



PERSONS, SELF-OWNERSHIP AND DEMOCRACY

Pessoas, Auto-propriedade e Democracia

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ABSTRACT

The thesis that guides this paper is that, if democracy is grounded on isegory as its basis, then it is necessary that each citizen has a real and effective public participation (this is different from representative democracy or deliberative democracy). Therefore, democracy that enhances the person must necessarily consider a mercantile dimension of negotiation and exchange. This requires a real possibility of pronouncing opinions, of living according to one's own moral guidelines and of being able to practice these rights. Isegory, then, is a fundament of political decisions, not only of legitimacy but of democratic existence. Isegory means that every individual has the chance to speak out and to influence political decisions. Otherwise the result is not democratic. Those who can participate in the public sphere exchange speeches in the framework of public decision-making. From this "commercial" negotiation, democratic agreements emerge.

The purpose here is to show that democracy bears in mind coexistence as a whole, though in its more possessive version it emphasizes the individual and his inviolability. In a way, it is about making a contrast between an idea that justifies serving the collective as a moral slavery and another one which nurtures self-esteem.

Keywords: Isegory; Democracy; Person; Public participation

RESUMO

A tese que orienta este trabalho é a de que, se a democracia tem como base a isegoria, então é necessário que cada cidadão tenha uma participação pública real e efetiva (o que é diferente da democracia representativa ou da democracia deliberativa). Portanto, a democracia que valoriza a pessoa deve necessariamente considerar uma dimensão mercantil de negociação. Isto requer uma possibilidade real de emitir opiniões, de viver de acordo com as suas próprias diretrizes morais e de poder praticar esses direitos. A isegoria, portanto, é um fundamento das decisões políticas, não apenas da legitimidade, mas da existência democrática. A isegoria significa que cada indivíduo tem a possibilidade de se exprimir e de influenciar as decisões políticas. Caso contrário, o resultado não é democrático. Aqueles que podem participar na esfera pública trocam discursos no âmbito da tomada de decisões públicas. Desta negociação "comercial" resultam acordos democráticos.

O objetivo aqui é mostrar que a democracia tem em mente a coexistência como um todo, embora na sua versão mais possessiva enfatize o indivíduo e a sua inviolabilidade. Trata-se, de certa forma, de fazer um contraste entre uma ideia que justifica o serviço ao coletivo como uma escravidão moral e outra que alimenta a autoestima.

Palavras-chave: Isegoria; Democracia; Pessoa; Participação pública



DEMOCRACY AND PARTICIPATION

In *Suppliants* (435–440), Euripides mentions what Theseus would have said to a stranger: “Freedom’s mark is also seen in this: ‘Who has wholesome counsel to declare unto the state?’ And he who chooses to do so gains renown, while he, who has no wish, remains silent. What greater equality can there be in a city?”.

This quote presents a series of elements that combine to materialize themselves: political freedom, i.e., active participation in public decision-making, the possibility to deliver a speech in front of the people and fellow citizens and what is useful for the community and democracy. The relationship that here seems so clear and simple needs a deeper analysis as regards its possible implications. Those expressing their opinions, are proprietors of their own or are submitted upon a major collective entity? Every supposedly useful expression for the community shall be heard?

In the present paper I will start by bringing up two Greek myths: first, the Myth of Casandra and secondly, the Hermes one. In each of them we can see how individual freedom is manifested in a different way and it is this contrast between them which invites us to reflect upon the conditions of democracy.¹

More specifically, it is interesting to highlight the fact that it is inherent to democracy to provide individuals with the voice and autonomy to negotiate positions in the public scenario. This freedom, called “isegory”, represents the foundations where to acknowledge the subjects’ dignity and to avoid the imposition of political sacrifices that may relegate them to a lower stance by virtue of their duties as members of the society. It is about making a contrast between a collectivistic idea of the social organization, which may counterbalance individual sacrifices to achieve a common goal, and another one that acknowledges, as a starting point, the individual freedom and the value in each person as a part of a political community. Despite this contrast may seem simplistic, the purpose here is to show that democracy bears in mind coexistence as a whole, though in its more possessive version it emphasizes the individual and his inviolability. In a way, it is about making a contrast between an idea that justifies serving the collective as a moral slavery and another one which nurtures self-esteem. The question for the first idea is: shall an individual serve the others and wait to see what he gets according to State allocations? The question for the second idea is: shall individuals prioritize self-care and self-benefit, within moral and legal boundaries so as to, consequently, contribute with the common good? (CANOVA GONZÁLEZ, HERRERA & GRATEROL STEFANELLI, 2013).

¹ This paper was translated by María Elena Pérez Bustillo and Graciela Obert (Servicio de Traducción de la Facultad de Ciencias Humanas, UNLPam, 2021)

With that being said, the one who can actively participate in the public scenario by expressing his opinion can negotiate what to give and not to give, which aspects of his proposals he will improve, he can win or lose something, adhere to other alternatives, foster changes in others' opinions, among other options. In a few words, the one who speaks out in the political sphere exchanges political rhetoric within the public decision-making scenario. It is not just about a simple dialogue where someone postulates ideas. It is specially the aim of deliberating in a way in which everyone knows what they want and what they can offer. No one will impose above the others. Everyone is committed to exchange.

From that metaphorically “mercantile” negotiation democratic agreements emerge. The origins of democracy are linked to markets, both historically and spatially, and also in a metaphorical way. Through markets, people can perform voluntary exchanges, express their desires, communicate information and reward innovation. Markets contribute individuals to tailor their activities in a mutual way (SATZ, 2015).

With this idea in mind, we can propose that a mercantile democracy is not opposed or contradictory with what we usually call “deliberative democracy”. On this idea, I should add that it is not only compatible and very similar: it is, in my opinion, a more effective way of concreting it.

Deliberative democracy may imply that one should suppose what all interested people may debate, but it does not require to effectively make these others an actual deliberating part. The public speech is not public but a private voice taking place in a private head. The other deliberating individual is an epistemic subject, created by the one who is deciding for him. It is the voice of the other but instead of the other. Mercantile democracy cannot be conceived without people debating, exchanging, making agreements in order to achieve a goal or leaving goals aside because they cost too much. There is nothing to suppose, actual people have to exchange. The main problem when it comes to comparing both kinds of democracy is that deliberative one implies a lot of epistemic consensus or, in other words, a lot of guessing, but it has the great advantage of being wider in the sense that people who are not actually deliberating are recognized as interested and entitled parts. On the opposite, possessive or mercantile democracy has the advantage of having interested people showing their real interests and pursuing their own goals with their own means. The inconvenient is that it is hard to reproduce these kind of deliberations in wider scales. However, we can still feel the spirit: having a voice, an actual one (not epistemic or fictive one), deciding what to give and what to acquire, being heard and being able to actually do and produce something in the public sphere is what makes mercantile democracy an attractive model.

It is obvious that reaching consensus under these circumstances is not an easy task. Clearly, the process should certainly not be idealized. Nevertheless, this is not an obstacle for taking advantage

of this opportunity and considering how the possessive aspect of democracy highlights the individual freedom as a basic pillar without disregarding the role of the collective, as alterity is necessary for negotiations.

Democracy as a form of government is understood in multiple and variegated ways. In spite of all the crisis and criticism it has gone through, it is still a political centrepiece not only as a sociological reality but also as a regulatory framework used to assess policies and that also adds a positive connotation (GUARIGLIA, 1993). Fukuyama (1992) forecasted the end of history after the advent of democracy as this would be difficult to overcome. Despite that history will not end, it is interesting to point out that democracy constitutes a political model which offers many advantages and, even when it is not possible to produce a universal and unique good democracy, it is still interesting to debate upon the ways to improve the democracy qualities in contemporary societies (SASTRE ARIZA, 2013).

On the basis of what has been said, first I will present the aforementioned myths, secondly, I will explain the relationship between the isegory and democracy and then I will focus on the mercantile and possessive aspects of liberal democracy.

FIRST MYTH: THE TRUNCATED FREEDOM

In the first myth worth remembering, Cassandra had agreed with Apollo that he would bestow upon her the gift of divination in exchange for having an affair with him. After the god had complied with the agreement, the counterpart decided to break the pact. This deceit caused Apollo's wrath and even though he kept his word by giving her the gift of prophecy, he took revenge by placing a curse on her: he took out her power of persuasion. Thus, it did not matter how true or relevant her words were, no one would believe Cassandra. This gift together with the disbelief that fell on her allowed her to foresee the fall of her city, Troy, of all the people and even her own death without the possibility of avoiding or lessening their tragic consequences.

After breaking the pact with Apollo, in Cassandra's figure we find the representation of concepts such as power and powerlessness, the need to communicate an opinion, something true, some knowledge, an intention, the inability to share that with someone else and, therefore, to effectively foster a reaction through the spoken words. Whichever Cassandra would say was irrelevant, her words lacked truthfulness. Her personal power had been truncated.

The purpose of making reference to this story is to show that people always have something to speak out: opinions, value judgements, life plans, expectations, etc. It is common sense that people aim at fulfilling their objectives, achieving their life plans, living according to their values and

beliefs as well as expressing their opinions. The political sphere, i.e., the common space where individuals meet, must foster this aspect. That said, if within that context, like Cassandra, people's voices lack truthfulness, or do not have a reaction, if life plans cannot be achieved and opinions are blown by the wind, therefore, powerlessness is everything that is left. Freedom is not absolute as, after all, it does not allow a person to express his own personality in public. My point is that there is a very relevant link between rhetoric as a tool for expressing what one wants, what one is willing to give in exchange and, of course, the reasons for wanting something, on one side, and the constitution of mercantile democracy, on the other.

SECOND MYTH: FREEDOM TO EXCHANGE

The second myth is related to Hermes. He was the god of commerce and heralds. He made communication easier between merchants from different States who did not speak the same languages as he carried messages from one person to another or from one city to another, as necessary. According to Greek Mythology, when this god was young, he invented the lyre and stole part of Apollo's cattle. Apollo tracked Hermes until he found him. Then, Hermes, who was very clever, proposed this pact to the sun god: Hermes would keep the cattle and, in exchange, would give Apollo his lyre and teach him how to play it. Apollo gladly accepted the offer and both reached a negotiation, according to which, both of them resigned and obtained something.

In Hermes figure we find the representation of the will to exchange, of the dialogue between two different parts with distinctive things to offer and acquire. As opposed to the dialogue that fell on deaf ears between Cassandra and her fellow citizens, thanks to Hermes (and the Hermes Myth itself), everything said by both parties is heard and effectively fosters a reaction over the other. Both parts are satisfied, even though they have agreed to lose something in order to gain something else. The link between Apollo and Hermes is not a priori but created by them and by their own will. To resume it, the lemma would be: "I want, you offer; you want, I offer; I agree, you agree". It is not just receiving or obeying, it is really about pronouncing the offer, the pretention and the agreement.

Hermes' freedom is the mercantile freedom according to which parties are able to reach consensus by resigning some good and acquiring another: there is offer and demand. We will analyse how this second model will give rise to the democratic isegory.

The contrast between Cassandra's and Hermes' Myths aims at explaining the following: democracy needs to enhance individual freedom. It does not take place in detriment of society, but in favour of it. Common good is important, but cannot be pursued by sacrificing individuals. Individual freedom requires to be oneself and not just an epistemic interested person. Consenting

or accepting a public choice should be part of a real negotiation and not just a fictive one (even though a fictive one is still better than no sort of participation).

The concrete realization of power not only implies opening the debate in private or just expressing intentions and thoughts overtly, but also the real possibility that the spoken words effectively foster a reaction, that they are heard and used to negotiate on the basis of different interests. In other words: that it can truly compete for a position in the public sphere.

If the opposite happens, that is to say, that “Cassandra’s effect” takes place, freedom as power would be incomplete and useless. There is no point in doing or saying something if, beforehand, there is no right to be truly heard. This kind of democracy implies that subjects can only set their life plans, opinions and value judgements in their private sphere or in the public sphere but without affecting public decisions. In such a case, the only possibility left is to resign and obey whatever another person decides. In pursuit of collective welfare, the individual is reduced to its minimum expression and lagged behind the *demos*.

The subject is constructed within the community while he or she constitutes it. The individual’s power within the collective is not unlimited, but it should be harmonized with the freedom of others without going against the common good. On the other hand, the common good cannot be elucidated without taking into account the members as components.

Przeworski (2016) states that democracy, with fluctuating meanings along history, has faced multiple challenges leading to dissatisfaction. Among those challenges, he mentions that democracy should make people feel that their participation in politics is effective. This is often complex in representative democracies that make use of intermediaries to bring together opinions and interests, although a deep representation crisis is frequent, more precisely in relation to political parties that foster their own interest disguised as electoral logic². The voice of individuals is represented, but not actually presented. The traditional perspective on public speech implies a person that faces an auditory (an immediate one, but also a mediate one that although it is not sharing the same physical space will eventually hear the discourse) and presents an idea and arguments for it, against it and the responses to those objections. The speech is produced at once. After a *rhétor* speaks, a following speech takes place and so on. It is not a dialectic dialogue but a sequential presentation that will lead at the end to practical proposals and to some kind of agreement. Not everybody will be fully satisfied with the results but everyone has the chance to speak, to propose, to ask, to negotiate, to vote.

² An example of such electoral logics in detriment of individual interests is analyzed by Mustapich, who focuses on the Argentine case to discuss how these bodies ensure the limitations of electoral proposal and how they end up producing self-centered groups detached from the ones they represent. See Mustapich, 2002

The above leads to suggest that the democratic design of a society should be isegoric regarding its members, that is to say, it must give them the possibility to express their opinions, value judgements and develop courses of action to achieve goals, which are always submitted to a dialogue about their correctness and convenience within the collective. It is about a negotiation among the individuals who are part of the community as long as they are members of that community. The isegory implies some freedom: the one that requires having a true *locus* of enunciation or agency to become manifest and active part in the public sphere from his own realization as an individual who is part of the community, and not community-submitted. Not everybody will achieve their goals or accomplish them in a complete way; but it is important that everybody is able to argue and negotiate in the public sphere for the realization of their goals.

Up to the present time, there are different ways to theorize about democracy: the classical one³, the liberal one⁴, the competitive-elitist one⁵, the plural one⁶, etc. I will not dwell on these conceptions to avoid making this longer, but I will suggest that a democracy that enhances the person must necessarily consider a mercantile dimension of negotiation and exchange. This does not imply thinking in economic terms but thinking about goods in a broader sense. The proposition is that political freedom requires highlighting the individual as an active member in the community; acknowledging his voice and that his actions foster a reaction in the public sphere.

The democratic State is not only the one that enables the negative freedom but also the one that enhances the negotiation among the many individual positive freedoms. This last aspect cannot be achieved if the isegory is not guaranteed. “To be free for...”, the positive freedom, requires the possibility of complete realization and for that the possibility of dialogue within a community⁷. In this sense, the democratic mission boils down to representing the common arena where to debate upon the wide multiplicity of a myriad of personal projects that will try to become true. Some of these plans will be partially, while others will be completely compatible; and many others will not be compatible at all. Some will be complementary while others will be opposing, etc. Struggle for practical realization is necessary as not everybody will achieve their goals, resources are scarce and some individual projects may represent obstacles for other projects or may cause damages (NINO, 2013). Enhancing possibilities of reward implies negotiating, being aware of what to give, when to make and alliance, among other issues.

³ On this topic, see HELD, 1996, chapters 1 and 4.

⁴ On this topic, see HELD, 1996, chapters 1 and 7; MACPHERSON, 1977, chapters 1 and 2; MILL, 1951.

⁵ On this topic, see HELD, 1996, chapter 5 and SCHUMPETER, 1950, chapters 21 and 22.

⁶ On this topic, see HELD, 1996, chapter 6; DAHL, 1971.

⁷ These concepts are inspired by BERLIN, 1969.

ISEGORY AND EXCHANGE RELATIONSHIPS

What is isegory? To elucidate this concept, we need to resort to etymology as a tool that untangles meanings historically stored in words⁸. Thus, the word “isegory” finds its origin in the Greek word “ἰσηγορία” which names the right/power of all citizens to express their opinions during public debates, apart from actively participating in other institutions of the community. The lexical components are the prefix ἴσος (*isos*), which means “equal”, ἄγορα (*ágora*), that is, the “central public place”, “market” or, in some way, “assembly” together with the suffix “-ία” (-ía) that means quality.

In ancient Athens, the agora was the central public place, the market where to buy and sell products, the place where individuals went to offer everything they wanted to sell and to buy everything they needed, that is, it was the place where to exchange. But the purpose of this place was beyond the commercial sphere: it was the place where to meet and debate publicly. There, exchanges taking place were not restricted to the economic sphere but also to the field of opinions, arguments, words. Each *rétor* delivered his speech to persuade others and answer their criticism. Assemblies were organized in this place where each citizen had an equal right to speak: it was not important how rich or poor he was, how many grains he stored, etc. In this democracy, the power was not in the physical capital, but in the power of arguments. Relationships in the agora, then, were based on the discursive exchange. Thus, the agora is a place of mercantile exchange, sometimes an economic one, some others one that is more than economic: goods for goods, speeches for speeches. The purpose of the agora is to reach agreements, either on the value of goods or to make a decision on public issues.

Each speech delivered in the agora seeks to persuade the other citizens. Equality to hear and to speak makes imposition impossible to happen and makes it necessary to reach consensus among all participants. Each *rétor* must be clear regarding his opinion and must negotiate with other individuals by being flexible on aspects of his arguments, by making concessions, by compromising, etc.

On the other hand, the word democracy finds its origins in the Greek term “δημοκρατία” that is formed by the prefix “δῆμος” (*démos*), that is, the people, and “κράτος” (*krátos*), which means government or, more precisely, power. It also adds the suffix “-ία” (-ía), which denotes quality. According to this, the word “democracy” indicates, as it is widely known, the government or power

⁸ On the etymologies of “isegory” and “democracy”, I resorted to CHANTRAINE, 1968; COROMINAS, 2005; ERNOUT, 2001; and LIDELL, 1995.

of people. It is worth mentioning that, actually, democracy was not understood in the same way we understand it nowadays. For example, for Aristotle democracy was a corrupt form of government, while the virtuous one was the *politeia*, also translated to the Roman idea of “republic”. Next, I will make reference to the idea of democracy in the sense we understand it at present.

It is worth mentioning that that type of government which nowadays we describe as democratic in ancient Athens revolved around two principles: on the one hand, the concept of isonomy (*isonomia*), to refer to the idea of equality before the law, i.e., equality of rights and duties; and on the other hand, the concept of isegory, to refer to the freedom to speak up for all citizens and the equality to have access to speak during the assembly (BENEITEZ, 2005).

Thus, democracy necessarily requires isegory. If the isegory takes place metaphorically from the mercantile exchange in the agora, in the public space, then the argumentative power belonging to the *demos* in the concept of democracy is that one arising from confrontation and the combination of ambitions and speeches and the agreements on the expositions made. The *demos* does not debate as a seamless whole, it consists of the consensus reached after negotiations made among individuals. It is a form of government which allows for collective decision-making that best represents individual preferences and makes the largest number of people as free as they can; which is the second best option as it is restricted to the fact that, although there are heterogeneous preferences, some people will have to live for some time with laws that are not of their liking (PRZEWORSKI, 2016). This last objection is generally silenced by pointing out that representative democracy presents a mechanism to listen to individuals, only that this is so through their representatives. In turn, as mentioned above, the problem is that present indirect democracies are founded in the mediation of political parties, which are not always loyal to their supporters’ interests. For example, Kelsen states that individuals do not influence in the general will but through political parties that are in charge of performing transactions. Thus, when the general will does not express the interest of one group, it can only be the result of exchanges based on opposing interests (Kelsen, 1934). Bobbio agrees with this idea when he states that in a democracy decisions are made on the basis of negotiations between groups representing political and social forces (BOBBIO, 2001). This viewpoint presents a drawback as the negotiation made by political parties’ representatives still leaves out citizens or it includes them in a virtual way.

In this sense, it would be impossible to achieve full democracy formed by citizens with restricted freedom to speak in public scene, as it happened to Cassandra. On the contrary, full freedom to participate in the public sphere by reaching consensus, like Hermes and Apollo did, will result in a better democracy. The most outstanding advantage in the mercantile or possessive version of democracy is that it emphasizes the autonomous character of individuals, it highlights

interdependence and cooperation within a society and, above all, it allows to see that through argumentative exchange democracy constitutes itself as a process that realizes in a gradual way. In Sartori's words, democracy is partially found in the sphere of the "is" and partially in the one of the "ought to be" (SARTORI, 2003).

THE SUBJECT OF LAW AND SELF-OWNERSHIP

Macpherson states that the democratic-liberal idea of the individual presents the characteristic of "possession". This consists in thinking about the subject as essentially proprietor of its own person or abilities without owing anything to the society.

So, in the liberal doctrine the individual is not considered as part of a wider social body, but, primarily, as the property of its own person. Thus, the relationship of property of the subject with himself, that is inherent, becomes crucial to understand human freedom and, consequently, the possibility to achieve the subject's potential. The individual is free as long as he is the property of his own person and abilities. The society is then the combination of free and equal individuals who are related to each other as properties of their own abilities and whatever they have acquired while exercising that freedom. In these terms, the political society is a human construction, i.e., it is artificial, designed to protect property and to keep the duly ordered exchange relationship among free and equal individuals (MACPHERSON, 2015).

Francesco Viola (2015) states that the modern legal conception of a person (as a legal conceptualization of the individual⁹) differs from the one from ancient times because it places subjectivity first. More precisely, the ancient Greek and Romans thought that the regulatory balance arose from the nature of things. Therefore, performing a legitimate cause consisted in providing everyone with whatever belonged to each of them according to the measurement of goods balance, either from a contract or the duty of restoring the broken order caused by an illegal action.

How is it that in modern times the person is considered as a "subject of law"? According to Grotius, rights are no longer *res iusta*, but that what he defines as *facultas* or *qualitas moralis*. Thus, rights shift from the nature of things to the power of subject. A right becomes a power for the person in his relation with things and other subjects. This relation may consist in a power itself (*potestas in se*, i.e., freedom) or a power over others (*potestas in alio*, for example parental rights) or a power over things (*potestas in res*, for example, a property).

⁹ In law, the concept of person makes reference to a center of rights and duties assignment.

According to Viola (2015), this view of the individual as the one who has legal authority when relating to other subjects and things implies the comparison between freedom and property. The kind of relationship, in both cases, is identical as it is about a relationship of domain. Being free means having control over our own actions. Ownership of things is enlargement of freedom.

In this context of the scope of relations between subjects and things, the person positions himself as independent from others and superior over objects. From this independence of the person and the comparison between the individuals' autonomies arises the modern idea of equality between subjects abstractly conceived as centre of power (VIOLA, 2015).

Natural rights derive from the anthropological structure of subjectivity. This structure is analysed in the light of the melting of freedom and property.

As it has been said above, in the modern individual the immanent relationship in the person is not necessarily interpersonal but only dominative, the relationship between a subject and an object. But, as long as the inter-subjective relationship is necessary for the social and political life it becomes necessary to build some kind of association, no longer out of nature but out of a convention based on a rational decision. This is the underlying idea of contractualism as a theory that legitimates the political authority regarding the separate individuals and, at least potentially, in conflict out of nature.

THE RATIONAL AND FREE INDIVIDUAL

It is commonplace to characterize liberalism as a philosophical, economic and political doctrine of individualist ideology. This assertion, even though appropriate to a large extent, is far-reaching and can lead to incorrect interpretations. It is important to highlight that this conception places the individual at the centre of the scene, trusts his reason, freedom and autonomy. Behind this scene underlies a sort of anthropological position or, at least, some views or assumptions about the human being and its nature.

Liberalism arises in the era of Modernity; in particular, its first antecedents date back to the seventeenth century. As it has been said above, this movement places the individual at the centre of the scene and, therefore, society is made up of an addition of individuals. The individual is not sociable by nature, pursues his own well-being and, if he chooses to live in society, he does so only because 1) he has decided thus and 2) it is beneficial for him.

Human beings are subjects of natural rights which are inherent to him and prior to the State. These rights are inalienable and necessary. For this reason, the State and the laws have to be at the

service of the individual. Collective relations and the existence of society and politics are the result of individual choices driven by selfish concerns (GIMÉNEZ PEREZ, 2009).

Liberalism introduces a new conception of the individual according to which he lives an independent life, that logically precedes any sort of human association, and whose existence owes nothing to them. Besides, he is a rational subject who is able to manage his own behaviour, to determine his priorities, needs and purposes; he is an interested being, that is to say, a being motivated in his private behaviour and in his social and political relations by the desire to satisfy his wishes and interests through a rational estimate of benefits or utilities (QUESADA, 2008).

The scene for the development of the liberal conception of the individual as a human being who is essentially free, independent and thoroughly rational begins with the break-up of Modernity towards the Medieval period and the Ancient times. Man is no longer a political animal by nature, as Aristotle claimed, or one part that fulfils a certain function within the framework of a kind of macro-man, in Plato's way, or a being who must seek the common good, as St. Thomas Aquinas asserted (just to mention some examples), to turn into a free individual who lives in a state prior to any kind of institutions and who chooses to associate with others for the purpose of satisfying his own wishes and interests. Obviously, this break-up was not immediate or drastic, but occurred in the context of a period which allowed for the emergence of such view¹⁰. However, it was only in the seventeenth century that the first clear records of the conception of the liberal individual appeared.

From the seventeenth century onwards, the modern conception of the individual is of paramount importance to the basis for the State and for other political associations as it places the subjects' reasoning and freedom at the forefront based on the figure of the social pact.

The novelty lies in the fact that the individuals, now, become citizens in a State through their own and free consent and, of course, after estimating benefits and utilities regarding the gains of such association. In this way, the modern State is conceived not as something natural, but as a human creation with the aim of fulfilling certain aims, it is an instrument or a means (FASSO, 1982, MACPHERSON, 2015).

With Modernity the emphasis is placed on the individuals' reasoning, their freedom and equality. The individuals are rational beings who are capable of making their own choices.

¹⁰ As it will be mentioned later in this same work, an important antecedent can be found in Hobbes, an absolutist author, as he lays the foundations for thinking a selfish individual and that embarks on a founding contract of the State to obtain security and interact with other subjects.

POSSESSIVE INDIVIDUALISM

Macpherson (2015) points out that the assumptions of possessive individualism are summarized in the following seven propositions:

1) the constitutive characteristic of men is freedom from dependence on the wills of others. This includes his peers, that is to say, other flesh and blood individuals, as well as collective entities, such as the State or the people;

2) freedom from dependence on others means freedom from any relations with others except those relations which the individual enters voluntarily with a view to his own interest. As it is evident, the individualist note on which this view is based does not mean “asocial”. Men and women can make up collective entities should they consider it convenient in compliance with their own aims and ideals. In this way, the existence of the State and of belonging to the people or to the society are justified, not as mere parts articulated by the authority, but as constituent wills;

3) the individual is essentially the sole proprietor of his own person and his skills. He owes nothing to society for them and therefore must not ask for any kind of permission to exhibit his personality in the political sphere;

4) although the individual cannot alienate the whole of his property of his own person, he may alienate his capacity to labour. This justifies the cession of the primary political power when exercising the right to vote, but, for example, the individual cannot renounce the natural right that protects civil and religious liberties;

5) human society consists of a series of market relations (given that the individual is human as long as he is free, and is free inasmuch as he is proprietor of his person, human society can only consist of a series of exchange relations between proprietors, that is to say, in a series of market relations);

6) since freedom from the wills of others is what makes a man human, each individual’s freedom can rightfully be limited only by such obligations and rules as are necessary to secure the same freedoms for others. Therefore, every rule, obligation, etc. must emerge from the negotiation between subjects who are proprietors of themselves;

7) political society is a human contrivance for the protection of the individual’s property on his person and goods, and therefore, for the maintenance of orderly relations of exchange between individuals regarded as proprietors of themselves.

DEMOCRACY FROM THE PERSPECTIVE OF THE POSSESSIVE CONCEPTION



A possessive conception of democracy complies with the strength of the democratic conception in itself. Why? Because democracy is built on the isegory which implies giving each individual the right to associate, to be heard, to struggle for their interests and to achieve consensus. In short, to negotiate as proprietors of their own personalities with other individuals under the same conditions.

What has been said before becomes clear when “agora” is included within the concept of isegory, as each individual’s equality to get together in the public sphere with the aim of exchanging his ideas is explicitly stated. If democracy is built upon the concept of isegory, then, it also includes the agora, the mercantile dimension.

It is also evident that nobody wants to give anything in return if he does not possess it. Agreements are consolidated on the basis of what the subjects possess.

What is the point of a democracy seen from a possessive conception? Perhaps the value that is intended to be highlighted here does not stand out or does not seem to be relevant at first. However, if democracy from a possessive conception is useful it is because it tends to empower and respect citizens as full individuals, not only as parts of a whole. In such a way, taking the individual’s freedom as a starting point gives rise to recognizing the dignity of the subjects.

To make this idea clearer, let us see what would happen otherwise. Let us imagine an Alfa State, democratically organized, in which the population is accustomed to living with a good standard and quality of life. Due to climate contingencies and to bad luck, a hurricane hits much of Alfa, destroying numerous homes and buildings, drinking water sources and crops, the few cattle surviving the catastrophe slowly catches diseases or starves to death. The population that lived in the places hit by the hurricane have been left without hospitals or schools.

The main representative and deliberative body in Alfa decides that it is necessary to provide some help to the unfortunate section of the population that has been affected. To achieve this aim they appeal to the solidarity of those who have been luckier and only knew about the hurricane from the news, and to the fact that they could have found themselves in the bad circumstances or that in the future they may be closely affected by a catastrophe of this kind. In this way, a new disaster mitigating tax is sanctioned, which is levied on all the incomes of the inhabitants from the areas not affected by the hurricane and which consists of the monthly payment of a sum equivalent to 45% of those amounts.

Thus, the section of the population reached by the tax had to start paying the tax, but after their first payment they realized how scandalous the tax was as nearly half of their income was compulsively sent to one section of the population that did not pay and that had never paid such a tax.

“Calm down!” the people’s representatives pointed out. “When you undergo a similar contingency, you will also receive this kind of support”. Of course, this assertion did not calm anybody because everyone was aware of the fact that another natural disaster could occur but that nothing ensured that 1) a disaster mitigating tax would be sanctioned again before an event of this type; 2) the section of the population affected in the future was the one that was now paying the tax (that is to say, it was possible to re-tax these exorbitant sums in the face of a new climate contingency); 3) the funds that could be contributed by those affected today and in the future payers of the tax, are similar in amount to what the encumbered were paying today. Besides, today’s taxpayers pointed out that they did not want to suffer a misfortune in the future to see themselves on an equal footing, that they found that sort of reasoning rather awful.

The dilemma posed in this case is not minor: a section of the population has been affected by circumstances beyond their control while the other section, just for a matter of luck, has not suffered any inconveniences. Beyond all doubt, alleviating the situation of the first group is essential for humanitarian reasons. The questions that arise are if that fact justifies the overburden of the second group in terms of obligations, what the limits are for such taxes and which the best procedures and the best reasons would be to establish these duties.

On the one hand, to create new obligations only by putting forward the argument that “some were lucky, others were not” could sound like some sort of social revenge: the ones who were not affected by the hurricane will find themselves wronged by a very high tax and in that way social misfortunes would be compensated. Is it entirely correct to think about it in this way? Who must pay for the supportive costs? Should solidarity not be a self-sufficient foundation?

On the other hand, the creation of the mitigating tax can be framed within a public policy developed by a representative and democratic body in which, in an indirect way, all the citizens have participated and, therefore, it would be legitimated. However, new questions appear: Is representativeness enough to generate the duty to obey any rule? Is there any reasonableness control? Were all the interests at stake taken into account? Who decides what needs, contingencies and interests are more relevant?

None of the two alternatives seems to be fully satisfactory, the citizens seem to be bound to one another with a responsibility that binds them only because they are part of the same State. Society is responsible for society itself. If reasons of solidarity and humanity justify the measure, why would not the Alfa inhabitants be bound for the same reasons to people from the States of Beta, Gamma or Sigma? That is to say, for what humanitarian reasons did the Alfa inhabitants pay for the mitigating costs for the recovery of Beta after the event of an earthquake there? Do humanitarian reasons, then, know borders? They would certainly seem to know state limits. The question is why.

The truth is that the discussion moves towards the preliminary consideration of the individuals as part of a State and their obligations and rights towards it and thanks to it. Nevertheless, the answers could perhaps vary from other critical perspectives that allowed us to think about another range of possibilities such as, for example, suggesting the same foundation of the legal obligation that is raised: why the tax should have a practically confiscatory amount, why the citizens of one State must settle the misfortunes of others, why everyone should be harmed, whether the measure taken generates more benefit than harm, who are benefited and who are harmed, etc.

It should be noted that the issue no longer focuses vitally on the “what” (the obligation to pay the tax) but on the “why” (the foundation for the obligation).

In a first model, the “Cassandra” phenomenon takes place: no matter what the citizens affected by the catastrophe or by the tax have to say, this one must be paid anyway. There is no point in discussing since the State is the one that decides which contingencies should be alleviated, what deserves to be considered a catastrophe, who should pay for the mitigating tax and who will benefit from such politics.

In a possessive model of democracy, the “Hermes” case demands a negotiation, the search for consensus (Would it be possible that in the future the funds are returned to those who now pay the mitigating taxes? Could it be that some kind of loan is created? Is it possible to pay an amount of less than 45%? Are there any other benefits to be obtained? Can a future fund be gradually created for cases like these? Can the affected citizens participate in the hierarchy of needs to be met? among many other alternatives).

The example I have proposed is somewhat provocative because it contains some complexities which are difficult to solve by means of an analysis so simplistic as the one I have made. It is a laboratory case which enables us to consider some exaggerations. Much can be argued from different perspectives about what happens in cases of natural contingencies for which the affected individuals cannot be blamed. The humanitarian question always arises as a special and unavoidable topic at the moment of developing public policies. It is also possible to debate widely about the tax; as it can be noted, the amount I suggested is very high and, therefore, there would be consensus on the alarm it generates. However, it could have been a smaller amount, very small perhaps, and it could still be argued whether the obligation is legitimate.

DEMOCRACY WITH MORE PARTICIPATION

As alternative means to overcome the potential objections to the complex representative democracy, a variety of adjectives for democracy have appeared over the last decades: semi-direct



democracy, participatory democracy, dialogic democracy, etc. The first one seems to be mainly an indirect and representative democracy, but one that opens up some mechanisms for the direct or almost direct participation of citizens. Examples of these are the hearings, the popular consultation, the popular initiative and the revocation of mandate, among others. Even though they are good starting points, they are insufficient to provide a real scene in which citizens can debate, negotiate and have an effective influence on decision-making. In addition to being scarce opportunities, sometimes the regulations for these mechanisms to take place (for example, the number of required signatures and their geographical distribution make it very difficult for the popular initiative to be settled) exclude issues which are specific to the citizenry. For example, the Argentine Constitution excludes from popular initiative issues such as constitutional reform, taxes or crimes¹¹. If we consider criminal law to be characteristic of public order and that the victim is “the people”, that the tax order originates in the principle “no taxation without representation” and that the Constitution is the organizational basis of society, it seems to be an inconsistency to explicitly leave out those who are mainly interested in proposing measures, rejecting or accepting them.

Regarding participatory democracy,¹² different mechanisms have appeared that are posed as an attempt to expand semi-direct democracy in the sense that it does not materialize itself in particular and momentary instances, but that it is lived as a consensus demanding process. In this search for permanent consensus, the review of public decisions takes place in the period of time that elapses between electoral acts, it requires greater transparency and exigency in the dissemination of the information, and civic control with greater participation than that provided by public entities¹³. Although in ideal terms it is presented as an increased demand for citizen control and intervention, it can be observed that the experiences (for example, those of the known as “new Latin American constitutionalism” based on the Bolivian, Ecuadorian and Venezuelan Constitutions) also depend widely on the institutional proposals¹⁴.

Deliberative democracy¹⁵, on the other hand, is characterized by an epistemic consensus in which, through a mental exercise, the possible arguments given by those interested in an issue are

¹¹ §39, National Constitution of Argentina.

¹² In order to be brief, I cannot provide a complete description here. However, relevant bibliography can be consulted on this topic, such as PÉREZ FLORES; CUNHA FILHO and COELHO, 2010, pp. 73-95; DE SOUSA SANTOS, 2009; Linares, 2017; Rendón Corona, 2004; Massal, 2010.

¹³ A study of the mechanisms of participatory democracy, with emphasis on the Latin American experience, can be read in MÉDICI, 2013.

¹⁴ A critique of the dependence on parties and institutional logics as obstacles to the realization of participatory democracy can be seen in NAVARRO YÁÑEZ, 2000.

¹⁵ Deliberative democracy is one of the main topics nowadays. I cannot describe the complexity of the theories that are involved but, for the main characteristics and problems, see ELSTER, 1998; HABERMAS, 1998; HABERMAS, 1999; HABERMAS, 1998; RAWLS, 2001; MCCARTHY, 1997; COHEN, 1998; NINO, 1997; WALDRON, 2004; GUTMAN, 2004.

analysed. It is characterized by being dynamic, considering all subjects as equal, generating reciprocal obligations and being based on reasons accessible for all participants. The hypothetical dialogue or the imaginative exercise in the style of the original position are interesting to think about the argument that supports a decision and also foster empathy between possible situations of vulnerability. This kind of democracy is the closest one to the mercantile one. As I have said before, they are pretty much compatible and we can conceive the last one as a specific way of concreting the first. However, deliberative democracy is still a heuristic exercise which is difficult to carry out. The other persons participating in the deliberation are just a mental creation of the representatives and that can be very far from reality.

Mercantile democracy combines both deliberative and participative democracy. But it is a little bit more than them. It is a model and criterion to judge how much actual democracies are taking into account real individuals. If people have real instances of negotiating, of speaking out their opinions, if they can speak in public sphere and be heard. It is not incompatible with representative democracy, but it demands from it to create those spaces for negotiating, the *agora*. If there is no such a space where to exchange arguments for arguments, if there is no place for individual rhetoric facing other individual rhetoric, democracy would be failing in a substantial issue.

From these adjectives for democracy, it must be recovered that both the participatory and the deliberative variants suggest deliberation among decision-makers to build a public sphere. My proposal here aims to generate a theoretical perspective which highlights the need to return to the specific field in which the argumentative deliberation was concrete and not fictitious. I admit that direct democracy assemblies are impossible nowadays, but that is no reason to fail to request efforts to search for ways which could increase individual participation with the least possible mediation and which takes the subjects as such and not as elements belonging to collectives.

As noted above, if we can understand democracy as a system of government that is always taking shape, that is always looking for its best shape, that can always be improved, then, I cannot see why we could not have the same criteria to establish mechanisms for citizen participation every day a little bit more, not indirectly, not just by participative calls, but as permanently as possible.

CONCLUSION

The main aim of this paper has been to highlight the relevance the individual must have in public decision-making in a democratic environment. If democracy is built upon the concept of isegory as a pillar, then it is necessary for each citizen to have a real and effective participation. This requires that there be a real possibility of pronouncing opinions, of projecting life plans and of



being able to give concrete form to these rights in practice. Positive freedom demands isegory as an expression of one's personality in the political sphere and vice versa.

In this way, isegory represents the common meeting space, a space for exchanging ambitions, projects, wishes, values, and for seeking consensus. For a speech to be effective and successful to reach consensus, arguments are needed, it is necessary to negotiate and reconcile. The agora is not only a goods market with economic value, it also has argumentative value and discursive value.

Individuals in the political face of the agora offer and demand, negotiate and persuade. Democracy is not against the market, but it arises from it every time it requires an exchange among subjects.

Just as Cassandra was not fully free because her voice was discredited and her actions did not have effects, Hermes achieved his task. The possibility to reach an agreement produced greater well-being in the parties. Instead, Cassandra's story is marked by tragedy: the destruction of Troy and her own life's.

Isegory as a democratic basis requires that public decisions be taken by the subjects and not vice versa, that is, it is not the State that must take the decisions and apply them to the people as a collective. Freedom is not a gift awarded by the State or a collective, but the very basis of coexistence. Every democratically taken action requires the individual consent of those affected and it cannot imply that, in order to improve part of the population, other subjects must be harmed. That is to say, sacrifices should not be imposed by the authority in order to achieve the well-being of the community without considering the totality of the individuals' interests at stake.

The possessive conception of democracy implies, then, that each individual attends public deliberation on equal terms, as self-owning subjects, with something to give and something to receive.

Isegory is the basis for the recognition of the individuals' autonomy and dignity. Nobody can consider himself full if he cannot express his personality beyond himself, in front of others and with others. This does not imply total struggle or the imposition over others, but negotiating with others to reach the optimization of the realization of individual life plans. The democratic model, if built upon isegory, must respect and boost the mercantile dimension, which involves each individual's ownership of himself. Positive freedom cannot be limited to benefit the *demos*; on the contrary, it must be disclosed in all its potential of expression and negotiation for the *demos* to emerge from consensus.

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