The electoral strategy of libertarian municipalism: imperative and recallable mandates revisited

La estrategia electoral del municipalismo libertario: mandatos imperativos y revocables revisados

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Abstract

This article focuses on one of the outcomes of the 2010 assembly movements: the electoral strategy of running for municipal elections as a way to channel town council power to a popular assembly of the town's residents. This strategy, which was initially theorised by the American thinker Murray Bookchin in order to bring about a communalist society — that is, a society in which popular assemblies exercise public power at the local level — has been put into practise in recent years. The movements that adopt it are, however, facing a legal and political void. Based on extensive fieldwork in the French town of Commercy, the article aims to fill this void by looking at the institutional design that arose out of the Yellow Vests movement, when part of the group adopted the electoral strategy of libertarian municipalism. More specifically, it shows how the movement reinvented the relationship of representation between town council and the citizens' assembly through imperative mandates. The actors filled that void by creating an original tool to ensure that those elected would be morally and politically obliged to execute the assembly's will. However, the lack of a legal framework providing for recall or rotation prevented them from integrating these devices to realise their political project and, instead, they relied on social control to ensure elected delegates would respect the will of the assembly.

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Resumen

Este artículo se centra en uno de los resultados de los movimientos asamblearios de 2010: la estrategia electoral utilizada en las elecciones municipales y que tuvo como fin canalizar el poder del ayuntamiento hacia una asamblea popular que reúna a los residentes de la localidad. Aunque esta estrategia fue inicialmente desarrollada por el pensador estadounidense Murray Bookchin con el objetivo de lograr una sociedad comunalista —es decir, una sociedad en la que el poder público es ejercido por la gente reunida en asamblea a nivel local—, también se ha puesto en práctica en los últimos años. Sin embargo, los movimientos que la adoptan se enfrentan a un vacío legal y político. Basado en un extenso trabajo de campo, el artículo busca llenar este vacío analizando el diseño institucional que surgió del movimiento de los Chalecos Amarillos en Commercy. Más específicamente, muestra cómo el movimiento reinventó la relación de representación entre el ayuntamiento y la asamblea popular a través de los mandatos imperativos.

Palabras clave: municipalismo libertario, elecciones municipales, asambleas, democracia directa, mandato imperativo, mandato revocable.

INTRODUCTION

The 2010s were marked by several waves of assembly-based anti-austerity movements worldwide. From Occupy Wall Street in New York, the Indignados in Spain and Nuit Debout in Paris, to the occupation of Syntagma Square in Athens, Tahrir Square in Cairo and Gezi Park in Istanbul, these movements undertook to explore new organisational and decision-making practices in pursuit of a more radical form of democracy that would enable citizens to engage directly in political decision-making, while simultaneously occupying public spaces. While these movements shared many aspects — a general critique of representative government, the use of assemblies to organise their struggle and a prefigurative character — what became of these democratic practices once the movement was either repressed, exhausted, or both, is a more heterogeneous galaxy. This article focuses on one of the more marginal experimental municipalist outcomes of these 2010s movements: the electoral strategy of running for municipal elections as a way to channel town council decision-making power to a popular assembly of residents. Initially theorised by the American thinker Murray Bookchin in order to bring about a communalist society

— that is, a society in which popular assemblies exercise public power at the local level — this electoral strategy has been put into practise in recent years in several places (see for example Ordóñez, Feenstra and Franks, 2017). However, the movements that have adopted it are facing a legal void. Even if they work within the legal framework, this strategy requires new extra-institutional democratic devices. Indeed, not only are local popular assemblies not formally recognised as an institution, but neither is there any legal mechanism that could link town council power to such an assembly. Moreover, the void is also political: such a strategy is not prominent among the local repertoire of democracy. Though the question of what such democratic devices might look like could be answered by democratic theorists, the aim of the article is to showcase the institutional design solutions created by a grassroots movement that adopted this strategy.

This contribution focuses on the assembly movement of Commercy, in the Meuse department of north-east France, which, after the Yellow Vests phase of prefiguration, adopted such a strategy during the municipal elections of March 2020. While the movement began spontaneously as the local incarnation of the national Yellow Vests uprising, it quickly distinguished itself by organising through assemblies, by federating other local groups in an Assembly of Assemblies, and by undertaking to institutionalise this assembly, once the Yellow Vests movement faded, by presenting a list of candidates in the municipal elections that would give power to the Commercy citizens' assembly. In doing so, it created extra-institutional devices that would enable this local assembly to exercise municipal power.

The article is divided in three parts. The first part sets the stage, covering the beginning of the Yellow Vests movement through to the municipal elections of March 2020, to give the reader a full understanding of what happened in this small town during these two years. The second part explains how, despite a will to reject representative government, the notion of representation is still used to describe the relationship between the assembly and those elected, albeit in a very different way to that of the current system. Finally, it explores how the three classical mechanisms of libertarian municipalism — imperative mandate, recall and rotation — have been present in, adapted to or absent from the reflections of the Commercy actors when they attempted to institutionalise the citizens' assembly.

The article draws on a thematic analysis of the data collected during fieldwork in Commercy during my doctoral research,[2] using the following methods: 1) participant observation at a dozen meetings, ten assemblies, numerous activities and demonstrations during a series of stays in Commercy (36 full days in total from December 2018 to October 2020) as a researcher on direct democracy; 2) two rounds of semi-structured interviews with, respectively, 20 and 16 participants on the citizens' list, before and after the municipal elections of 15 March 2020; 3) participation in a group interview with a dozen participants over two days led by Prof. Michèle Riot-Sarcey on 27 and 28 June 2020 within the framework of her collective writing project on the history of the Yellow Vests by those who made it; and 4) textual analysis of the movements' documents (leaflets, minutes, working documents, official documents, photographs).

1. THE ASSEMBLIES OF COMMERCY

On 17 November 2018, the French road system was paralysed by a movement of a new kind: the Yellow Vests (Della Sudda and Reungoat, 2022). While the spark that triggered the uprising was the government's decision to increase fuel tax, the movement quickly went beyond this specific issue to embrace broader social, anti-austerity and pro-democracy demands (Carpenter and Perrier, 2023). Despite its sociological, political, ideological and organisational heterogeneity, the movement shared common criticisms of tax injustice leading to declining purchasing power, of political elites disconnected from the daily life of the majority, and of representative government as a way of exercising power. This last criticism, reflecting the democratic aspirations of the Yellow Vests, was manifested in numerous different formats by the thousands of Yellow Vests groups occupying roundabouts throughout France (Gourgues, 2020; Abrial et al., 2022).

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[2] The fieldwork in Commercy is part of my main doctoral research (the full manuscript of my PhD entitled *Theory and Practice of Communalist Direct Democracy. Self-government by the assembled people*, successfully defended in 2024 at UCLouvain, is available at: https://dial.uclouvain.be/pr/boreal/fr/objec t/boreal%3A286526/datastreams). Therefore, the first two sections of this article about the experience of the Commercy assemblies are inspired by earlier publications on the same case study, focusing on the political stakes of their constituent process (Van Outryve, 2023a) and the tensions arising when a movement adopts this electoral strategy (Van Outryve, 2023b).

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In Commercy, a small rural working-class town of about 5,400 people, the Yellow Vests movement began organising daily general assemblies at the start of the movement in the shack that they built overnight in the main town square after a few days of blockade. This construction constituted not only a place of "human warmth, contact, fraternity" in the words of two retired participants, but also a political space of meeting, debate and collective decision-making during the daily general assemblies.[3] People met there to discuss, welcome those who came to share their problems, organise activities such as *solidarity soups*, store their belongings and the public's donations, and logistically organise the assemblies, as the participatory agenda and minutes were public. These assemblies were based on the principles of direct democracy: equality of expression and participation, one person/one vote and majority rule on everything concerning the local movement, without leaders. The movement was essentially composed of first-time working-class militants who had little or no experience of the practices of consensus that prevailed in other assembly movements made up of students and political activists, such as Occupy Wall Street, the Indignados or Nuit Debout. As such, majority voting by show of hands naturally became the principle on which decisions were made, although the group endeavoured to enable minorities to express their dissent and sought to reach solutions that would satisfy everybody.

In response to the government's demand for the appointment of eight representatives from the Yellow Vests movement to begin negotiations, the Commercy Yellow Vests assembly launched an initial call to the Yellow Vests of France at the end of November 2018. In this call, read by men and women in turn, they urged other groups to refuse representation and to organise into popular assemblies everywhere: "If there must be delegates, it is at the level of each local Yellow Vests people's committee, closer to the voice of the people. With imperative, recallable and rotating mandates".[4] This call was to be followed by a second one, inviting local Yellow Vests assemblies and roundabouts to send delegates with a binding, or imperative, mandate to an Assembly of Assemblies organised near Commercy at the end of January 2019.[5]

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[3] The translation of the quotes contained in this article are mine as the interviews, assemblies and meetings were held in French.

[4] For the text of the call, see https://internationalistcommune.com/yellow-vests-commercy/.

[5] For more information on the Assembly of Assemblies, see Kouvelakis, 2019; Bookchin & Van Outryve, 2019.

These calls were partly inspired by the ideas of libertarian municipalism, or communalism, articulated by the American thinker Murray Bookchin (2015, 2021).[6] The theory of libertarian municipalism sees the commune as the place where communities collectively manage their affairs — political, social and economic — through popular assemblies open to all residents of the commune. For matters beyond the municipality, these autonomous entities organise themselves in a confederal model, that is, in a network of councils composed of delegates that are recallable and strictly mandated by their respective assemblies to administer the policies decided by them (Bookchin, 2015). One of the strategic paths libertarian municipalism proposes is the electoral path. It consists of radically restructuring municipal institutions by running candidates for municipal elections who would, once elected, give power to the popular assembly by taking their mandates from it (Van Outryve, 2019).

Though most of the participants were first-time militants, a tiny minority of Yellow Vests had previously acquired political experience during a local struggle against a proposed nuclear waste burial site and had learned about libertarian municipalist theory through the French translation of Janet Biehl's book on the subject (1998). They were already active in the town through a local association, the purpose of which was to create social bonds and direct democracy, though very few Yellow Vests were familiar with their work prior to November 2018. Wary of taking the position of *knowers* (*sachants* in French) and wanting to enable first-time militants to discover their political agency, these more experienced activists proposed elements of this theory as they recognised that such propositions could give an articulated form to the already existing democratic aspirations of the assembly. Several first-time militants quickly became acquainted with the main ideas of libertarian municipalism, which became popular — though not unanimously so — among the group. However, the assembly form that the movement adopted from the outset was not initially inspired by these theoretical ideas, nor by an existing local tradition, but was the direct result of material conditions — the failure of the sound system during the first days of the blockade, forcing the group to go into a circle

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[6] The term *communalism* is often used interchangeably with that of *libertarian municipalism*, which Bookchin coined in the early theorisations of his political project. Although he increasingly adopted the term *communalism* — to distance himself from anti-institutionalist tendencies of anarchism that he felt were associated with the term *libertarian* — I mainly use the expression *libertarian municipalism* here as *municipalism* is the term widely adopted by the actors in Commercy.

and listen to one another, and the existence of the shack to shelter the occupation — as well as their response to the critique of representative democracy that brought the Yellow Vests onto the streets across the country. Moreover, the assembly form eschews the criticism of political abstraction by enabling all individuals to engage directly, as well as addressing the concrete concerns of the population and anchoring their conceptions of democracy in their lived experiences (Jeanpierre, 2019: 157-162).

While the national Yellow Vests movement was losing momentum, mostly due to state repression, so did the Commercy group, in part because the mayor ordered the destruction of their shack, despite the grassroots organisation of a local Citizens' Initiative Referendum against the decision. As a consequence, the Commercy Yellow Vests were forced to abandon the occupation of the public space that was constitutive of their movement, to adapt to the absence of a fixed place for the democratic organisation of their assembly and to meet less frequently. Part of the group then decided to transform the assembly from a vehicle of struggle to a space of discussion open to residents of Commercy who did not identify themselves as Yellow Vests; this became the Commercy Citizens' Assembly (CCA).

After several assemblies in May, June and September 2019, as well as meetings on topics such as democracy, water, waste and energy during the summer of 2019, the CCA mandated a group of its participants to present an electoral list for the March 2020 municipal elections. However, the decision to adopt such a strategy marked the split of the Commercy Yellow Vests group — a split that began with the destruction of the shack and the subsequent crystallisation of tensions, and accelerated with the creation of the CCA, which the other group considered to be "non-Yellow Vest". While the "non-municipalist" group was made up mainly of working-class people, with a minority of teachers, several of whom had family ties, the municipalist group (which would later constitute the list) had quite a different composition. It was led by people from more privileged socio-professional categories (civil servants, teachers or educators), along with several vocal working-class members, especially women. However, both groups were essentially made up of people who had never been politically active before the Yellow Vests, and included a minority of people with political experience.

The list, composed of 31 people and entitled *Vivons et Décidons Ensemble* ('Let's Live and Decide Together'), had only one aim on its programme: direct democracy. In other words, its only electoral commitment was to give power to the CCA by linking the mandate of elected municipal officials to the decisions of the assembly — the electoral strategy of libertarian municipalism. As such, if the assembly were to gain power through elections, it would become the place for residents to meet, debate and decide on major decisions. It would then be the task of the elected members of the list, as they pledged when they signed the Charter of Commitment of the Elected Person, to endorse the assembly's decisions as their own in the town council. Their leaflet also contained proposals that were developed collectively in the various assemblies and that would be open for discussion in the CCA. During the campaign, they canvassed door to door, distributed questionnaires to determine residents' needs, held weekly meetings and organised electoral assemblies to explain the project and to sign the Charter, as well as regular organisational meetings. They also drafted a Local Constitution that would organise the power and functioning of the CCA in the case of an electoral victory (see Van Outryve, 2023a).

In the broader trend of the Yellow Vests to relocalise politics (Jeanpierre, 2019), occupying a local representative institution in order to radically transform it constituted a strategy to bring about direct democracy — "power to the people, by the people and for the people", as emphasised in their calls. The next section focuses on the direct democracy system of assemblies both imagined and instituted by the actors of Commercy to replace the existing local representative institutions. Indeed, from the start of the Yellow Vests movement, the group carried out extensive theoretical imagining of how this new democratic system might work, the practical problems that the assembly would face, and the fundamental rules that would frame the exercise of power by the assembled citizens. I aim to give an account of one part of the movements' institution-building activity, namely how it instituted a new understanding of representation of the local population in the town hall, one where elected people are the assembly's spokespeople.

2. A BREAK WITH REPRESENTATIVE GOVERNMENT, NOT WITH REPRESENTATION

In its institutionalisation phase, the Commercy experiment did not simply aim to "renovate representation", as is the case with the rest of the Yellow Vests movement (Bedock et al., 2020: 239). Rather, its aim was to establish the citizens' assembly, open to all residents, as the exercise of popular sovereignty, instead of the assembly of its representatives. In sharp contrast to the results of empirical surveys showing that the Yellow Vests did not seem to be "calling for a permanent direct democracy to replace representative democracy" (ibid: 224), the preamble to the Local Constitution in Commercy underlined "the need for a break with the representative system, to return to a direct and permanent democracy". By creating the CCA, the group sought to break away from the logic of representative government, which gives "no institutional role to the assembled people" (Manin, 1995: 19). But does this mean that the movement is devoid of any idea of representation?

In his book *The End of Representative Politics*, Simon Tormey describes the difficulty of understanding representative politics:

> [T]rying to grapple with the nature of 'representative politics' is a Sisyphean task. It's a demanding concept, one that means different things to different people in different places. It's possibly even more slippery than the concept of democracy because it refers not just to how people are governed (by representatives), but, as Pitkin's commentary attests, to how we think about mobilization, the relationship between leaders and led, ideas and action. It is not just a matter of procedures or processes or institutions. We are also discussing relationships, understandings, roles, and our perceptions about who or what is in charge. It's a vexed topic. How to proceed? (Tormey, 2015: 10).

This difficulty in dealing with representation is all the more acute in the context of the movement under study since it is opposed to, indeed constituted against, the very idea of representation. Whether it is representative government (Bendali and Godefroy, 2022), traditional vehicles of mediation like political parties or unions (Lefebvre, 2019), or even representatives within the movement (Hayat, 2021), the Yellow Vests developed a sharp critique of the principle that somebody could speak on their behalf or, worse, determine their interests in their stead.

However, as soon as the movement, or the population, cannot be constantly assembled in its entirety, the idea of representation, understood in the generic sense developed by Pitkin of "making present that which is absent" (1967: 8-9), resurfaces. While this concept was rejected by the Commercy Yellow Vests in their very first call, in which they urged other groups not to fall "into the trap of representation", different visions of representation came in through the back door of this direct democracy experiment: representation of assemblies during the Assembly of Assemblies, symbolic representation of the population by the assembly and representation of the assembly by the elected people at the municipal level. Insofar as it is in fact representation under representative government that is fiercely rejected, and that the electoral strategy aims to subvert this principle, this section focuses on this latter instance of representation.

In its institutionalisation phase, the Commercy assembly experiment aimed not only to give power to an assembly of the town's residents, who would deliberate and decide directly on public affairs. Above all, it aspired to make the elected people the mere *executors* of these decisions. In the same way as the rest of the Yellow Vests movement (Bedock et al., 2020), the list rejects the Burkean vision of "trustee" representation that prevails in representative government, according to which the representative is free to exercise judgement in the course of her activity of representation (Burke, 1949). This vision of representation is, however, based on a permanent delegation of sovereignty, described by Castoriadis as a form of political alienation (Castoriadis, 2009: 19). The aim here is "no longer simply to be represented by elected representatives who take decisions on our behalf" as stated in the citizens' list presentation leaflet, but rather to turn elected representatives into "official validators" of the decisions taken by the assembly, the only legitimate body to take decisions, and even a "transmission channel for the assembly's requests to municipal institutions" (interview with a Commercy Yellow Vest in Fradin, 2020).

The members on the list wanted to reverse the balance of power between the population gathered in the assembly on the one hand, and the elected representatives on the other. This notion of inversion comes up on several occasions, as in the words of another Commercy Yellow Vest:

> The local elected official is not a leader, but a delegate of the base. The pyramid is inverted! The mayor is no longer a man of power who will impose his power, who will be a transmission channel from the state to the people, but rather the opposite, their defender, their spokesperson, who puts himself at the service of the citizens' assembly (cited in Gourgues, 2020).

This notion was not only used by people who took on external speaking roles for the collective. It also emerged in this interview with two first-time demonstrators among the Commercy Yellow Vests:

> - Interviewee 1: We're not here to have power. We're here to give power. And that's what's reversed in the citizens' list. Those who are elected are at the service of… but normally that's what democracy is all about, but that's been forgotten.
> - Interviewee 2: That's it. That's what it's all about. If we elect someone, it's so that he can… he's our spokesperson. It's our voice, so what we say to him, he says it there.
> - Interviewee 1: And they decide according to ….
> - Interviewee 2: Based on what people have decided.
> - Me: Is that how you would sum up the citizens' list project?
> - Interviewee 1: It's about reversing power.
> - Interviewee 2: That's it.

In this way, the person elected channels the voice of the assembly, that is, what the assembly has already decided. The Commercy experience shows how a local incarnation of the movement interprets the "reinvention of representation" brought about by the Yellow Vests movement (Bedock et al., 2020). To capture this, let us return to Pitkin's definition of representation as "making present that which is absent". In this generic acceptance, representation does not give the representative carte blanche to decide what they wish under the guise of making present what they interpret to be the interests of the people, as is the case in representative government. Rather, the understanding of representation we are dealing with here corresponds to the vision of representation as delegation, or *direct representation*, proposed by communalist direct democracy: the activity of representation consists of making present the already deliberated and formed will of the assembly (see Van Outryve, 2023a). For the elected person, it means ratifying and defending it, as if it were her own, in the city council, regardless of her judgement. The fact that this will has already been formed therefore leaves the delegate no room for manoeuvre or interpretation as to what she must make present, unlike the agency

granted to the representatives in the system of representative govern-
ment.

3. ARE IMPERATIVE AND RECALLABLE MANDATES PRACTICABLE IN AN ELECTORAL STRATEGY?

This conception of direct representation entailed by communalism is
based on three mechanisms that guarantee the depersonalisation of pow-
er and allow the transfer of power from elected persons to the assembly:
imperative mandate, recall and rotation. In this section I examine the way
in which these mechanisms are, or are not, present in the project put for-
ward by the citizens' list in Commercy in their aim to give power to the
assembled people.

3.1 Imperative mandate

The device of the imperative mandate can be understood as a mecha-
nism in which

> the delegate operates under a fiduciary contract that allows the principal (the citi-
> zens) 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 (Urbinati and
> Warren, 2008: 391).

If the elected representatives are bound by the deliberations and deci-
sions of the assembly, it becomes apparent that the vision of their man-
date is that of an imperative mandate from the assembly, that is, a
mandate with clear and precise instructions, given by the citizens' assem-
bly to the elected representatives, leaving them no room for discretion
insofar as they are obliged to apply the decisions taken by the assembly.
The citizens' list returns here to a conception of elected persons as "mere
clerks" ('simple commis'). Although the expression *clerk* ('commis') was
initially used by Robespierre (1958: 466), it resurfaced under the Paris
Commune to mean that elected representatives should be bound by an
imperative mandate. In the *clubs* — the local assemblies gathering the
revolutionary population of Paris to discuss political affairs — the *commu-
nards* mobilised the notion that those elected to the Commune council

were the "mere clerks" of the people, as stated in the newspaper of the *Club des Prolétaires*.[7] In fact, the idea of an imperative mandate was already present in the second half of the French Revolution, particularly among the Enragés, who were soon to be dominated by Robespierre and the Montagnards (Zaidman, 2008: 25-38). One of them, Jean-François Varlet, wrote in his *Project of a special and imperative mandate to the peoples' mandated agents at the National Convention* in 1792: "a state in which the people is everything, the first act of sovereignty is to elect, the second, to draft powers and mandates for those elected", in order to prevent these agents from being without mandates and "substituting their particular will" to that of the people. This was precisely the concept that prevailed in Commercy: that of electing individuals and subjecting them to the mandate of the assembled people, thereby preventing them from exercising their individual will.

However, as in almost all European states (Tomba, 2018), the imperative mandate has been banned from the successive versions of the French Constitution since 1791 (Zaidman, 2008), up to and including that of the current Fifth Republic. This Constitution explicitly states in its Article 27 paragraph 1: "any imperative mandate is null and void". Indeed, insofar as it is based on "the fiction of national representation", the French representative government leaves the capacity to interpret the will of the nation solely to the national assembly (Dardot and Laval, 2020), which is deemed as "the legitimate organ of the national will" (Sieyès, 1989: 27). The absence of a legal mechanism, reflecting representative government's refusal to subject itself to the people once elected, demonstrates the difficulty of using representative government to establish direct democracy. However, it also shows the political imagination of the movements that choose the electoral strategy (see Van Outryve, 2023b).

As the citizens' list could not rely on the existing legal framework to give substance to its desire to subject elected representatives to the decisions of the assembly, it remedied this shortcoming by drafting a Charter of Commitment, entitled *Official commitment by the Commercy citizens' list*. This document was signed by each member of the list and stipulated, among other things, that, if elected, each signatory agrees "to transfer communal decision-making power to all the citizens of Commercy". It

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[7] *Journal du club des Prolétaires*, "Le Prolétaire/Organe des revendications sociales, XIe arrondissement", 19 May 1871 (cited in Dubigeon, 2017: 118).

states that "it is imperative that this assembly is not merely consulted, but that it receives deliberative and decision-making powers, to which the elected representatives should submit". Thus, if elected, the members of the list pledged to abide by the decisions of the assembly, namely to carry them out and execute them.

However, in the absence of any legally binding constraint, this commitment, although public, is essentially moral and individual, based on the will of the person elected. Interestingly, this requirement that elected people respect the assembly's will is contained in the Charter, which is a text signed individually by each member of the list and which therefore involves an individual commitment to respect the project to transfer the power granted to those elected to the assembly. Indeed, the framework within which this project was put forward, that of representative government, only allows power to be conferred on individuals running for election, and not on a collective extra-legal entity, such as the assembly (Van Outryve, 2023b). However, the list supplements this moral and individual commitment with a political and collective commitment. The "profession of faith" — the official document containing the programme that every electoral list must distribute to voters before the election — introduces the Charter as the text that "frames and defines their mandate". Thus, the commitment made by the members of the list in signing the Charter is made not only before those present at the public signing during the electoral meeting on the 22 February 2020, but before the entire population — extending the public, and therefore opposable, nature of this commitment. Given that the profession of faith serves as an official programme, the moral commitment is therefore doubled by a political commitment.

However, the understanding of the nature and scope of such a political commitment varied across members of the list. A first-time militant list member, who did not participate in the Yellow Vests, explained that she "doesn't know if it's really official" from a "legal point of view" and "thinks" that it's more "something internal to us".[8] While one participant, a first-time activist in the Yellow Vests movement, considers it "normal" to sign the Charter and that he "didn't even need to sign it",[9] for others, the Charter symbolises "a really important […] commitment",[10] or even "a profes-

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[8] Interview 2 March 2020 (7 pm). I do not further specify the socio-political qualities of interviewees than militant/first-time militant; Yellow Vests/non-Yellow Vests, so as to guarantee their anonymity.

[9] Interview 1 March 2020 (7 pm).

[10] Interview 29 February 2020 (3 pm).

sion of faith" necessary to oblige people to respect the assembly's decisions.[11] What is more, while one Commercy Yellow Vest militant saw the Charter as "a gamble" and foresaw the possibility that some people may decide not to vote for a decision despite the commitment, given that the Charter constitutes "a moral commitment that can of course prove fragile",[12] a first-time militant, also a Yellow Vest, considered that it pushes people who have signed it "not to escape it",[13] as they have "no choice". It seems that first-time militant members tended to be confident in the mandatory character of their mandate, in comparison to the militant member who acknowledged that the respect for such a commitment would eventually depend on the goodwill of individuals.

3.2 Recall

The corollary of the imperative nature of a mandate is recall. If recall of representatives is possible in the absence of any imperative mandate, insofar as it is compatible with the independence of these representatives, and therefore with representative government (Vandamme, 2020), an imperative mandate that is not accompanied by the possibility of removing the mandated person in the event of non-compliance is ineffective. The principle of allocating decision-making power to the assembly can only be effective if it can control the agent who carries out its will when it is not assembled. Following the example of Athenian democracy, the existence of oversight mechanisms could enable the population to exercise a corrective power when it is not assembled (Rosanvallon, 2006). This control implies, first and foremost, the power to monitor debates in order to ensure that those elected respect their mandate, but also the power to dismiss them when they fail to do so (Zaidman, 2008: 27). Indeed, one way of exercising continuous control over elected representatives, and not just at the end of their term of office, is for the body that authorised them to be able to dismiss them at any time (Dubigeon, 2017: 110-111). As such, recall is a mechanism that allows delegates to be held accountable, and that induces "a certain kind of behavior on the part of the representative", "to make him act in a certain way" (Pitkin, 1967: 57), through the threat of

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[11] Interview 29 February 2020 (4 pm).
[12] Interview 2 March 2020 (3 pm).
[13] Interview 29 February 2020 (11 am).

sanction. The right of the assembly to recall delegates can therefore be defined as "the right to deprive them of their office and choose replacements for them" (Biehl, 1998: 58).

However, in Commercy the possibility of recalling elected officials in the event of non-compliance with the assembly mandate was not developed. Firstly, because the assembly participants decided to effectuate direct democracy through the current representative system, there was no legal mechanism of recall. Unlike the minority of countries that allow the dismissal of elected municipal officials,[14] France, like many other representative states, does not offer the possibility of removing an elected official from office during their term, the only sanction being the potential absence of re-election. Indeed, the current electoral system is still linked to a personalist conception of politics, based on the attribution of mandates to individuals, thanks to their results at the ballot box, and not on the execution of specific mandates. As such, it does not allow for the mechanism of recall. Elections mandate the person elected to exercise public power for a given period of time, and entrust her with the task of using her judgement to do so. The personalist character of representative government here contradicts the collective character of assembly-based direct democracy, and the accountability mechanism required to enable the transfer of power from those elected to the assembly.

Even in the Charter, there is no mention of sanctions in the event of non-compliance with the commitment to respect citizens' assembly decisions. While one of the demands of the national movement of the Yellow Vests was the introduction of a recall referendum, testifying to a desire to reform the current representative system (Bedock et al., 2020: 235), and while the idea of recall was present in the first call of the Commercy Yellow Vests, the members of the list did not develop any mechanism, legal or extra-legal, that would allow recall of those elected.

During individual interviews, I raised the question of the binding nature of this text, asking how the interviewees understood the potential case of an elected person who did not respect the Charter. A number of respondents thought that they should be excluded, although they acknowledged the absence of legal recourse. One list member, a Yellow Vests sympathiser and first-time activist, thought that the person should

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[14] One of the countries allowing the recall of elected representatives at the local level is Peru (Welp, 2016), where recall referendums are more widespread at the national or regional level (Welp, 2018).

be expelled, although she did not know how this would be put into practice:

> Ideally, I don't know if we can do that, but I think that someone who doesn't respect the rules should be expelled, outright. But then how, in concrete terms… because I don't know how it works, at the town council level, you can't just kick someone out. I don't know, frankly.[15]

Another first-time militant who participated in the Yellow Vests believed that, although the Charter has "no legal value", "if someone doesn't respect the Charter, we'd put them before a people's court, as can be done in Rojava or elsewhere, and vote for their expulsion or eviction".[16] In contrast to the previous interviewee who was not actively involved in the Yellow Vests, this person was aware of the popular courts in Rojava because he had participated in the movement and in the discussions that took place at the shack.

A list member, first-time militant and previously a Yellow Vest, deplored the essentially moral and symbolic nature of this Charter, and the absence of recourse in the event of non-compliance, while also considering that the person should be expelled:

> Well, nothing will happen, there's nothing we can do. No, I don't know, we'll have to see if we can exclude someone or not. I'd have said he'd be excluded, you know. So there you go, at least you put it, but there… We're committed, but without anything. […] It's rather symbolic. But it's important to say it. After that, it's [a] moral [question], people assume their morality. But in politics, I don't really trust morality.[17]

Thus, while some people considered that it should be possible to sanction an elected person who did not respect the Charter (although the question of how to sanction them in the absence of legal mechanisms remains open), they seemed to consider that this sanction should not be a dismissal of the person in her capacity as elected representative, but rather an expulsion from the movement, thus coming closer to the mechanism of ostracism as practiced in Greek democracy.[18] This type of sanction, although

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[15] Interview 29 February 2020 (3 pm).
[16] Interview 2 March 2020 (11 am).
[17] Interview 1 March 2020 (7 pm).
[18] For a conception of ostracism as a means of preserving the unity of the body politic by rejecting a leader during a political conflict, see Castoriadis, 1986: 10.

it may guarantee control of the mandate, goes far beyond the removal of a person for failing to respect their mandate, as it affects not their function of temporary representation, but their membership of the newly-created political community.

In the interview and meeting extracts, we find this idea that list members should "trust" the other people on the list. However, during one of their meetings on 23 November 2019, a first-time militant, who participated in the Yellow Vests, explained the problem of trusting people recruited from outside the core Yellow Vests group to comply with the Charter:

> We had decided to say "Yeah, there are such and such people already interested, that we know on the list, recallable, they sign, that's it". And then, afterwards, now, well, that means it's going to be external people coming in, so we'll give ourselves time to get to know them, to see how they get involved and see if they deserve to represent. [...] It's about trust.

However, while trust is crucial to guaranteeing compliance with the Charter, it is not a given, but must be built up gradually by getting to know new people. This idea of building trust seems especially important to people who participated in the Yellow Vests movement, as they were able to develop relationship-based trust with each other through the daily general assemblies. In the absence of the possibility of recall, trust in the electoral candidates seems to be crucial. In her defence of a representation model based on selection rather than sanction, Mansbridge argues that trust (granted through selection) is inversely proportional to the need for sanction: when trust is possible because the person has been selected, the need for sanctions diminishes (Mansbridge, 2009). She puts forward a model of "gyroscopic representation", based on the importance of selecting representatives who will act in a predictable way by virtue of observable characteristics and their principles (Mansbridge, 2003: 520-521). They will thus act for fixed "internal" reasons, that is, to respect the principles for which they were elected, and not for preferences induced by the existence of a sanction. In line with this model, we can see that where communalist theory accords low importance to delegate selection, in favour of sanction in the form of recall in the event of non-compliance with the mandate, adapting the project to the system of representative government, which does not allow any sanction such as recall, forces participants to place greater importance on selection. If individuals have been deemed

worthy of inclusion on the list, it is because a bond of trust has been built up between them and the people driving the assembly, and not because they could be dismissed by the assembly.

It should be pointed out that while trust between list members plays an important role in guaranteeing compliance with the mandate, it is not used as an argument to convince the population to vote for the list. Thus, when the suggestion was made to ask the people of Commercy to "trust the members of the list" in the presentation leaflet, the group contested the democratic meaning of this term since it is used by all traditional political parties.

Another list member, a first-time militant and Yellow Vest, explained that trust is also possible because of the human connections in a town of that size. He argued that even if there is "no strictly legal framework", and that "theoretically, he has every right to reject the assembly [mandate]", "to disregard decisions", it is possible to "move forward on trust", to "trust each other", given that this is a "small town [where] people, co-citizens know each other":

> I see municipalism on a local scale, but more on a human scale. That's what I think is important, the human scale. [...] Because it's dehumanised when it goes up to Paris, then comes back down like that, there's no longer that human scale where you're close to people, you know them, you no longer have that connection to reality.[19]

Again, taking part in the local Yellow Vests movement at the shack gave the participants the experience and knowledge that trust can be built through assemblies at the communal level. Indeed, while not a legal obligation, execution is achieved through the trust created by social ties independent of the list, but rather linked to the size of the political unit that is the municipality. During a meeting of the list members on 24 November 2019, this notion of social control also came up, thus reintroducing the idea of sanction. A militant who participated in the Yellow Vests discussed with the group the importance of mentioning the Charter in door-to-door campaigning, and stated its binding force in these terms:

> Legally, he can do whatever he wants. We don't think so, because we trust the people on our list, but it's always possible. [...] If he betrays us, he'll become a mayor like the others, but he won't dare look us in the face.

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[19] Interview 28 February 2020 (5 pm).

The Charter is therefore seen as binding because of the social pressure that would result from any failure to respect the commitments it contains. A member of the list also considered that the list members would be responsible for exercising this social control: "We'd have to put the full pressure on them to change and respect what they say, because it seems beyond question to me that we have to respect it, if we've signed it".[20] A list member, first-time militant and Yellow Vest, also explained that he actually trusted the group more than the individuals, because the group would put pressure on the elected person to respect the assembly's decisions, just as it currently did to ensure that all list members respect collective decisions:

> What I see is the group. You see, for example, I gave my opinion, and [...] what I find interesting is that nobody would feel restrained from asking me: "Wait a minute, why did you say that?" [...] I think that in fact there's going to be a collective pressure, which means that individuality won't be able to... I really think that there's already a certain amount of trust, and an atmosphere where people can speak their mind anyway, to say: "You shouldn't say that". [...] So I really trust the group, because that's how the list was put together, even if there are some people on it who we didn't really know. Personally, I wouldn't feel like betraying that because I couldn't bear it, and I know I'd be called to order too. And I really believe in this project, so if there are people who really mess up at some point, well me and the others, but I'll be really vigilant to make sure the Charter is applied.[21]

Note here that it is not necessarily the assembly, as an institution, that would be responsible for exercising this "pressure" or control to ensure that the elected person respects its decisions, but rather the members of the list who would have worked for its election. So, although the citizens' assembly may be granted the legal force for its deliberations and decisions when the elected person decides to make the assembly's decisions their own, in accordance with their commitment, as a new vehicle it is still dependent on the goodwill of the individuals in power. The only guarantee the assembly could have that the person elected would effectively bind his or her mandate to the collective will would derive from the culture it has developed to keep its delegates under constant supervision. While the list members and the Yellow Vests assembly had the time to develop this culture, the citizens' assembly, as a recently established body with no previ-

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[20] Interview 29 February 2020 (3 pm).
[21] Interview 2 March 2020 (10 am).

ous experience of working with delegates, had not yet had that opportunity and had not been able to achieve this shared conception of the collective exercise of power through the control of delegates. Only the creation of a culture of exercising power aimed at depersonalising individual power in the service of the collective could ensure a real collectivisation of public power.

Even if the plan put forward by list members to make the assembly the author of an imperative mandate for those elected were based on the principle of the people being constantly present and assembled for the exercise of power, there is no control over the respect for this principle. The Commercy assemblies' project of direct democracy therefore resides in the fact that it gives an imperative mandate to those elected, and not in the control of this mandate. The absence of the possibility of recall remains problematic for the control that the assembly would be able to exercise over elected individuals, all the more when "recall is most useful when one knows it is available, but thinks it is not necessary" (Whitehead, 2018: 1346). As such, the mere threat of a sanction can influence people, provided it constitutes a serious threat and an effective sanction (Vandamme, 2020: 3).

In the absence of a recall mechanism to guarantee compliance with the Charter, there is one final element which several members considered should ensure respect for it: the fact that they had given themselves their own rules. The reflections of several interviewees show the dimension of autonomy involved in creating the Charter, and which would enable it to be respected, as it is a question of obeying the self-instituted rule. A first-time militant who did not participate in the Yellow Vests explained that the Charter enabled participants to submit to an alternative model to the existing one: "we've given ourselves our own laws, so to speak".[22] One first-time militant and Yellow Vest participant defended the expectation that the Charter would be respected as follows: "[it's] our model, we're creating it".[23] Another list member with the same characteristics argued that respecting the Charter means "respecting the rules we've set for ourselves".[24] A member of the list, who joined the group during the process and did not take part in the Yellow Vests movement, explained that she

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[22] Interview 29 February 2020 (11 am).
[23] Interview 28 February 2020 (5 pm).
[24] Interview 1 March 2020 (10 am).

would find it "hard to believe that anyone elected could not respect it", insofar as the Charter is the result of a collective construction process: "we built it, we decided on it together, why wouldn't she have come forward beforehand, waited until that moment and then agreed with what everyone else had decided? That's why I couldn't imagine it, because it's a collective decision".[25] In a sense, the need for an external, coercive right to enforce a commitment is offset by participation in the self-institution of their own rules — a belief present in members, whether or not they had previously taken part in the movement. This is an essential difference from representatives under representative government: defenders of assembly-based direct democracy are able to contribute to the rules governing their mandate. Whereas, in heteronomous societies, the binding force of law is indispensable for enforcing the rules (Castoriadis, 1975), people living in an autonomous society develop a different relationship to the rules, of which they are both authors and subjects.

3.3 Rotation

The third mechanism enabling the will of the popular assembly to be carried out by delegates is rotation. This mechanism "ensures that power be made to circulate and not stay with any subset of the polity for longer than strictly necessary" (Landemore, 2017: 59) and, as such, can prevent the "specialization of the leadership functions" and, therefore, "a rigid separation between those who rule and those who execute" (Dubigeon, 2017:115; Castoriadis, 1979). Since any benefit gained from the power accrued from an elected position (information, relationships, authority and so on) would be short-lived, delegates should be unable to consolidate the potential influence that they could have on the assembly deriving from 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 occasionally endorse the specific task to directly represent the will of the assembly. Moreover, rotation can also be educational, 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 that of others.

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[25] Interview 28 February 2020 (7 pm).

During the Yellow Vests movement, the Commercy group was initially determined to rotate important roles. On 24 November 2018, during the second Saturday of mobilisations, one of the movement's early spokes-people, a first-time militant, attested to this tendency in a speech: "this system of spokespeople needs to be based on rotation, that people who feel comfortable to speak can speak, and lead an assembly, tell the ideas of the day". He was backed up by another first-time militant who stated: "what we want is for the spokesperson to change every day", even if deci-sions should always be taken by the assembly.

While the rotation of spokespeople (whether in relation to the authori-ties, the press, or during the Assembly of Assemblies) was effectively car-ried out and paid attention to gender parity, rotation of internal roles, such as facilitating or executing important tasks, proved more difficult. There were attempts to rotate tasks, so that positions such as assembly facilita-tors or secretaries could circulate among active participants, and thus al-low more people to learn how to perform them. However, although to begin with the roles of facilitator and secretary were carried out by various people with diverse socio-economic profiles, genders and political experi-ence, eventually they were mostly occupied by men who had previous facilitation skills — gained either through their profession or their activism. This seemed to be broadly accepted by the group, as a female Yellow Vest who had some activist experience explained during the collective inter-view:

> For several months, it was more or less always the same people who led the meet-ings, the people who found it easier to speak up, but not because they imposed themselves, but because people said: "Well, you know how to do it, you're used to it, we trust you, go ahead and do it".

So, if people who felt more comfortable speaking took on these facili-tation tasks, it seems that it was not out of a desire to concentrate power, but rather because they had demonstrated a certain ability in the role, and the group relied on them. A first-time militant who participated in the Yel-low Vests went on to say that this was a "delegation of the power of speech". As such, the lack of task rotation seems attributable to a skills' differential, which appears to be seen as a good thing in some respects as it allowed the people in the group to complement each other. Indeed, the same person noted that "There are some people who already have skills,

ideas and who make these available to the collectives", seconded by an-other female first-time militant Yellow Vest: "It's the qualities and skills of each individual that make the group move forward".

This tendency to rely on participants with pre-existing skills to occupy key roles became entrenched at the time of the citizens' assemblies and the list members' meetings, which were always facilitated by the same people. Interestingly, while the rotation and parity of delegates to the As-sembly of Assemblies was an obvious decision, at no point did the group suggest rotating the elected people. Although this was essentially due to the limits imposed by the electoral code, in which seats are allocated to one person who cannot be replaced during the term of office, I hypoth-esise that rotation was not considered because replacing a person who had developed new skills would mean losing knowledge about how the town council works. For a collective made up almost exclusively of people with no political experience, this loss of knowledge is not trivial. It confronts the ideal of education through rotation precisely with the reality of occupying a seat on the town council.

Lastly, and quite interestingly considering the current trend towards selection by lot (see Sintomer, 2023, among others), the group did not use sortition as a method to select delegates. Unlike other participatory and citizens' lists in France that were constituted in this way (Bachir et al., 2023), the group rejected it for two main reasons. First, the group's mem-bers wanted to constitute a list that would be "representative" of the pop-ulation in the descriptive sense, and they could only achieve this through their own action because they had no access to official lists with specific information on local residents' socio-professional qualities, age and gen-der. The second reason was more pragmatic: they did not want to reject people "who had participated since the beginning of the process" by asking them not to stand, as discussed during a meeting of the list on 24 October 2019. However, the group decided to keep the idea "if a lot of people want to get in", in which case a mode of selection would be needed.

4. CONCLUSION

In the end, the list was defeated in the first round of municipal elec-tions on 15 March 2020, with 9.77 percent of the votes. Coming just shy of the 10 percent threshold, it failed to qualify for the second round by only

four votes. According to members, the main reasons for this result were insufficient contact with the population and a lack of concrete projects, but also the last-minute and state-imposed label of the list as Yellow Vests, in a context of media and governmental hostility towards the movement. However, although the group's efforts during the campaign did not translate into elected power for this movement, its work on institutional design might help other movements to navigate the absence of existing mechanisms that would give power to citizens' assemblies, and to represent them when they can no longer be assembled.

The vision of representation developed in Commercy is essentially based on the imperative mandate, rather than on recall or rotation. It thus differs from the vision of representation that animates the experiences constitutive of council democracy, which is essentially based on these last two mechanisms (to which workers' wages must be added), but which is divided on the question of the imperative mandate (Dubigeon, 2017: 108-122). What is essential for the actors is that the assembled people, not their representatives, should be able to deliberate to determine their will. While the effectiveness of the imperative mandate without the possibility of recall raises questions, the list addresses a more fundamental issue for the principle of delegation: how can a group control whether a delegate respects its will if it has not been able to assemble to determine that will? By imposing the citizens' assembly as a basic condition for political decision-making, the actors in Commercy render inoperative any attempt by representatives to express what the people want, because it has already determined its collective will. Allowing the people to create their own voice appears to be the best solution to the problem of populist leaders who claim to speak for the people.

However, while the direct democracy project in Commercy enables the assembly of the people, this people will never be present as a whole — whether for reasons connected to work, social reproduction tasks, mobility or leisure, among others. This raises another question regarding the notion of representation at stake in Commercy: how could the entire population of the town be represented in the assembly, if not all individuals are present? This question concerns not only the measures that need to be put in place to ensure both physical and effective participation in the assembly, but also the symbolic nature of the relationship between the assembly and the whole town.

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