A Prehistory of Democracy

Nadia Urbinati

Columbia University, USA
Email: nu15@columbia.edu

Petition, writes Daniel Carpenter in his excellent *Democracy by Petition,* is like a prehistory to the history of democracy. *History*, because petitions encourage a culture of organization and alliance among people, who achieve a public identity through their claims. *Pre*history, because while it mobilizes people, a petition does not entail or require political equality or popular sovereignty. Petitioning does contain two basic ingredients of democracy: first, a petition exalts the moment of voice and expresses the will that a claim be "heard" by those in power and by the public (it actually *creates* a public); in this sense, it stresses a distance between those who rule and those who are ruled, which is a form of discontent familiar to democratic citizens. Second and more important, petitioning creates an opposition, such that one can say that the idea of a legitimate opposition was born with petitioning. Open contestation, rather than secret resentment, is inherently democratic as it suggests a conscious project of self-government.

Carpenter's book documents that although petitions are an ancestor of democracy, they *already* entail a democratic kind of agency, since they expose their complaints not only to those in power but also to society as a whole seeking its support. In not-yet-democratic societies, petitioners train themselves in politics as the art of publicly displaying ideas for the sake of practical actualization – acting purposefully is the character of democratic agency. This training is not yet self-conscious citizenship, which prompts the following question: "if petitioning is prehistory, is it destined to decline with the raise of democracy?"

The problem with prehistory is that it implies a teleological history of democracy. When we say that petitions emerged before the democratic transformation of governments (and the struggle for universal suffrage), "before" retains a flavor of unstoppable causality or destiny. *Pre*history is declared from the perspective of a mature or realized future (history). But what was a petition, exactly, when it emerged and before historians interpreted it as a prehistory of democracy?

Petitions were originally juristic and centered on a "one-issue" complaint. Their goal was to redress an injustice. One of the early examples of petition in modern times comes from the Republic of Venice. In 1244, a tribunal recognized the rights of creditors against insolvent debtors and judged the cases of loans and other movable cases. The origin of petitions was in the private domain of contract or civil justice: it was a claim addressed to a tribunal meant to call attention to an unjust situation; it demanded a redress of a factual injustice, and in doing so, generated new laws. It was jurisgenerative. However, petitions did not question the system of power itself. They presumed an institutional order without calling for a new regime. To paraphrase the title of the second chapter of Carpenter's book, petitions indicated the eruption of democracy, although they were not in themselves acts of interruption or revolution. Petitioners interpelled an existing political authority. Immanuel Kant might well have appreciated petitions as strategies for legal improvement because although they open the floor to revolution they don't plan it.

However, despite its purely juridical appearance, a petition can become political and generate a climate of contestation, uprising, and even revolution. It sets in motion a process of claim-making – or representation in the broader sense of *giving voice to* – that defines some people in contradistinction to others. The petitioners are unified through their petition, in opposition to the rulers they are petitioning.[1] Although born in the juristic domain thus, a petition can take the form of a request and create a collective subject that challenges the existing system by a show of strength, the strength of the union of the petitioners (the number of signatures).

For example, the Petition on Rights was the beginning of the English Revolution. On June 7, 1628, the Parliament made a petition to the King asking for the recognition of some fundamental rights, including personal inviolability and parliamentary consent on taxes. The struggle between Charles I and the Parliament can be traced through petitions; it was provoked by the absolute decision of the king to impose taxation with the threat of imprisonment. Petition was a call for justice that opened the floor to a radical conflict with the King, who disbanded the Parliament and became a tyrant. The end of the petition was the revolution and the decapitation of the King.

Absolute power is not supposed to answer to petitions, because it has the last word, with no emendation or correction allowed – absolute meaning *legibus solutus*. In this sense, a petition underlines the contestation of a sovereign power that makes decisions without consulting and listening to anybody. Petition does not in and by itself call for revolution but can be a prelude to a revolution insofar as it interpels the sovereign, thereby questioning its absoluteness.

Several constitutions in the nineteenth century were the result of petitions or claims and were called *octroyes* – granted by the sovereign. These constitutions were and are still rightly seen as nondemocratic, for democracy is not merely a request of self-government but an exercise of self-government; democracy is not just about an achievement, but the way it is achieved. *The place* and *time* of petition are not secondary, for rights granted by a king are only half democratic.

Democracy by Petition shows that petitions played different roles in different places. For example, petitions made US democracy but not European democracies, according to Carpenter. In the Americas, petitions had a more openly political character and democratic implication than they did in Europe. Although the petition promoted by the Chartists in 1848 was massive and gained one million signatures, on the whole petitions were less determinant in the trajectory of European democracy. We can speculate that being a colonial subject rather than a legal member of the nation radicalized the act and intention of petition. A colonized people petitioning a dominant ruler (whether a king or a parliament) immediately produces an antagonistic (and thus political) relation to authority, stressing the existence of two political peoples, one of which is more subjected than the other one.

---

[1] Petition fits well with presentation as making claims, on which see Saward (2010).

The radicalism of colonial petitions raises the question not just of the place, but the time for petitions. Do petitions make any sense in a government that rests on and represents people's consent? Do petitions lose their meaning and force in a democracy? Do elections, plebiscites and referenda – in a word, the right to vote – replace them? Instead of wondering whether petitions are replaced, we might ask about *the form* that a petition takes in a democracy. This is where I don't fully agree with Carpenter, who suggests that in a democracy plebiscite or suffrage make petitions somehow outdated. Our democracies are representative, not direct, and in a representative democracy there is always room for petitions to those who administer the government in people's name. The gap between rulers and ruled (elected and electors) is never filled, and this space can be partially bridged also through petitions.

Petitions are a sign of a discontent, raised, for instance, by the members of a party to their leaders, by citizens to their representatives, by the public to the government. These are forms of petition although they do not require signatures and have no specific decision to revoke. In this sense, they are less potentially revolutionary than those in the prehistory of democracy – precisely because a dialog between rulers and ruled is part of the fabric of democracy. This is my main objection to this excellent work: Carpenter closes his book by registering a decline of petitions and petitioners along with the achievement of universal suffrage, the formation of parties, legitimate oppositions, and of course the free press and the Internet. As citizens, we have the ability and privilege to voice our opinions every moment of our life. Thus, can't we say that the place and time of petitions are defined by the public as a constant expression of discontent or proposals, monitoring and censuring by the press, the Internet and the movements that mobilize to raise people's claims? I think we can. My conclusion would be that petitions don't become anachronistic with elections; they change their form, multiply, and diversify. Much like forms of anti-democracy, petitions become expressions of distress toward a governing majority.[2]

References

Rosanvallon, Pierre (2008) Counter-Democracy: Politics in an Age of Distrust, trans. Arthur Goldhammer. Cambridge, UK: Cambridge University Press.

Saward, Michael (2010) The Representative Claim. Oxford: Oxford University Press.

Nadia Urbinati is Kyriakos Tsakopoulos Professor of Political Theory at Columbia University. Her most recent book, *Me The People: How Populism Transforms Democracy* (2019), has appeared in Italian, Arabic, and Spanish translations. She is also the author of *The Tyranny of the Moderns* (2015) and *Democracy Disfigured: Opinion, Truth, and the People* (2014).

---

[2] My argument reiterates that by Pierre Rosanvallon (2008).