

Proposal submitted for the St Gallen 2011 Joint Sessions

ID number 62

Title of proposed workshop: “We, the people”: a new object of democratic analysis

Subject area: Political theory and International Political Theory (Also of interest to scholars working in Political Sociology, European Studies, International and Constitutional Politics)

Abstract:

The people is generally seen as the source of democratic law. In contemporary democracies, we take decisions based on its will and we speak in its name. In recent years, however, the people has turned into a political question in its own right. Politicians and the public debate the distinctions between citizens, residents, migrants and refugees. Students of politics and theorists discuss whether ‘*we, the people*’ is a collectivity or a series of individuals; whether it is national, European or cosmopolitan; territorial or functional; unitary or plural (*dêmoi*, multitude).

If this conflict has prompted new research on the historical, constitutional and political implications of people-making considerably less attention has been given to its normative significance and how this impacts on empirical and positive research about people-making processes and the place of people in democratic politics. In democratic theory it is often assumed that while law can be evaluated in normative terms—we ask whether it conforms to the principles of freedom and equality—the people presents a different case. Being the ultimate source of democratic law it is usually taken to be beyond democratic, critical, or normative evaluation.

The purpose of this workshop is to take issue with such an assumption. The workshop aims to examine the people as an object rather than the source of democratic analysis: How do we distinguish legitimate from illegitimate ways of drawing the boundaries of the people? On what basis can such a judgement be made? We welcome papers that examine current forms of border- and boundary politics from this perspective. More specifically, we invite papers that draw on the above questions in order to examine a) the concept of the people and its impact on democratic authority and legitimacy, b) its significance for issues such as migration, constitutionalism and global governance, and c) the normative and empirical underpinnings involved in its constitution.

Outline of the topic and relation to existing research:

The people is generally seen as the source of democratic law. In contemporary democracies, we take decisions based on its will and we speak in its name. In this respect, the people forms part of what Robert Dahl calls the ‘shadow theory’ of democracy (Dahl, 1989, p.3).

In the wake of globalization and migration, however, this role of the people has been called into question. It is increasingly recognized that the people is a political question in its own right. The fact that political decisions today can travel across borders has prompted a debate on the appropriate scope of the people, whether it should be national, regional, local or cosmopolitan (e.g. Miller, 1995, Held, 1995, Habermas, 1998, Benhabib, 2004). Moreover, in a world of growing immigration and emigration, theorists as well as politicians have started debating whether there should be open or closed borders, and how ‘*we, the people*’ should be defined, conceptualized and legitimized. This has become a pressing question particularly in relation to the democratic inclusion of those – such as migrants, residents, aliens, refugees, and indeed other ‘peoples’ – who are affected by the decisions taken in the name of the people, but are not part of the sovereign people itself (e.g. Carens, 1989; Young, 2000; Bauböck, 2007; Abizadeh, 2008).

In spite of this new focus and increasing attention to more normative perspectives, existing research has tended to remain focussed on the historical, constitutional and political implications of people-making, rather than on the status of the ‘people’ in democratic theory. Most scholars concerned with normative questions draw a sharp distinction between the constitution of law, on the one hand, and the constitution of the people, on the other. They argue that while law can and should be evaluated in normative terms—we ask whether it is rightful and conforms to the principles of freedom and equality—the people itself presents a different case. The assumption is that the people who come together to constitute law cannot themselves account for their own composition. It leads to an infinite regress. With this logical impasse in mind, many scholars conclude that the constitution of the people must be exempted from normative evaluation. They argue that how peoples are formed is not a democratic, but a historical question. It is settled by historically contingent factors such as accident, convention and more often than not, by wars and civil wars (e.g. Habermas, 1998, 115-16; Dahl, 1989, 207-9; Benhabib, 2004, 175; Whelan, 1983, 16).

The problem is that by arguing that the boundaries of the people are settled by history one withdraws democratic thinking from an area where it is in fact needed the most. As a consequence, the issues normally addressed are those of the history and meaning of the

concept of the people, and of the relationship between ideas of the ‘people’ and cognate concepts such as the ‘nation’, or the ‘democratic community.’ In some cases, the issue of the ‘people’ has been sidelined because regarded as merely a descriptive category whose ‘existence is independent of [the] members’ consciousness’ (Tamil, 1995), hence incapable of being the object of proper moral and political investigation. But, as many theorists demonstrate, the significance of the people is not static but it has been used and remoulded in the course of past political struggles. As Margaret Canovan notes, the Roman *populus* was a ‘people in action’ before it gave way to ‘the people in reserve’, lending the people a shadow existence behind the rule of the king (Canovan, 2005, 11-15). It has also served as a support for kingship, as a justification for resistance, as a constituent sovereign, as well as a claim for continuous popular self-government (e.g. Morgan, 1988, Dunn, 2005, Walker and Loughlin, 2007). This may serve to remind that the category of the ‘people,’ as it has been used in politics, has both a history, a sociology, and a contested meaning, besides being used as a depository of legitimacy for the use of political power.

The workshop proposes to explore these different dimensions of the idea of the ‘people’ by inviting papers that question this idea from more critical and normative perspectives, using them, at the same time, to illuminate more positive and empirical investigations of people-making, and of the place that the ‘people’ has in both constitutional and democratic arrangements. In particular, we wish to solicit papers that ask the question of ‘*we, the people*’ with reference to three different debates in which the idea of the ‘people’ plays a significant, though often shadowy, role.

The first area is the one concerned with the ‘authority of democracy’ (Estlund, 2009) and whether the conceptualization of the ‘people’ – as a single collectivity of individuals or as a collection of separate individuals (Ward and Weale, 2010) – makes a difference to the authority and legitimacy of democratic ruling, and whether there are ways in which such different conceptions can be discussed and compared. Indeed, as Philip Pettit has argued, ‘an implicit ontology of the people and of the relation between the people and the state often shapes how we think in normative terms about politics.’ (2005: 157)

The second area of investigation has emerged to the general attention particularly after the dissolution of the Soviet Union and the attempt to create a common constitution for Europe (e.g. Ackerman, 1991, Grimm, 1995, Weiler, 1995, Habermas, 1998, Michelmann, 1998). The constituent power normally refers to the people whereas the constituted power refers to the forms of governmental authority that it brings into being. Yet, what is at stake today is not only the proper constitution of international and transnational law, but the proper

constitution of the people who should have the power to authorize law. As many theorists argue, the primary question here is not whether the people should be conceived of as an *ethnos* or *demos*, but how this entity we call ‘the people’ comes into being in the first place (e.g. Kalyvas, 2005, Bellamy, Castiglione, Shaw, 2006, Lindahl, 2007), and what are the sources of its legitimacy. ‘Constitutional patriotism’ is one of the formulations used to address such a problem.

The third area of research is linked to the political significance of people-making from both internal and international perspectives. The scholarly focus is here on how various groups and individuals appeal to the people as a means of both inclusion and exclusion and therefore how questions of difference, conflict, marginality and the recognition of the other are resolved in a democratic conception of people’s rule (e.g. Lefort, 1988; Rancière, 1999; Honig, 2001; Smith, 2003, Keenan, 2003; Balibar, 2004, Canovan, 2005; Laclau, 2005; Näsström, 2007; Fraser, 2008; Frank, 2009). In addition, there are scholars who question the concept of the people itself, arguing that it is unable to capture the characteristics of a new political landscape. Rather than trying to press the concept of the people onto a reality of unequal and overlapping power structures they suggest that we give up the concept in favour of a more plural understanding of overlapping *dêmoi* (e.g. Weiler, 1995; Bohman, 2007) or a multitude (e.g. Hardt and Negri, 2004).

How to determine the boundaries of the people is one of the most contested issues in contemporary politics. In many countries immigration and emigration has turned the question of the people into a prioritized political concern and in Europe the various member states are involved in a prolonged and controversial process of people-making. To argue that these processes of people-making fall beyond a normative discussion of right seems unsatisfactory. On the contrary, they motivate a closer examination of the normative considerations involved in constituting the people, as well as the reasons for their absence.

Research Questions

This workshop thus invites theoretical and empirical scholars to advance substantive work on the question of the people. The purpose is to address the people as an object rather than source of democratic analysis: How do we distinguish legitimate from illegitimate ways of drawing the boundaries of the people and of people-making? On what basis can such a judgement be made? Why has the question of the people escaped normative analysis? Does the constitution of the people raise different democratic considerations than the constitution of law? If so, what are they and how could they be addressed? We welcome papers that examine

current forms of border- and boundary politics from this perspective. More specifically, we invite papers that draw on the above questions to elucidate and examine a) the concept of the people and its impact on democratic authority, b) its significance for issues such as migration, constitutionalism and global governance, and c) the normative and empirical underpinnings involved in its constitution.

Publication Plans

We propose to collect some of the papers presented at the workshop in an edited volume, and to this purpose we may start approaching publishers as soon as we have assembled a group of contributors and drawn out a plan for workshop. We would aim, in the first place, for the book to be included in the ECPR Routledge series. But we may consider other publishers, if the editors of the series may think that the volume is not suitable for it. We think that the volume will attract an interdisciplinary audience and may appeal to scholars working on primarily in Political Theory and International Political Theory, but also European studies, studies on emigration and nationalism, and political sociology.

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Funding

Funding possibilities will be explored with the British Academy in the UK, EU funding and other sources, particularly for funds that may enable scholars from Central and Eastern European countries to attend the workshop.

In addition, the workshop directors will seek economic support from their own institutions. Participants will be expected to request funding from their home universities.

Biographical notes

Sofia Näsström is assistant professor in political science at Stockholm University. She is author of *The An-Archical State* and articles on the representation, legitimacy and normativity of the people published in Swedish and international journals such as *Political Theory*, *European Journal of Political Theory* and *Political Studies*. She is part of the collaborative research programme *Transdemos* which examines the concept of democracy beyond the nation-state, and co-founder and editor of *Ethics & Global Politics*, a new international open access journal focusing on cross-border politics.

Dario Castiglione is Reader and Associate Professor at the University of Exeter, and held the Visiting Gaetano Mosca Chair at the University of Turin in 2008. He is currently one of the editors of the ECPR Press. His main research interests are in the history of early modern political thought, and in democratic and constitutional theory, with particular application to the European integration process. His recent publications include, as co-author, *Constitutional Politics in the EU* (Palgrave, 2007); and as co-editor, *The Handbook of Social Capital* (OUP, 2008), *The Language Question in Europe and Diverse Societies* (Hart, 2007), *Making European Citizens* (Palgrave, 2006), *The Culture of Toleration in Diverse Societies* (Manchester UP, 2003), and *The History of Political Thought in National Context* (CUP, 2001).

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