontal and even - as we will see later on – bottom-up.

Norms are a crucial part of disciplining (2010, p. 255). A norm is an exemplar which is characterized by its authority, narrative and implied values, which are used to discipline and coerce the body (Schirato, Danaher, Webb, 2012, p. xxiii). People can become prisoners when they do not act according to the set norm. As abnormal subjects, they are taught in the coercive environment of the prison how to behave accordingly (2012, p. 84). Disciplining is a specific way in which a norm can be established. On the one hand, normalizing promotes uniformity, since the focus is not on the individual which is supposed to follow a law, but instead the individual is supposed to adhere to the norm which is present in society (Schrift, 2013, p. 146). This makes the individual part of a homogeneous social group. However, it also individualizes by making it possible to measure the differences between people. If one can establish what normal behaviour is, it becomes easy to set aside those who behave abnormally.

Examination is the third and last element of disciplining, which Foucault discusses. It combines the techniques of observation and normalizing judgment (2010, p. 256). It makes those who do not adhere to the norms visible. Subsequently, it offers the opportunity to qualify, classify and punish those

who do not behave to the norm that has been set. Whereas the power itself is invisible it forces those who are subject to the power to become visible. Individuals are being differentiated based on their examination making it possible to punish them if needed (2010, p. 260). The development of examination is clearly visible in hospitals (2010, p. 257). Whereas the visitation of a doctor used to play only a small role in the hospital, this gradually changed over the course of the 17th and 18th century. Regular controlling was introduced which involved extensive examination of the patient. Similarly, schools have changed into facilities in which students are subjected to the constant examination of their abilities (2010, p. 259).

3.3 Panopticism in Modern-day society

Not only did this transformation after the 18th century bring in new practices of discipline and surveillance, but it also made possible new types of knowledge about human behaviour (2006, p. 97). By constantly observing, establishing the norms and examining people's behaviour everything about a person's life can be known. This enables a more continuous and pervasive control over what subjects do. In this light, punishment is about gaining knowledge of the criminal. The criminal is transformed from a body to be tortured to an object to be known (Schrift, 2013, p. 140). Foucault introduces a new way to understand the relationship between power and knowledge (2013, p. 141). In order to discuss power, it is necessary to rethink the relationship between knowledge and power. Traditionally knowledge is often understood as being independent of power and its interests. For Foucault, however, power produces knowledge. The two directly imply each other, so whenever there is one there is also the other. Power makes it possible for a certain type of knowledge to arise and knowledge extends and reinforces this power. Knowledge not only gives power, but power decides what is to be considered as knowledge.

Throughout history, there are various shifts in what is counted as knowledge. Foucault shows that there are immense structural changes in the topics of madness, disease, wealth, language and life discourses (Rouse, 2006, p. 97). His aim is not to explain these shifts, but he analyses the structural differences these shifts embody for what people consider as knowledge. Foucault goes as far as to argue that there is no truth outside the power relationship (2006, p. 102). From this understanding of the relationship between power and knowledge, it becomes clear how discipline changes people's behaviour (Schrift, 2013, p. 145). Power is often described in negative terms. It excludes, it represses or it censors. But in fact, more importantly, power has a productive function, namely that it produces a new reality. The knowledge in this reality and the behaviour of the individuals is a direct result of this production. This is what makes discipline unique compared to other processes of norm conformity. Through hierarchal observation, normalization and examination it is the individual who through a

process of self-surveillance produces it by himself. Against this new individuality, a person will examine and judge himself.

For Foucault (2010, p. 276), the panopticon is the representation of the way in which discipline and punishment work in modern society. The panopticon is a prison design, built so that all inmates are separated and invisible from one another. The guard can observe the inmates from a tower in the centre but the inmates are unable to see whether or not the guard is actually watching. The result is that the guards do not have to observe the inmates, but the inmates need to act as if they are observed at all times. This forces the inmates to behave appropriately. Control is thus achieved through the possibility of constant observation. The panopticon embodies this mechanism as the architecture makes the operations perform automatically. The architecture imposes control over the people. This mechanism enters society in two stages. Initially, it was mainly used as a means of control of dangerous elements in society. However, throughout the 18th century, this evolved in techniques which enhanced the utility and productivity of those who are subjected to it. The former mainly occurred in prisons, schools and hospitals, whereas the latter applies to society as a whole. In this way "panopticism" swarms over society. This process is not necessarily superimposed over people, but as explained through the relationship between power and knowledge a regime of self-surveillance will arise (2013, p. 146).

Chapter IV. Disciplining of the State

In the previous two chapters, I have sketched the analyses of Rosanvallon and Foucault. Now that we have developed this theoretical framework, I will continue in this chapter by combining Rosanvallon's counter-democratic mechanisms with Foucault's notion of surveillance. I will provide an answer to the question of how the notion of panopticism is involved in the counter-democratic mechanisms.

4.1 Disciplining the State

Foucault wrote extensively about forms of discipline and surveillance that affect the behaviour of the people. People are forced to behave in a certain manner without any physical coercion actually being present. Due to constant observation, people internalize the necessary behaviour, which is turned into the norm. Foucault's analysis is mostly used in the context of an authority using its dominant position to make its subordinates behave in a certain way. However, the process of panopticism that Foucault describes can also be used as a mechanism in which disciplining works from the periphery to the centre. The former is constituted by the state, whereas the latter category is the people. The most important of these surveillance techniques are hierarchical observation, normalization and examination. Foucault's writings form an important groundwork for Rosanvallon. However, when analysing the functioning of democracy, Foucault misses an essential feature of the system. Surveillance does not only occur from the centre to the periphery. It also and perhaps even more importantly occurs the other way around. Elected officials are kept in check through the numerous counter-democratic mechanisms. The people as a whole have gained a constant grip over the behaviour of their representatives.

The surveillance and oversight mechanisms which Foucault and Rosanvallon describe are remarkably similar. First of all, vigilance is defined as a permanent and close scrutiny of the actions of government (2008, p. 33). It is not about sanctioning or punishing yourself but about setting the limits of what representatives are able to do. Similarly, Foucault's hierarchical observation involves constant and functional observation. In both cases, the person being observed will behave because he or she is being observed. Secondly, denunciation and normalization. These two initially do not seem similar. However, denunciation has an essential institutional effect, namely, it reaffirms and deepens collective norms. When for example a scandal or rumour is created the person in question is being denounced for not adhering to the norm. By complaining or bringing a scandal into the world one states that the norm is being violated and with that, the norm is indirectly established or strengthened. In this sense, we can speak of a constant process of normalization through denunciation. Thirdly, the similarities between evaluation and examination are evident.

Rosanvallon gives us a new insight into the functioning of democracy and what the prominent role of citizens is. Citizens are not passive but find alternative ways to make their voices heard. By adding Foucault's analysis to this we start to understand the effects of the power of oversight on the elected officials. Surveillance leads to normalization and internalization of the behaviour that is demanded by the people through the counter-democracy mechanisms. Representatives today are subject to constant control. In this form of panopticism anything can be used against the politicians in case he or she does not act as expected. Not all power is concentrated in the hands of an elite, but instead, it is the people who execute their will on the government by applying pressure through the various mediums. The people constituted as watchdogs are equal to guards in a prison. I, therefore, state that counter-democracy is essentially a form of disciplining the government.

Before analysing this notion further, let's consider a counter-argument. It often seems as if politicians have more knowledge on matters than the average citizen. After all, a large part of their job is gathering enough information about the society in order to make well-considered decisions. This points towards an imbalance between the people and their representatives. The more knowledge they have the easier it becomes to act differently from what citizens would like and in this sense the control that citizens have over politicians is negligible. However, this is where the previously discussed relationship between knowledge and power become essential. As explained, power and knowledge have an intense relationship. Not only does knowledge constitute power, but power also decides what is to be considered as knowledge. Through counter-democratic mechanisms, citizens are able to control knowledge and with that, they can control representatives. I, therefore, argue that if there is a power relationship that goes from the people to the representatives this must mean that the people play an important role in what is to be considered as knowledge. Even if politicians have more time to gather information, they are still dependent on the people for what is considered as relevant information.

This power-relationship is set in to practice in the form of agenda-setting. In agenda-setting, a topic is brought from the darkness into the daylight of the public debate (Hague & Harrop, 2013, p. 121). This applies to the people but just as much to the politicians. It does not necessarily decide what people think, but it does have an immense impact on what people think about. Through the media, the agenda is set for what the social debate is about. The recent growth of the internet has made this function ever more important and has given room to various types of media to influence the public debate. By deciding the topic of the debate, it is also decided what is considered as relevant knowledge and what is not. What might be serious at one time is seen as irrelevant at another time. Although knowledge itself is not changed, what is changed are the specific facts that are being used in framing a specific reality, which might have looked different if there was a different agenda. The counter-

democratic power, therefore, plays an important role in what we can categorize as knowledge and how we perceive reality.

4.2 Internalization of the norm

Both the power of veto and the power of judgement play a role in disciplining. I argue however that this control of representatives is most clearly obtained through the power of oversight. All three powers have a clear physical effect, which we can be perceived in political reality. For example, the power of oversight produces quantified data about politicians, the power of prevention has an impact via a referendum, and the power of judgement can sanction politicians who misbehave. The power of oversight adds an extra layer to this, which is more subtle than the other two powers. By constantly observing, denouncing and evaluating, new norms are created. As explained before, such norms construct a new reality in which it becomes the norm to behave accordingly. The new standardized behaviour goes unquestioned and eventually becomes internalized in the role patterns of society. The power of oversight thus achieves results that originally never were intended. The people watch and survey which produces normalization and internalization of particular behaviour by the representatives. As so little enforcement is necessary, the power of oversight will mostly go unnoticed. On the one hand, surveillance functions in indiscrete ways since it surveys everything at all times. On the other hand, however, it functions discreetly since it functions permanently mostly in silence. For this reason, I argue that the power of oversight is the strongest of Rosanvallon's three counter-democratic mechanisms.

The institutional effect of counter-democracy is the establishment of a norm (Rosanvallon, 2008, p. 45). Counter-democracy reaffirms and deepens collective norms and values. A prime example of the affirmation of norms is a scandal. Through scandal, the society states what is to be seen as normal and what is diverging. Politicians not only have to adhere to these norms in their public appearances, but they also have to provide proof that they act according to the acceptable standard in their private life. Transparency is key here. The politicians have to provide proof of their honesty and demonstrate that they are trustworthy at all times. In our current media age, it has become essential for politicians to use their private lives in their advantage. If they fail in conveying this message, they risk being categorized as unlikable, as was the case for Hillary Clinton during the 2016 US presidential elections. Through the use of modern media, reputation has become an extremely important but also volatile feature of democracy.

What this analysis also perhaps explains is why many people's experience that politics happens outside of their control and that they feel like real power is in the hands of an elite. The power of oversight is invisible and its consequences are indirect. The behaviour of the elected officials is changed

but both parties are unaware of this process actually occurring. There are conscious decisions made to increase the control over politicians, but this control is not intended to have such a pervasive impact. I will further develop this hypothesis in the following chapter.

Chapter V. Power and Consequences

The development of counter-democracy has changed the way in which democracies work (Rosanvallon, 2008, p. 249). We can no longer describe the regimes by their constitutional arrangements, but instead, need to widen our view. Democratic activity is extended far beyond the ballot box and can only be properly understood by accepting this. To analyse a democracy properly we, therefore, need to look at democracies in a much broader sense. I add to this that it has become crucial to analyse the new power-relationship between the people and the government. The question for me remains if counter-democracy forms a solution to our modern-day political problems? Does it put the power in the hands of the people, rather than in the hands of an elite? In this chapter, I will shed some light on what the consequences of the counter-democratic mechanisms are.

5.1 Where does power reside?

Being able to control and set out the limits of what political representatives can do makes it seem as if power is, at least partially, in the hands of the people. Citizens make themselves known and defend their interests beyond the ballot-box. Does counter-democracy in this sense constitute the power in the hands of the people? And does this form a solution to the problems of modern-day democracy? I do not believe this is the case. It is not the people who are in the possession of power, but there is merely a power relationship which is flowing from the periphery to the centre. I will elaborate on my statement by going over Foucault's analysis of power.

The traditional image of power is that of power as an instrument. It can be used for coercion and it is often ascribed to an individual. Foucault (1998, p. 63) offers an alternative view. Power is everywhere and power comes from everywhere. It does not belong to a person or even to a structure, but instead, it is an overarching notion which is present all around us at all times. Foucault ascribes the following four key principles to power (Schirato, Danaher & Webb, 2012, p. 45). First of all, power is not a possession but it is a relation. It can never belong to an individual but merely exists in a network with others. Secondly, this relationship is not necessarily repressive but is to a large extent productive. It can shape and coerce people as we in the analysis of surveillance mechanisms. Thirdly, it can only be understood through its connection to knowledge and discursive practices. Knowledge is directly implied with power. Power determines what is to be considered as knowledge. Fourthly, any relation of power can at all times be resisted. Power produces supposedly universal knowledge. In claiming this universality its contingency becomes visible.

Relations of power are not set in stone, but are contingent and mobile (2012, p. 50). It can flow from one point to another depending on the circumstances. Power in a democracy is thus not in the

hands of an elite, but neither is it in the hands of the people. Traditionally we think of power going from top to the bottom, but Rosanvallon has shown us how power also flows the other way. This is a productive relationship in the sense that it produces certain behaviour among the representatives. The role of knowledge is also essential in this matter. This is most prominently present in the counter-democratic mechanism of examination. Examination creates an incredible surplus of knowledge.

Power is thus not in the hands of a person or a group of people, but instead, it flows in-between networks. Arguing that through the counter-democratic mechanisms the power is in the hands of the people is false. Instead counter-democracy shows us how power exists everywhere and moves all directions. Even though power does not belong to anyone, the image that it is is often maintained. From this notion of power as not belonging to the people, but also not in the hands of a political elite, we can begin to explain why there is so much frustration within the political system. Democracy makes the promise of bringing forward the general will of the people. Initially, the elections give the mandate to the representatives who are in charge of executing the political will. Subsequently, the politicians are kept in check however by the counter-democratic mechanisms. As there is limited room left for manoeuvrability it becomes increasingly difficult to accomplish results. Counter-democracy undermines to a certain extent the effectiveness of democracy.

5. 2 The consequences of counter-powers

If power is not transferred to the people, then what is gained by the existence of counter-democracy? Rosanvallon (2008, p. 253) explains that counter-powers tend to distance themselves from the established institutions. To gain more influence they need to weaken the powers-that-be. The conventional politics become externalized through the counter-powers. They see to it that the distance between them becomes as large as possible. Politicians lose their manoeuvrability and become subject to the control of the people. If the counter-democracy gains too much ground, we will see a type of negative politics rise. These politicians are not focused any longer on productive policy-making but instead are in a constant search for the policy that is met with the least resistance. It is all about avoiding backfire in their own direction.

Rosanvallon explains that this negative politics is most clearly exemplified by populism. According to Rosanvallon (2008, p. 267), populism is a form of counter-democracy taken to its extreme and radicalized. In populism, controlling the behaviour of the governments becomes an obsession up to the point where elected officials are seen as the enemy. The people themselves keep externalizing politics which eventually causes the politicians to come across as aliens. This explains why people experience so much distance between politics and their daily lives. They themselves build this distance by constantly asserting and strengthening it. In this sense, the power of oversight is turned against

itself. An example of this is the Dutch *Partij voor de Vrijheid*, which was able in 2017 to produce an election programme that fitted on less than one page. It was not necessary for them to produce a positive programme since their goal was to fight against the establishment.

Rosanvallon (Heidenrich, 2019) subsequently argues that these populist politicians get into trouble when they themselves have to become the government. Their negative politics has to turn into a productive policy. Here Rosanvallon fails to take into account the cases where populist parties did produce a more positive programme. The French *Front National* and the Dutch *Forum voor Democratie* do come up with rather concrete policy proposals. And the *Northern League* together with the *Five Star Movement* have, despite facing major challenges, have been able to form a populist government in Italy. I still agree, however, that these populist parties all help to produce an increasingly difficult political landscape. By constantly manifesting themselves as fighting against the so-called elite they damage the already fragile trust that people have in politics.

5.3 A realistic vision of democracy

In this chapter, I have shown that counter-democracy can sometimes have a negative impact on the political system. The notion of counter-democracy should not be seen as a solution to the problems that democracy has to deal with. However, portraying it as the thing that is wrong with our current system would also be false. Distrust in politicians is an inherent feature of the system. It makes sense that people are suspicious of their authorities. Counter-democracy is not the solution to a problem but also not the problem itself. Rather it is supposed to give us a more realistic vision of the situation. Solutions always bring along problems and this is the very nature of democracy. Rosanvallon does not argue in favour of more counter-democracy. In contrast, he warns for the danger of the phenomenon if taken too far. In reality, counter-democracy is even part of the problem of democracy we have today. This is not to say that an alternative model would better solve our problems, however. Democracy is per definition unfinished and incomplete.

The point that I have attempted to make is not that counter-democracy brings the power in the hands of the people. Instead, I argued that power is not necessarily only in the hands of political representatives. Power is diffuse and present everywhere at the same time. Since the electoral democracy seems to bring out some disappointments in our society it is the counter-democracy through which citizens make themselves known.

Conclusion

I opened this thesis with the following three challenges: decreasing party membership, declining levels of trust in politicians and low levels of voter turnout. Although these challenges should be taken very seriously, I have shown in this thesis that they do not paint the full picture. The passive citizen is a myth and to this day people have not necessarily become politically disinterested. Instead, they have searched and found other ways to make their voices heard and to keep a check on their political representatives. Analysing the functioning of a democracy goes far beyond the elections which occur once every few years. Through the usage of counter-democratic mechanisms, citizens have not simply found an alternative way but they have found an extremely effective way. Citizens are able to control their politicians through vigilance, denunciation and examination. Together these counter-democratic mechanisms form a constant surveillance over the politicians.

These three factors go further than one would initially expect, and perhaps the impact of these mechanisms can even be considered as too strong. As my analysis of Foucault has shown, the effects of surveillance are difficult to see but extremely impactful. Surveillance leads to the disciplining and eventually the normalization and internalization of certain norms. Citizens are able to limit the freedom of politicians by developing and strengthening norms. The traditional view of an authority disciplining its people should be expanded. It is the people themselves who are committed to a power relationship in the direction of the authorities. Power is everywhere and moves to all directions.

However, as I have also explained, this is not to say that power is constituted in the hands of the people. Power is not a possession but it is part of a relationship. It exists in a network which flows from the centre to the periphery but also in the opposite direction. It remains very unclear who actually gains by the existence of this two-way relationship. The control that citizens gain over politicians leads to increased expectations but also to a decrease in the manoeuvrability which politicians have. According to Rosanvallon, if taken to the extreme these counter-democratic powers can develop into a populist movement which is restricted to a negative type of politics. Although I do not fully agree here with Rosanvallon, I do believe that these populist movements participate in creating an increasingly complicated political landscape in which very little can be done in any way that will be judged as being correct.

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