

Democracy Settled In Benin, Facing Lame Governance with an Authoritarian Base

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Abstract: The exclusion that can be seen from the empirical measurement of perception of Beninese citizens via the “Democratic Resilience” project reveals a formidable problem of political participation. In reality, for some time, a part of the population, even a large majority of the Beninese population, has felt powerless to influence the course of political actions, that is to say, that they are unable to establish a relationship between their daily concerns and the abstract principles which seem to govern actions, which govern political solicitations. On the other hand, the participating citizens therefore appear to be the only ones capable of making an informed and reasoned political choice, of accessing a form of thought compatible with the very principles of Beninese representative democracy so that, the masses held to the The deviation from politics, subject to the decisions taken by the most competent, would introduce through their possible participation only troubles and disorders, ignorance and irrationality, into the delicate and fragile game of the mechanisms of rational government; their passive acceptance of the rules of the game, their vague attachment to democratic values assimilated to a minimal “consensus” are enough to maintain the foundations of a system whose functioning is solely controlled by the political elites of the day. So that, the modes of adaptation and reinvention of citizens, on the other hand, vary from one department to another and are presented above all, in the departments of Borgou and Alibori under the yoke of a democratic resilience which takes on a dualistic appearance and is seen on the one hand, through resilience in faith and deviousness and on the other hand, via violent resistance.

Keywords: Benin, representative democracy, democratic resilience, resilience in faith and sneaky, violent resistance.

INTRODUCTION

“The political mechanism does not act by itself. Just as it was originally made by men, it must also be handled by men and even by ordinary men. He needs not their simple acquiescence but their active participation.” John Stuart Mill, Representative Government. 1865, p.7-8.

Beninese democracy is captured by the political elite and is exclusive. Indeed, this is what emerges from the empirical measurement of the perception of Beninese citizens.¹ For these last ones, the actors (institutional and non-institutional, political, socio-economic), processes and democratic procedures in Benin are subject to capture by a restricted group of actors, primarily the President of the Republic. This results in an instrumentalization of the institutions of the Republic detrimental to the balance of the political

system; a systematic weakening of civil society, all in a context of increasingly worrying attacks and violations of human rights. The political reforms undertaken by the regime in place (the Charter of Political Parties, the Electoral Code, the constitutional revision of November 2019), under the pretext of rationalizing the political space, have resulted in the drastic restriction of the fundamental right of the citizen to elect and be elected and to the violent depacification of the political space. Better still, a series of social laws have virtually deprived unions of the fundamental right to strike (law on the right to strike) and job insecurity (law on hiring). The Penal Code and the Digital Code have significantly undermined the foundations of freedom of expression and the press, thus leading to increased penalization of expression and press offenses. In a word, the institutional, non-institutional and citizen mechanisms for defending democracy are, if not broken, but strongly weakened.²

Better, the exclusion which can be read from the empirical measurement of perception of Beninese

¹The empirical measurement of the perception of Beninese citizens was obtained at the end of weeks of qualitative survey carried out among citizens of the 12 departments of Benin, belonging to different socio-professional strata, where several dozen Beninese were questioned on their assessments of the country's democratic trajectory since 1990. It should be remembered that the research project on “Democratic Resilience” in Africa, initiated and implemented by the CiAAF with the financial support of OSIWA, aims to document and promote citizen reinventions of democracy in the face of the changes thus imposed on democracy in Benin and West Africa.

²<https://freedomhouse.org/country/benin/freedom-world/2021,01/08/2022>; <http://ortb.bj/infos-une-liberte-de-la-presse-le-benin-113eme-dans-le-classement-2020-de-rsf/#:~:text=Le%20B%C3%A9nin%20connait%20une%20nouvelle,%C3%A0%2017%20places%20plus%20bas;01/08/2022>

citizens via the “Democratic Resilience” project³ reveals a formidable problem of political participation⁴. In fact, for some time⁵, a part of the

³The general objective of the democratic resilience project is to contribute to democratic resilience in West African states, particularly in Benin (pilot phase). It will thus make it possible to inventory attacks (including security ones) on democracy and practices of democratic resilience in Benin. In addition, it will contribute to the promotion of experiences and good practices of democratic resilience in Benin. This is also what explains the preferred choice of field research (focus group, individual and collective interviews, observation) on practices and experiences of democratic resilience.

⁴Political participation is the set of practices (voting, demonstrating, campaigning, participating in meetings, etc.) and expressions of interest (learning about politics, talking about politics, etc.) of the governed with regard to public affairs. affecting the municipality, the region, the State or even all of humanity. The question of political participation always raises that of citizen rights and the conditions for granting citizenship. In democratic theory, political participation refers to the intervention of the citizen in the affairs of the city. Finally, political participation presupposes individual learning (during political socialization), but also collective learning. For this reason, democracy, to be exercised in conditions of civic involvement and freedom, can only take root over time. In this regard, the "proclamation" of democracy (adoption of a constitution, proclamation of rights, organization of elections, etc.) suffers the risk of failure in the short term, if it is not accompanied by intense civic education and the possibility of participation without risk. Olivier Nay (dir), *Lexique de science politique*, Paris, Dalloz, 4^{ème} éd, 2017, p.804. Furthermore, it should also be clarified that political participation is a concept of the citizen which established itself in the West in the 19th centuries, invoked by supporters of universal suffrage and assimilated to a fundamental principle of democracy, is that of an individual capable of “forming an opinion” and expressing through his vote both his political preferences and his interest in the public sphere, that is to say concretely for the government of his community to which he belongs, to which he is supposed to attach a strong sense of identification. Jacques Lagroye-Bastien François et al, *Sociologie Politique*, Paris, Presses de sciences politiques-Dalloz, 4^e éd, 2002, p.335.

⁵Indeed, the arrival to power of President Patrice Talon in April 2016 in Benin and the post-2016 political development reveal important signals of acceleration and worsening of the de-democratization of the country. Most of the beams of the Beninese democratic system are under severe test: the restriction of public freedoms and fundamental rights, the right to elect and to be elected, the increased weakening of the media (Reporters Without Borders, 2019, 2020) and trade

population, even a large majority of the Beninese population, feels powerless to influence the course of political actions, that is to say, it fails to establish a relationship between their daily concerns and the abstract principles which seem to govern actions, which govern political solicitations. On the other hand, participating citizens therefore appear to be the only ones capable of making an informed and reasoned political choice, to access a form of thought compatible with the very principles of Beninese representative democracy so that, the masses kept away from politics, subject to the decisions taken by the most competent, would only introduce through their possible participation unrest and disorder, ignorance and irrationality, in the delicate and fragile play of the mechanisms of rational government; their passive acceptance of the rules of the game, leur vague attachement aux valeurs démocratiques assimilées à un « consensus » minimal suffit à maintenir les fondements d'un système dont le fonctionnement est uniquement contrôlé par les élites politiques du moment.

In fact, we are facing a system which is presented under the yoke of what could be described as a flat and thin strip blade of a hard and sharp material. So, we are talking about the blade of a chisel, or a saw. Which thus takes on the appearance of an authoritarian political system in which the rulers in place do not really submit their power to the vagaries of open competition during pluralist elections. Furthermore, they do not tolerate the public expression of political disagreements with them. However, unlike totalitarian regimes, they do not require citizens to closely share the ideology of those in power. Some are perfectly content with a generalized indifference which they sometimes maintain through diversions. Better still, others require public support, but entirely external, without seeking to truly reshape the mentalities of citizens. In truth, unlike regimes that are more than democratic, which assume their

union organizations, in short, the capture of electoral and democratic institutions and procedures, etc. The succession of legislative elections in April 2019, municipal elections in May 2020 and presidential elections in April 2021 showed that Beninese democracy is taking violent, even bellicose, paths, unprecedented in the post-independence history of the country. In the name of a certain conception of economic development and the maintenance of order and public security, those who put forward alternative proposals and democratic principles are stifled (Freedom House, 2020, US Secretary of State, 2021).

political character, that is to say, those who govern and are governed know that nothing necessarily designates a man or a party to exercise power with the exception of any other: neither custom, nor God, nor the sense of history may entrust such a mandate. Only the consent of the people can found the legitimacy of a power, and this consent can only be given for a specific time.

However, what is the value of a democracy which calls into question acquired rights, which oppresses individuals through the confiscation of freedoms by rulers who legitimize themselves on the trappings of majority fact?⁶ This democracy is not one. It relies on the majority game to give itself the appearance of democracy, it plays on citizenship to better take it away from some. Democracy is therefore egalitarian and free⁷ for

⁶In the history of the evolution of democratic systems, the representative regime was not first thought of as democratic when it took off in the 18th century and the 20th century. He used the principle of originally aristocratic election, as a mode of selection of elites, governments, and representatives. And it is after power games and social struggle throughout the last two centuries that the election took on a positive and democratic meaning to shape the system of what we call liberal democracy today. This system is based on the idea that representative power is legitimate and democratic if it results from a majority vote framed by rules which ensure that liberal principles and such as the separation of powers are guaranteed. But here we are in a paradox if democracy is progressive in the sense that the values of equality and freedom extend to an ever-larger part of the population. We can think that by relying on the idea well accepted today that democracy is based on the majority and that this majority can legitimize an oppressive power capable of calling into question rights and freedoms. Especially since this majority was obtained by methods very inconsistent with the principles and values of democracy. This is truly what the current regime looks like, everything seems to describe authoritarian governance.

⁷Democracy must therefore protect citizens against arbitrariness or abuse of power. This is primarily based on equal rights between citizens. Any democracy indeed implies a political system where all citizens are subject to the same laws. Hansen specifies that from the start the word democracy is equivalent to the word isonomia which designates the equality of political rights between citizens, or even isegoria which was equality of opportunities. We find this characteristic in particular in Herodotus who writes: "We always and everywhere see that equality between citizens is a precious advantage: subject to tyrants, the Athenians were no better in war than their neighbors, but freed from tyranny, their superiority was resounding." This text indicates that this principle of equality before the

everyone or it is not. It is what makes it possible to continually construct politically the challenges to dominations of all kinds. This is also why there is no sense in talking about illiberal democracy⁸ as

law is necessarily at the heart of any democratic system because it prevents power from being exercised according to the goodwill of the leaders. On the other hand, whether one is rich or poor, intellectual or peasant, responsibilities are open to all and everyone has, through voting, the same weight to accept or reject political decisions or the appointment of rulers. Hansen writes that "the various aspects of equality invoked by the Democrats themselves amounted to equal rights, whereby all citizens could have equal opportunity and equal protection of the law. Mogens Herman Hansen, *la démocratie athénienne à l'époque de Démosthène*, Paris, Tallendier, 1995, p.98. Voir aussi : Bruno Bernardi, *La démocratie*, Paris, Flammarion, 1999, p.255; Luciano Canfora, *Démocratie : histoire d'une idéologie*, Paris, Seuil, 2006, p.482; Guillaume Cazeaux, *Odyssée 2.0 la démocratie dans la civilisation numérique*, Paris, Armand Colin, 2013, p.316; Jean Cottave Claude Neuschwander, *La démocratie durable : L'utopie au quotidien*, F-84240 La Tour d'Aigues, 2005, p.160; Arnaud Coutant, *Une critique républicaine de la démocratie libérale : « De la démocratie en Amérique » d'Alexis de Tocqueville : étude*, Paris, Mare-Martin, 2007, p.561; Takēs Phōtopoulos, *Vers une démocratie générale : une démocratie directe, économique, écologique et sociale*, Paris, Seuil, 2002, p.244; Marcel Gauchet, *La démocratie contre elle-même*, Paris, Gallimard, 2002, p.385; Claude Lefort, *L'invention démocratique : Les limites de la domination totalitaire*, Paris, Fayard, 1981, p.331; Albert Ogien et Sandra Laugier, *Pourquoi désobéir en démocratie*, Paris, La Découverte, 2010, p.211; Jacques Rancière, *La haine de la démocratie*, Paris, La fabrique, 2005, p.106; Pierre Rosanvallon, *La démocratie inachevée : histoire de la souveraineté du peuple en France*, Paris, Gallimard, 2000, p.440; Pierre Roussel, *Les démocraties en danger : comment sera le monde de demain*, Paris, First, 2014, p.379; Pierre Vidal-Naquet, *Les Grecs, les historiens, la démocratie : le grand écart*, Paris, La Découverte, 2000, p.284; Howard Zinn, *Désobéissance civile et démocratie : sur la justice et la guerre*, Marseille, Agone, 2010, p.550.

⁸The concept of illiberal democracy was coined by the American political scientist Fareed Zakaria. It was then a question of giving a name to the disenchantment which had followed the collapse of the Eastern Bloc and the hope of seeing the whole planet gradually rally around the so-called liberal democracy regime; the end of history announced by Francis Fukuyama already seemed a misleading promise, and Zakaria could write that "Western liberal democracies could prove not to be the terminus of the democratic itinerary, but only one exit among several others possible. As he noted in his

we sometimes hear. A democracy that prevents its citizens from enjoying equal freedoms or from being able to claim greater emancipation is not simply a democracy. *Une vraie démocratie*⁹ can be conceived from popular sovereignty¹⁰ on the basis

seminal article, “among countries that are halfway between proven dictatorship and consolidated democracy, 50% do better in terms of political freedoms than in terms of civil liberties. In other words, half of the democratizing countries in the world are today illiberal democracies. It is certainly difficult for us to conceive of democracy without political liberalism; Zakaria noted, however, that they often existed without one another. Until the 20th century, he recalled, most European countries were “liberal autocracies”, that is to say, authoritarian regimes guaranteeing numerous civil liberties; at the end of the 20th century, several Southeast Asian countries reproduced this model, and were either similar authoritarian regimes or “semi-democracies”, from Singapore to Malaysia, including South Korea and Thailand. or Taiwan... Finally, what we hear called with the term “illiberal democracy” differs from previous experiences of dictatorship, in that democratic life remains active there, and the governments in power enjoy majority support. , or even that their project would tend on the contrary to improve democracy, and not apparently to get rid of it. Didier Mineur, « Qu’est-ce que la démocratie illibérale ? », in *Cités*, 2019/3 (N° 79), p.105-117; Edouard Duboit, « Démocratie illibérale et conception de droit », *RDLF*, Chron., n:10, 2021 <https://www.cairn.info/revue-cites-2019-3-page-105.htm>, 30/07/2022;

<http://www.revuedlf.com/droit-fondamentaux/democratie-illiberale-et-concept-de-droit/>, 30/07/2022

⁹Samuel Hayat, *Démocratie*, Paris, Anamosa, 2020, p.50.

¹⁰Popular sovereignty is a doctrine which identifies as sovereign the people, in the sense of the entire population, the sum of all individuals, as opposed to the nation, an abstract body. Popular sovereignty rests on the People, that is to say all of the current citizens of a country. Popular sovereignty implies universal suffrage (although J-J Rousseau is not against the use of drawing lots in democracy), since each individual holds a share of sovereignty. The ability to elect is therefore a right. Likewise, the right to referendum arises from the doctrine of popular sovereignty. So it's a real set. The people, since they are sovereign, can express themselves directly. If its size requires it to use agents, it can give them either an imperative mandate where the people dictate the actions to be taken, or a representative mandate where the elected official is still supposed to represent his elector but with a greater margin of discretion. maneuver during his legislative work. Better, in classical theory, popular sovereignty translates into an ideal of direct democracy (the principle of popular sovereignty was therefore not, initially, democratic, but aristocratic : the exercise of

of a plurality of collective experience cannot be sufficient without adding challenges to all power relations.

Thus, the problem arises of identifying the sources, and the scope of the different empirical measurements carried out and thereby seeing how the Beninese citizen inserted in such a power relationship or field of governance tries to adapt or resist the democratic backsliding? Better still, it ultimately involves identifying the different modes of adaptation of citizens. When we know that resilience is the ability of a person or a group to develop well, to continue to plan for the future, in the presence of destabilizing events, difficult living conditions, and sometimes severe trauma. Even better, for Primo Levi: it is “the ability of man to dig a hole, to secrete a shell, to erect a fragile barrier of defense around himself, even in apparently desperate circumstances, is an astonishing phenomenon which demands to be studied from close. This is a valuable work of adaptation, partly passive and unconscious, partly active. »¹¹ Likewise, by extension, it is also psychology, and refers to the set of processes which consist of an individual overcoming psychological trauma in order to rebuild themselves.¹² Classically, we consider that

direct democracy was therefore more important than the participation of all citizens in public affairs to promote the common good). This is confirmed by the theory of the power state at the end of the 19th century, developed by Maurice Hauriou, who sees the exercise of direct democracy in the election of the President of the Republic by universal suffrage. Fabrizio Frigerio, « Souverain (chez Rousseau) », in : *Dictionnaire international du Fédéralisme*, Bruxelles, Bruylant, 1994, p.272-274; Frédéric Rouillois, *Droit constitutionnel, Fondements et pratiques*, Paris, Flammarion, 2003, p.224-228. Hamon, Troper, *Droit constitutionnel*, Paris, LGDJ, 28^{ème} éd, 2003, p.17; Jean-Jacques Rousseau, *Du contrat social*, Paris, Beaulavon, 1903, p.295; Pierre Avril, Jean Gicquel, *Lexique, droit constitutionnel*, Paris, Puf, 6^{ème} éd, 1995, p.127.

¹¹Michel Mancieux, La résilience : un regard qui fait vivre, in *Ser/« Etudes »*, 2001/10 Tome 395, p.321-330. <https://www.cairn.info/revue-etudes-2001-10-page-321.htm>

¹²Boris Cyrulnik is the one to whom we owe the popularization of the term resilience and a hope: that of being able to recover from the worst. Better still, our ability to resume the course of our development, of our life, after a traumatic event. <https://www.psychologies.com/Moi/Epreuves/Souffrance/Articles-et-Dossiers/Boris-Cyrulnik-le-penseur-de-la-resilience>

resilience is built around eight stages: defense-protection; balance in the face of tensions; challenge commitment; the comeback ; evaluation; meaning-evaluation; self-positivity and creation. Thus, we could present the democratic resilience of Beninese society as the capacity of citizens to be prepared for shocks and crises, as well as their capacity to overcome them. But beyond resilience, attitudes of resistance are clearly perceptible on the part of resilient individuals. It is in fact the ability to stand in the face, turn around, resist, stand firm against, stand up to, oppose. Also, resistance is the action of resisting. It is the quality of a body when it resists the action of another body or the force which opposes a movement. Finally, even if it is unanimously admitted among the citizens interviewed in the twelve departments that Beninese democracy since 2016 is captured and is exclusive, the modes of adaptation and reinvention of citizens, on the other hand, vary from one department to the other. It must be said that in the departments of Borgou and Alibori especially, democratic resilience takes on a dualistic appearance and is seen on the one hand, through resilience in faith and deviousness and on the other hand, via violent resistance(I). However, if the capacity of citizens to overcome Beninese democracy now under exclusive capture, which gives rise to the emergence of more than one variety of resilience, it nonetheless remains true that the outcome of such democracy¹³, opens the door to a sovereignty now with variable geometry (II).

I- Authoritarian Governance Tested By Resilience Or Even Resistance

The prophecy of the end of History and the inevitable triumph of the democratic model will have to wait. Because the specter of neo-authoritarianism now haunts the democratic renewal in Benin despite all the precautions taken by the founding fathers of the constitution of December 11, 1990. If the events of revision of the constitution by an unopposed parliament have forcefully and resoundingly endorsed the decline of a model democracy in Africa, it nonetheless remains true that it above all demonstrated that the

¹³Sur la démocratie, voir : Philippe Braud, *Science Politique, t.1, La démocratie*, Paris, Seuil, 1997; Norberto Bobbio, *Libéralisme et démocratie*, Paris, Cerf, 199; Michel Gauchet, *La démocratie contre elle-même*, Paris, Gallimard, 2002; Bernard Mani, *Principes du gouvernement représentatif*, Paris, Camlmann- levy, 1995; Pierre Rosanvallon, *La démocratie inachevée*, Paris, Gallimard, 2007, p.440.

normative engine of Beninese democracy so praised by constitutional lawyers (constitution of all records, locked constitution whose key is thrown into the sea...etc.)¹⁴ is no longer infallible. It has been like this recently, to such an extent that the laborious democratic process and democratic consolidation underway since 1990-2015 is experiencing democratic erosion which affects all African regional spaces. However, Beninese citizens inserted in such a power relationship or field of governance try to adapt or resist democratic decline by adopting different modes of adaptation and citizen resilience despite the sometimes severe trauma.

A- A resilience in faith and sneaky

Let us insist from the outset that political participation¹⁵ can take a conventional or

¹⁴Joel F. Aivon, *Constitution de la République du Bénin, la Constitution de tous les records en Afrique*, Cotnou, 2010, p.59-60; Salami Ibrahim, *Textes constitutionnels du Bénin*, Cotonou, Odouchina, 2010, p.2. Pour aller plus loin sur la question voir : Toudonou (J.A), Kpenonhoun (C.), *Constitution et textes constitutionnels de la République du Bénin depuis les origines Dahoméennes*, CERDEC-Afrique, Fondation Friedrich NAUMANN, Cotonou, quatrième trimestre 1997 ; Léon Bani Bio Bigou « La contribution du pouvoir législatif à la vie politique du Bénin de 1965à1975 », in *L'histoire du pouvoir législatif des indépendances à nos jours, Actes du colloque parlementaire du cinquantenaire*, Porto- Novo, juin 2011,CAPAN, p.82; Francis Laloup, *La Conférence Nationale au Bénin :un concept nouveau de changement de régime politique*, l'Afrique, 1992-1993; Jean-Baptiste Mokotan, « Une nouvelle voie d'accès au pluralisme politique : la conférence nationale souveraine », *Afrique*; 200 n :7, Novembre 1991.

¹⁵Citizen participation is defined as the action of a citizen to contribute to the general interest. In reality, it consists of giving a more important place to citizens in the process of developing public policies in democratic political systems, in particular thanks to countless mechanisms and even online tools. That is to say: civic act, voting, participation in a consultation system... etc. Forms of citizen participation vary from one political system to another. Thus, existing systems can constitute real levers for mobilizing citizens and promoting engagement across the entire structure of a territory. But, more concretely, it designates the procedures, steps or attempts made to give individuals a role in decision-making affecting the community or organization of which they are part. Participation, representing both the most basic and most complete tool of participatory democracy, would thus consist of taking part. This notion applies to many varied areas: at the most general level, those relating to governance, participatory democracy, citizenship or even eco-citizenship; at more

restricted levels, those relating to the management of organizations, companies, associations or grassroots groups. In political science, participation is a general term covering the different means by which citizens can contribute to political decisions. For informed participation to be possible, a degree of transparency, for example radical transparency, is necessary, but not sufficient. Participation is sought mainly for decisions affecting certain categories of the population, particularly in the areas of town planning and urban renovations or in that of resource management (water, landscape, etc.) and the environment. In 1969, the American consultant Sherry R. Arnstein distinguished eight levels of citizen participation in projects that concern them, which can be subdivided into three fundamental points. This “Arnstein scale of participation” is still used by sociologists to analyze the way in which public authorities inform citizens and allow them to participate in decision-making. These are: 1-Effective power of citizens: citizen control: a local community autonomously manages a facility or a neighborhood; Delegation of power: the central government delegates to the local community the power to decide on a program and carry it out; Partnership: decision-making is done through negotiation between public authorities and citizens. 2- Symbolic cooperation or “tokenism”: conciliation or reassurance: a few residents are admitted to decision-making bodies and can have an influence on the realization of projects; Consultation: surveys or public meetings allow residents to express their opinion on planned changes; Information: citizens receive real information on current projects, but cannot give their opinion. 3- Non-participation: Therapy: secondary treatment of the problems encountered by residents, without addressing the real issues and Manipulation: biased information used to “educate” citizens by giving them the illusion that they are involved in the process. Consequently, we generally recognize several stages of participation: 1-information corresponds to unilateral type communications. It will allow experts to present and explain the directions of a project, the choices that were made and the decisions that were taken. This form of communication allows the population concerned to become aware of the changes that will affect them, but it in no way provides for an exchange phase. However, information remains “a prerequisite for all public actions”. Public information can take different forms such as letters or even public meetings to cite just these two examples. 2-consultation allows reaching a higher level of participation. It consists of surveying the opinions of citizens regarding a particular project, and taking them into account in the final decision-making. However, according to John Thompson, consultation is to be differentiated from participation since it “consists solely of asking people whether or not they approve of what has already been chosen». Furthermore, consultation, if it is too superficial, can prove more frustrating than productive for citizens who may not

feel listened to or recognized. Indeed, as this does not aim to reach a consensus, many voices will ultimately be left aside. Opinion surveys are very frequently used in the case of consultation, the tools that can be used in this specific case not being numerous, even if we can also imagine the establishment of citizen forums. 3-consultation, through its high level of public inclusion, is indeed participation. This is how a whole process is put in place, during which, at each stage, citizens will have the opportunity to give their opinion. Finally, where the consultation goes even further, it is that in addition to giving their opinion, citizens will be invited to propose new ideas. Consultation therefore pushes for innovation through collective construction, or at least through the emergence of new representations which will perhaps be closer to the realities of the environment concerned, since proposed by those who practice it on a daily basis. The final choice still falls to the political entity, always keeping the last word: “the formal decision falling to the traditional and democratically legitimized political authorities”. However, when setting up the consultation process, if the information is complex, awareness/training may be necessary to know and make it known. Thus, during this mechanism, citizens are generally not alone. They will be accompanied by project managers, developers, experts and politicians, at their disposal for technical questions. - we can in particular think of everything that relates to feasibility but also to impose frameworks. Indeed, consultation can only work within predefined frameworks. This framework may be restrictive for participants but appears obligatory for better efficiency of the process. Many tools are used to enable such a mechanism to take shape. We can notably cite “the workshop-debate, a central element of the participatory system which consists, very schematically, of a public meeting for reflection and collective discussion”. 4-Co-decision consists, in this sense, of “direct participation in the development of the decision or delegated management”. Thus, the last stage, which, in the case of consultation remained reserved for the political elite, would here fall under the joint capacity of the public and politicians. We can in particular imagine this scenario with the implementation of a vote. Co-decision implies a mode of co-development (in a more or less collaborative mode). 5- The evaluation, which would represent a final level of participation, would allow participants to “take stock of the effectiveness” of what was done throughout this process. This final level would allow individuals to express themselves one last time on the process they experienced, without their ideas being judged or prioritized. The evaluation then brings a double advantage since it allows the diagnosis of the participants, who will be able to openly criticize, whether positively or negatively, the system in which they took part. And, at the same time, this approach helps give project managers an idea of the residents' perception as well as the improvements that can be made. Consequently, the non-binding dimension of the

evaluation for the participants certainly makes it “the most democratic way to meaningfully integrate the inhabitants of the neighborhoods concerned”. Participation can therefore be more or less collaborative depending on the case. Pierre Melin, Françoise Choay, *Dictionnaire de l'urbanisme et de l'aménagement*, Paris, Puf, 2000, p.575; Sherry R. Arnstein, “A Ladder of Citizen Participation” *Journal of the American Institute of Planners*, vol.35, n° 4, Juillet 1969, p.216-224; Jacques Donzelot-Renaud Epstein, *Démocratie et participation : l'exemple de la rénovation urbaine*, *Esprit*, juillet 2006, p.5-34; Marie-Hélène Bacque-Yves Sintomer, *La démocratie participative. Histoire et généalogie*, Paris, La Découverte, 2011, p.12 ; Michel Monbeig, « L'impossible démocratie participative », *Pensée Plurielle*, n° 15, 2007, p.29-47 ; John Thompson, « De l'expérimentation à une pratique renouvelée », *Concertation citoyenne en urbanisme. La méthode du Community planning*, Paris, Adels, 2010, p.16; Michel Monbeig, « L'impossible démocratie participative », Paris, *Pensée Plurielle*, n° 15, 2007, p.32; Daniel Dubas, « Appropriation politique de deux démarches participatives en Suisse. Une analyse comparative des cas de Werstadt Basel et Quartiers 21 à Lausanne », *Les cahiers du développement urbain durable*, Lausanne, Urbia, n° : 3, 2006, p.81 ; Yves Bonard, « Enjeux et limites de la concertation en aménagement du territoire », *Urbia, Les cahiers du développement urbain durable*, Lausanne, n° : 3, 2006, p.99 ; Daniel Dubas, « Appropriation politique de deux démarches participatives en Suisse. Une analyse comparative des cas de Werstadt Basel et Quartiers 21 à Lausanne », *Urbia, Les cahiers du développement urbain durable*, Lausanne, n° : 3, 2006, p.80. Michel Monbeig, « L'impossible démocratie participative », *Pensée Plurielle*, n° 15, 2007, p.32; Pierre Melin, Françoise Choay, *Dictionnaire de l'urbanisme et de l'aménagement*, Presses universitaires de France, Paris, 2000, p.575; Marie-Hélène Bacqué- Yves Sintomer, *La démocratie participative. Histoire et généalogie*, Paris, La Découverte, 2011, p.288; Marie-Hélène Bacqué, Mohamed Mechmache, *Pour une réforme radicale de la politique de la ville. Citoyenneté et pouvoir d'agir dans les quartiers populaires*, rapport au Ministre délégué chargé de la Ville, 2013, p.97; Marguerite Boutelet-Juliette Olivier, *La démocratie environnementale. Participation du public aux décisions et politiques environnementales*, Dijon, Universitaires de Dijon, collections Sociétés, p.11; Sylvie Brunel, *Le développement durable. Pour un pacte social planétaire*, Paris, Que sais-je/Presses Universitaires de France, 2004, p.127; Jean-Pierre Gaudin, *La démocratie participative*, Armand Colin, Paris, 2007, p.117; Eléonore Hauptmann-Nick Wates, *Concertation citoyenne en urbanisme. La méthode du Community planning*, Paris, Adels, 2010, p.115 ; Ville De Lausanne, *La participation*, Rapport-préavis, n° 19, 2007a, consulté 12 mai 2023, Lausanne.
URL : <http://www.lausannech/view.asp?Doclid=26627>

unconventional form. The electoral act is the most obvious manifestation of political participation, but we can conceive of all the means of action according to repertoires of political actions, which evolve over time and highlight the transformations of the political commitment. Thus, in the departments of Borgou and Alibori, modes of adaptation are structured around a particular form of resilience that could be described as resilience in faith or even sneaky.

Indeed, resilience in “faith” among the citizens of Borgou-Alibori takes the form of hope, even in the presence of suffering. And who express deep confidence in the positive forces available to human beings, including faith. Better, this form of resilience can be understood here as the strength of soul which allows us to continue despite difficulties and obstacles “in the certain hope that God holds the world in his hands and that, despite all the darkness, he wins...He is the light that always illuminates a dark world again and gives us the courage to live and act”¹⁶. In reality, it is the conception of Saint Augustine according to which all power comes from God, which is a revival of the doctrine of Saint Paul. Indeed, in nature, no man can have power over another man. Furthermore, authority exists and it is certainly necessary to maintain the city. Under these conditions, this authority can only come from God. For this, he (the citizen) relies on what he calls “secondary causes” and on the providence which directs history. We must indeed remember that God is the master of providence and that everything that happens necessarily enters into God's design.¹⁷ However, if it is true that the foundation of power is indeed divine, in the sense that all authority rests on the will of God, it nonetheless remains true that the form of power is a human matter.¹⁸ In this context, the intervention of the governed in the designation of governments is entirely possible and the choice of rulers can/must result from popular will. Thus, it must be said that consent does not reside in unanimous adhesion to each of the measures taken by a government, but in a global agreement on the political system put in place.

¹⁶Encyclique Deus Caritas Est-Dieu est amour, 39, 2005.

¹⁷Dimitri Georges Lavroff, *Les grandes étapes de la pensée politique*, Paris, Dalloz, 1999, p.79.

¹⁸Jean-Paul Jacqué, *Droit constitutionnel et institutions politiques*, Paris, Dalloz, 6^{ème} éd, 2006, p.17.

Then, as for “sneaky” resilience, it is expressed, through what we could describe as: “participating or suffering or even disappearing”. In reality, in a situation of powerlessness to influence the course of political actions, or in the inability to grasp the springs of the abstract principles which seem to govern actions, which govern political solicitations of which the political elites of the day alone control functioning, only rallying appears as the last resort which will allow one to survive in such a political field, at the risk of suffering or being a passive witness to one's own disappearance from the political arena. This is what constitutes the real-political posture of certain political actors in the opposition, as well as that of certain citizens in rallying the governance of the day. For others, these unnatural rallies can be explained by the fact of a clear desire to identify the strengths and weaknesses of the regime in place in order to make them an opportunity for future electoral contests.¹⁹

But in truth, in Benin, instead of fearing the people because of their authoritarian excesses as Father Sièyes denounced²⁰, it is the governmental and

¹⁹Interviewee's comments illustrating sneaky resilience: *«This is what I want to tell you when you have someone in front of you who is more powerful than you, someone you cannot defeat, what do you do, you look for tips for him? to dirty it, to destabilize it, these are the things they tried to say they are in collusion since they know well that the people do not want a TALON, the people do not want the President of the Republic and all those those who are close to the President of the Republic are vomited up by the people. So like that we have to take the side and stick it to the President of the Republic so that the party is vomited. This is the problem. But... what I can still say, if you and I are in combat, I am in Banikani, you are in Djema, we will never finish this fight because we do not see each other to attack each other. One of us must be close to the other to be able to see the weaknesses of the other and attack these weaknesses in order to be able to defeat them, this is the policy of the FCBE. If we pretended, it was to see the weaknesses of the President... eh of the regime and take these weaknesses and transform that into our opportunity to finish with him. »*

²⁰Through the transfer of sovereignty from the king to the people, Abbot Sièyes intended to insistently denounce the insurmountable defects of raw democracy. Because, according to him, the direct participation of the people in public affairs has the main fault of leading to authoritarian excesses. In the democratic regime, freedoms are not protected. The security of the minority in the face of the majority is not guaranteed. Conversely, he advocates the representative system in which voters delegate the management of common affairs to the most capable citizens. They are not

legislative body politic that must be feared. Because their desire or their manifest posture of destruction of the political system of 1990 leads directly to dispossessing the Beninese nation of its sovereignty. And if we believe Dean Védel, the representative democracy of Benin would be the victim of “representative absolutism”. On the one hand, we are witnessing the capture of power by the elected assembly and on the other hand the power of the steering committees of political parties. This is all the more true since the legislative elections of April 2019 were neither free nor fair. Because the new electoral rules effectively prevented all opposition parties from participating. Observers canceled plans to monitor the vote over fears of violence, turnout fell to about a quarter of eligible voters amid an opposition boycott, there was an internet blackout on polling day and security forces violently repressed protests before and after the vote, leading to several deaths²¹. Only the pro-government Progressive Union and the Republican Bloc won seats, winning 47 and 36 seats respectively²². In November of the same year, the new National Assembly adopted constitutional amendments, including provisions imposing three-term limits on legislators, expanding the body to 109 seats. A situation which undermines or even kills the pluralist character of our political system.

Consequently, through the capture of power by the elected assembly, by universal suffrage, we arrive at what we call “parliamentary sovereignty”, that is to say from a simple organ expressing among others the will of the nation, the assembly becomes

dispossessed of their sovereignty since they retain the essential power to regularly control their representatives who can be dismissed through elections. But they cannot intervene directly in the running of the government. This entire demonstration is based on a major distinction that remains at the heart of modern constitutional theory between the “constituent power” (the nation) and “constituted power” (the representative bodies). It also associates the electoral gesture with an act of delegation rather than an act of participation. She explains Sièyes' formula “Authority comes from above, trust comes from below. »

²¹<https://freedomhouse.org/country/benin/freedom-world/2021>

²²<http://ortb.bj/infos-une/liberte-de-la-presse-le-benin-113eme-dans-le-classement-2020-de-rsf/#:~:text=Le%20B%C3%A9nin%20connait%20une%20nouvelle,%C3%A0%2017%20places%20plus%20bas>

the true holder of sovereignty²³. In the specific case of Benin, given that the Constitution of

²³Under articles 2, 3 and 4 of the fundamental law of December 11, 1990, the Republic of Benin is one and indivisible, secular and democratic. Its principle is government of the people, by the people and for the people, as a certain Abraham Lincoln would say. Its national sovereignty belongs to the people. No fraction of the people, no community, no corporation, no political party or association, no trade union organization, nor any individual can take responsibility for its exercise. Thus the people exercise their sovereignty through their elected representations and by referendum. We can thus conclude without risk of being mistaken that Title I which deals with the State Sovereignty establishes in Benin the theory of national sovereignty contrary to that of popular sovereignty, a constitutional principle established in reaction against the principle of sovereignty by divine right, in the declaration of the rights of man and of the citizen of August 26, 1789. Principle according to which all power emanates from the nation considered as a moral person, distinct from the individuals who compose it. Taken up since 1791 in France by all the constitutions except that of June 24, 1793, it involves the representative regime and electoral function. In other words, the principle of national sovereignty belonging to the Beninese people resulting from the constitution of December 11, 1990 is nothing other than the principle of sovereignty which was formulated in article 3 of the declaration of 1789: c that is to say (The principle of all sovereignty resides essentially in the Nation. No body, no individual can exercise authority that does not emanate expressly from it.) Which leads us to determine the holder of sovereignty as the sole holder of power. In reality, it is through easy terminology that we speak of state sovereignty. Otherwise, sovereignty belongs to the nation personified by the State (the State is the legally organized nation). The nation forms an entity distinct from those who compose it. Holder of sovereignty, is endowed with his own will expressed by his representatives. The power of command belongs to him and not to an individual (king) or a group of individuals (class of elected officials). Also, the doctrine of national sovereignty would postulate that the holder of sovereignty is the nation, that is to say a completely abstract entity which is not only composed of men living on the territory at a given time, but which is defined by taking into account the continuity of generations or a general interest which would transcend particular interests. Finally, we come to the consequence that national sovereignty is one and inalienable, postulating the unity of the nation, the consequence of which here is that sovereignty does not belong in part to each citizen. It is not atomized, there are not n- million co-sovereigns. Also that it is exercised through representatives, that is to say that the nation therefore chooses its representatives who are not the owner of sovereignty, if they exercise it, it is by

December 11, 1990 founded a presidential regime on the values and principles of pluralist democracy and on the rationalist separation of powers and that it is only the executive and legislative power which are the only political bodies whose election takes place by direct universal suffrage, only these two bodies will express the will of the Beninese nation. The governmental and legislative body politic, in the case of Benin, becomes the true holder of sovereignty. Not only is the representative regime of Benin currently the subject of representative absolutism but also experiencing the corruption of its principles. As Montesquieu states in his Spirit of Laws I: "The principle of democracy is corrupted, not only when we lose the spirit of equality, but also when we adopt the spirit of extreme equality, and each wants to be equal to those he chooses to command him"²⁴. The result is that the ruling class of Benin would take the spirit of extreme equality and would like to be equal to those who chose to command it. As soon as the class of elect becomes equal to the sovereign, it would like to command him. Thus, she would command those who chose her and therefore becomes the true holder of sovereignty in this democracy. Whereas initially, it did not hold sovereignty if it exercises it, but by representation of the nation. Thus, the representative regime of Benin would metamorphose into a representative system where everything is done in the name of the people and for the people; nothing is done directly by him, he is not the sacred source of all powers; but he also exercises none. This state of affairs is contrary to

representation of the nation and finally, the theory of the electorate function. The choice of representatives is not a manifestation of the individual sovereignty of citizen-voters; they exercise a function, they act in the name of the nation. Francis Hamon-Michel Troper, et al., *Droit constitutionnel*, Paris, L.G.D.J., 27^{éd}, 2004, p.174; Philippe Ardent-Mathieu Bertrand, *Institutions politiques et Droit constitutionnel*, Paris, L.G.D.J., 22^{ème} éd, 2010, p.172 ; Charles Debbach, Jacques Bourdon, et al., *Lexique de politique*, Paris, Dalloz, 27^{ème} éd, 2001, p. 402. Voir aussi : Bertrand Badie, *Un monde sans souveraineté*, Paris, Fayard, 1999; Samy Cohen, *La résistance des États : les démocraties face au défi de la mondialisation*, Paris, le Seuil, 2003; Gérard Mairet, *Le principe de souveraineté, Histoire et fondement du pouvoir moderne*, Paris, Gallimard, 1996; Maillard Degress, Félicien Le maire et al., *Les évolutions de la souveraineté*, Paris, Montchrétien, 2006; Jean Picq, *Histoire et droit des États : La souveraineté dans le temps et l'espace européens*, Paris, Presse de science politique, 2005.

²⁴Op. cit, p.243.

what Georges Cabanis, a member of the group of ideologues, said when he defined representative democracy in these terms: “*In the true representative system, everything is done in the name of the people and for the people, nothing is done directly by them: they are the sacred source of all powers, but exercise none*”²⁵. Also contrary to the definition of Count Roederer for whom “Democracy is one where a part of the citizens, chosen by the other, makes laws and has them executed. It is democracy in the sense that representatives are chosen without condition of birth by all citizens; but it is representative democracy, and no longer pure democracy, because it is no longer the government of all citizens, but only of a part of citizens... This is the idea that we found in the word “representative” added to the word democracy »²⁶.

B-Violent resistance

“Violent” resistance takes the same trajectory as forms of participation²⁷ unconventional in contemporary pluralist democracies. Its main characteristic is based more on a protest logic, and aims to disrupt the established political system. It is all the more illegal as its *modus operandi*

²⁵George Cabanis, *Quelques considérations sur l'ordre social 1789*, cité par Olivier Nay, *Histoire des idées politiques*, Paris Armand Colin, 2004, p.311-312.

²⁶Le Comte Roederer, *discours du 4 mars 1801*, cité par Olivier Nay *Histoire des idées politiques*, Paris, Armand Colin, 2004, p.311-312.

²⁷Political participation can take a conventional or unconventional form. The electoral act is the most obvious manifestation of political participation, but we can conceive of all the means of action according to repertoires of political actions, which evolve over time and highlight the transformations of the political commitment. This is how political participation corresponds to all the modalities of action through which individuals enter into a relationship with power. Political participation can take two forms: it is conventional, when it is institutionalized and legal (voting, activism). On the other hand, participation is unconventional when it is based more on a protest logic, and aims to disrupt the established political system. Better, unconventional participation consists of more direct actions that can be legal (demonstrations, strikes, etc.) or illegal (sequestration of managers, companies, blocking of roads, etc.). These dimensions of political participation can be exercised at an individual level (a vote, a boycott are measures that individuals take individually) or collective (a demonstration or a sit-in in a public square can only be collective) <https://www.kartable.fr/ressources/ses/cours/quels-sont-les-repertoires-de-laction-politique-aujourd'hui/1110117/08/2022>.

consists of the kidnapping of managers, businesses, blocking of roads, etc. These dimensions of political participation can be exercised at an individual level (a vote, a boycott) or collective (a demonstration or a sit-in in a public square). In the atypical case of the departments of Borgou and Alibori, this mainly concerns all protest actions ranging from the destruction of public buildings, district offices, roadblocks and destruction of road infrastructure. As well as individual uprisings to prevent the organization of elections through the confiscation of ballot boxes and ballot papers, etc., due to the exclusion of opposition parties from the elections. Any act of civil disobedience due to resentment of injustice and inequality, and even the manifest desire of certain citizens to be enlisted by the promoters-entrepreneurs of violent extremism.

We can mainly refer to events which are in line with the political protests which broke out in the wake of the legislative elections held without opposition parties and won by two parties close to the power of President Patrice Talon. And those, demonstrations which broke out in several cities of Benin on April 5, 2021, notably in the departments of Collines, in Borgou, Alibori and in Atacora, to demand the departure of President Patrice Talon. The demonstrators believed that, after the deadline of April 5 at midnight, Patrice Talon was no longer president of Benin. Some demonstrations became very violent. If in Cotonou, demonstrators briefly occupied Place de l'Étoile-Rouge on the evening of March 5, 2021 and burned tires before being dispersed by security forces, in Parakou, Tchaourou, Kandi and the outskirts on the other hand, demonstrators set up barricades over several dozen kilometers, with the sole aim of “blocking traffic, thus cutting the country in two. Better still, the Urban FM radio station in Parakou was vandalized and set on fire, as was the district office in Angaradébou, etc. The demonstrations turned into a clash between “young people, hunters armed with hunting rifles and weapons of war” and the police²⁸.

²⁸<https://www.amnesty.org/fr/latest/press-release/2019/05/benin-une-repression-postlectorale-inquietante/>
<https://www.bbc.com/afrique/region-48647218>
<https://monitor.civicus.org/updates/2021/05/11/benin-protests-violence-precède-controversial-presidential-elections-without-main-opposition/>
<https://www.aa.com.tr/fr/afrique/b%C3%A9nin-violences-pr%C3%A9lectorales-une-vingtaine-de-bless%C3%A9s-et-des-milliards-de-fcfa->

Furthermore, we must emphasize the demonstrations and violence before the controversial presidential election. Indeed, on April 11, 2021, nearly five million people were called to vote during the presidential election in Benin, a controversial vote marked by tensions, because the electoral reforms introduced in 2019 require that candidates for the positions of president and vice-president obtain the sponsorships of at least one tenth of all members of Parliament or mayors (sixteen representatives). This vote was held after the contested legislative elections of April 2019, in which opposition parties were unable to participate due to the strict requirements of the 2018 Electoral Code, and the municipal elections of April 2020, where a the only opposition party obtained a majority of councilors in seven municipalities. On November 27, 2020, the African Court on Human and Peoples' Rights (ACHPR) issued a decision asking the authorities of Benin to reverse controversial changes to the Electoral Code²⁹. But nothing was done. Also, note that, following the electoral reforms, only three candidates were eligible for the supreme office: the outgoing president Patrice Talon, Alassane Soumanou and Corentin Kohoué, the latter two being relatively unknown to the population. The main opposition leaders are either in exile, arrested, indicted for various crimes and offenses, or have been declared ineligible. It is in this context that demonstrations broke out across the country a few days before the vote. Some became violent and others were dispersed by excessive use of force which left at least two dead in Savè. At the end of the electoral day the electoral platform of civil society organizations, which had deployed electoral observers throughout the country, affirmed that "in all departments, attempts at pressure, intimidation, threats, disturbances to public order, corruption or harassment of voters have been observed. Unsurprisingly, it was Patrice Talon who won the presidential election. The Autonomous National Electoral Commission (CENA) announced the provisional results of the vote: Patrice Talon was re-elected with 86.57% of the votes cast. But prior to the presidential election of April 2021, the legislative elections of April 2019 were fundamentally marred by violations of civic space,

including the almost systematic ban on demonstrations and excessive use of force by the forces. security, including lethal force, which led to the deaths of several people, internet shutdowns on voting day and arbitrary arrests³⁰.

Like the facts mentioned above, already on December 20, 2019, agents of the Central Office for the Repression of Cybercrime (ORCR) had arrested the investigative journalist and editor-in-chief of the digital news channel Benin Web TV Ignace Sossou at his home in Cotonou. The journalist was questioned at the ORCR offices about his Twitter and Facebook posts quoting prosecutor Mario Metonou during a media workshop on fake news held on December 18, 2019. A few days later, on December 24, 2019, a Beninese court sentenced Sossou to an eighteen-month prison term and a fine of 200,000 CFA francs (US\$335) for "harassment through electronic means of communication." » under the Digital Code of 2018. Later this sentence was reduced to twelve months in prison, six of which were suspended, and the fine was increased to 500,000 CFA francs. According to the media freedom group Reporters Without Borders (RSF), which compared the social media post and the transcript published by the workshop organizer, "the journalist repeated the prosecutor word for word, within a few exceptions, without in any way diverting the meaning of the message expressed³¹ ».

[de-d%C3%A9g%C3%A2ts-mat%C3%A9riels-officiel/2209121](https://monitor.civicus.org/explore/benin-protests-violence-precede-controversial-presidential-elections-without-main-opposition/)

²⁹<https://monitor.civicus.org/explore/benin-protests-violence-precede-controversial-presidential-elections-without-main-opposition/>

³⁰Ibid.

³¹Ibid.

Finally, with regard to freedom of association, we must insist on the arrests of members of the opposition. According to Amnesty International, at least twelve members of the opposition and critics of the Government have been summoned, detained, indicted or sentenced since January 2021. Among them: 1- the opponent of the Les Démocrates (LD) party Bio Dramane Tidjani and his collaborator Mamadou Tidjani, who were indicted on March 1, 2021 for “criminal association and terrorism” and were placed in pre-trial detention according to their lawyers; 2- LD member Abdoul Razak Amadou, who was sentenced to six months in prison, four of which were suspended, for “incitement to violence and rebellion”. According to Amnesty International, Razak Amadou was accused of having distributed a publication on WhatsApp. He was released on March 25, 2021; 3-Rékiatou Madougou of the LD, who was arrested on March 3, 2021 in Porto Novo. In the past she had been prevented from running in the presidential election. She was accused of “financing terrorism”. Later, a magistrate from the Court for the Repression of Economic Offenses and Terrorism (CRIET) affirmed that the Court had received “instructions” from political power and that it is not independent ; claims that the ruling party has called political manipulation. Most recently, on April 16, 2021, academic Joël Aïvo, whose candidacy for the presidential elections was rejected, was arrested in Cotonou, apparently for the protests and unrest leading up to the elections. Aïvo was reportedly accused of “endangering state security” and “money laundering”. His trial will begin on July 15, 2021³².

II- Authoritarian governance, sovereignty³³ with variable geometry

The principles of sovereignty whether popular or national, the holder of sovereignty is the one and only holder of power. In Benin, under articles 2, 3

³²Ibid

³³Voir aussi : Bertrand Badie, *Un monde sans souveraineté*, Paris, Fayard, 1999, p.306; Samy Cohen, *La résistance des Etats : les démocraties face au défi de la mondialisation*, Paris, Seuil, 2003, p.264; Gérard Mairet, *Le principe de souveraineté, Histoire et fondement du pouvoir moderne*, Paris, Gallimard, 1996, p.2010; Maillard Desgress, Joël Félicien Le maire, Félicien Hautebert, Frederick Rouvillois, *Les évolutions de la souveraineté*, Paris, Montchrétien, 2006, p.229; Jean Picq, *Histoire et droit des Etats : La souveraineté dans le temps et l'espace européens*, Paris, Presse de Science Politique, 2005, p.409.

and 4 of the fundamental law of December 11, 1990, the Republic of Benin is one and indivisible, secular and democratic. Its principle is government of the people, by the people and for the people, as a certain Abraham Lincoln would say. Its national sovereignty belongs to the people. No fraction of the people, no community, no corporation, no political party or association, no trade union organization, nor any individual can take responsibility for its exercise. Thus the people exercise their sovereignty through their elected representations and by referendum. We can thus conclude without risk of being mistaken that Title I which deals with the State Sovereignty establishes in Benin the theory of national sovereignty contrary to that of popular sovereignty, a constitutional principle established in reaction against the principle of sovereignty by divine right, in the declaration of the rights of man and of the citizen of August 26, 1789. Principle according to which all power emanates from the nation considered as a moral person, distinct from the individuals who compose it. Taken up since 1791 in France by all the constitutions except that of June 24, 1793, it involves the representative and electoral regime.³⁴ In other words, the principle of national sovereignty belonging to the Beninese people resulting from the constitution of December 11, 1990 is nothing other than the principle of sovereignty which was formulated in article 3 of the declaration of 1789.³⁵ Which leads us to determine the holder of sovereignty as the sole holder of power. In reality, it is through easy terminology that we speak of State sovereignty. Otherwise, sovereignty belongs to the nation personified by the State (the State is the legally organized nation). The nation forms an entity distinct from those who compose it. Holder of sovereignty, is endowed with his own will expressed by his representatives. The power of command belongs to him and not to an individual (king) or a group of individuals³⁶(class of elected officials). Also, the doctrine of national sovereignty would postulate that the holder of sovereignty is the nation, that is to say a

³⁴Charles Debbach, Jacques Bourdon, Jean-Marie Poitier, Claude Ricci, *Lexique de politique*, Paris, Dalloz, 27^{ème} éd, 2001, p.402.

³⁵Le principe de toute souveraineté réside essentiellement dans la Nation. Nul corps, nul individu ne peut exercer d'autorité qui n'en émane expressément.

³⁶Philippe Ardent, Mathieu Bertrand, *Institutions politiques et Droit constitutionnel*, Paris, L.G.D.J., 22^{ème} éd, 2010 p.172.

completely abstract entity which is not only composed of men living on the territory at a given time, but which is defined by taking into account the continuity of generations or a general interest which would transcend particular interests³⁷. Finally, we come to the consequence that national sovereignty is one and inalienable, postulating the unity of the nation, the consequence of which here is that sovereignty does not belong in part to each citizen. It is not atomized, there are not n- million co-sovereigns. Also that it is exercised through representatives, that is to say that the nation therefore chooses its representatives who are not the owner of sovereignty, if they exercise it, it is by representation of the nation and finally, the theory of the electorate function. The choice of representatives is not a manifestation of the individual sovereignty of citizens; they exercise a function, they act in the name of the nation.

It should be noted that the constitution of December 11, 1990 not only puts an end to instability and this process of risk, which is completely uncertain and devoid of any legal certainty. Also, it does not allow the sharing of power and the origin of sovereignty between any political body. But it retraces and redefines for a nation bruised by 17 years of political adventure a new constitutional order more conducive to the principle of unity and indivisibility of the Republic which are the expression of the existence of the Beninese nation. Better still, the national conference thus establishes a Beninese nation driven by the desire for a free and voluntary agreement between these individuals wishing to unite their destiny in the pursuit of a common project. We cannot then imagine a Beninese nation as a given that is imposed on individuals under the pretext of the circumstances of their birth, their skin color or the language they speak, but on the contrary as the result of 'a freely consented construction, as the fruit of a daily agreement affirmed by individuals undone by their racial, ethnic, linguistic and cultural determinisms.³⁸ This is undoubtedly what was reflected in the words of

Me Adrien Houngbédji in his speech at the Palace of Governors, seat of the Beninese parliament on February 29, 2000 where he affirmed that: "*This conference remains a heritage for all Beninese people who, faced with a situation fraught with all dangers, were able to grasp the fiber of the national interest by favoring what unites them over what divides them.*"³⁹ This is also what justifies on the one hand the national sovereignty which belongs to the people and on the other hand, the adoption of better mechanisms for protecting the person and above all respect for rights and freedoms. So the 1990 constitution establishes in Benin, a power and a sovereignty therefore the origin belongs to the Beninese nation even if the latter elects representatives. Representation mediates the relationship between individual-citizen and power, which passes through representatives.

However, in Benin, the same causes have always caused the same effects. It is the desire of the governmental and legislative body to be motivated by considerations of particular interest rather than national ones (the general interest); their will not to see yourself opposed none, then their willingness to substitute or to devolve the essence of power and sovereignty to the nation, also their contempt for respect for the rule of law, that is to say a State in which the constitution and the laws are imposed on everyone and finally, their desire to always want to tamper with the fundamental law for bad reasons, embarking on the perilous slope of decadence⁴⁰ that were born in the very first years of the independence of Benin the crises which broke out and seriously, as could be expected, affected the stability of the country. Since precisely the first military coup which overthrew, on August 28, 1963, the first democratically elected president, Hubert Maga, the sovereignty of the Beninese people has been seriously undermined. From then on, successive changes of regime and government practically no longer respected the popular will. The populations, in this long wave of political instability, have lost the place of choice which is in principle theirs, and the

³⁷Francis Hamon, Michel Troper, Georges Burdeau, *Droit constitutionnel*, Paris, L.G.D.J., 27^{ème} éd, p.174.

³⁸In his book "What is a nation?" in 1882, Ernest Renan affirmed that the existence of a nation is an everyday plebiscite just as the existence of the individual is a perpetual affirmation of life. It also reminds us that man is not a slave to his race, his language, his religion, or the course of rivers. A large aggregation of men, healthy in mind and warm in heart, creates a moral conscience which is called the nation.

³⁹La Nation du 1^{er} mars 2000, « La conférence nationale, un patrimoine commun de tous les béninois ».

⁴⁰Préface de Christiane Taubira, ex-député de la Guyane, actuelle ministre de la justice française, in *Mon combat pour la parole. Les défis d'une mobilisation citoyenne pour la promotion de la gouvernance démocratique*, Reckya Madougou, Paris, L'harmattan, 2008, p.13.

major role that they should play both in the devolution of State power and in the determination of major orientations of the nation. From 1963 to 1990, the people lost their voice and were deprived of exercising their sovereignty. Throughout this period, the choice of rulers was no longer the exclusive responsibility of the populations. It simply resulted from conclusions, from discussions between politicians and the military, or simply responded to the logic of the balance of power in the army.⁴¹ Despite the national conference which put an end to this instability and this risky process, completely uncertain and devoid of any legal certainty, once again, the governmental and legislative body is going to attack national sovereignty and the power that the fundamental law has entrusted to the Beninese nation through several attempts to modify the law all records in Africa. This last part of our work allows us to paint the different colors that the representative regime of Benin would take once the assault on the 1990 law was carried out.

A-The Transformation of Representative Democracy⁴² in Ultra-Representative

Through the transfer of sovereignty from the king to the people, Father Sièyes intended to insistently denounce the insurmountable defects of raw democracy. Because, according to him, the direct participation of the people in public affairs has the main fault of leading to authoritarian excesses. In the democratic regime, freedoms are not protected. The security of the minority in the face of the majority is not guaranteed. Conversely, he advocates the representative system in which voters delegate the management of common affairs

⁴¹Frederick Joël Aivo, op. cit, p.55.

⁴²Law No. 90-32 of December 11, 1990 establishing the Constitution of the Republic of Benin states: Article 3: National sovereignty belongs to the people. No section of the people, no community, no corporation, no political party or association, no trade union organization or no individual can take responsibility for its exercise. Sovereignty is exercised in accordance with this constitution which is the Supreme Law of the State. Any law, any regulatory text and any administrative act contrary to these provisions are null and void. Consequently, every citizen has the right to appeal to the constitutional court against laws, texts and acts presumed to be unconstitutional. Article 4: The people exercise their sovereignty through their elected representatives and by referendum. The conditions for resorting to a referendum are determined by this constitution and by an organic law. The constitutional court ensures the regularity of the referendum and proclaims the results.

to the most capable citizens. They are not dispossessed of their sovereignty since they retain the essential power to regularly control their representatives who can be dismissed through elections. But they cannot intervene directly in the running of the government.⁴³ Basically, the theory of representative government postulates that the function of representations is to act on behalf of the entire nation, by translating the general will into law. However, the nation being an indivisible legal entity, the deputies can only embody it collectively: it is the assembly taken as a whole which represents the nation. This conception has two important consequences which move a little further away from the theory of government, taken individually, does not represent the voters who elected it, but the entire nation. They therefore cannot form special ties with the citizens of their constituency⁴⁴ as the new article 80 of the fundamental law of Benin provides: “Deputies are elected by direct universal suffrage. The term of office is five years, renewable twice. Each deputy is the representative of the entire Nation and any imperative mandate is void.”⁴⁵».

In Benin, instead of fearing the people because of their authoritarian excesses as Father Sièyes denounced above, it is the governmental and legislative body politic that must be feared. Because their desire or their manifest posture of destruction of the political system of 1990 leads directly to dispossessing the Beninese nation of its sovereignty. And if we believe Dean Védel, the representative democracy of Benin would be the victim of “representative absolutism”. On the one hand, we are witnessing the capture of power by the elected assembly and on the other hand the power of the steering committees of political parties. This is all the more true since the legislative elections of April 2019 were neither

⁴³This entire demonstration is based on a major distinction that remains at the heart of modern constitutional theory between the “constituent power” (the nation) and “constituted power” (the representative bodies). It also associates the electoral gesture with an act of delegation rather than an act of participation. She explains Sièyes’ formula “Authority comes from above, trust comes from below.”

⁴⁴Olivier Nay, *Histoire des idées politiques*, Paris, Armand Colin, 2004, p.310.

⁴⁵Cf: La loi N° 90-32 du 11 décembre 1990 portant constitution de la République du Bénin, modifiée par la Loi n°2019-40 portant modification de la loi n°90-032 du 11 décembre 1990 portant Constitution de La République du Bénin.

free nor fair. Because the new electoral rules effectively prevented all opposition parties from participating. Observers canceled plans to monitor the vote over fears of violence, turnout fell to about a quarter of eligible voters amid an opposition boycott, there was an internet blackout on polling day and security forces violently repressed protests before and after the vote, leading to several deaths⁴⁶. Only the pro-government Progressive Union and the Republican Bloc won seats, winning 47 and 36 seats respectively⁴⁷. In November of the same year, the new National Assembly adopted constitutional amendments, including provisions imposing three-term limits on legislators, expanding the body to 109 seats, and extending terms to five years starting in 2026 to bring them in line with those of the president. The next legislative elections would still take place in 2023. After these elections, Benin found itself in a mono-party situation since the two major parties which structure Benin's political life claim to be part of the presidential movement. Which kills the pluralistic character of our political system.

Thus, through the capture of power by the elected assembly, by universal suffrage, we arrive at what we call “parliamentary sovereignty”, that is to say from a simple organ expressing among others the will of the nation, the assembly becomes the true holder of sovereignty. In the specific case of Benin, given that the constitution of December 11, 1990 founded a presidential regime on the values and principles of pluralist democracy and on the rationalist separation of powers and that it is only the executive and legislative power which are the only political organ whose election takes place by direct universal suffrage, only these two bodies will express the will of the Beninese nation. The governmental and legislative body politic, in the case of Benin, becomes the true holder of sovereignty. Not only is the representative regime of Benin currently the subject of representative absolutism but also experiencing the corruption of its principles. As Montesquieu states in his Spirit of Laws I: “*The principle of democracy is corrupted, not only when we lose the spirit of equality, but also when we take the spirit of*

extreme equality, and everyone wants to be equal to those he chooses to command him »⁴⁸. It follows that the ruling class of Benin would take the spirit of extreme equality and would like to be equal to those who chose it to command it.

As soon as the class of the elected becomes equal to the sovereign, it would like to command him. She would command those who chose her and therefore becomes the true holder of sovereignty in this democracy. Whereas initially, it did not hold sovereignty if it exercises it, but by representation of the nation. As a result, the representative regime of Benin would metamorphose into a representative system where everything is done in the name of the people and for the people; nothing is done directly by him, he is not the sacred source of all powers; but he also exercises none. This state of affairs is contrary to what Georges Cabanis, a member of the group of ideologues, said when he defined representative democracy in these terms: “*In the true representative system, everything is done in the name of the people and for the people, nothing is done directly by them: they are the sacred source of all powers, but exercise none*”⁴⁹. Also contrary to the definition of Count Roederer for whom: “*democracy is that where one part of the citizens, chooses by the other, makes laws and has them executed. It is democracy in the sense that representatives are chosen without condition of birth by all citizens; but it is representative democracy, and no longer pure democracy, because it is no longer the government of all the citizens, but only of a part of the citizens... this is the idea that we found in the added word representative in the word democracy*”⁵⁰.

As for the capture of power by the steering committees of political parties which is manifested by the discipline of voting, leads the deputies to abdicate their freedom for the benefit of partisan structures which thus practice the imperative mandate, but they themselves are absolutely not responsible. This leads to the party regime. Such a case will result in the same political system established by the fundamental law of August 26, 1977. A law which fixes the fundamental text sets

⁴⁶<https://freedomhouse.org/country/benin/freedom-world/2021>

⁴⁷<http://ortb.bj/infos-une/liberte-de-la-presse-le-benin-113eme-dans-le-classement-2020-de>

rsf/#:~:text=Le%20B%C3%A9nin%20connait%20une%20nouvelle,%C3%A0%2017%20places%20plus%20bas.

⁴⁸Op. cit, p.243.

⁴⁹George Cabanis, *Quelques considérations sur l'ordre social 1789*, cité par Olivier Nay, *Histoire des idées politiques*, Paris Armand Colin, 2004, p.311-312.

⁵⁰Le Comte Roederer, *discours du 4 mars 1801*, cité par Olivier Nay *Histoire des idées politiques*, Paris, Armand Colin, 2004, p.311-312.

in constitutional stone the doctrine of political unity but also and above all the policy carried out with an iron fist by those in power. Under the yoke of this regime, almost all sectors of the country's life functioned at the rhythm of the single party, the PRPB. The National Revolutionary Assembly (ANR), legislative body, the national executive council (CNE) and the party governed the country. The single party counted among its activists "the working people" and the intellectual class. Being one of the centers of the State, the party is not only the main inspiration for national policy and the conduct of public affairs, but also intervenes through its institutional tentacles.

This is a brief breakdown of the representative system towards which the class of Beninese elected officials is leading Benin. A political system in which the laws are not sovereign because the members of the multitude are sovereign, not as individuals but collectively. Such a democracy is in no way a constitution. But such a state of affairs contravenes those that Professor Maurice Ahanhanzo Glèlè aspired to when he undertook to write "The Modern State in Africa" which he offered to Professor Gonidec in 1985 when he dreamed of a rule of law in Africa. For him, a state of law is: "a state where the law reigns, where we refer to what the law says. The law is the body that says how we must be conducted, how we must behave in our States.... In a State of law, there are institutions which are constituted. These institutions include, of course, what we call counter-powers. Every power has a tendency to abuse its authority..... *This is why thinkers, researchers, have put forward the idea which has been adopted worldwide, in the modern State, power must stop power. That is to say, we have to say, you are head of state, you cannot do anything. There have been absolute monarchies in the world and in our country too. Me, Maurice Ahanhanzo Glèlè, remember, there were absolute monarchies. There were abuses, but they were enlightened dictatorships. Power cannot be stopped and when, at a given moment, behavior no longer corresponds to the fundamental rules of the kingdom, you are pushed aside. We know in Benin, how normally I should not pronounce his name, King ADANDOZAN was removed from power then*⁵¹ !»

⁵¹Le Matinal n : 4276, du mardi 28 janvier 2014, interview du Professeur Ahanhanzo Glèlè sur la Radio Immaculée Conception, « les leçons de Ahanhanzo à Holo », p.10.

Why then should the Beninese Nation accept the assertions of despots when they claim to be fundamentally democratic? A cobra does not turn into a dove just because its owner says it is so.⁵²

B-The Probable Birth of the Exercise of Popular Revolt or Even Coups D'état.

The conviction that democracy is the best, or the least bad, political regime is firmly established. In the current state of affairs, the particular form it takes in Western countries is essential as an organization, ensuring the protection of freedoms, the pluralism of opinions, and the association of citizens with the government through of their representative.⁵³ "The evidence of such an observation is so blatant that following the end of communism and the victory of liberal democracy, African countries embarked on courageous, sometimes laborious, democratization processes which suggested that they will experience fewer governance problems than in the past. They thus nourished the hope of developing quickly to reduce the boundaries of poverty⁵⁴." But the increasing personalization of power by the elected representative of the people brings us into the era of consenting or ultra-representative democracy. As Montesquieu affirmed in the spirit of Laws I to Book VIII, the principle of democracy is corrupted, not only when we lose the spirit of equality, but also when we take the spirit of equality extreme, and that everyone wants to be equal to those he chooses to command him. Democracy therefore has two excesses to avoid: the spirit of inequality, which leads it to aristocracy, or to the government of a single person, because representation takes on, as Bernard Manin was able to show⁵⁵, a fundamentally aristocratic character, making it possible to select (unlike the Athenian drawing of lots) a governing elite, something of which the thinkers of the representative, non-democratic regime were well aware. The other excess is the spirit of extreme equality, which leads to the despotism of one person just as the despotism of one person ends in conquest. Thus, the conception of representation-mandate defended by the

⁵²Robert Dahl, *De la démocratie*, Paris, Nouveau Horizon, 1998, p.98.

⁵³Daniel Gaxie, *La démocratie représentative*, Paris, Montchrestien, 1993, p.7.

⁵⁴Messanh Emmanuel Ahlinvi, « Les constitutions africaines revisitée. Les processus de fabrication, les valeurs et les fragilités. », *RTSJ*, Lomé, 2017, p.34.

⁵⁵Bernard Manin, *Principe du gouvernement représentatif*, Paris, Flammarion, 1996, p.319.

Jacobins or the American anti-federalists is part of a descriptive vision of representation which would like the representative to reflect the ideas of those he represents, resemble them and share their condition, the former being bound by an imperative mandate to the latter.

But, when in the course of the evolution of the political events of a State, the Nation sees itself in the necessity of breaking the links which unite it with the class of the elected and of taking, among the powers of the earth, the equal and distinct rank to which the laws of nature and of nature's God entitle him, a just respect for the opinion of men requires that he declare the causes which impelled him to this separation⁵⁶. In a democratic Republic in the 21st century, when, in the name of a certain conception of economic development, maintenance of order and public security, the class of elected officials allows itself the luxury of subjecting citizens to the treatment which it pleases to inflict on them, without anyone having the slightest freedom to contest or control the actions of those who carry out their good pleasure while there are laws which govern how such a society must govern itself⁵⁷. Also in this same Republic where, in the name of the same principle, politics is diverted from its original objective⁵⁸ for

⁵⁶Carl Beker, *La déclaration d'indépendance : contribution à l'histoire des idées politiques*, Manille, Nouveau-Horizons, 1986, p.197-198.

⁵⁷In the words of John Locke: "That unless we admit that every government in force has by right the authority which it actually exercises, there is no way of determining whether a government exercises its authority in all justice. in fact, unless it is established what authority he should reasonably exercise. Stripped of his beautiful phrases from the philosophy of "Nature", "God of Nature" and "Universal Order", the question that Locke asks is simple: "I want to know about what government it is...when a man can subject his subjects to the treatment he pleases to inflict on them, without anyone having the slightest freedom to contest or control the actions of those who carry out his good pleasure." This is, in broad terms, what the 18th Century wanted to know. His answer to this question seemed obvious: This is bad government; since governments exist for men and not men for governments, every government draws its just powers from the consent of the governed. Carl Beker, *La déclaration d'indépendance : contribution à l'histoire des idées politiques*, Manille, Nouveau-Horizons, 1986, p.78-79.

⁵⁸Politics is the organization of life in society, not guys who play Mario Kart and throw bananas at each other in the streets. Politics is about individual actions that improve people's lives or bring new ideas. Social action,

the benefit of considerations of particular interest rather than of a general nature. The governmental and legislative body politic, whose character is thus displayed in acts which all define a tyrant, cannot claim to govern a free people. Power is a deposit (a trust, trustsheeship) entrusted to the class of elected officials in a representative regime for the benefit of the people. If the ruler, whoever he may be, acts in a way contrary to the end, that is to say the public good, for which he had received authority, the people withdraw their confidence, withdraw the deposit, they resumes his initial sovereignty to entrust it to whomever he sees fit. The people always keep potential sovereignty in reserve; it is he and not the legislature which holds the true sovereign power. On his part, there is a deposit and no submission contract. But, as long as things remain normal, in other words, as long as the conditions of the deposit or trust are respected, the people abandon the exercise of their sovereign power to the legislature.

Rousseau will say to this end that the fact of forcing anyone who refuses to obey the general will means nothing other than that they are forced to be free. Since obedience to the law that we have prescribed is freedom. The author of the social contract states: "*So that the social pact is not an empty form, it tacitly closes this commitment which alone can give strength to others, that whoever refuses to obey the general will will be constrained by the whole body: which means nothing else, except that he will be forced to be free; because this is the condition which gives each citizen to the homeland the guarantee of all personal dependence; condition which creates artifice and the game of the political machine, and alone makes civil commitments legitimate, which without this would be absurd, tyrannical and subject to the most enormous abuses*"⁵⁹.

Rulers derive their just power from the consent of the governed. The people, by virtue of a law which precedes all the positive laws of men and which is predominant, has reserved for itself a right which generally belongs to all men when there is no longer any appeal on earth, namely: the right to examine whether he has just reason to appeal to

associations or art, Interview with Victor Watel, al, « Kamel Toe », Libération, 14 avril 2010. Nonna Mayer, *Sociologie des comportements politiques*, Paris, Armand-Colin, 2010, p.8.

⁵⁹Jean-Jacques Rousseau, op. cit, p.60.

heaven.⁶⁰ Let the class of Beninese elected officials try to justify the origin and legitimacy of their power by all means possible. May those whom the latter maintain give them all the magnificent and pompous titles. A people generally mistreated against all rights are careful not to let any opportunity pass in which they can free themselves from these miseries, and shake off the heavy yoke that has been imposed on them with so much injustice. The amnesiac state of the elected class of Benin leads them to ignore that: *“the natural inertia of the people only leads them to rebel at the last extremity. When the burden of absolutism becomes too unbearable, there is no longer any theory of obedience, however theologically insidious it may be, that holds up.”*⁶¹ And whoever presses the udder too hard to extract milk, by heating and tormenting it, extracts butter; who blows his nose too heavily, draws blood; which presses men too much, excites revolts and seditions⁶².

It should be noted that the stability of democracy is much better assured in a country where all citizens and political leaders are firmly committed to democratic ideas, values and practices. Democracy finds its best support when these beliefs are deeply rooted in the national culture and transmitted from generation to generation, in other words, when the country has a democratic political culture. However, in Benin, it is only among citizens that this democratic political culture is anchored. It could not be otherwise, since they are in reality the only ones who have fundamentally experienced the horrors of this very long period of institutional, political and constitutional instability. It was also they who fought under the empire of the Marxist-Leninist regime to have freedom at the end of the national conference through the fundamental law of 1990. Thus, since this conference the Beninese people have been attached to democracy and the fundamental principles it conveys. Perhaps the future of Benin's representative democracy rests on a strong democracy or self-goverment, on the revitalization of a form of Beninese community that is not collectivist, on reasoning that does not

borrow from conformism and on a series of civic institutions compatible with modern society⁶³. It is nevertheless a paradox to note that from 1958 to the present day, that all the rulers who have succeeded each other at the head of the executive power have always believed or hoped to find in the fundamental law the solution to most of the fundamental problems which posed to them. In reality, no constitution can ensure the survival of democracy in Benin without political actors being firmly committed to the ideals of democracy.

⁶³In reality, strong democracy is defined by a politics of participation: that is to say a society governed by its citizens, not by the government which represents them. Active citizens direct themselves here, without intermediaries, perhaps not at all levels or all instances, but with the necessary frequency, particularly when it comes to making real political decisions and when a power real must be exercised. Self-direction is enabled by institutions designed to foster constant civic participation in program and agenda matters, deliberation, legislation, and for the implementation of political projects. In reality, strong democracy does not believe in the unlimited ability of individuals to govern themselves, but affirms with Machiavelli that the multitude will generally be as wise, if not more wise, than the princes: "The crowd is wiser and more constant than a prince" (Nicolas Machiavelli, Discourse on the first decade of Livy, Book I, Chapter 58.) She affirms with Theodore Roosevelt that "the majority of simple people will make fewer errors in ruling themselves than any smaller instituted body will make in governing them. Benjamin R. Barber, *Démocratie forte*, Paris, Desclée de Brower, 1997, p.170-172. Pour aller plus loin: Carole Pateman, *Participation and Democratic Theory*, Cambridge, Cambridge University Press, 1970; Crawford B. Macpherson, *The Real Word of democracy*, New York, Oxford University press, 1972; Bernard Manin, "volonté générale ou délibération? Esquisse d'une théorie de la delibération", *Le Débat*, n°: 33, 1985, p.72-93; *Principes du gouvernement représentatif*, Paris, Flammarion, 1995, p.319; « déliération et discussion », *Revue Suisse de science politique*, 10(4), 2004, p.180-192; Joshua Cohen, « Deliberation and democratic Legitimacy », A. Hamlin, P. Petit (dir), *The Good Polity. Normative Analysis of the State*, Oxford Blackwell, 1989; Seyla Benhabib, *Democracy and Difference, Contesting the Boundaries of the Political*, Princeton, Princeton University Press, 1996; Loic Blondiaux, *La frabrique de l'opinion*, Paris, Seuil, 1996; "sondage et delibération. Une épistémologie alternative de l'opinion publique?", *Politix*, 15(57), 2002, p.167-180; *Le nouvelle esprit de la démocratie. Actualité de la démocratie participative*, Paris, Seuil, 2008; Amy Gutmann-Dennis Thompson, *Democracy*, Harvard, Harvard University Press, 1996; *Why Deliberative democracy ?* Princeton, Princeton University Press, 2004.

⁶⁰John Locke, *Essai sur le gouvernement civil* cité par Chevalier(J.J), *Les grandes œuvres politiques de Machiavel à nos jours*, Paris, Armand Colin, 1970, p.77.

⁶¹Ibidem. p.75.

⁶²Bossuet, *La politique tirée de l'écriture sainte*, cité par Chevalier(J.J), *Les grandes œuvres politiques de Machiavel à nos jours*, Paris, Armand Colin, 1970, p.65.

Throughout the world and even in the oldest democracies, all constitutional systems have drawbacks and none can claim to meet all the criteria. As for democracy which is an ideal, there is no perfect constitution. Amending a constitution is an undertaking with somewhat uncertain consequences. Benin took it to its cost with its ten constitutions drawn up in record time. Drafting a constitution, or amending it, requires careful consideration of acceptable compromises and the risks and uncertainties inherent in any change. The elected class of Benin should remember that in a democratic state of law, the government and the legislature prohibit any transformation of the laws, and particularly of the constitution, with the aim of facilitating its designs policies. In order for Benin to deserve the name of state of law, it must not only be subject to the laws in force, but also refrain from manipulating them.

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