The Dark Side of Democracy Popular Sovereignty, Decolonisation and Dictatorship

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Abstract

This paper argues that we must look to the politics of popular sovereignty, and in particular its unfolding in the period after the Second World War, for the origin of the postcolonial condition, its specific vulgarity and temporality. Following Arendt, the paper proposes that as a democratic practice popular sovereignty transforms the 'people' into absolutist subject, one that is necessarily simple, at one with itself and exercising supreme authority over its territory. Where such a people cannot be convened or institutionalised, democracy tends either towards dictatorship or oligarchy or society itself fragments and is at risk of dissolution. This has especially been the case on the African continent where the new states that emerged after independence from European Empires (and from settler-colonialism) were home to multitudes of great and wide heterogeneity, without long histories of living together in common and without, therefore, traditions and institutions of collective decision-making.

Introduction

The democratic invention is undergoing a mutation (Lefort 1989). For the last three hundred years democracy has been construed both as a political regime and as a form of society. This historic unity is coming apart, both in word and in practice. Pierre Rosanvallon calls this the *fait majeur* of our time. That is, the language of political citizenship animates more and more demands for representation and for rights around the world, the democratic ideal has recently seen dictators and tyrants driven from

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power and citizens all over the world are seeking new ways to make their voices heard more regularly than through intermittent elections. At the same time, however, the ideal of a democratic society is decaying (Rosanvallon 2011, 11). "A centuries-old page is turning," writes Rosanvallon, "that of a conception of social justice founded on redistributive mechanisms developed from the end of the 19th Century" (Ibid, 20) (my translation).

What Thomas Picketty and others have shown is that growing inequality in the West is part of a long-term pattern that started in 1980s. In *Capital in the Twentieth Century* Picketty demonstrated that after the 1929 financial crash in the USA inequality in the United States and across the Anglo-Saxon world steadily declined. The portion of national income consumed by the top 1% of the population dropped to around 30% for almost three decades between 1950 and 1980. Then the share of the 1% grew rapidly, reaching more than 50% in 2012 (Picketty 2014, 291 – 303). In 'emerging countries', including South Africa, Argentina, Colombia, Indonesia, India and China, Picketty found a similar pattern. Inequality declined steadily from 1940, before climbing again after 1980 (Ibid, 327). In South Africa the rise in inequality has been especially sharp and the country is now rated as the most unequal in the world (Hillbom, Bolt, de Haas, Tadei 2021, 2). In the Soviet Union in the 1990s and especially in Russia at the time of the transition the top 1% of the population's share of total revenue was only about 5%. By 2015 their income share had risen to 25%. At the same time there was a collapse of the bottom 50% share, which fell from about 30% of total income in the 1980s to less than 10% in the mid-1990s. It gradually rose again to around 18% by 2015 (Novokmet, Piketty and Zucman 2017).

The crisis of inequality speaks of the crisis of government to regulate and tax the rich and to maintain and build a distributional regime that provides basic protections to working people, to the poor and to the middle classes. In Western Europe and North America, the spectre of oligarchy haunts the political scene (Vergara 2020, 2). Across Southern Africa and Eastern Europe and Russia, politicians and business elites have captured state institutions, repurposing them to serve party-political interests or using them as vehicles for primitive accumulation (Chipkin and Swilling 2018). Often, society itself is under threat. There is today a very large literature dealing with this phenomenon, often treating it in terms of 'neoliberalism' or 'globalisation' (Robinson 2014). This paper deals with another aspect of this crisis. It considers the rise of illiberal democracies, oligarchies, authoritarian regimes and dictatorships in relation to the immanent logic of democracy itself, and in particular to the pursuit of popular sovereignty.

The hypothesis that this paper defends is a follows: so many postcolonial states in Africa, Asia and the Middle East quickly became authoritarian

regimes because the principle of popular sovereignty that they pursued and were expected to realise imposed on them an impossible task, either to invent a unitary decision-making authority or face dissolution.

This paper argues that the pursuit of popular sovereignty makes the realisation of democracy subject to an absolutist condition. Popular sovereignty, that is, brings to the pursuit of democracy a tendency towards dictatorship or it risks dissolving the people itself. I call this the dark side of democracy. I consider the expression of this logic in the world of states that emerge after the Second World War, especially in Africa to argue that the movement to authoritarian regimes betrays tensions and contradictions inherent to the realisation of popular democracy itself. In this respect, this paper distances itself from those positions that hold that the fragility of postcolonial regimes lies in some or other African cultural trait or arises primarily from the legacy of the colonial period. I conclude by proposing that democratic renewal lies in the abandonment of sovereignty as a political objective and re-grounding it in the pursuit of justice.

Democracy as Popular Sovereignty

In the work of Chantal Mouffe contemporary democracy is a compromise between two distinct logics or principles that are always in tension. The first is the rule of law (associated with liberalism, individual liberty, and human rights). The second is a principle of 'popular sovereignty' (associated with democratic participation, citizen equality, and majority rule) (Mouffe 2000, 2). Human rights and constitutional rule represent a fundamental limit on sovereignty in a similar way that who is granted citizenship rights and who is not limits democratic participation. This is what Mouffe calls the paradox of democracy. The problem with democracy, however, is more than that there is a tension between different democratic principles. Rather, modern democracy is organised around two non-democratic logics. The first is political and historical. There is no democratic solution to the question of participation because the exercise of sovereign power is caught up in the determination of territories and thus with the definition of borders. Who acquires the status of a citizen is at best discretionary, such that "borders are the *absolutely nondemocratic* [...] *condition of democratic institutions*" (emphasis in the original) (Balibar 2004, 109)? The second is political and conceptual: it is related to the notion of sovereignty and the way that it transforms the popular subject, the 'people', into an absolutist one, the 'people as one'. This paper focuses on this second logic.

The peculiar character of democracy is that it derives from the 'people' – this is one of the basic *problematiques* of the democratic imaginary (Wagner 2013). Hence all political communities that want to be democratic must answer the 'question of the people'. Under what conditions

does the people speak and act, that is, make decisions that structure the political? A paradoxical movement unfolds in Europe from the sixteenth through to the twentieth century (the English civil war, the French Revolution, and the October Revolution), then spreading across the Third World in the period of decolonisation: democratic revolutions overthrew absolutist regimes only to install a new absolutist power as the basis of law and power (Arendt 1990, 161).[1] Arendt advances two arguments to explain this phenomenon.

In the first place, she discusses the 'historical inheritance'; that democratic revolutions encountered absolute monarchies, which had installed in the figure of the absolute a literal person, the Prince. In the colonies the figure of absolutism was the colonial official who exercised an arbitrary and violent power, one that Achille Mbembe designates by the term '*commandement*' (Mbembe 2001, 24-58). Revolutionary movements overthrew this particular person (or persons) but then "erroneously" looked for a substitute in a postcolonial tyrant of their own. Arendt herself is sceptical of such a contingent explanation, though today in the field of development studies the phenomenon of 'isomorphic mimicry' is commonplace[2].

Instead, she offers a transcendental view on democracy's 'tyrannical' tendencies, grounded in a periodisation of absolutism as a phenomenon coterminous with *secularisation*. Mundane authorities established by democratic revolutions did not only call into question the basis of absolute power, they also brought sharply into relief a more fundamental problem: what is the source of law capable of giving it legality. The actual people or multitude was an inadequate foundation of democracy for "the so-called will of a multitude [...] is ever-changing by definition, and that a structure built on its foundation is built on quicksand," says Arendt (Arendt 1990, 163). Her argument is that the 'people' as a law-giving entity is difficult to cohere as an institution, that is, as a set of more or less stable and regular practices. This is why in France during the revolution Sieyes transforms the 'people' as a *pouvoir constituant* into a sublime object, the nation, whose existence as a unified subject capable of acts in its own name, precedes the founding political act. In reality, argues Arendt, what saved the nation-state from immediate collapse was dictatorship (Ibid). Carl Schmitt does not go as far as Arendt in this regard, though he does propose that the

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1   The exception to this situation was the American revolution.

2   Kate Bridges and Michael Woolcock note, for example, that in 2011 half of all World Bank projects, featuring more than $50 billion, focused on institutional reform. So did those of the United Kingdom's Department for International Development (DfID) and the Asian and African Development Banks' portfolios (Bridges and Woolcock 2017, 4). Yet in all cases the results were poor, even harmful. Why? Most of these initiatives were based on merely copying models and practices from elsewhere.

concept of dictatorship (or sovereign dictatorship) is coterminous with the emergence of democracy as popular sovereignty (Schmitt 2014, 96).

It is rare that the authoritarian tendencies in the post-colonial, as well as in the post-communist era, are related to these dangers immanent to democracy *qua* popular sovereignty. Instead, postcolonial studies and now studies in decolonisation tend to explain the character of post-colonial (or post-socialist) societies in terms of the repetition of what came before. Typically, for example, new South African decolonial scholars repudiate the constitutional settlement that formally ushered in the democratic dispensation as anti-black, preserving the racist foundations of the Apartheid state (Modiri 2021, 44). In other cases, the possibility that dictatorship and authoritarianism are a latent force in (popular) democracy itself is excluded by definition. Steven Friedman, for example distinguishes between 'democratic elitism' (a term he takes from Leonardo Avritzer) and popular sovereignty as a system in which "political communities exercise sovereignty" (Friedman 2018, 35). Popular sovereignty is taken as the measure of democracy *per se*, so that authoritarian tendencies can only be understood in terms of its reversal or betrayal. As we have seen, this is not the case.

Friedman's phrase reveals a fundamental misunderstanding, however. On his terms political communities in the plural exercise sovereignty, but this possibility is excluded by the concept, unless the communities in question are sovereign states, which is not what he means. At its most basic sovereignty refers to a right to make the law. It is a form of authority, not a kind of power (Oakshott in Jackson 2007, 14) The sovereign is the lawmaker in the terms of Bodin and Hobbes. This is why sovereignty is necessarily singular. If there are multiple lawmakers in the same territory, then none is supreme. Indeed, this is precisely the (medieval) situation that the concept of sovereignty was intended to overcome. It is also why for Dieter Grimm, who served as justice of the Federal Constitutional Court of Germany, it is legitimate to wonder whether the European Union represents an experiment in post-Sovereignty or even a return to medieval practices (Grimm, p. 108). The singularity of the sovereign is axiomatic for another reason. Sovereignty is a matter of the right to decide; either in the sense of making the law or even, in Carl Schmitt's terms, deciding on the state of exception. This is why Bodin preferred the sovereign as a monarch, who is dependent only on himself to exercise his will. Therein lies the challenge of democracy as popular sovereignty. Can the people decide? Or rather under what conditions can the multitude come together as a people, that is, as a sovereign entity, to make decisions of law and of life and death?

This question has and continues to structure the political life of states since the end of the Eighteenth Century. It remains the question of our time, especially for those of us in would be states.

The Quest for Identity

The States that emerged in the period of decolonisation after the Second World War did so as nations. This set off an existential pursuit to define what was 'African' and to determine, ultimately, who was a citizen and what were the physical limits of the political community. It also set off a quest to give form to this people as a sovereign entity.

In the sixty-six years since the founding of the United Nations the number of member states has grown from the original 51 in 1945 to 193 today. It represents a near fourfold increase in little more than half a century. In contrast, in the period between 1919 and 1946 membership of the League of Nations never exceeded 63 members. The difference between the two periods is partly explained by the different relationships these bodies had to Imperialism and to nationalism respectively. The first, despites its name, sought to re-establish the principle of Imperial sovereignty – a logic of integrating large geographies and multiple peoples in single states. Indeed, the Treaty of Versailles tried to shore up the Imperial system by re-allocating to those that won the war (Britain and France) the territories formerly held by the losers (Germany, the Ottoman Empire). In Lord Acton's terms we might say that the nineteenth and early twentieth century were periods of nations and 'great powers' (Acton 1955, 14).

The United Nations is the expression of a different logic. The principle of popular sovereignty on the basis of nations may have its origin in republican ideals of the French Revolution, yet it is only in the period after the Second World War that this model became the norm. That the world should be organised on the basis of sovereign nation-states animated the vast majority of anti-colonial struggles. European Empires after the Second World War and especially in a short burst during the 1960's shattered into so many new states. In 1956 Morocco, Tunisia and Sudan joined the UN as sovereign states. In 1956 they were accompanied by Ghana and the Federation of Malaya. Then in 1960, 17 new states appeared (Cameroun, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Gabon, Ivory Coast, Malagasy Republic, Mali, Niger, Nigeria, Senegal, Somalia, Togo, Upper Volta). By the end of the 1960's a further 27 countries had become independent – the vast majority of them in Africa, as Britain and France relinquished their colonies and dominions[3].

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3   Mauritania, Mongolia, Sierra Leone, Tanganyika, Algeria, Burundi, Jamaica, Rwanda, Trinidad and Tobago, Uganda, Kenya, Kuwait, Zanzibar, Malawi, Malta, Zambia, The Gambia,

In the 1970's the Portuguese Empire collapsed, throwing up even more new states, including Mozambique and Angola. Then in the 1990's the Soviet Union dissolved. By 1994 there were 185 member states of the UN, up from 166 just three years earlier.

The vast majority of these states had been cut from the fabric of European empires. "The British Empire has, in the course of the last few decades," noted one legal scholar in 1960, "glided quietly and decorously into the 'British Commonwealth of Nations' and the 'British Commonwealth of Nations' has slipped unobtrusively into the 'Commonwealth of Nations' (Schwelb 1960, 164 -165). That this was an untroubled process was a uniquely metropolitan perspective, yet the broader point is unmistakeable. New states invoked the principle of popular sovereignty as the basis of their emergence into the world of States. Briefly consider the constitutional history of Ghana in its first few years. It is paradigmatic.

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

Immediately on coming into government, moves were initiated to abandon the monarchical constitution in favour of a Republican one. There is surprise amongst British legal scholars at the time, not so much with the principle but with the process. All it required was a law adopted by the Ghanaian parliament with a simple majority. Limitations on member states of the 'British Commonwealth' to enact laws in contradiction with British law had already been repealed in 1931 by the Statute of Westminster. "Nevertheless," writes Schwelb, "the Government of Ghana set in motion elaborate machinery for the consultation of the people before Parliament enacted the new Constitution" (Schwelb 1960, 638). It is not so surprising, however, when we understand sovereignty as a creative moment, founding

Maldives Islands, Singapore, Barbados, Botswana, Guyana, Lesotho, Yemen, Equatorial Guinea, Mauritius, Swaziland.

the constituent subject. We will return to this shortly. For the moment let us say that basic law of the State, to have democratic legitimacy, had to be seen to derive from the 'people' itself.

The Ghanaian Constitution of 1960 triggers an existential pursuit. It does so with surprising consequences. "The Government realises," states the White Paper of 1960, "that the present frontiers of Ghana, like so many other frontiers on the African continent, were drawn merely to suit the convenience of the Colonial Powers who divided Africa between them during the last century" (cited in Schwelb 1960: 640). The Preamble to the Constitution itself draws the consequences of this observation. It calls on the people of Ghana to "help to further the development of a Union of African States". Moreover, the constitution specified certain 'fundamental principles', including that:
- "the union of Africa should be striven for by every lawful means and, when attained, should be faithfully preserved"; and
- "that the Independence of Ghana should not be surrendered or diminished on any grounds other than the furtherance, of African unity" (Article 13, cited in Schwelb 1960, 640).

Even more, the constitution looked forward to its own redundancy. "In the confident expectation of an early surrender of sovereignty to a union of African states and territories, the people now confer on Parliament the power to provide for the surrender of the whole or any part of the sovereignty of Ghana" (Article 2, cited in Schwelb 1960, 640). In other words, Ghana as a state could be dissolved by a simple Act of Parliament.

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

It is not just in Africa, however, that the assertion of popular sovereignty triggered a quest for identity. The 1952 Constitution of the Kingdom of Jordan provides in Article 1 that "the Jordanian form part of the Arab nation" (Constitute, 2021). The Syrian Constitution of 1953 states that "the Syrian people form a part of the Arab nation" and goes on to provide that, "the State shall, within, the frame of sovereignty and republican regime,

endeavour to realize the unity of this nation." (Cited in Schwelb 1960, 642). The Egyptian Constitution of 1956 does likewise, declaring that "the Egyptian people are an integral part of the Arab Nation." (Cited in Schwelb 1960, 642). On this basis Syria and Egypt merged to form the short-lived United Arab Republic in 1958. We find similar expressions of Arab nationality in the Constitutions of Iraq, Jordan, Tunisia and even the Kingdom of Morocco. The pursuit of popular sovereignty, however, quickly showed its dark side.

One-Party States

Everywhere you looked, one commentator noted in 1963, and not just in Africa or the Soviet Union or Eastern Europe, but also in Spain and Portugal and even in France under Charles de Gaulle, legislatures were losing power to executives, individual rights were being eroded, labour unions, universities, political groups, and youth organisations were increasingly falling under government supervision and control (Rothschild 1963, 31). Indeed, it was not until the mid-1970s that dictatorships fell in southern Europe–Portugal, Greece, and Spain – in favour of elected civilian governments.

Between January 1956 and the end of 1985 there were sixty successful coups in Africa, that is, an average of two every year (Hutchful cited in Shivji 2003). In 1966 alone there were eight military coups and by 1986, out of some 50 African states, only 18 were under civilian rule (Nyong'o cited by Shivji 2003). Shivji contends that an Imperial power, and the United States in particular, was behind nearly every one of these coups. What is certainly true is that in every case the identity of the people was at stake too.

In Zimbabwe the crisis of democracy begins, paradoxically, after democracy has been 'consolidated' (Diamond 1994). In 1999 the Zimbabwe African National Union – Patriotic Front (ZANU-PF), the ruling party since independence in 1980 lost, not an election, but a referendum on land reform. On its terms land ownership lay at the heart of national sovereignty. In anticipation of a referendum to approve the appropriation of 'white' farms, President Mugabe had declared: "We are now talking about the conquest of conquest, the prevailing sovereignty of the people of Zimbabwe over settler minority rule and all it stood for including the possession of our land. Power to the people must now be followed by land to the people" (cited in Ndlovu-Gatsheni 2008, 15). For ZANU-PF the failure to secure a majority for its land reform plans could mean only one thing, that sovereignty itself was at risk. Zimbabwean democracy turns to dictatorship, that is, to preserve the authority of the people *qua* sovereign.

At least, up until the 1990s the majority of political systems in post-colonial Africa converged around a common political form. Irrespective of the country, the electoral and political system inherited from the colonial

period – whether the Gaullist system where power vested in an executive leadership or the British parliamentary system – had been discarded within ten years of independence (Tordoff 2002, 76, Widner 1994, 55). Instead, *de facto,* and usually *de jure* one party systems were established, and political power was concentrated in the figure of the President.

In 1963 when Ben Bella in Algeria centralized power and introduced a constitution that abolished all political parties except for the *Front National de la Liberation* (FLN), he was following in a path already well trodden Guinea (1958), Congo (1960), Cote d'Ivoire (1961), Tanzania (1963), Malawi (1963) and Kenya (1964). In 1970 the *Mouvement Populaire Révolutionnaire* in the Democratic Republic of Congo was institutionalised as the 'supreme organ of the state' and women, labour and youth organisations lost their independent existence to become branches of the Party. In the 1970s doctrinally Marxist-Leninist parties did the same: the MPLA in Angola, FRELIMO in Mozambique and the PAIGC in Guinea-Bissau.

As early as 1966 Zolberg had noticed two tendencies: towards single-party or single-party dominant systems, on the one hand and towards 'party-states' on the other. No less than 38 countries on the Continent had regimes that tended towards this typology. Most North African and Middle Eastern regimes were one-party states during this period too. No doubt reflecting a mood in certain Africanist circles at the time, some commentators distinguished between the tired authoritarianism of European states and the 'bristling' energy of new African governments (Rothschild 1963, 34).

The transition to single-party regimes occurred in ideologically eclectic regimes, ranging from Modibo Keita's in Mali to Sekou Toure's in Guinea to Julius Nyerere's in Tanzania, to Jomo Kenyattta's in Kenya. As Jennifer Widner notes, Kenya is an especially interesting example because the move to a 'party-state' came as late as 1982 (Widner 1994, 40) – long after initial enthusiasm for 'socialism' had passed and in the period where Soviet and Eastern European regimes looked, frankly, economically, and politically moribund.

What makes this phenomenon more than a fleeting occurrence is that even after the 'third wave' of democratisation in the 1980s and 1990s and the fall of the Soviet Union, seventeen African countries were still regarded as authoritarian in 2011. Moreover, in those places where multi-party systems were introduced the tendency towards one party dominance has been strong (Doorenspleet and Nijzink, p. 6). In general, post-colonial Africa has shown a remarkable proclivity towards one-party regimes, dominant party systems and to Presidential, personal rule.

While this phenomenon is frequently observed it is rarely well explained other than as a repetition of colonial modes of government

(Mbembe 2001). We can better understand the phenomenon of One-Party States if, however, we treat 'self-determination' as a discourse that generates a set of immanent political questions. What are these questions? If we turn to the Charter of the United Nations (UN), affirmed, as we saw above, at the Bandung conference in 1955, we see self-determination related to several other terms. In Chapter One, for example,

- Article 1 of the Charter states, inter alia, that the purpose of the UN is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".
- Article 55 states, inter alia, that the United Nations shall promote "economic and social progress and development" as well as respect for human rights and fundamental freedoms "[w]ith a view to the creation of conditions of stability and well-being ... based on respect for the principle of equal rights and self-determination of peoples".

In the famous Article 76 on decolonization the Charter tells colonial powers that their trusteeship must serve "to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence". In these clauses self-determination is related to 'nations', to 'rights', to peace', to economic and social progress', to 'human rights'. The master concept underlying these articles is given in the first chapter of the Charter, however: "The Organization is based on the principle of the *sovereign equality* of all its members" (UN Charter 1942) (emphasis added).

The centrality of the concept of sovereignty to the principle of self-determination is much clearer in the Atlantic Charter of 1941, which strongly informed the UN Charter signed a few months later. In the Declaration of Principles, President Roosevelt and Prime Minister Churchill stated that they wanted to see 'no territorial changes that do not accord with the freely expressed wishes of the peoples concerned' and that they respected 'the right of all peoples to choose the form of government under which they will live'. They wished to see 'sovereign rights and self-government restored to those who have been forcibly deprived of them' (cited in Thürer and Burri: paragraph 5). This marked a paradoxical conjunction of legal terms. The notion of 'sovereignty' had historically been used in international legal jurisprudence to legitimise colonial domination by distinguishing between civilized states that were sovereign and uncivilized states that were not. International law as European law only applied to sovereign states. In the post Second-World War period and especially during the period of decolonisation in the 1960s and 1970s the notion of self-determination was developed precisely to make it possible, at least from the perspective of interna-

tional law, for colonial territories to become sovereign states (see Anghie 2004, 35).

Historically, it was through the meetings, conferences, and campaigns of the Afro-Asian meetings in Bandung and Cairo in 1955 and 1961 respectively, the formation of the Non-Aligned Movement (NAM) (Belgrade 1961) and the Tri-Continental Conference in Havana that the discourse of sovereignty was mainstreamed in ant-colonial and anti-Imperial political movements. The relationship between Yugoslavia and Africa, notes, Paul Betts, has largely been forgotten. Between 1954 and 1979, however, Marshal Tito visited 16 African countries, travelling to Egypt sixteen times alone (Vučetić and Betts 2017, 20-21). What was at stake in these meetings and exchanges was the emergence of the Third World, not simply as a geographical expression but as what Vijay Prashad calls a "project" (Prashad 2008, 34). The final communiqué of the Bandung Conference, for example, "declared its full support of the principle of *self-determination of peoples* and nations as set forth in the Charter of the United Nations and took note of the United Nations resolutions on the rights of peoples and nations to self-determination, which is a pre-requisite of the full enjoyment of all fundamental Human Rights" (see Afro-Asian Conference, 1955) (emphasis added).

The pursuit of sovereignty imposed an impossible burden, however, on these new states. The very basis of their internal authority and legitimacy appealed to an institution, the people, that existed only as a fiction. What if these multitudes could not come together spontaneously to 'act in concert'? Even when located in a shared national territory, many remained subjects of diverse kingdoms or lived in acephalous societies arbitrarily circumscribed in common States by former colonial powers. They spoke different languages and practiced different religions. Some did not affiliate with the state and even sought their own. In these contexts, sovereignty confronted an existential problem, that society itself did not exist.

Similar questions were confronted by Communist and socialist parties at the end of nineteenth century and in the twentieth century working in the context of European Empires (Russia, Austro-Hungary). Proletarian solidarity was international, yet communists came up against local nationalisms that worked to split the working class (see Lenin, Critical Remarks on the National Question). In Austro-Hungary, prominent social democrats like Otto Bauer confronted the 'national question' where it was unavoidable.

Bauer developed a theory of the 'national character', expressing a shared history based on community of education, work and culture and a territorial principle, a 'common area of habitation' (Bauer cited in Štiks, *Op Cit.,* p. 39). His formulations would be decisive to the history, not just of the region but to developments in the Soviet Union too. In 1913 Stalin was sent to Austro-Hungary to study Bauer's work. His definition of the nation drew

extensively from the latter. Lenin too reconciled himself to nationalism by distinguishing between 'oppressing nations' and 'oppressed nations' – insisting on the right of self-determination for the latter in the context of Imperialism.

These principles found concrete expression in the creation of 'national soviet republics' and triggered ongoing debates about how to reconcile political centralism with territorial autonomy for self-determined nations (Štiks, *Op Cit.,* p. 40). What was at stake in these debates was the relationship between the 'social question' and the 'national question'. That is, what political arrangement was best suited for advancing the interests of the working class, while also accommodating the interests of particular nations and tribes?

In Yugoslavia after World War II the answer to the social/national question was found in the formula, *'federal socialist'*. The 1974 Constitution distinguished between nations (*narodni*), consisting of the Slav nations that made up the Yugoslav people (literally the Southern Slavs) and nationalities (*narodnosti*), consisting of nations that were minorities in Yugoslavia but who had their own states outside, including Albanians, Slovaks, Romanians, and Italians. As Várady notes, these definitions only became significant in the 1990s as the State began to disintegrate (Várady 1997, 10).

What unified the social? Firstly, there was an appeal to a Pan-Slav identity as 'South Slavs' (literally the meaning of Yugoslavia in Serbo-Croatian). Secondly, there was the appeal to socialism. The state was federal in that it accommodated the principle of nations. Yet it was in the personal figure of Tito that popular sovereignty was embodied, which is why after his death Yugoslavia itself tended towards dissolution. To paraphrase Kantorowicz, we might say that Tito had failed to evolve two bodies, that of the *corpus naturale* and the other, *a corpus mysticum*, the social body of the state with its attendant administrative structure (Philpott 2020).

Inequality and Overdetermination

If the heterogeneity of societies has proven a major obstacle to the institutionalisation of the people in former postcolonial societies, such diversity has been overdetermined by inequality. For the people as an institution rests on a foundation of mutual recognition, on the ability 1) to see in another somebody like and equal to oneself (rather than simply an entity of use to oneself) and 2) accepting that the will of the other is authoritative over me as mine is over them[4]. The first is a principle of solidarity and the second is a principle

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4   See the very interesting reconstruction of Hegel's notion of recognition by Heiki Ikäheimo (2014) in "Hegel's concept of recognition – what is it?', Recognition – German Idealism as an Ongoing Challenge (Christian Krijnen editor), Leiden and Boston: Brill.

of trust. It is precisely, however, these values that inequality undermines. Marii Paskov and Caroline Dewilde, defining solidarity as ''willingness to contribute to the welfare of other people' (a decidedly Hegelian definition) find that income inequality increases 'social distance' and raises 'feelings of animosity' in society, eroding identification and a shared sense of fate between people (Paskov and Dewilde 2012, 416). More importantly, social inequality interrupts the prospect of mutual recognition, separating individuals and groups from each other as alien and hostile foreigners. It reduces the prospect of making decisions in common, especially where those with income and capital must make sacrifices for strangers. Inequality, that is, increases the likelihood that the social struggle within and between societies comes to resemble that between masters and slaves. Inequality, that is, makes task of institutionalising the people next to impossible. It thereby increases the prospect of dictatorship.

Democracy without Sovereignty

This paper has explored the tendency towards oligarchy, authoritarianism, and democracy in contemporary politics as the expression of a logic immanent to popular sovereignty. Following Arendt, we have proposed that as a democratic practice popular sovereignty transforms the 'people' into absolutist subject, one that is necessarily simple, at one with itself and exercising supreme authority over its territory. Where such a people cannot be convened or institutionalised, democracy tends either towards dictatorship or oligarchy or society itself fragments and is at risk of dissolution. This has especially been the case on the African continent where the new states that emerged after independence from European Empires (and from settler-colonialism) were home to multitudes of great and wide heterogeneity, without long histories of living together in common and without, therefore, traditions and institutions of collective decision-making. Under these conditions the task of constituting the people as a sovereign people has proved largely impossible other than through violence, repression, and tyranny. We have argued that growing inequality within and between societies further threatens the challenge of institutionalising the people and increases the prospect of authoritarian rule and dictatorship. This is why many Western democracies, most notably the United States, as well as others in Europe come to experience the dark side of democracy. Growing inequality makes it more and more difficult for democratic decision-making to function, reducing the capacity of governments to regulate economic and other processes that deepen inequality.

If this tentative hypothesis is correct, then the history of the unfolding of popular democracy is a major cause of the so-called postcolonial condition, its specific vulgarity and temporality. It will no longer do to reduce

the present to a perverse or absurd repetition of the (colonial) past. From this perspective, furthermore, we can begin to make sense of the pendulum swings (Huffington's waves) between authoritarianism and democracy. They are not the result of the balance of forces between social groups, some progressive and others reactionary. Rather, they are phenomena produced by the immanent logic of democracy itself. That is, the impossibility of institutionalising the people produces social chaos that is resolved through dictatorship (or oligarchy), while the violent and repressive character of dictatorship triggers popular resistance seeking democracy (qua popular sovereignty).

WHERE DOES THIS LEAVE THE DEMOCRATIC INVENTION TODAY?

We need to transcend popular sovereignty and to ground democracy on a new basis. On the political plane, democracy everywhere and in the post-colonial world in particular requires a theory and practice of a democracy post sovereignty. What is at stake is the viability of the political community itself. I will bring this paper to an end with a few tentative suggestions about how this might be possible.

Let us return to Arendt's periodisation of absolutism as coterminous with secularism. Not only does secularism remove the church from political affairs, but it also desacralizes politics altogether. In this regard secularism is, firstly, a metaphysical position which rejects the supernatural in favour of materialism and secondly it is a political doctrine of the separation of church and state.

The problem with this conception is that it exaggerates the distance between religion and secularism. "Monotheism," writes Biale, "dissolves the unity of the world into oppositions: God versus the world, the one versus the many, the sensible versus the intelligible. In this way, the modern dichotomy of "secular" versus "religion" is itself a product of religion" (Biale 2011, 6). In Protestant eschatology the divide between the world and heaven is so great that God had to send his own son to reenchant it. In Catholicism, Judaism and Islam, however, the divide is not so great. The point is that the secular does not denote the absence of the divine, merely a realm from which the divine holds back to allow humans to interact autonomously, to develop their own practices and institutions. Consider the famous story from the Talmud of Rabbi Elizier. In an argument with colleagues, he finds himself in a minority of one. Convinced of the correctness of his position his invokes miracles. The majority is still unimpressed. Eventually he appeals directly to God who, Bharuch hashem, speaks from the heavens to endorse Eliezer's argument. The majority of rabbis are unmoved. Why? Rabbi Joshua, the leader of the majority quotes from Deuteronomy 30:12 that: "It [the Torah] is not in the heavens". The Torah

is now on earth and, so, it is the majority who will decide its meaning. "It is thus the Torah itself, the divine revelation," proposes David Biale, "that both affirms a secular principle ("it is not in the heavens") and teaches majority rule" (Biale 2011, 7).

If the secular domain is itself enchanted then from democracy's perspective it is no longer necessary to find in the origins of the law an absolute, whether of a prince or of the people. We can say that the basis of the supreme law, the constitution, is in the universal. What distinguishes the modern from the medieval is not the desacralisation of the political *per se*; it is a matter of who interprets the law. What secularism does is displace religious authorities as the arbiters of the universal. In the secular age, that is, it is the people that are the guardians and interpreters of the law. The people do not make the law *strictu sensu*, they produce regulations and laws to fulfil it. The political comes together whenever and wherever the multitude institutionalises itself as a people, so that democracy's historical form is not given necessarily in states or nation-states, but is genuinely open: republics, federations, leagues, city states, communes, soviets and their various combinations.

References

Acton, John. 1955. Nationality: Essays on Freedom and Power. New York: World Publishing Company.

Afro-Asian Conference. 1955. Final Communiqué, 24 April, https://issafrica.s3.amazonaws.com/site/uploads/BANDUNG55.PDF (accessed 16 March 2022).

Anghie, Antony. 2004. Imperialism, Sovereignty, and the Making of International Law. Cambridge: Cambridge University Press.

Arendt, Hannah. 1990. On Revolution. London: Penguin Books.

Balibar, Etienne. 2004. We, the People of Europe? Reflections on Transnational Citizenship. Princeton and Oxford: Princeton University Press.

Biale, David. 2011. Not in the Heavens: The Tradition of Jewish Secular Thought. Princeton: Princeton University Press.

Bridges, Kate & Woolcock, Michael. 2017. How (Not) to Fix Problems That Matter: Assessing and Responding to Malawi's History of Institutional Reform. Policy Research Working Paper 8289. Washington: The World Bank Group.

Chipkin, Ivor & Swilling, Mark. 2018. Shadow State: the Politics of State Capture. Johannesburg: Wits University Press.

Constitute. 2021. Jordan's Constitution of 1952 with Amendments through 2011, Constitute, respository of the Comparative Constitutions Project, constitute-project.org (accessed 09 February 2022).

Doorenspleet, Rense and Nijzink, Lia (eds.). 2013. *One-Party Dominance in African Democracies*. Boulder, CO : Lynne RiennerPublishers.

Friedman, Steven. 2018. Power in Action: Democracy, Citizenship and Social Justice. Johannesburg: Wits University Press.

Grimm, Dieter. 2015. Sovereignty: The Origin and Future of a Political and Legal Concept (translated by Belinda Cooper). New York: Columbia University Press.

Hardoon, Deborah. 2017. An economy for the 99 percent: It's time to build a human economy that benefits everyone, not just the privileged few. Oxfam.

Hillbom, Ellen & Bolt, Jutta & de Hass, Michiel & Tadei, Federico. 2021. "Measuring historical inequalities in Africa: what can we learn from social tables?", African Economic History Working Paper Series, No. 63.

Jackson, Robert. 2007. Sovereignty. Cambridge: Polity Press.

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

Lenin, Validimir Il'ich. 1971. Critical remarks on the national question: The right of nations to self-determination (Scientific socialism series). Moscow: Progress Publishers.

Mbembe, Achille. 2001. On the Postcolony. University of California Press.

Modiri, Joel. 2021. "Azanian Political Thought and the Undoing of South African Knowledges". Theoria, Vol 68(3), Issue 68: 42-85.

Mouffe, Chantal. 2000. The Democratic Paradox, London & New York: Verso.

Ndlovu-Gatsheni, Sabelo. 2008. Nativism and the Debate on African Public Sphere in Postcolonial Africa: Reflections on a Problematic 'Reverse-Discourse. Ferguson Centre for African and Asian Studies & Open University.

Neuberger, Benjamin. 1971, "Classless Society and One-Party State Ideology". African Studies Review, Vol. 14(2): 287-292.

New York Times. 1960. "3 African Nations Proclaim a Union; Guinea, Ghana and Mali will push 'Common Economic and Monetary Policy", 25 December.

Novokmet, Filip & Piketty, Thomas & Zucman, Gabriel. 2017. From Soviets to oligarchs: Inequality and property in Russia, 1905-2016. Centre for Economic Policy Research, https://voxeu.org/article/inequality-and-property-russia-1905-2016 (accessed 09 February 2022).

Paskov, Marii & Dewilde, Caroline. 2012. "Income Inequality and solidarity in Europe". Research in Social Stratification and Mobility, Vol. 30(4): 415-432.

Philpott, Daniel. 2020. "Sovereignty", in ED Edward N. Zalta. *The Stanford Encyclopaedia of Philosophy:* https://plato.stanford.edu/archives/fall2020/entries/sovereignty/(accessed 06 February).

Picketty, Thomas. 2017. Capital in the Twenty-First Century. Belknap Press.

Pithouse, Richard. 2017. *Manichean Delirium (In the time of Jacob Zuma)*, presented at the Wits Institute for Social and Economic Research (WISER), University of the Witwatersrand.

Prashad, Vijay. 2008. The Darker Nations: A People's History of the Third World. The New Press.

Robinson, William. 2014. Global Capitalism and the Crisis of Humanity. New York: Cambridge University Press.

Rosanvallon, Pierre. 2011. La société des égaux. Paris: Éditions du Seuil.

Rothchild, Donald. 1963. "Progress and the One-Party State". Transition, No. 10: 31-34.

Schmitt, Carl. 2014, Dictatorship. Cambridge: Polity Press.

Schwelb, Egon. 1960. "The Republican Constitution of Ghana". The American Journal of Comparative Law, Vol. 9(4): 634-656.

Shivji, Issa. 2003. The Struggle for Democracy. Dar es Salaam: University of Dar es Salaam. Available at http://www.marxists.org/subject/africa/shivji/struggle-democracy.htm. Accessed the 20/12/2013.

Štiks, I 2015, *Nations and citizens in yugoslavia and the post-yugoslav states: one hundred years of citizenship,* Bloomsbury Publishing, London.

Thürer, Daniel and Burri, Thomas, 2008, 'Self-Determination' in *Max Planck Encyclopedia of Public International Law* (ed. RüdigerWolfrum), http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e873#, accessed 13 October 2017.

Tordoff, William. 2002. Government and Politics in Africa. New York: Palgrave Macmillan.

United Nations. 1942. Charter of the United Nations, http://legal.un.org/repertory/art1.shtml, accessed the 13 October 2017.

Várady, Tibor. 1997. "Majorities, Law and Ethnicity: Reflections of the Yugoslav Case". Human Rights Quarterly, Vol. 19(1): 9 -54.

Vergara, Camila. 2020. Systemic Corruption: constitutional ideas for an anti-oligarchic republic. Oxford and Princeton: Princeton University Press.

Vučetić, Radina & Betts, Paul. 2017. Tito in Africa. Picturing Solidarity. Belgrade: Museum of Yugoslavia.

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

Widner, Jennifer. 1994. "Political Reform in Anglophone and Francophone Africa" in ED. Jennifer Widner. Economic Change and Political Liberalization in Sub-Saharan Africa. Baltimore & London: The John Hopkins University Press. 49-79.