

Rethinking representation as delegation in the framework of communalist direct democracy

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Introduction

The political philosophy of Murray Bookchin's communalism asks anew two correlated questions: what should be the main political unit for a people to govern itself, and how should public power be exercised? It answers by advocating for the municipality, or the commune, to be the political unit to realize direct democracy, since it is the only place where the people can gather, deliberate and directly take decisions together on a face-to-face basis, rather than having recourse to representatives to exercise public power¹. To decide on issues going beyond the scope of the municipality, these self-governed municipalities would organize in confederations, where each assembly would send delegates with imperative and recallable mandates to administer the policies formulated by them. Communalism thereby rejects both the political unit of the nation-state and the model of representative democracy – in the sense of a government of professional politicians –, which together constitute the paradigm around which our modern polity is structured.

In this chapter, I develop the main concepts of the theory of direct democracy proposed by communalism, that I call *communist direct democracy*, and defined as the direct exercise of every aspect of public power regarding the community as a whole by the continuously assembled people at the municipal level on a face-to-face basis and, when the people can no longer be physically assembled, the direct representation of the popular assembly's decision by delegates endowed with recallable and imperative mandates. As such, to enable decision-making across assemblies, delegates would endorse a task of representation, in the generic definition of Hanna Pitkin of "making present that which is absent"², since they make present the will of the absent popular assembly at the confederal level through an imperative mandate. However, as it presupposes to give an "institutional role to the assembled people", this conception of representation is radically different than the one of representative government³. Moreover, since it also differs from other theories of representation, such as constructivist conceptions of representation⁴, gyroscopic representation⁵ or non-electoral representation⁶ to name a few, a communist account of representation has not yet been fleshed out. This chapter undertakes the task to rethink what representation could mean in a communist framework.

First, I elaborate how the people could directly exercise power at the municipal level through popular assemblies. Second, as the people cannot always be assembled for supra-local

¹ See Murray BOOKCHIN, *The Next Revolution. Popular Assemblies and the Promise of Direct Democracy*, London and New York, Verso, 2015.

² Hanna F. PITKIN, *The Concept of Representation*, Berkeley and Los Angeles, University of California Press, 1967, pp. 8-9.

³ Bernard MANIN, *Principes du gouvernement représentatif*, Paris, Flammarion, 1996, p. 19.

⁴ Lisa DISCH, Mathijs VAN DE SANDE and Nadia URBINATI (eds), *The Constructivist Turn in Political Representation*, Edinburgh, Edinburgh University Press, 2019.

⁵ Jane MANSBRIDGE, "Rethinking Representation", *American Political Science Review*, 97 (4), 2003, pp. 515-528.

⁶ See among others Hélène LANDEMORE, *Open Democracy. Reinventing Popular Rule for the Twenty-First Century*, Princeton and Oxford, Princeton University Press, 2020.

decisions, I explore the kind of representation entailed by communalism, and propose the concept of *direct representation* to understand the relationship between popular assemblies and delegates in charge of making popular will present at the confederal level. Third, I develop the mechanisms by which such direct representation can occur. Lastly, I explore an objection to the viability of communalist direct democracy, that of the tension between delegation through imperative mandates and decision-making across assemblies, and propose solutions to ease this tension.

The people continuously assembled

This section offers an account of how the continuously assembled people could exercise public power. When accounting for the principles of representative government, Bernard Manin starts by stating that “representative government does not grant any institutional role to the assembled people”⁷. What contrasts communalist direct democracy from representative democracy is precisely that the former gives an institutional role to the assembled people⁸. Since communalism considers the municipality as the main political unit, the continuous assembly of the people could be realized by institutionalising *popular assemblies* at the municipal level, open to all the residents of that area. Indeed, Bookchin points out that “the modern municipality is infused with many statist features”, which requires to refuse “the municipality as it is today”⁹ and to replace its representative institutions by institutions of the assembled people. These assemblies would be “large general meetings in which all the citizens of a given area meet, deliberate, and make decisions on matters of common concern”¹⁰. As communalism does not give a blueprint theory that should be universally applied, the purpose of this section is to give the reader an idea of how the people could be continuously assembled, by briefly sketching the three main functions of these assemblies – meeting, deliberating, deciding¹¹. While these functions are all essential to the definition of communalist direct democracy, the design of the rules that will allow them to be carried out by popular assemblies should be left to the assemblies themselves.

Meeting in a public space that can gather all residents, be it city hall or a community centre, an auditorium, a park, a square, a theatre, a courtyard, a church¹², allows for people to see their neighbours, discuss with them about the life of the community and share their needs and desires for them and the community. These regular interactions between residents of the same geographical space would create a sense of shared fate that would not be based on the abstract belonging to a nation, but on the concrete necessity to manage their communal affairs together. The idea of continuously assemble the people rests on a fundamental premise: that human

⁷ MANIN, *Principes du gouvernement représentatif*, p. 19 (my translation).

⁸ Traditional instances of direct democracy like referenda do not give an institutionalized role to the *assembled* people, but to individuals isolated in the voting booth.

⁹ BOOKCHIN, *The Next Revolution*, p. 17.

¹⁰ Janet BIEHL, *The Politics of Social Ecology. Libertarian Municipalism* (with Murray BOOKCHIN), Montréal, Black Rose Books, 1998, p. 57.

¹¹ This institutional frame has been initially developed in Sixtine VAN OUTRYVE, “Rethinking the law of democracy in times of ecological crisis: the proposition of communalist direct democracy”, *Annales de droit*, 2022/1, Larcier/Bruylant, pp. 49-66; « La dimension politique de la transition écologique: la proposition de la démocratie directe communaliste », in *L'Etat partenaire. Transition écologique et sociale et l'innovation citoyenne* (edited by Olivier DE SCHUTTER and Tom DEDEURWAERDERE), Louvain-la-Neuve, Presses Universitaires de Louvain, 2022, pp. 73-98).

¹² BIEHL, *The Politics of Social Ecology*, p. 57.

beings are political animals. From that fact stems the one that politics should be the everyday activity of people, if not even “a way of living”¹³.

Deliberating will allow individuals to form their opinions on the required course of action by exchanging arguments with their neighbour through face-to-face interactions. The communalist understanding of democratic legitimacy follows that of deliberative democracy, that is, “a theory of political legitimacy according to which laws and policies are legitimate only to the extent that they are the result of a deliberation among free and equals”¹⁴. However, while theories of deliberative democracy have traditionally been developed within the paradigm of representative democracy, it need not be the case¹⁵. Provided that deliberations include all citizens, which was “widely assumed to be impossible on the scale of the modern nation-state”¹⁶, but is now rendered possible by the political unit of communalist direct democracy that is the municipality, there is no reason why the ideal of deliberative democracy would not be realized at this scale. It needs to be specified here that the definition of what constitutes a municipality depends on historical, geographical, demographic, cultural, political, social, religious and economic conditions, and must therefore be left to each municipality, in constant negotiation with the other municipalities within the same confederation. In order to enable face-to-face deliberation, the delimitation of each municipality should also lead to assemblies of up to 1,000 to 1,500 people¹⁷. As a comparison, the Athenian ecclesia could gather up to 6,000 people¹⁸.

As opposed to deliberative theories of democracy, *decision-making* is the core aspect of communalist direct democracy, which is that public power is collectively exercised by the assembly having the final say on the course of action the commune should follow. This locus of decision-making is what differentiates communalism from participatory and deliberative theories, which generally do not grant the power to decide on all aspects of public affairs to participatory organs, among the rare cases when they have substantial decision-making power. That is why agenda-setting should also be under the control of the popular assembly itself¹⁹, as it is a crucial component of the decision-making power of the assembly. As H  l  ne Landemore writes, democracy does not consist only in having “the final say on some specific issues”, but also the first²⁰.

Importantly, proponents of communalism follow Bookchin in his defence of majority-voting as it enables minority to organise and be visible. Moreover, not only is it an effective way to make decisions, but it is also what drives a community’s political consciousness to evolve: should the views of the minority be abridged, it “would deny society the sources of creativity and developmental advances”²¹. As such, dissent is both an irreducible but also necessary element of the public sphere, and should be encouraged by securing to minorities a visible space to articulate and advocate for their visions. Aiming at consensus “resolves the problem of dissent essentially by removing the dissenter from the political sphere and eliminating the

¹³ BARBER, *Strong Democracy*, p. 117.

¹⁴ LANDEMORE, *Open Democracy*, p. 6.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ See Benjamin BARBER, *Strong Democracy. Participatory Politics for a New Age*, Berkeley, University of California Press, 1984.

¹⁸ No  mie VILLAC  QUE, « Chahut et d  lib  ration. De la souverainet   populaire dans l’Ath  nes classique », *Participations*, 3 (2), 2012, pp. 49-69, p. 52.

¹⁹ BIEHL, *The Politics of Social Ecology*, p. 58.

²⁰ LANDEMORE, *Open Democracy*, p. 14.

²¹ BOOKCHIN, *Next Revolution*, p. 25.

dissenting view from the forum of ideas”²². The principle of majority-voting should nevertheless not prevent any assembly from planning for qualified majority in certain instances. Moreover, some communities might prefer to decide through consensus for political, historical or cultural reasons. This should not be considered as going against communalist direct democracy as long as each community takes a decision when needed by the confederation and set up mechanisms in place to protect minority views.

While these three functions enable the assembly to endorse a task of policy-making, they do not account for how these policies are administered. In his theory, Bookchin establishes a distinction between *policy-making* – the political decisions regarding the course of action a municipality should follow – formulated by the communal popular assembly, and *administration* of these decisions – the coordination and execution of these decisions (both at the municipal and the confederal level) – carried out by delegates with recallable and imperative mandates, under close supervision of the popular assembly²³. It is to the institutions enabling the administration of the assembled people’s decisions that I now turn.

The people *directly* represented

This section develops a communalist account of the representation of the assembled people²⁴. Since the scale of the municipality allows all its residents to meet, deliberate and decide on a face-to-face basis, communalist direct democracy enables the people to be the effective author of the rules governing them. However, against political propositions of localism leading to parochialism²⁵, communalism defends the idea that “the commune is not intended to remain localised on a restricted territory”²⁶. To respect the communalist principles that all policy-making power should be vested in the assembled people, popular assemblies at the confederal level would therefore seem the only way to go. However, as rightly defended by representative democracy proponents thinking in the paradigm of the nation-state, it is not possible to continuously assemble the people at the confederal level: “no room would hold all”²⁷. Communalist direct democracy therefore supposes to administer the self-governing municipalities at the basis of the political life through a confederal model, defined as “the interlining of communities with one another through recallable deputies mandated by municipal citizens’ assemblies and whose sole functions are coordinative and administrative”²⁸. As such, it defends the idea that it is not necessary for the people to be continuously assembled at the confederal level for it to take decisions on matters going beyond the local, and that it can delegate these tasks to members of the assembly. If the basic principle of political life remains the continuous assembly of people to exercise public power, representation is indeed needed when the people can no longer be “present”. However, to prevent the individuals in charge of administering and coordinating decisions from using their representative status to form a class of political elite, it is necessary to develop a conception of representation radically different

²² BIEHL, *The Politics of Social Ecology*, pp. 59-61.

²³ Ibid., pp. 75-77, 88-89.

²⁴ I develop this account, and its mechanisms, by expanding on earlier writings (“Rethinking the law of democracy in times of ecological crisis” and « La dimension politique de la transition écologique »).

²⁵ Bookchin, *The Next Revolution*, pp. 71-74.

²⁶ Jonathan DURAND FOLCO, *A nous la ville ! Traité de municipalisme*, Québec, Ecosociété, 2017, p. 109.

²⁷ Arendt, *On Revolution*, London, Penguin Books, 1963, p. 241.

²⁸ Bookchin, *The Next Revolution*, p. 77.

from the one entailed by representative government, one that could enable the people to be “directly represented”²⁹.

To understand how the delegation of power proposed by communalist direct democracy differs from classical understandings of representation, one must first define representation. In her book *The Concept of Representation*, Hannah Pitkin has undertaken to understand what was generically covered with the term “representation” by explaining its different meanings in various contexts. She came up with this well-known definition: “representation, taken generally, means the making present in some sense of something which is nevertheless not present literally or in fact”³⁰. With such a definition of representation, the relationship of delegation entailed by communalism is not to be opposed to a representative one. Indeed, insofar as the delegates of a popular assemblies makes present something that is absent (namely, the will of the assembly) at the confederal level, their role could qualify as one of representation. However, the concept of representation covers many different theories and realities, some of which are radically opposed to the core principles of communalism. These principles are the attribution of policy-making activity to the assembled people, the abolition of a class of professional politicians and the understanding of politics as the everyday activity of all. I will construct a communalist account of representation by explaining how it relates substantial views of representation, namely where it locates in the independence/mandate controversy. Contrary to formalistic accounts of representation which does not “tell us anything about what goes on during representation”, this debate enables to touch on the substance, that is, on “the activity of representing”³¹.

The different positions in the controversy on whether a representative should be independent or mandated will consist in opposite answers to this question: “Should (must) a representative do what his constituents want, and be bound by mandates or instructions from them; or should (must) he be free to act as seems best to him in pursuit of their welfare?”³². To the second part of this question, the champions of independence will answer positively. This vision of representatives as free to exercise their judgment during their action of representation has been articulated and defended by Edmund Burke. He conceives political representation as “the representation of interest”, where such an interest has an objective, impersonal, unattached reality”³³. Since the interest of the constituency is “rationally discoverable”, and cannot be found on the basis of the expression of its will, because it is dependent on opinions that are “often wrong”, “the representative may have to pursue the interest of his constituency even against their will”³⁴. Pitkin captures the core of the Burkean view of the task of the representative as follows: “For ‘the will of the many and their interest must very often differ’; and the representative owes the people ‘devotion to their interest’ rather than ‘submission to their will.’”³⁵. Viewing politics in terms of knowledge leads to leaving it in the hands of those

²⁹ I do not explore how the assembly could symbolically stand for the people as a whole, as it can be safely assumed that, for a variety of reasons, and provided that material conditions for attendance are guaranteed (free time from (re)productive work, time left for leisure, mobility...), not everybody will *always* attend *every* assembly. While it would be interesting to inform how participants in the popular assembly could represent the absentees, and especially based on empirical findings, the relationship of representation under normative scrutiny here is that of how *already* constructed views by the popular assembly can be represented at another level.

³⁰ PITKIN, *The Concept of Representation*, pp. 8-9.

³¹ *Ibid.*, pp. 58-59.

³² PITKIN, *The Concept of Representation*, p. 145.

³³ *Ibid.*, p. 168 and 174.

³⁴ *Ibid.*, p. 176.

³⁵ *Ibid.*

more “knowledgeable”. Independence theorists often consider a representative as a trustee, to the extent that a trustee is more competent to act than the beneficiaries and should therefore act on their behalf³⁶. As rightly pointed out by Jane Mansbridge³⁷, the Burkean trustee “implies a hierarchy in which the representative has more wisdom, intelligence, or prudence than the voter”³⁸. As such, independence theorists consider “political questions as difficult and complex, beyond the capacities of ordinary men”³⁹, considering representatives as a class of ruler superior to the ruled⁴⁰.

At the other side of the spectrum of the independence-mandate controversy lies the mandated understanding of representation, usually understood as delegation. Pitkin traces back the etymology of “delegate” to the Latin word “*legare*”, meaning “to send with a commission”. Generically, delegation denotes “the notion of being sent from one place or another on orders, or in an official capacity, by a superior”⁴¹. In the specific framework of political representation, this concept implies “that the representative is sent from his locality to the central government” “with explicit instructions, or to do a particular thing” in their name⁴². Mandate theorists therefore consider that “true representation occurs only when the representative acts on explicit instructions from his constituents, that any exercise of discretion is a deviation from this ideal”⁴³. The representative is therefore seen “as a ‘mere’ agent, a servant, a delegate, a subordinate substitute for those who sent him”, entrusted by the constituents to respect their already formed will and to carry out a task that they are capable to do themselves⁴⁴. Far from the Burkean trustee, the delegate is only a “mechanical device through which his constituent acts – a mirror or megaphone”⁴⁵. In this sense, Rousseau sees representation as a “principal-agent delegation” in which the delegate does not have “any role in forming the political will of the people”⁴⁶.

In this debate, the communalist understanding of representation undoubtedly sides with the mandate camp. Communalist direct democracy relies on a conception of the delegate as being specifically instructed by the popular assembly to carry out, when it is absent, the already made will of the assembly. As such, it leaves all agency for policy-making on the side of the constituency, none on the representative. The institution of the popular assembly where the people meets, deliberates and decides dismisses the underlying assumption of independence theorists. While they defend their position with the seemingly inevitable fact that “a constituency is not a single unit with a ready-made will or opinion on every topic; a

³⁶ Ibid., p. 128.

³⁷ In line with the trustee view, Mansbridge develops the concept of gyroscopic representative, who is self-reliant on their own judgment and whose selection is more important than the sanctions for their actions (“Clarifying the Concept of Representation”, *American Political Science Review*, 105 (3), August 2011, pp. 621-630 (pp. 621-625)).

³⁸ MANSBRIDGE, “Clarifying the Concept of Representation”, p. 623.

³⁹ PITKIN, *The Concept of Representation*, p. 147.

⁴⁰ In his “pure theory of the aristocratic character of election”, Manin defends that the system of elections is intrinsically unequal, leading to the selection of a governing body that would inevitably be superior to its electors, or at least perceived as such since individuals are elected for characteristics that *distinguish* them from other candidates (MANIN, *Principes du Gouvernement Représentatif*, pp. 174-191).

⁴¹ PITKIN, *The Concept of Representation*, p. 134.

⁴² Ibid., pp. 133-134. This understanding implies both that the body sending the delegate is an organized one, and is recognized as such, and that the delegate is subordinate to those who sent him.

⁴³ Ibid., p. 146.

⁴⁴ Ibid.

⁴⁵ Ibid., p. 147.

⁴⁶ Nadia URBINATI and Mark WARREN, « The Concept of Representation in Contemporary Democratic Theory », *Annual Review of Political Science*, 11, 2008, pp. 387-412, p. 391.

representative cannot simply reflect what is not there to be reflected”⁴⁷, communalists instead propose a model that allows the people to collectively form its opinion on all topics at the level of the commune.

As such, communalist representation does not leave agency on the part of the delegates to decide for their constituent, as giving agency to the representatives is precisely what could lead to the formation of a political elite separate from the assembly. The delegates are part of the assembly, and they act individually only to the extent that they carry out the function of making the assembly’s will present when it is absent. Even though it is then clear that delegates in communalist direct democracy are not independent, but mandated, what is it exactly that delegate *do* when they are mandated with specific instructions by the popular assembly to act on its behalf? Conceiving the activity of representing in the case of delegation as one of “acting for” the constituents, of doing what they would have done, begs at least one question to mandate theorists, to which communalism brings a specific answer.

If delegates do not have any agency, can we still speak of representation as an activity? Indeed, such a conception of the task of a delegate would imply that the activity of representing is not really one anymore, since “activity implies a certain minimum of autonomy, of animation”⁴⁸. But even if it is clear that delegates have no agency to decide, they will still carry out a certain activity pertaining to the deliberation. Making present the decision of the assembly to others, which supposes to explain the context of this decision, the reasons why the assembly took it, the arguments exposed, and to dialogue with those of others, certainly is constitutive of a certain activity. Such an activity consists in the exchange of arguments and information of delegates with other delegates about the will of their respective assembly. I will come back in the last section on how to combine delegates’ lack of agency for decision-making at the confederal level, with the need of coordination of these decisions, which could suppose a certain agency in deliberation.

To understand the specificity of the activity of delegation in communalist direct democracy, let us consider the various understandings of the activity of representation as a spectrum⁴⁹. The cursor that allows to determine the position of a concept of representation on this spectrum is the agency of the representative in the making present of that which is absent – the people’s will. At one side lies the representative as fully independent, autonomous, able to use their own judgment to determine what could be the will of their constituents on political issues, even though they have not formed it. That is the side of the *indirect representation*, since the people’s will is made present indirectly, through the judgment of the representative of what it could be, leaving them the *de facto* power to make the political choice on a given issue. At the other side stands the mandated delegate, acting as their constituents would have wanted if they could have been physically there. However, the delegate knows exactly what these constituents would have wanted as they have already collectively formed their will in a popular assembly on the political question – this contrast from constructivists’ constructivist conceptions of representation focusing on how representatives build the claims of the represented⁵⁰. This side is that of *direct representation*, since the people’s will is already formed and formulated, and simply has to be

⁴⁷ PITKIN, *The Concept of Representation*, p. 147. In this sense, see Andrew REHFELD, “Representation Rethought: On Trustees, Delegates, and Gyroscopes in the Study of Political Representation and Democracy”, *American Political Science Review*, 103(2), 2009, p. 214-230 (p. 214).

⁴⁸ PITKIN, *The Concept of Representation*, p. 152.

⁴⁹ I am indebted to David Grewal for this image.

⁵⁰ See among many other writings, Michael SAWARD, *The Representative Claim*, Oxford, OUP, 2010; DISCH, VAN DE SANDE and URBINATI (eds.), *The Constructivist Turn in Political Representation*.

made present directly by the delegate, with no further judgment, when the people is absent. Even though delegates do not exercise judgment in their activity of representation, it is important to specify here that I agree with constructivists that the task of representation, even if it is a “direct” one, necessarily entails some form of articulation, interpretation and translation. The way the delegate voices the assembly’s will inevitably affects how it is being perceived⁵¹. Though neutral transference does not exist, the constant supervision of the assembly should nevertheless prevent that this irreducible “human margin of presentation and interpretation” does not grant agency to decide on the delegate’s part either.

This allows us to further clarify what form of representation is required in a communalist direct democracy: *delegate represent the popular assembly insofar as they make present the already-formed will of the people in the cases when it can no longer be assembled*. In this sense, the delegation entailed by communalism can still be understood as representation under Pitkin’s generic definition of making present that which is absent, one that I will also call *direct representation*, as the decision of the assembly is directly made present by the delegate.

How to directly represent the people?

Now that the notion of delegation supposed by communalism has been clarified as a form of direct representation of the already formed will of the people, it is necessary to elaborate the mechanisms through which such direct representation can occur. I will take the generic case when political decisions have to be taken amongst the assemblies of a given area. Typically, the neighbourhood assemblies of this area could coordinate through a confederal council composed of delegates of each popular assemblies. In order to guarantee that these delegates accurately depict the position taken by the assembly, communalism proposes to use the mechanisms of imperative mandates, of recall, and of rotation⁵². These mechanisms oriented towards the de-personalization of power all aim at realizing the fourth function of the assembly: that of *checking delegates* to ensure they respect the will of the assembly. I will now give a very general description of these devices, though I will not enter into the details about what their exact contour could be, or have been throughout history, since they should in any case be created and adapted by the communities using them.

The device of *imperative mandate* can be understood as a mechanism in which “the delegate operates under a fiduciary contract that allows the principal (the citizens) to temporarily grant an agent their power to take specified actions but does not delegate the will to make decisions, which is retained by the principal”⁵³. An imperative mandate would be produced by the popular assembly *before* the direct representation takes place at the confederal council, and typically consist in written instructions on the exact position that the delegate will take on a given issue that is on the agenda of the confederal council. The principle of imperative mandate supposes that its author – the popular assembly – will, after it has been carried out, check that the terms

⁵¹ See Chantal MOUFFE, *Agonistics: Thinking the World Politically*, New York and London, Verso, 2013, p. 126.

⁵² Interestingly, it does not say much on the selection of the delegates, since they should not have any agency in decision-making in any case. This leaves the door open for several modes of selection: through elections, elections without candidates, by lot... Moreover, attention should be paid to the class, race and gender to which the delegate belongs, according to the specific balance of power at hand. In Rojava, a society based on communalist principals (called *democratic confederalism*), where women’s liberation is considered as crucial for democratic autonomy, all delegates are always co-delegates: a woman and man. The principle of co-delegate is also interesting because it allows for mutual checking, in addition to the checking of the assembly.

⁵³ URBINATI and WARREN, “The Concept of Representation in Contemporary Democratic Theory”, p. 391.

of the mandate have been respected. If it has not, the assembly can have recourse to another device, the one of recall.

Recall is a mechanism allowing to hold delegates accountable, which would happen after the direct representation took place. As such, it rests on the principle of accountability, which is a device to induce “a certain kind of behavior on the part of the representative”, “to make him act in a certain way”⁵⁴, through the threat of sanction. The right of the assembly to recall delegates can be defined as “the right to deprive them of their office and choose replacements for them”⁵⁵. Delegates of the assembly are entrusted with a certain function, and they can be removed from office if they do not fulfil the function for which they have been first chosen. As such, they are authorized to represent the assembly insofar as they respect the terms and limits of their imperative mandate. Any step out of the mandate could lead to their recall. This requires of the assembly to constantly monitor and retroactively assess the performance of their delegates, that is, whether their delegate have properly voiced its position, defended its interests, or voted in line with its stated preferences. Indeed, since the task of representation, albeit one of direct representation, inevitably requires some form of articulation on the part of delegates when they make present the assembly’s will, this moment of accountability enables the assembly to evaluate whether the delegates have respected their mandates within this inescapable “margin of articulation”. As such, when the assembly will undertake the task of checking its delegates – that is, of holding them accountable – it will most likely enter into interpretative debates, even conflicts, about whether or not delegates have indeed respected their mandates when re-articulating its terms.

The principle of *rotation* is a mechanism that “ensures that power be made to circulate and not stay with any subset of the polity for longer than strictly necessary” and, as such, can prevent “the creation of a separate class of rulers”⁵⁶. Since people will not benefit for long from the power granted by their position (information, relationships or authority), they will not be able to consolidate the potential influence that they could have on the assembly thanks to a given function. The rotation of power guarantees that people do not exercise power as individuals but as part of the collective, even though they have occasionally the specific task of directly representing the will of the assembly. Moreover, rotation has also educative virtues, as it allows everybody to be the spokesperson of the will of the assembly, and learn the difficulties attached to the coordination of this will with the wills of others.

As such, a communalist direct democracy would resort to delegates, or “direct representatives”, with a very limited authority (principle of imperative mandate), for a limited amount of time (principle of rotation), and without stripping the represented from their political agency to form their will (principle of recall). However, while these mechanisms ensure that the assembly retains decision-making power, they do not exactly enable delegates to lead their tasks of coordinating the assembly’s will with that of other assemblies. Indeed, besides the inevitable rearticulation of the terms of the imperative mandate, delegates will, at some point, also need to go beyond these terms to negotiate a decision across assemblies.

Navigating the tension between strict delegation and decision-making amongst assemblies

⁵⁴ Pitkin, *The Concept of Representation*, op. cit., p. 57.

⁵⁵ BIEHL, *The Politics of Social Ecology*, p. 58.

⁵⁶ Hélène LANDEMORE, “Deliberative Democracy as Open, Not (Just) Representative Democracy”, *Daedalus*, 3, 2017, pp. 51-63, p. 59.

This section tackles one of the many objections that could be addressed to the *viability* of this project⁵⁷: that of the tension between strict delegation and decision-making amongst assemblies⁵⁸. Indeed, a reasonable objector could put into question the capacity of the confederation to effectively handle matters that go beyond the scope of one municipality if delegates do not have any agency and are bound to the mandate given by their assembly. Leaving aside the inevitable margin of articulation delegates will enact in their task of direct representation, the objection could be formulated as follows: Since communalist direct democracy predicates that the power to make policy decisions is vested in the municipal popular assemblies, and that delegates from each assembly at the confederal level only have the power to make the popular will present within the boundaries of their mandate, how could they possibly coordinate and administer conflicting municipalities' decisions at the confederal level? This problem questions the viability of communalist direct democracy because it threatens its integrity by opposing its twin main features: the autonomy of municipalities and their interdependence through the confederation. It begs the question of how to combine the fact that the decision-making power lies in municipal assemblies, with the one that decisions sometimes need to be taken at a regional, national, or even supra-national level. Addressing this paradox requires to further clarify what delegates do when they directly represent their assembly. Could we even speak of the *activity* of direct representation if the only thing that delegates do is to state the will of the assembly by exactly repeating the terms of their specific mandate? In such case, could this activity not be done by technological means that would simply coordinate the written mandates? Obviously, when these decisions are mutually exclusive, this would not be possible.

If we want the will of these assemblies to be coordinated, delegates therefore need to have *some* agency in their activity of direct representation⁵⁹. The problem is that as soon as delegates will carry out their task to coordinate the respective decisions of their assembly, they might get out of the terms of their mandate if those decisions are not the same, let alone if they are mutually exclusive. In order to ensure that the power to make policy decisions remains in the hands of the assembly, it is important to introduce the distinction between the agency to deliberate, and that to decide. While delegates could have the *agency to deliberate*, a communalist direct democracy framework precludes that they have the *agency to decide*. Indeed, if assemblies decide to send individuals to make their will present to others, it is to use the intrinsic characteristic every human individual is endowed with – that of deliberation. Concretely, the delegates would come at the confederal meeting, share their respective positions, answer clarifying questions about what an assembly concretely meant when stating this position, expose the arguments and the reasoning that led their assembly to adopt such stance, and so on (in any case, these tasks require some agency on the part of delegates as they entail to rearticulate the assembly's position). For that purpose, it is necessary to see imperative mandates not as a list of specific and rigid preferences, but rather as limits set up by all assemblies about the space in which they want the decision to be taken. One could then object that the interpretation of the limits would be left to delegates, which would amount to some decision-making power. That is to forget that there is the mechanism of recall, which could

⁵⁷ I do not address here objections pertaining to the feasibility of communalism. For a development of communalist strategy and feasibility, see Sixtine VAN OUTRYVE, "Becoming the mayor to abolish the position of mayor? Thinking the line between reform and revolution in a Communalist perspective", *Unbound: Harvard Journal of the Legal Left*, 12 (55), 2019, pp. 1-46.

⁵⁸ The development of this objection is inspired from an earlier contribution which aims to explore it in light of the need of global decision-making demanded by the ecological crisis (see « La dimension politique de la transition écologique »).

⁵⁹ See Arendt's account on deliberation at higher levels of decision-making (Schmuel LEDERMAN, *Hannah Arendt and Participatory Democracy. A People's Utopia*, London, Palgrave Macmillan Cham, 2019).

allow an assembly to recall their delegates if they were to instrumentalize the limits of their mandate to support another position. In any case, if the respective popular wills are compatible so that every delegate would stay within their mandates, then the delegates can simply coordinate the execution of this common decision. But chances are that these positions are either not sufficiently clear to ensure that the formulation of policy elaborated by the delegates respect the boundaries of some mandates, or that they are completely incompatible.

In such a case, no decision should be taken and delegates should report back to their assembly on what has been deliberated and explain the points of conflicts, and the reasons underlying the respective conflicting positions. Besides evaluating how delegates have re-articulated the assembly's mandate as described in the previous section, reporting back to an assembly serves two purposes. First, delegates will be held accountable – did they respect the formed will of the assembly? If the assembly puts this into question, they should have the occasion to clarify and justify their actions, for example by explaining how new information to which the assembly did not have access changed the terms of the mandate. Second, it will be the moment for the assembly to clarify its will on the basis of the new information and of how the debate has been reframed. The assembly would give another mandate to the delegates, or to other delegates should the previous ones have been recalled, so that they would deliberate again with other delegates at the confederal level in order to find a decision that would be within the limits drawn by each assembly's will. This “back and forth process”, or shuttle mechanism, “will continue until all assemblies involved are satisfied with the decision”⁶⁰. This final decision will then need to be ratified as such directly by the municipal assemblies, the ratification being the mechanism by which municipalities have the last word. Securing the ratification on the side of the assembly answers any objection addressed against the *de facto* decision-making power that delegates might have when they deliberate, that of re-framing the issue. Indeed, as Herod rightly points out, “the discussion of the issues redefines those issues. Sometimes, the change of only one word in a proposal can completely alter the proposal's meaning and impact. There is no way delegates can avoid exercising their own judgment on the issues once the discussion gets under way, no matter how detailed their instructions ahead of time”⁶¹. Final ratification of the decision by the assembly safeguards its decision-making power and ensures it is the result of the popular will. Moreover, rotation enables the delegates who would have realized the various shuttles not to entrench their knowledge and position.

A tenacious Burkean objector could nevertheless continue: even if the process safeguards the decision-making power of the assembly, this process does not ensure that a decision is ultimately found. What, if not giving to delegates the power to use their judgment to make decisions, could allow a decision to be taken on confederal issues concerning several assemblies in case of persistent disagreements among these assemblies? This objection rests on the fact that separating the task of deliberation to that of decision-making and giving them to two different entities makes political compromise impossible: “if each representative were pledged to and instructed by his constituency, political compromise would become impossible. It is necessary to leave room for the crucial activities of the legislature itself – the formulating of issues, the deliberation and compromise on which decisions should be based. And, as Burke asked, what sort of a system is it ‘in which the determination precedes the discussion; in which

⁶⁰ HEROD, “Making Decisions Amongst Assemblies”, p. 6. Though Herod rejects the system of delegation, I adapt the back-and-forth solution he proposes to the problem of decision-making between assemblies to the negotiation of common political decisions.

⁶¹ Ibid., p. 4.

one set of men deliberate, and another decides; and where those who form the conclusion are perhaps three hundred miles distant from those who hear the arguments?”⁶².

This is where communalists should draw upon the potentialities offered by having the municipality as the main political unit. While it is true that decision-making rests within the assembly and deliberation across assemblies will mainly happen among delegates mandated by the assembly, there are several ways that could multiply the deliberation fora, and thereby the potentiality for mutual understanding and reaching a common ground.

First, the discussions within each assembly could be recorded and shared to other municipalities so that they could understand the needs and political stances of this assembly, especially when the popular will conveyed by delegates during the confederal meeting is not sufficiently well understood by the other assemblies when they watch the confederal debates⁶³. This could happen by broadcasting bits of other assemblies’ deliberations during popular assemblies, and by giving access to them to every individual⁶⁴.

Second, there could be deliberations organized across assemblies, during which regular members of the assemblies would meet during a large regional forum and have the occasion to discuss with members of other assemblies and thereby understand the difficulties they face and what animates them to hold the opposite stance⁶⁵. This would realize “the need for the assembly to ‘speak’ to each other” emphasized by Bookchin⁶⁶. These deliberations need not to be formalized since no decision would directly come out of these exchanges.

Third, in the same vein of direct communication between assemblies, not mediated by the confederal level, there could be people appointed as “liaisons” between two assemblies, that is a group of people appointed by one assembly to go speak in another one. This has been used during several experiments of direct democracy, for example in 1793 when the Parisian sections created “their own interlocking committees and networks”, that is, when “delegations from one section often visited the assemblies of another”⁶⁷.

However, for questions touching to the very existence of a community, such as the one pertaining to redistributing resources, internal and external dominations, have recourse to self-defence against external or internal attacks, confederating with new municipalities, dealing with environmental issues, and so on, the multiplication of deliberation fora alone might not be sufficient to shift the relations of power. If all the previous solutions have failed, a communalist society could have resort, as an ultimate mechanism to take decisions amongst assemblies, to a confederal referendum on a question designed by the delegates (and empowered by their assemblies for that specific task)⁶⁸. Such a confederal referendum could take various forms, and that is to each movement to design its own procedure. Typically, there could be a vote held *in*

⁶² PITKIN, *The Concept of Representation*, p. 147 (citing Edmund BURKE, “Speech to the Electors of Bristol” (1774), *Burke’s Politics*, New York, 1949, p. 115).

⁶³ See BARBER, *Strong Democracy*, p. 273.

⁶⁴ Although transparency has an undeniable democratic virtue, it is also counterbalanced by some problematic effects caused by debates’ publicity (see Jon ELSTER, “The Optimal Design of a Constituent Assembly”, in *Collective Wisdom. Principles and Mechanisms* (eds. Hélène LANDEMORE and Jon ELSTER), Cambridge, Cambridge University Press, 2012, pp. 148-172 (pp. 163-165)).

⁶⁵ These two solutions – broadcasting of communal assemblies’ deliberations and regional forum – have been suggested to me by a member of the communalist movement *Olympia Assembly*.

⁶⁶ BOOKCHIN, *The Rise of Urbanization*, p. 257.

⁶⁷ *Ibid.*, p. 119.

⁶⁸ For a historical application of confederal referendum, see BARBER, *The Death of Communal Liberty*, p. 49.

each assembly, leading to two results: that of the position of the assembly as a whole and that of the individual votes tallied across assemblies⁶⁹. If there are both a special majority of communes and a special majority of individual votes tallied across assemblies, then the given policy could be considered as adopted.

Nevertheless, whether one is sympathetic or not to the principles of communalism, one cannot be blind to the fact that this system would take a significant amount of time. This process of back-and-forth negotiations and of constant assembly of the people is avowedly time-consuming, as it would also require all the respective assemblies to meet, deliberate, decide and check their delegates during all the process of back and forth on a given issue, until an agreement is reached. It is important to recall here that there is a central premise underpinning the idea of communalism: that politics should be the everyday activity of people. As such, to communalists, it is desirable *per se* that everyone has a real opportunity to directly engage with the decision-making procedure that will produce the norms to which they will submit. For those who would not hold this premise, it nevertheless needs to be recalled that the procedure to make decisions amongst assemblies should only be used for matters that go beyond the scope of one municipality, or for matters so fundamental that they touch to the core of autonomy (for example if one commune threatens the existence or integrity of another). The rest is to be decided by the local assembly.

Conclusion

Pace the defendants of representative government attributing to a class of professional politicians the task of deciding on public matter, communalism proposes the idea that the people can, and should be continuously assembled to exercise public power at the local level. However, to continuously assemble the people to manage *every aspect* of public power is neither possible nor desirable, namely in two sets of cases: first, the administration of policies at the municipal level and second, the coordination of policies at the confederal level. While the former case has not been given the attention it deserved given the technocratic risks, this paper has endeavoured to sketch how the latter could work. As communalism is not myopic to the fact that many elements of economic, social and political life go beyond the scope of the municipality, and that decisions need to be taken on these elements, or at least that they need to be coordinated, I develop an account of representation, radically different than the one representative government rests on, for coordinating the assemblies' wills at supra-local levels.

Indeed, I suggest communist direct democracy could rest on a concept of *direct representation*, defined as the making present of the already formed will of the assembled people on a given issue when it is absent, by the means of delegates endowed with recallable, imperative and rotative mandates, and under close supervision of this assembly. I then attempt to explore solutions to enable decision-making at supra-local levels without relegating decision-making power to delegates. Further research should explore how the *demos* of both the commune and the confederation should be defined, and by whom. While I defended elsewhere that the *demos* of the commune should be extended to all those affected by its policies, and quit a conception of citizenship based on the belonging to a given *ethnos*⁷⁰, it remains to be specified

⁶⁹ See Herod, "Making Decisions Across Assemblies", p. 5.

⁷⁰ Sixtine VAN OUTRYVE, "Beyond the nation and the state: how communist self-government redefines the citizen and the immigrant", *Constellations*, 2022.

how the all-affected principle could be concretely applied to determine which communes should be involved on a given confederal issue, whether social, economic, political, or, importantly, ecological.