

# Institutionalization of Political Power: The Primacy of Representative Democracy

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## *Abstract*

This paper examines the institutionalization of political power as a defining characteristic of modern constitutional democracy. It traces the historical evolution from anonymous and personalized forms of power to institutionalized systems grounded in representative democracy. The analysis demonstrates how institutionalization fosters legitimacy, stability, and a balance between individual autonomy and collective interests within a constitutional framework. Representative democracy is presented as the primary mechanism for exercising state power, transcending direct democratic rule by integrating diverse social interests into a rational and legally mediated decision-making process. The paper argues that institutions enshrined in constitution channel and sustain popular sovereignty, preventing arbitrary or absolutist power, including that of the people themselves. Ultimately, representative democracy emerges as a rational response to the complexity of modern society, ensuring legal predictability, accountability, and the protection of individual freedom while safeguarding the common good through constitutionalism restraints of political power.

**Keywords:** institutionalization of political power, representative democracy, constitutional democracy, political institutions, popular sovereignty, individual freedom, collective interests, rule of law, legitimacy, political representation, direct democracy, modern state, common good.

## 1. Introduction

The modern nation-state and constitutional democracy are products of three interrelated historical processes that have shaped the nature and exercise of political power. These are the transition from individualized to institutionalized power; the transformation from a heteronomous to an autonomous society – that is, from a society whose laws derive from transcendent sources to one that creates its own legal order; and the secularization of state power and governance. These processes, which unfolded over centuries in Europe, emerged from the interplay of economic, legal-political, and socio-cultural factors. The growing complexity of social relations has led to an increase in diverse and often conflicting interests seeking representation and protection through political power. At the core of these processes lies the most enduring social conflict: the struggle over the control, form, and exercise of supreme political power. This conflict involves various social groups and interests aiming to shape state and society politically. Through it, diverse interests are arranged, balanced, and hierarchized, thus constructing contemporary political reality. Ultimately, this conflict constitutes the essence of the political. The fundamental question of the modern constitution is how to channel and pacify this conflict by embedding it in

legal and institutional frameworks that limit state power while guaranteeing personal freedom and the autonomy of civil society from excessive state intervention.

## 2. Institutionalization of the political power

The evolution of political power and its exercise is a multifaceted and dynamic process accompanying human civilization's development, from archaic forms of social organization to the emergence of the modern constitutional state following the Atlantic revolutions of the late 18<sup>th</sup> and early 19<sup>th</sup> centuries. This evolution involves the gradual emancipation of political power from sacred and personalized forms, transforming it into an institutionalized system of government normatively authorized and constrained by principles of popular sovereignty and representative democracy. The general trajectory is a shift from primitive, unlimited, direct forms of power, as in the archaic model of the sacred ruler or Athenian democracy, towards institutionally organized representative government, characterized by a rational deliberative process of coordinating, integrating, and consolidating diverse social interests. The political substance of this process lies in establishing and maintaining a balance between individual freedom and collective interests in pursuit of a shared conception of the common good formed within a particular historical and social context.

Political power is a universal social and legal phenomenon arising when a community, viewed as a group of individuals with distinct interests, recognizes the necessity of a unifying social goal and forms a consensus around it. This goal transcends everyday circumstances and concerns the community's very survival. Such consensus is three-dimensional: it connects the past through shared historical markers, defines the present through established ways of life, and outlines the future through a common vision of development and goals. As emphasized by Georges Burdeau, power is a force generated by collective consciousness that ensures community continuity and guides it toward what it perceives as its good. Historically, three forms of political power can be observed – anonymous, individualized, and institutionalized – each emerging from the increasing complexity of social relations. In primitive societies, power is anonymous, an extension of familial authority or a religious appendage embedded in ritual and mythology, lacking a distinction between public and private. Gradually, power becomes individualized: “the man commands, not the structure.” It becomes embodied in charismatic leaders, concentrated in their personality, as seen in Roman imperial traditions and monarchical absolutism, where the ruler is the source and embodiment of power.

However, individualized power inherently produces instability and conflict. Thus arises the need for stability, continuity, and legitimacy, achieved by separating power from the individual and institutionalizing it as a depersonalized function of political institutions. This transition marks the shift from sacralized to rational-normative power. In Western Europe, from the 15<sup>th</sup> century onward, power based on individual patrimony gave way to institutionalized, public-oriented governance, leading to the constitutional state. Here, deliberative processes filter and peacefully transform social conflicts into a legitimate legal-political order under constitutional supremacy.

The Greeks saw citizens as *homo politicus*, directly involved in governance; medieval societies, in contrast, emphasized *homo oeconomicus*, valuing economic freedom as foundational to personal well-being. Modern democracy arose to protect individual freedom from excessive state power, thus defining constitutional relationships between state and individual within the fundamental social conflict over political power's control, form, and exercise. This conflict brings together different social groups and interests and is reflected in the political relationship between the public and the state. The current political reality is shaped by a multitude of diverse interests that are structured, balanced, and hierarchized through it. The modern constitution is precisely an expression of the effort to control and pacify this political conflict by embedding it in

institutional and legal frameworks so that state power is limited, personal freedom and the autonomy of civil society are guaranteed, and the tension between the individual and the collective is balanced in the name of the common good.

The institution is a complex social and normative phenomenon. It structures and guides the life of the political community under the constitution. It can be seen as a social fact that integrates and channels certain social actions and conditions. These conditions are subject to a common goal defined by the community and regulated by the legal order. In a sense, an institution is a fiction to which social and normative significance is attributed. The renowned German constitutionalist Carl Schmitt famously observed that “all the most important concepts of modern state theory are in fact secularized theological concepts.” The institution, if we follow him, is what we call the “temple” of political power. According to Christian theology, the temple is a sacred space for the gathering of the faithful in Christ (John 4:21), associated with the idea of heaven on earth. Viewed from a similar perspective, the institution is the social and normative space sanctified by the constitutional order, in which the people, as the source and bearer of sovereign power, connect with social life through those whom they have democratically empowered to adopt and implement political decisions. From the moment a nation defines itself as the source of legitimacy, as the privileged object of collective loyalty, and as the basis of political solidarity, there arises an absolute need for institutions through which power can be exercised legitimately and effectively to maintain and preserve this legitimacy.

The French legal school of institutionalism has developed the concept of political institutions in depth. An institution, as Maurice Hauriou argues, is an idea embodied in an undertaking that is realized normatively in a social environment. In a political society, political power is the most important institution. Joseph Delors, another leading representative of this school, illustrates the diverse and adaptable nature of the institution by likening it to Proteus, the ancient Greek sea god and son of Poseidon, who had the ability to change form. Georges Renard emphasizes that the idea realized in social practice creates solidarity among those who pursue it simultaneously or successively, establishing communication between people and generations. Ultimately, an institution is defined as an idea endowed with appropriate means and resources enabling it to obtain an objective existence, to be created, implemented, and perpetuated. He identified two primary expressions of legal life: rules and institutions. “Rules” include laws and contracts, divided into general legal rules deriving from authority and specific rules deriving from individual legal acts. Institutions, on the other hand, are ideas transformed into “acts of creation.”

According to Jacques Chevalier, the existence of an order supreme for both individuals and groups is characteristic of every society. This order maintains societal cohesion, promotes integration, and ensures long-term stability. Institutions express and guarantee this order. He argues that the concept of social constructivism, developed by Peter Berger and Thomas Luckmann, provides an interpretative framework for understanding institutionalization, which occurs in three phases: exteriorization, separating institutions from their creators; objectification, transforming them into objective realities; and interiorization, integrating them into everyone’s life. Institutionalizing political power is linked to legally codifying coercive power and transforming rulers into representatives who exercise power on behalf of the abstract whole of the state as authorized agents.

Political institutions presuppose not only the existence of a community and social goals but also political consensus. Hannah Arendt rightly argues that it is the support of the people that gives strength to state institutions, continuing the consent that created laws. As Marcel Gauchet writes, all political institutions are manifestations and materializations of power that become fossilized and disintegrate when the people’s living force ceases to sustain them. The very process of institutionalizing political power in the state is linked to the legal codification of coercive power. It is also tied to the transformation of those who govern from holders of personal prerogatives into representatives who exercise power on behalf of the abstract whole of the state.

These representatives act merely as authorized agents of this collective entity. According to Gauchet, when society takes control of the power it has politically established, it seeks to express this through administrative power. This administrative power assumes responsibility for regulating collective existence. For this reason, the democratic state is necessarily bureaucratic, and historically, the administrative state has had to become representative. We should not see institutions merely as structures for governing or exercising power. In Gauchet's political philosophy, institutions are ways to establish and stabilize the founding will of the people, especially within his understanding of democracy as a process of emerging from religion. Gauchet argues that democracy is the historical result of "leaving heteronomy," leading to a self-governing society through institutions. Autonomy is not an absolute but a historical process realized through stable institutions and legal forms. Power becomes a form of institutionalized founding will reproduced through legal and political mechanisms.

The state body, understood as an institution - as summarized by Georgi Bliznashki - is a social formation or establishment that is assigned specific functions and granted corresponding powers. This definition of "institution" is accepted as more comprehensive and adequate to social and legal reality than the purely normative understanding. According to the latter, institutions are not social facts but formal legal constructs - bearers of competences defined by a hierarchy of legal norms derived from the basic norm (*Grundnorm*). However, governmental political institutions are more than decision-making structures; they also derive legitimacy from public support and are perceived as fair. They act as a political and legal framework that unites the national community to establish and uphold the current objectives of state governance, aligning them with the shared concept of the common good.

On this basis, it should be accepted that modern state and representative democracy are the highest form of institutionalization of political power. In this form, power is no longer a private, patrimonial relationship but a depersonalized social relationship embedded within a system of political institutions, rules, and procedures. This creates a qualitatively new political space - the space of institutions - where personal dependencies and loyalties are replaced by legal predictability, procedural structuring, and accountability. This is democratic constitutional power, limited by law and legitimized by the people through elections. It is not power *over* society but power *from* society, institutionalized and conditioned by collective consent. In this context, state institutions are not merely organs of power; they are also the architecture of the legitimacy of the political and legal order. They combine legal form, political function, and legitimate authority recognized by the political community, ensuring a balance between individual rights and the collective interest, as well as between personal autonomy and social solidarity.

### 3. The primacy of representative democracy

In essence, representative democracy is a rational response to the complexity of modern society. The idea that all public power - including that exercised directly by the sovereign - must be legally limited to protect individual freedom and the integrity of the social and political whole in the name of the common good - is fundamental to the modern constitutional state. Constitutionalism, in its historical and doctrinal development, is incompatible with unlimited power and absolutism, regardless of its origin, bearer, or legitimacy. Popular sovereignty, although fundamental, is not exercised arbitrarily but within limits explicitly or implicitly defined by the constitutional order. The unlimited power of the sovereign people, exceeding constitutional boundaries, can manifest only in exceptional historical moments of profound revolutionary change that abolish the old order to create a new one. During normal social development under constitutional supremacy, both representative and direct democracies remain subject to constitutionally determined restrictions.

The demographic, territorial, and economic growth of societies requires abandoning direct forms of government in favor of structures capable of performing complex governance functions. Increasing stratification and pluralization of social interests also necessitate mechanisms that can integrate and balance this heterogeneity. The transfer of sovereignty from monarch to people, presupposing identity between rulers and ruled, raises questions of how power is exercised. Rousseau's radical democratic thesis emphasizing the general will's unrepresentability conflicts with the social reality of the modern nation-state. The complexity and scale of modern states necessitate projecting the economic division of labor into politics. The fundamental constitutional question in pluralistic societies, marked by clashes of diverse social interests, is how to reconcile individual freedom with collective interests in the name of the common good. In other words – how to integrate *volonte general* (Rousseau) with Judgment (Kant). Thinkers such as Montesquieu, Sieyès, and Madison integrated social reality with constitutional theory, rationalizing the necessity for political representation with a free mandate.

This forms the basis for the political rationalization of power – a process requiring expertise, competence, and predictability. Therefore, the professionalization of politics and governance becomes a structural necessity intrinsically linked to the functioning of the modern state. Governance through political representation thus becomes the main mechanism for exercising state power in a constitutional democracy. Representative democracy acquires normative primacy over direct democracy, which becomes subsidiary. This marks a transition from an arithmetic sum of individual wills expressed directly by citizens to an institutionalized, legally regulated system of collective decision-making. Decisions made by politicians result from a formal process integrating diverse public opinions. This process is complex, based on legal principles, procedural rules, and institutional guarantees. It does not mechanically aggregate individual preferences but transforms them into a legitimate and rational public will.

A characteristic feature of representative democracy is that political decisions are not mere emotional responses to a momentary arithmetic majority, but the outcome of a rational, systematic, contextualized, and legally mediated deliberative process. This process integrates individual and collective interests, relating them to the constitutionally established concept of the common good. It ensures individual autonomy by imposing legal limits on arbitrary, discretionary, or excessive government interference. It also guarantees the supremacy of the public interest by subjecting the political process to the fundamental principle of the rule of law. In such an institutional environment, representative democracy acts as a filter that generally prevents spontaneous, opportunistic, emotionally motivated, or externally induced public attitudes from becoming dominant political will. This protects the foundations of constitutionalism, democracy, and citizens' rights and freedoms. The democratic impulse is thus transformed into responsible public authority through the institutionalization of political power, in accordance with the principles of legitimacy, legal predictability, and institutional accountability. These principles form the essential foundations of every modern democratic system based on the rule of law.

Contemporary democracy, as Jürgen Habermas notes, differs from its ancient predecessors precisely in its constitutional character, being based on modern positive law that institutionalizes freedom through equal subjective rights. Above all, it emerges within extensive state structures where direct involvement is essentially unfeasible, and political representation is not just a technical necessity but an inherent guarantee of democratic principles. Modern constitutional democracy is based on a balance between individual freedom and collective social interests. This is in the name of a shared idea of the common good of the nation. The dynamics and proportions in which people establish and maintain this balance form the political and normative content of the phases in the development of constitutionalism in the modern era. The 19<sup>th</sup> and first half of the 20<sup>th</sup> century saw an emphasis on individual freedom in liberal constitutionalism. In contrast, after World War II, democratic constitutionalism placed the

principle of social justice on an equal footing with individual freedom. The common good constitutes the core value of the constitution, embodying the national community's expressed and satisfied understandings and needs through the current political and legal order while outlining the national future of the social and state whole. The modern constitutional order's goal and function is maintaining a balance between individual freedom and collective social interests (political, economic, socio-cultural, etc.). This is achieved through the structural separation of powers and systematic restriction and control of all political power, regardless of its source, purpose, or destination. Another necessary condition for maintaining a balance between individual freedom and the interests of the collective is the inclusion of deliberation as an essential part of political decision-making. Deliberation, which is defined as discussion and consensus-building based on a balance of interests and forces in society, is only possible in an institutional environment. Direct democracy effectively precludes the possibility for effective and rational deliberation. The outcome of a referendum is essentially the aggregate of the individual voters' preferences. Public debates and information campaigns conducted on national issues to be decided by referendum, inherently possess a more or less spontaneous and chaotic character. They are rife with political emotions and biases and, at the same time, highly susceptible to manipulation and the influence of deliberately created false public narratives that influence voters. The latter is particularly evident with the transformation of social media into a mass medium for public communication. Representative democracy, as James Madison advocated, plays the role of this political "filtering" of the stormy sea of public opinion. This process gives an advantage to rationality, dialogue, negotiation, and compromise. It does so not only in building political majorities united around a common state policy, but also in effectively protecting the rights and interests of political minorities. When there are effective opportunities for deliberation in an institutional environment that is normatively established, political representation based on a free mandate is the constitutional mechanism that ensures the pursuit and maintenance of the balance between individual freedom and collective social interests.

#### 4. Conclusion

The evolution of political power within an autonomous society and democratic statehood is inseparable from rejecting absolute power, including the absolute sovereignty of the people. Transforming popular sovereignty into constituent power and creating a constitution means that *We, the people* place themselves under norms they establish, voluntarily limiting popular sovereignty in the name of freedom and peaceful coexistence.

The digital age is characterized by increasing transparency and access to information, making the state and the world more "visible" to citizens. This gives new meaning to civic control and participation in governance, while reinforcing the role of representative democracy as an institutional filter channeling and rationalizing public sentiment. Modern technologies amplify these sentiments on the public surface. In this context, Pierre Rosanvallon introduces the concept of "counter-democracy," referring to forms of democratic control, distrust, and surveillance of power that complement traditional mechanisms of representative democracy. He describes the desire of active civil society to scrutinize the entire government system and exercise effective civic control over politicians and decision-making. Forms of direct democracy should enrich representative democracy and increase trust in it, but they could not and should not replace it. Destroying representative democracy and its primacy would only mean returning to the empowerment of yet another "good despot" who tomorrow would be replaced by ever worse ones.

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### References

- Arendt, H. (1970). *On violence*. Harcourt Brace Jovanovich.
- Bliznashki, G. (2020). *Constitutional law. Vol. I. Principles*. Sofia: St. Kliment Ohridski University Press.
- Bliznashki, G. (2025). *Constitutional law. Vol. II. Institutions*. Sofia: St. Kliment Ohridski University Press.
- Bourdieu, J. (2007). The state. In *St. Kliment Ohridski University Press* (pp. 17–27).
- Brod, F. (2012). *Thinking the state*. Sofia: St. Kliment Ohridski University Press.
- Chevalier, J. (1996). *Political institutions*. Sofia: St. Kliment Ohridski University Press.
- Delos, J. T. (1970). The theory of the institution: The realist solution of the problem of moral personality and law with an objective foundation. In *The French institutionalists: Maurice Hauriou, Georges Renard, Joseph T. Delos* (pp. 222–247). Cambridge, MS.
- Gauchet, M. (1997). *The disenchantment of the world: A political history of religion*. Princeton University Press.
- Gauchet, M. (2013). *La révolution des pouvoirs*. Paris: Gallimard.
- Habermas, J. (2023). *A new structural change of publicity and deliberative politics*. Sofia: Criticism and Humanism Publishing House.
- Hauriou, M. (1929). *Précis de droit constitutionnel*. Paris: Sirey.
- Metallinos, G. (2014, July 8). *Worship in Orthodoxy. Doors of Orthodoxy*. [https://dveri.bg/component/com\\_content/Itemid,51/catid,63/id,19493/view,art](https://dveri.bg/component/com_content/Itemid,51/catid,63/id,19493/view,art).
- Rosanvallon, P. (2008). *Counter-democracy: Politics in an age of distrust*. Cambridge University Press.
- Schmitt, C. (2005). *Political theology: Four chapters on the concept of sovereignty*. University of Chicago Press.
- Spaner, D. (2001). *The community of citizens: On the modern idea of nation*. Eon 2000, 88.

