

Review Symposium: Jason Frank, *The Democratic Sublime: On Aesthetics and Popular Assembly*, Oxford: Oxford University Press, 2021, xvii, 280pp, \$32.99/ £22.99 Paper, ISBN: 978-0190658168.

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Response by Jason Frank

Democracy, Sovereignty, and the People

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Introduction

The Emperor's New Clothes is a fairy tale by Hans Christian Andersen which tells of an emperor obsessed with his own appearance. The Emperor is tricked by two conmen who offer to weave him a suit with an unusual quality. It will become invisible to anyone too stupid or unfit for the job they do. When it is ready, neither the Emperor, nor his advisors, are able to see the suit, but they dare not admit it. In truth, there is no suit, the tricksters simply aim to make off with the money that the Emperor has paid them and the expensive materials he has provided. When they have pretended to dress the Emperor in nothing at all, the Emperor sets out on a public procession. He is completely naked, yet no one will admit that they cannot see his clothes.

This was originally the end of the story, but Andersen added a final section at the last minute (Wullschlager 2000: 177). In the revised version a child asks in a loud voice why the Emperor is naked and the crowd begin to call to one another as they realise that there really is no suit. The Emperor hears the crowd shouting out, and wonders if it is true. He decides that the only possible response is to continue the procession. His courtiers follow his lead, seeking to hold even higher the imaginary train to the Emperor's robe.

A Tale of Two Democracies

Rather than the usual political theory question of how the democratic substitution of the King's will with the people's can be legitimated, Jason Frank's *The Democratic Sublime* turns to the underexplored aesthetic question of how the people's will is perceived. Harnessing the romantic aesthetic language of the French Revolution, Frank refers to the moment when the people experience themselves as the people, as the 'democratic sublime'. The concept of the people is always more than any group of assembled bodies at any one time, and exceeds any definition we might provide. The enigmatic language of the sublime therefore helps Frank to refer to what Lefort identified as the people's 'indefinable' quality and to move the focus of democratic theory from institutions to experience.

Frank argues that it is a mistake for democratic theory to treat democracy as merely a question of constitutionality. If we are to understand how democracy operates we must attend to the way that the people are represented such that they can perceive themselves as the people. Frank acknowledges that crowds, or ‘the people out of doors’ as he terms them, are only one part of the ‘constellation of practices’ that are found in the emergence of democracy, yet maintains that ‘they are a particularly important one’ for those of us wanting to understand how the history of democracy might inform radical democratic politics today (Frank 2021: 26).

Frank’s argument seeks to correct the elitist leanings of traditional democratic theory. It is only by attending to how the people perceive themselves to be the people that we can capture the way that democracy is driven, not just by theory, but by the manifestation of the people themselves. This focus on the people is inspired by the work of Jacques Rancière. Rancière’s insistence on democracy as an anarchic practice emerges from his attention to the ordinary struggles that people engage in every day to resist inequality and domination. In *The Democratic Sublime* Frank employs Rancière’s historical method, opposing grand narratives and the traditional focus on heroes or the powerful, with histories of how ordinary people represent the democratic corpus. He juxtaposes the more familiar histories of democracy with their focus on state structures and key figures, with a montage of the people over the long durée of the democratic age. Inspired by Frank’s pushing at the traditional boundaries of democratic theory, I am interested to see what happens if we add into the mix Rancière’s argument that democracy is not a form of state (2012), to ask what this claim might mean for the project of thinking the aesthetics of democracy.

Rancière’s claim emphasises that so-called democratic states are actually oligarchies. Democracy, for Rancière, is a fleeting instantiation of equality, staged by ordinary people, that intervenes in given power structures. However, Frank takes inspiration instead from Jean-Jacques Rousseau’s rather more familiar theory: popular democratic manifestation in the form of public assembly is necessary to legitimise the democratic law of the state. Frank emphasises that Rousseau’s argument is important for democratic theory, less for the definition of democracy that he developed, and more due to his insistence on the centrality of the role of the collective assembly for the emergence and maintenance of democracy (2021: 67–8). Hence Frank’s claim that crowds are a ‘particularly important’ part of democracy. Yet Rousseau understands the crowd to be central because it is needed to legitimise democracy as a form of state rule. Consequently, Rousseau’s and Rancière’s theorisations appear directly opposed. Democracy is either a system of government that is founded in and legitimated by the assembled people; or a political staging enacted by the people as an interruption of any system or order. Indeed, these two theorisations of democracy often emerge, in various guises, across post-foundational democratic theory, representing the struggle between progressive, libertarian politics on the one hand; and the forces of police, authority and domination on the other.

Despite commentators often assuming that he is opposed to state power, Rancière recognises the value of fair and egalitarian state institutions (2008). He emphasises that although his focus is not on theorising how the police order (as he refers to systems of organisation) operates, this does not mean that we should ignore questions of what a better police order might look like (1999). Furthermore, his police/politics distinction is not a binary category. Politics always occurs in the space of the police (2011). Thus, there are not two opposing spheres with associated competing definitions of democracy. Democracy as a manifestation of equality and democracy as sovereign regime are intricately implicated in one another. They are co-constitutive.

Therefore we can see that the assembled people out of doors both oppose and legitimise rule. Such gatherings assert democracy as a form of sovereignty, asserting that the will of people should be represented. Democracy as a system of governance is held to account by the popular manifestation of equality, and thus democratic systems of governance may be more conducive to staging of popular manifestations of equality than other regimes of power.

Yet Rancière’s theorisation of the subjects of democracy is not necessarily akin to Rousseau’s assembled people, or Frank’s people out of doors. It is significant that Rancière’s well-known examples treat a rather different subject matter, from the revolutionary Auguste Blanqui, Rosa Parks and Jeanne Deroin, to Australian immigrants, Gabriel Gauny and Parisian student protestors in May 1968. Although

Rancière has commented on recent protests such as *Occupy*, the *gilet jaune*, and Gezi Park, his examples of stagings of equality do not concern protest movements in general but involve specific small groups, individuals or slogans. This prompts me to ask if we need to go further in questioning the assumed relationship between the people out of doors and democracy. Does radical democratic theory risk fetishising the people gathered together? Why must the people be a crowd? Have we been too quick to assume that the crowd necessarily has anything much to do with democracy?

The Emperor, the People and the Crowd

Post-foundational democratic theory has long celebrated the power of the people out of doors. However, it rarely details how to distinguish democratic popular assemblies from those etched on the public imagination for the opposite reason, such as the Munich Putsch, the March on Rome, or more recently, the storming of the Capitol and fascist rallies. There is nothing about crowds in general that makes them democratic.

I am not here seeking to rehash old arguments about the dangers of tyranny in democracy. I suggest instead that our assumption that the crowd is important for democracy is based on an insufficient conceptualisation of the relationship between the people as a physical assembly and democracy as equality. This leads us to investigate the wrong (because it is undemocratic) question: if there is something of democracy about the crowd, then we are prompted to ask how to distinguish the good crowd from the bad crowd.

It is indisputable that any historical study of how the democratic people are made manifest will include studies of crowds, and Frank's work is invaluable in this respect, attending to the neglected question of how the move from monarchic to democratic rule was perceived. However, the centrality he grants to the crowd fails to address imprecision concerning the mechanism whereby the democratic people are made manifest. Rancière demonstrates how democracy has never required the physical crowd to become the people. It instead depends on someone, or a group, coming to be perceived as the democratic people, even if they may not be an assembly, the people out of doors, or any form of crowd. Rancière thus prompts us to think about the strategy that comprises any manifestation of equality.

In answer to Frank's question, how do the people experience becoming the people, Rancière indicates that they never do. They act as if they are the people. In each of Rancière's examples people experience a moment of disjuncture when they realise there is no good reason why they are unequal in their current order. This prompts a staging of equality which could be said to be effective democratically if it succeeds in demonstrating that those enacting it are the people. But this is not necessarily their intention. The common feature that unites the examples Rancière analyses is that they all demonstrate that there is no good reason why they should be treated/allotted a place that is less equal than the rest. If their protest is accepted, then they have demonstrated that they are no different from the rest, from everybody else, from 'the people'. This type of democracy could involve an assembly of people, but it could be staged by just one person, or a small group of people. It need not involve a gathering of the people, and a gathering of the people may not be particularly democratic in this egalitarian sense.

To understand how this confusion about the political status of the crowd arose I suggest we might retrace the theory of democracy's emergence from monarchy. It is here that Andersen's fairy tale proves instructive.

The revised ending of *The Emperor's New Clothes* vividly demonstrates the aesthetics of sovereign power. Andersen's biography tells how his last-minute change to the tale was inspired by an aesthetic experience of his own. As a young child, he was taken to see King Frederic VI of Denmark and had shouted out in surprise that the King was merely a man like everyone else. His fairy tale claims that when the child calls out 'the spell is broken'. It is striking however, that the final words of the fairy tale relate that the Emperor is able to continue his procession. Was young Hans Christian shocked because he realised that the King was only human, or because he realised that although everyone else was fully aware of this, they continued to play along? Further, Andersen's final sentence emphasises the role of the

Emperor's courtiers. History attests that it was impossible for an absolute monarch to rule without negotiating an intricate and delicate balance of relations between other powerful members of their court. The sovereign power of a monarchic regime never resided simply in the monarch's body. Andersen's tale helps us recognise that the question of the democratic people's embodiment of sovereignty may differ less than we thought from that of a monarch.

Indeed, Lefort's argument that the community and identity of democratic rule is indefinable in a way that it is not within a monarchy is risky when interpreted to mean that democracy is always somehow lesser or lacking. It unnecessarily mystifies and problematises democratic rule. That does not mean that the question of how the people is made present aesthetically disappears, but that the manner in which we think about it might change somewhat. It is not the paradox or puzzle that it is often assumed to be and is instead simply an aesthetic operation. From this perspective, Frank's insights into how this aesthetic operation functions become even more pertinent.


Yet Frank's invocation of the sublime risks compounding the mystique. I fear that rendering democracy sublime may undermine Frank's intentions, demarcating something of democracy forever unrelatable to our ordinary lives. Perhaps it would be more strategic to theorise such a moment as a significant challenge to our current order, but one that we are capable of understanding, even if understanding it would necessitate substantial changes to that order.

Conclusion

Placing Rancière's claim that democracy is not a form of state in conversation with Frank's emphasis on the centrality of the crowd in democratic theory has led me to distinguish two ways of theorising democracy in post-foundational theory. Although these are often interpreted as oppositional, I argue that they are co-constitutive. Inspired by Frank's method of weaving between the two forms of democratic enaction, the people as both legitimising and opposing democracy as sovereignty, I suggest that democratic theory would benefit from a greater focus on how both forms of democracy operate on, interact with, enable, and constrict, each other.

Perhaps for too long radical democratic theorists have consigned democracy to the space of protest movements; of crowds and assemblies; of collective enactments of righteous anger, rage and grief. Our focus has become how to protest more and better. Instead, in my juxtaposition of Frank and Rancière I find a call for us to relinquish our fascination with how democracy manages to exist despite the apparent indistinction of its object, and instead to ask how we might make democracy, understood as a system of sovereignty, as non-dominatory as possible, and as supportive of democracy understood as an enactment of equality: to understand which models of democracy, understood as a form of state, might best support the enaction of democracy that is not a form of state.

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DOI: 10.3366/jspp.2024.0075

Vindication, Media, and Staging the Democratic Sublime

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Jason Frank's *The Democratic Sublime* is a marvellous book. It has the characteristic Frank features of rich historical scholarship working in combination with deep theoretical reflection expressed in fluid and pleasurable prose, and I am in full agreement with its central claim that the relationship between the political and the aesthetic is integral to thinking about democratic appearance and popular manifestation, and hence to thinking about democracy as both a political form and a way of acting.

In these remarks, I want to begin by taking up an issue raised by Rousseau in his discussion of the lawgiver and consider its relationship to the Rancièrian background of Frank's argument in order eventually to raise an issue for the import of Frank's reflections for democratic theory.

In ch.2 *Rousseau's Silent Assemblies*, Frank (perhaps inevitably) draws attention to Rousseau's figure of the lawgiver. He comments:

Rousseau anticipated that the lawgiver problem would not be properly appreciated and understood by 'proud philosophy', by rationalists who could regard the figure of the lawgiver as little more than a 'lucky imposter'. The lawgiver's reasoning is not rationally legible but 'sublime'. He employs neither 'force' nor 'argument', but rather 'compels without violence' and 'persuades without convincing'. Whether the lawgiver is a 'prophet' or a 'charlatan' cannot be determined in advance because that can only be decided by the achievement of his task. It is only his 'great soul', which 'is the true miracle', that can 'vindicate his mission'. The lawgiver's task can never be justified in advance, because he 'has a non-existent authority for its execution' (Frank 2021: 52).

There is much going on in both Rousseau's text and Frank's text here, but for my purposes there are two key features to note.

The first is that the lawgiver cannot provide the multitude to whom he speaks with reasons that justify his proposals to them, reasons that could, even in principle, 'convince' them, but nor can force bring about the transformation that he seeks (Rousseau's point is not that the lawgiver lacks an army, but rather that force cannot do the work that is needed). How, then, are we to understand the lawgiver's 'persuasion'?

In recent work, Jonathan Havercroft and I (2016) have argued that Rancière's account of politics can be understood in terms of Wittgenstein's discussion of 'aspect-change' in which 'police' as 'distribution of the sensible' denotes an order of continuous aspect-perception. It is a feature of aspect-change that it cannot be understood as a product of justifying reasons (indeed, it involves a transformation of the space of reasons) nor as a product of force (it cannot be willed, under coercion or otherwise), rather it should be seen as operating in an aesthetic register, it must be elicited through imagination – the lawgiver, that is, must be an artist who brings the multitude to see themselves as a people by providing them with a new way of seeing themselves. Lawgiving, we might say, is an aesthetic-political medium of expression in the sense captured by Cavell when he writes:

A medium is something through which or by means of which something specific gets done or said in particular ways. It provides, one might say, particular ways to get through to someone, to make sense; in art, they are forms, like forms of speech. (Cavell 1979: 32).