

Liberal Democracy & the Political: A Comparison of Carl Schmitt and Sheldon S. Wolin

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## ABSTRACT

This study concerns the terms liberalism, the political, democracy, and liberal democracy focusing on the application of the terms in the discourse of two distinct political theorists: Carl Schmitt and Sheldon S. Wolin. I address the question of whether similarities exist between Schmitt and Wolin's theories? Specifically, are there similarities in their use of the terms listed above? Although both emphasize different aspects of the terms, I suggest they simultaneously share similar perspectives on them. In particular, I suggest that Schmitt and Wolin share in common attributes in their views on the purported problematic of liberal democracy. Furthermore, I suggest both theorists speak to the general concern that if the political cannot be realized, then democracy cannot be practice.

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## Introduction: Politics & Illusion

This study concerns the terms liberalism, the political, democracy, and liberal democracy, focusing on the application and meanings assigned to them in the discourse of two distinct political theorists: Carl Schmitt and Sheldon S. Wolin. This project will address the following: Does a connection exist between Carl Schmitt and Sheldon Wolin's theories? Specifically, are there similarities in their use of the terms listed above? Although both emphasize different aspects of the terms, I suggest they simultaneously share similar perspectives on them.

I will first provide an analysis of each theorist's critique of liberal political theory, or simply liberalism. Second, I will examine each theorist's concern with the concept of *the political*. Third, I will portray liberal democracy as Schmitt and Wolin convey it throughout their work. Fourth and finally, I will present insights, lessons, teachings, critical instructions, and normative prospects that can be learned or derived once both are compared and contrasted. This project resembles a discourse analysis, a study that will "tease out the terms" as used by each theorist. These terms will be examined throughout selections of their most crucial and influential body of work. This analysis may reveal new aspects regarding their theories on the terms that could help grasp new ways of interpreting them. In particular, how each view the purported problematic relationship between liberalism and democracy.

This study will be presented in five chapters, including this Introduction. Chapter One: Theories of Liberalism will discuss Schmitt and Wolin's theories on liberalism. Chapter Two: The Political will examine both theorists' conception of the political. Chapter Three: Democracy / Liberal Democracy will present their separate views of democracy, with attention paid to their views on the relationship between liberalism and democracy. Chapter Four: Conclusions, will reiterate the salient points, and provide an assessment to the question presented.

What's at stake in this project are questions of undisclosed features of American political experience. These features can be taken as assumptions on my part, suggestions that perhaps the American *demos* (the people) are misled regarding the purpose and meaning of "politics;" misled in there assumptions of what liberal democracy is purported to be? Perhaps what the American

people believe in is a fiction, “freedom” and “democracy” illusions – replaced by the possibility of epitomizing Wolin’s “managed democracy?”<sup>1</sup>

What I mean are generally aspects of political economy,<sup>2</sup> legality and legitimacy, and features reflective of Foucault’s biopolitics.<sup>3</sup> Such *political illusions*, as I call them, could be defined as features, myths, or *arcana imperii* (i.e. state secrets) hidden from our political experience. They can be considered underlying this analysis of Schmitt and Wolin’s theories. I suggest these “illusions” are found in the relationship between liberalism and democracy as examined by Schmitt and Wolin. Together, these concepts suggest that the United States constitutes a contradictory institution: a promise of safety, security and meaning, but comprising a reality of abuse, control, and coercion.<sup>4</sup>

What is at stake in this project can also be expressed in what I suggest is the motive behind Carl Schmitt’s work, and this will be argued from Wolin’s perspective as well. Schmitt’s work presents a man who is concerned with a (political) life less meaningful. As Leo Strauss asserts, “[...] Schmitt remains concerned with the *meaningfulness* of life [as Schmitt sees it] – he is afraid that modernity will make life unmeaningful.”<sup>5</sup> I take this as the impetus for Schmitt’s work as a whole. I share his concern that modernity will make political life unmeaningful, or more generally, life without meaningful purpose, political or otherwise.

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<sup>1</sup> Sheldon S. Wolin, *Democracy Inc: Managed Democracy and the Specter of Inverted Totalitarianism* (New Jersey: Princeton University Press, 2008), 47, 136, 140. According to Wolin, managed democracy is “Centered on containing electoral politics; it is cool, even hostile to social democracy beyond promoting literacy beyond job training and other essentials for a society struggling to survive in a global economy. Managed democracy is democracy systematized; it is the application of managerial skills to the basic democratic political institution of popular elections; the expansion of private (i.e. mainly corporate) power and the selective abdication of governmental responsibility for the well being of the citizenry.”

<sup>2</sup> Sheldon S. Wolin, *The Presence of the Past: Essays on the State and the Constitution* (Maryland: The John Hopkins University Press, 1989), 42-43. Wolin suggests: “[...] the concept of a political economy is a mode of life in which society is conceived primarily as “the economy”... economic relationships... are treated as forming a distinct system of power that is at once autonomous and determinative of all other social and political relationships... the United States, it might be said, was fairly launched as a political economy.”

<sup>3</sup> Michel Foucault, *The History of Sexuality, Volume I: An Introduction* (New York, Vintage Books, 1978), 139-140. Foucault suggests that biopolitics “[...] Focused on the species body, the body imbued with the mechanics of life and serving as the basis of the biological processes: propagation, births and mortality, the level of health, life expectancy, and longevity, with all the condition that can cause these to vary. Their supervision was effected through an entire series of interventions and regulatory controls: a biopolitics of the population... characterized a power whose highest function was perhaps no longer to kill, but to invest life through and through. The old power of death that symbolized the sovereign power was now carefully supplanted by the administration of bodies and the calculated management of life.”

<sup>4</sup> Jenny Edkins, *Trauma and the Memory of Politics* (New York: Cambridge University Press, 2003), 6.

<sup>5</sup> Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago: University of Chicago Press, 2007), xviii.

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It may be prudent to provide an overview of the concepts examined in this study. Although these definitions are by no means exact, they should provide a reasonable introduction for those unfamiliar with them. First, however, I would like to present two considerations by Wolin regarding the purpose of political theory. The first comes from his *The Presence of the Past* (1989), and the second from the expanded edition of *Politics and Vision* (2004). Together, they provide my general understanding of the meaning and purpose of political theory in which this study is decidedly engaged. Following Wolin:

*Political theory* might be defined in general terms as a tradition of discourse concerned about the present being and well being of collectivities. It is primarily a civic and secondarily an academic activity. In my understanding this means that political theory is a critical engagement with collective existence and with the political experiences of power to which it gives rise.<sup>6</sup>

Political theory might be described as the attempt to theorize the political by addressing the concerns of politics rather than of philosophers and using civic rather than professional forms of discourse. Political theory is theoretical in its attempt to compose a coherent network of concepts and abstractions in order to analyze what is going on in the contemporary world or in some selected part of the past.<sup>7</sup>

The question “what is political theory?”<sup>8</sup> is not meant to be, nor could be answered from these quotes alone. They serve my purposes in providing the necessity of theory in the context of this project. They could also perhaps be said to summarize the impetus for Wolin’s work as a whole. What follows is an introduction to the terms that will be covered. This will include what I mean by the term “state” and the concept of sovereignty, both of which are integral to Schmitt and Wolin’s theories and their use of the terms examined in this study.

A *state* is essentially “a particular portion of mankind viewed as an organized unit.”<sup>9</sup> According to Aristotle, the purpose of the *polis* (i.e. city-state) concerns that “[...] man is a political animal (*zoon politikon*). And therefore men...desire to live together...brought together

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<sup>6</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 1. Italics added for emphasis.

<sup>7</sup> Sheldon S. Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought* (New Jersey: Princeton University Press, 2004), 504.

<sup>8</sup> Wendy Brown, “At the Edge,” *Political Theory* 30, no. 4 (2002): 556.

<sup>9</sup> John W. Burgess, *The Foundations of Political Science* (New Brunswick: Transaction Publishers, 1994), 53-54. Burgess states: “Not until the state has given itself a definite and regular form of organization, i.e. not until [it] has formed for itself a constitution, does it become subject of public law. It may be said that a state cannot exist without a constitution. This is true in fact; but the state can be separated in idea from any particular form of organization, and the essential elements of its definition can be found in the principle or principles common to all forms.”

by their common interests in proportion as they severally attain to any measure of well-being. This is certainly the chief end, both of individuals and states.”<sup>10</sup> Furthermore, the purpose of the polis is to achieve and practice “the good life,” essentially *happiness*. The good life in the polis is defined by community and something intangible beyond the acquisition of material goods.

*Sovereignty* is the foundation upon which the legitimacy of the state, liberalism, and international relations rests. It is the “locus and nature of the agency that constitutes a political system.”<sup>11</sup> Sovereignty is meant to designate the place where self-sufficient power is ultimately said to reside; it signifies exclusive control over a bounded territory.<sup>12</sup> Sovereignty fills the gap for the pre-political foundation of the state that is necessary for liberalism to manifest as a system in which human beings go about their lives. It is made to seem legitimate because it is invested in political rationalities that liberalism requires as a coherent system of thought. Moreover, sovereignty is the means by which politics is activated in order to give an account of the purposive and integrative, that rule which can be made to function as legitimate.<sup>13</sup> However, sovereignty is perhaps a *fiction*, an untruth.<sup>14</sup> Having fallen from an *uncertain truth* (open) to the *certain untruth*<sup>15</sup> (closed) of sovereignty, I contend that sovereignty has limited our political imagination and discourse of what is feasibly (practically and theoretically) possible in terms of politics. Perhaps possibilities for a meaningful political experience in terms of community and the common good have been precluded indefinitely?

The *political* is viewed as distinct from *politics* as commonly understood. *Politics* can be considered the set of practices and institutions through which order is created, organizing human

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<sup>10</sup> Aristotle, *Politics*, trans. Benjamin Jowett (New York: Barnes & Noble, 2005), 65.

<sup>11</sup> Carl Schmitt, *Political Theology*, trans. George Schwab (Chicago: University of Chicago Press, 2005), xi. From the Forward by Tracy B. Strong.

<sup>12</sup> Scott G. Nelson, *Sovereignty and the Limits of the Liberal Imagination* (London: Routledge, 2010), 3.

<sup>13</sup> Nelson, *Sovereignty and the Limits of the Liberal Imagination*, 6-18.

<sup>14</sup> Nelson, *Sovereignty and the Limits of the Liberal Imagination*, 18, 133. According to Nelson: “Sovereignty is the means by which politics is activated in order to give an account of the purposive and integrative, that rule which can be made to function as legitimate...Sovereignty is wholly artificial because it’s nothing less than a work of art brought about by man who must make it his business to imitate the natural work of God. God intended the creation of something wholly artificial but capable of becoming more powerful in stature and strength, this in order to effect the defense or what is natural, or man himself. The state is thus an artificial creation by means of a God with neither the intentions nor the will, and maybe not even the power, to bring it all about in a world of men...sovereignty is therefore something of a wish...”

<sup>15</sup> Eric Voegelin, *Science, Politics, and Gnosticism* (Delaware: ISI Books, 1968). I borrow this phrase from this book and have applied it here to for my purposes. The open and closed terms in parenthesis are meant to designate open and closed systems of thought regarding beliefs of a philosophical, spiritual, and legal nature.

coexistence in the context of conflictuality provided by the political.<sup>16</sup> The *political*, on the other hand is an elusive concept that I suggest defines a number of perspectives regarding political life in a society, perhaps the human condition itself. According to Wolin, the political is a concept that needs to continually be re-envision and reconceptualized.<sup>17</sup> For both Schmitt and Wolin, the political encompasses the antagonism that is unavoidable in political society. Generally, the political can be considered *what is common to the whole*; that is, the whole community, society, or state. It pertains to questions that are of a genuine political nature and relevance (e.g. moral quality of political life, effectiveness of political rule, the dispensing of justice), not to be decided by or confused with other ‘spheres’ or ‘domains,’ (e.g., economics) that exist in a society. The political may be seen as *the result* of constituting a people towards the establishment of political institutions. These provide an arrangement wherein the activities of individuals and groups connect spatially and temporally,<sup>18</sup> producing activities and ‘domains’ that can become political, playing off human beings presupposed political nature.

*Democracy* refers to the direct participation of (eligible) citizens in the politics of the state. Participation is usually in the form of suffrage, deliberation, or decision-making: each citizen votes directly on political matters of the state. Democracy is considered at once separate, combined to, and inherent in liberalism. Democracy has the quality of being a form-of-government (i.e. in the same vein as monarchy, aristocracy, or dictatorship); but can also be taken as an *ethos* (spirit),<sup>19</sup> or ‘value’ that can be attached to a form-of-government, thereby being open to different practices of it. *Liberal democracy* is the term I will use to reference the particular form of government examined in this study. The latter term could be defined as a society abiding the tenets of liberalism established by law through a liberal constitution, practicing democratic modes of governance.

Democracy was understood by early political philosophers as radical and unstable. “[...] democracy was given perfunctory mention as one of the possible political constitutions along with monarchy, aristocracy, and their variants – usually dismissed as the worst of the best

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<sup>16</sup> Chantal Mouffe, *On The Political* (New York: Routledge, 2005), 8-9. Italics added for emphasis.

<sup>17</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 11.

<sup>18</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 8.

<sup>19</sup> Stephen K. White, *The Ethos of the Late Modern Citizen* (Massachusetts: Harvard University Press, 2009), 1. White defines *ethos* as “The characteristic spirit, prevalent tone of sentiment, of a people or community. *Ethos* is an ancient Greek word, and it was used by Aristotle in his theory of rhetoric...”



forms...the best of the worst...”<sup>20</sup> At its extreme, democracy may demand violence in order for it to be fully realized. This latter remark, I suggest, fits both Schmitt and latter-day Wolin’s conception of what democracy involves, or what is necessary for *real* democracy to be realized. In American society, democracy is often seen as protests, picket lines, strikes, and so forth. In the United States, civic participation typically takes the form of representation: citizens vote for representatives (politicians) to speak on behalf of the community in which they belong. Ideally, it is assumed that citizens “vote” based on a level of disinterest in their individual concerns, an informed understanding of issues, and the candidates running for political office. I will be viewing democracy more theoretically however, borrowing from Alexis de Tocqueville, or rather Wolin’s analysis of him in *Tocqueville Between Two Worlds* (2001). Tocqueville suggested that democracy is not only a form of government, but that it is also a spirit that permeates itself into ways of thinking and living, producing certain behaviors, actions, and outcomes.<sup>21</sup>

*Liberalism* can be thought of as a “mode of life.” Recalling Foucault, liberalism might be conceived of as an ethos or attitude,<sup>22</sup> which is suggestive of this ‘mode of life’ I speak of. Its theoretical roots can be found in the political thought of the social contract theorists Hobbes, Locke, and Rousseau. As will be discussed later, it is heavily influenced by classical economic theories, those of Smith, Bentham, and Ricardo. Essentially, liberalism pertains to the idea that individuals are free, independent, autonomous, rights-bearing agents who are free to choose their own conception of a good life. It entails the relaxation or removal of the state and divine powers over person’s actions and life pursuits. It is focused on the primacy of human freedom, or in other words, individuals being free to choose how to live their life cognizant of laws and social *moeurs*. The tenets of liberalism generally include natural rights, constitutionalism, and democracy; free and fair elections, human rights, capitalism, free trade, and the separation of church and state. This is not to forget the notion of civil liberties often included in liberal constitutions, such as freedoms of press, speech, assembly, and religion.

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<sup>20</sup> Sheldon S. Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life* (New Jersey: Princeton University Press, 2001), 59.

<sup>21</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 99.

<sup>22</sup> Nelson, *Sovereignty and the Limits of the Liberal Imagination*, 16.

Taken together, it is precisely these qualities of liberalism that produce what Tocqueville coined “individualism.”<sup>23</sup> Perhaps individualism is the defining feature of liberalism, which circumscribes the way subjects in the U.S., go about their lives in terms of free market ideals, perceive notions of justice, equality, participation, and security. This, in turn, shapes the conduct of our affairs, and the quality of our political experience. Perhaps liberalism is the core to which our political existence and ontology is bounded to, as it is difficult to discern liberalism as distinct from other political concepts such as democracy considering the extent to which it is embedded in our political discourse and experience.

I suggest liberalism is distinct from so-called *neoliberalism*<sup>24</sup> of the latter-half of the twentieth-century. “[...] more than a simplification of the economy, the state itself must construct and construe itself in market terms, as well as develop policies and promulgate a political culture that figures citizens exhaustively as rational economic actors in every sphere of life.”<sup>25</sup> Some suggest the era of neoliberalism is at an end considering the so-called “Great Recession” of 2008-2010.<sup>26</sup> I contend the consequences of neoliberalism *then*, and the implications of it *now* for considering freedom and democracy in the United States is sufficiently dire enough to warrant investigation.

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<sup>23</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 350. Wolin elaborates: “The glory of liberalism was its defense of individual rights, constitutional limitations on power, and political accountability of elected officials...the right of the individual to determine his or her conception of personal happiness, merged with self-interest, the guiding principle of conduct of economic life that each acted always with an eye to advancing or protecting his or her particular interests. That combination seemingly left no significant scope for political life.”

<sup>24</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 521-522. According to Wolin: “The new liberalism continued to give allegiance to individual freedom and constitutional norms while seeming to be at ease with the incongruities between an emphasis upon constraining power (constitutional democracy) and an eagerness for expanding it (the national security state). And by equating political action primarily with “positive” presidential leadership and accommodating it to a huge, hierarchical, and centralized bureaucracy, neoliberalism increasingly distanced its political identity from citizen-centered democratic principles. At the same time its expansive conception of state power, both at home and abroad, depended upon the resources being generated by an anti-democratic type of economic organization – one driven by unequal rewards and administered according to hierarchical principles of authority supporting a cult of leadership that emphasized the mastery of power by larger than life CEO’s. On every front liberal society was accepting accommodation with the inequalities generated by visions of excess: New Frontiers (Kennedy), Great Society (Johnson), and culminating in the empire of a Superpower (George W. Bush).”

<sup>25</sup> Wendy Brown, “American Nightmare: Neoliberalism, Neoconservatism, and De-Democratization,” *Political Theory* 34, no. 6 (2006): 694.

<sup>26</sup> Stephen S. Cohen and J. Bradford Delong, *The End of Influence: What Happens When Other Countries Have the Money* (New York: Basic Books, 2010), 15.

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I will be examining “directly” Schmitt and Wolin’s work(s) with relative input from other sources. Carl Schmitt (“the theorist for the resentments of a generation”<sup>27</sup>) is perhaps the more interesting “character” in this study when compared to Wolin. His work in the turbulent years of Germany’s Weimar Republic would remain in academic infamy until the late-1970’s and 1980’s when English translations of his work became available as new scholarly interest in Schmitt came increasingly to the fore. A plethora of scholarly inquiry proliferated in the ensuing years, as academic journals such as *Telos* continue to devote significant room for articles considering his thought. To look at Carl Schmitt’s work, I suggest it is important to understand the context of the times they were written in and the man behind them. Considering this, I suggest Schmitt should be taken as *a serious man*. There is a threefold sense in which to take this. First, Schmitt’s use of terms examined in this study are almost always based on specific historical-judicial-theoretical meanings in his use of them. Second, one might say Schmitt deals in absolutes – all or nothing, either / or, and views the world in black and white terms. This point relates directly to the third: Carl Schmitt sees the world through legal rules and procedures.

Schmitt looks at law, order, and political stability with the utmost of concern, which speaks to claims that he is arguably the Thomas Hobbes of the twentieth century.<sup>28</sup> He was a lawyer, but also an academic and political theorist. His political philosophy was built on a foundation of German juristic and legal positivism (to which he was opposed), concentrated on constitutional law. The practice and study of law, some might argue, is naturally conservative (although of course, law can be interpreted “liberally”). This profoundly confines the way in which Schmitt views society and government. This is not because he refuses to be open to other perspectives, but because this is the manner in which he perceives law in a strictly juridical way.

This view can be spoken of as his *decisionism*: “a theoretical position in which the foundation of the state’s sovereignty would not rest on the impersonality of the law or on a norm, but rather on a primal decision.”<sup>29</sup> Questions that cannot be answered from legal precedent or founding documents such as a constitution posed to him the most significant of legal

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<sup>27</sup> Carl Schmitt, *The Crisis of Parliamentary Democracy*, trans. Ellen Kennedy (Cambridge: Massachusetts Institute of Technology Press, 1988), xii. From the introduction by Ellen Kennedy.

<sup>28</sup> Gabriella Stomp, “Thomas Hobbes, Carl Schmitt, and the Event of Conscription,” *Telos* 147 (2009): 149.

<sup>29</sup> Giacomo Marramao, “The Exile of the *Nomos*: For A Critical Profile of Carl Schmitt,” *Cardozo Law Review* 21, no. 5-6 (1999-2000): 1567.

conundrums. For within such quandaries the stability of the political order would be in question. Legitimacy, legality, as the sovereignty of the state, would therefore have the possibility of becoming superfluous. Case in point: Germany's Weimar Constitution. Germany in the 1920's faced a constitutional crisis of sorts. "Neither German political culture nor the circumstances in which the monarchy came to an end and in which governments of the first Weimar years had to govern strengthened the constitutions chances of acceptance."<sup>30</sup> Schmitt questioned the Weimar Constitution which he thought had complicated the juridical matters of the state. Weimar's "mixed constitution" presented him with, perhaps, his greatest form of agitation: unclear, indecisive legal rules and procedures, specifically in areas regarding the sovereign exception, democratic principles, and general confusion on the powers of government. Considering Schmitt a serious man, as his areas of expertise, Schmitt at this period of time was irate, to say the least.

Attention should be given to the research and resources that inspire and help formulate Schmitt and Wolin's thoughts. The difference between the two is that Schmitt appears at times focused on *German* philosophers and theorists, contemporary peers in Germany's academic world that he corresponded and interacted with, the likes of Weber, Kelsen, and Thoma. Schmitt borrows from various theorists throughout a broad range of disciplines including the likes of Proudhon and Donoso-Cortés, borrowing as well from more famous theorists such as Marx and Sorel. What this points to is that I have purposely excluded some of the theorists that influenced Schmitt in order to clearly present his theories. It would be beyond the scope of this study to discuss each of these "correspondents," if you will, that some of Schmitt's work is aimed. Only when crucial for better clarity will I bring these theorists into the discussion. However, this will not be the same for Wolin, in which I will practice the opposite. The reason for this is that Schmitt is better at succinctly presenting his theories in an arguably more concise manner than Wolin. Wolin is rather "long-winded," repeating himself in adding additional elements to his thoughts, leading to different ways of saying the same thing. Schmitt, in comparison, gets down to business quickly.

Wolin's academic career has a longevity seldom matched, and has been much more fruitful than Schmitt's ever was. After World War II, Schmitt's output was constrained as he was barred from resuming an academic career due to his association with the National Socialists. This did not stop Schmitt from continuing his studies, as they became focused on international

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<sup>30</sup> Schmitt, *The Crisis of Parliamentary Democracy*, xxiv. From the introduction by Ellen Kennedy.

law (demonstrated in the publication of *The Nomos of the Earth* in 1950). Residing in Plettenburg, Germany for the remainder of his life, Schmitt would die there in 1985. Wolin, on the other hand, is *still* producing new material. Wolin's thought has undergone considerable changes, in particular his journey from his focus on the political, to a greater concern for the "crisis" of democracy in the United States. In contrast, Schmitt's body of work resides in a bounded period of time from roughly post-World War I Weimar Germany to the beginnings of World War II, alongside relatively scant but important publications afterwards.

I will also be dividing Wolin's work into two eras, which I will label "early Wolin," and "latter-day Wolin," neither of which alone may adequately convey the differences in Wolin's thought. "Early Wolin" is defined from his early work in the 1950's; *Politics and Vision* (1960), his writings throughout the 1960's including "Political Theory as a Vocation" in 1969, and books on the Berkley free-speech movement and Thomas Hobbes, lasting until the mid to late-70's. "Latter-day Wolin" consists of roughly his work from the 1980's: founding the academic journal *democracy*; *The Presence of the Past* (1989), numerous journal articles throughout the 1990's, *Tocqueville Between Two Worlds* (2001), the expanded edition of *Politics and Vision* (2004), and lastly *Democracy Inc.: Managed Democracy and the Specter of Inverted Totalitarianism* (2008). This division reflects gradual shifts in Wolin's thought throughout the years. In contrast, Schmitt's thought remained rather more stable, with only minor changes based on his own personal and research-based progress.

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Carl Schmitt and Sheldon S. Wolin may appear an unlikely pair for comparison or claims of similarity. The "gap" in the literature regarding a comparison is not unprecedented, but neither is it that surprising. The brief mention of Schmitt in Wolin's work reveals he views Schmitt negatively.<sup>31</sup> Nevertheless, I suggest it is important to continue to examine Schmitt and Wolin's work. Comparing and contrasting their work is but one of many ways of engaging them. To reiterate, I suggest that when taken together, the differences between the two can be parted to reveal a concurrence of thought on the terms examined. These similarities could help illuminate what I describe as "political illusions." Ultimately, this thesis will attempt to acquiesce the commonalities between their respective theories to suggest that these two theorists of the political share more in common than has previously been recognized.

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<sup>31</sup> Sheldon S. Wolin, "Democracy, Difference, and Re-Cognition," *Political Theory* 21, no. 3 (1993): 470.

## Chapter One: Theories of Liberalism

### **I. Sheldon Wolin's Theory of Liberalism**

One of the goals of Wolin's work has been to decouple the concepts of liberalism and democracy in order to distinguish the two. The purpose is to better elucidate on the depoliticalization of the public realm: the sublimation of the political, and the curtailment of civic / democratic modes of political participation. Wolin (or latter-day Wolin) advocates what Nelson calls "vital democracy"<sup>32</sup> against what he currently perceives as taking place in the United States. Liberalism, although inherently containing democratic sensibilities hinders such forms of democratic / civic participation due to his oft-repeated assertion that liberal economic concerns of society outweigh political ones (i.e. "society" has eclipsed the "political").

Wolin's "theory of liberalism" is found in his discussion of its history and development, specifically on the decline of political philosophy and the political in *Politics and Vision*. In his analysis of liberalism Wolin is essentially concerned with three basic themes: inequality, lack of civic participation (democracy), and the depoliticalization of the public realm. Wolin suggests liberalism is responsible for these ailments (the same can be said for Carl Schmitt). To grasp Wolin's theory on liberalism, it may be best to follow his analysis given to it in *Politics and Vision*, referencing other works as well. This process will illuminate Wolin's core assertions regarding liberalism while simultaneously providing a rather "brief" history of liberalism. This analysis will also briefly divulge into a discussion of Rousseau, whom although not examined directly by Wolin, comes to play a crucial role in both Wolin and Schmitt's analyses regarding the terms examined throughout this study. To be clear, the following analysis is culled from Wolin's discussion of liberalism. Its scope includes material from throughout the corpus of his work and other non-Wolin sources.

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<sup>32</sup> Scott G. Nelson, "Any Given We," *Journal of International Political Theory* 6, no. 1 (2010): 30. According to Nelson: "Vital democracy comprises a political ethos where historico-theoretical analysis combines with temporal and spatial exigencies to form a valorized tradition, or political rationality, which itself becomes powerful enough to re-form thought and action. Vital democracy strives to preserve for memory how *time* supplied the critical-scientific resources to a particular manner of grappling with political consequences..."

## *A Brief History of Liberalism*

Wolin perhaps subscribes to the view that liberalism may best be described as an historical event<sup>33</sup> – the result of certain happenings, changes in thought, historical developments, and human ingenuity (i.e. technological advancement). Liberalism corresponds generally with the Enlightenment,<sup>34</sup> the period in which the political conception of modernity<sup>35</sup> comes to the fore. These moments were defined by the efficacy of reason and science to solve political and social problems. They are each the outcome of questions regarding previous traditions that had guided social and political governance, including economics. Two events attest to the rise of liberalism and its corollary democracy: the American and French Revolutions. The culmination of these events would not be seen until the late eighteenth and early nineteenth centuries by which time many western societies began to champion the basic tenets of liberalism.

The genesis of liberalism could perhaps be said to begin with Machiavelli, and his understanding of individual self-interest – one of several assumptions made by liberals regarding human nature. Machiavelli offered the earliest depiction of modern liberal man, one ruled primarily by self-interest, power, and status. Historically, liberalism originates as a consequence of the English civil wars of the seventeenth century. “[...] the civil wars and revolution which brought anarchy to seventeenth-century England aroused a sense of opportunity...similar to that expressed by men of the sixteenth century as they surveyed the chaotic flux of their own times...seventeenth century England became a kind of laboratory for political experiments.”<sup>36</sup> Thinkers of the period began to question the nature of what holds society together, what is the purpose of government? In other words, what could be orchestrated in order to establish the legitimacy of the state, society, of ruler and ruled? It is precisely legitimacy and the order of the state that sovereignty and liberalism were envisioned to create.

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<sup>33</sup> Schmitt, *The Concept of the Political*, xix. From the Forward by Tracy B. Strong. According to Strong: “To see liberalism as a historical event means that one understands it as the inheritor and bearer not only of rights and freedoms, but also structures of power and domination, of colonial and class exploitations, of the hatred of, rather than the opposition to, the Other.”

<sup>34</sup> Chad Lavin, “Fear, Radical Democracy, and Ontological Methadone,” *Polity* 38, no. 2 (2006): 261. Lavin suggests, “Liberalism is properly rooted in the fear and disenchantment endemic to the Enlightenment.”

<sup>35</sup> Nelson, *Sovereignty and the Limits of the Liberal Imagination*, 21. According to Nelson: “Modernity signified the invention of a wholly new political universe ordered on the terms of man’s own will, on his natural (self-proclaimed) right, and upon the urgency of a will that could lend legitimacy to this natural right. The task for man was to know himself as the rightful and sovereign author of his world.”

<sup>36</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 216.

Of those who would use this “opportunity” to explicate their ideas for a new politics was Thomas Hobbes. Hobbes attempted to answer how order is possible in the first place? His answer was that “we require a *rational justification* for political and legal order, one that appeals to reason alone.”<sup>37</sup> Hobbes’s seminal contribution to political thought, *Leviathan*, written near the end of the English civil wars of the 1640’s laid the foundation for numerous contrivances that would become part of liberal political theory. These include the concepts of sovereignty, the state of nature, and the social covenant / contract.<sup>38</sup> Hobbes borrowed significantly from Jean Bodin’s “absolutist” conception of sovereignty: sovereignty as “the absolute and perpetual power of a commonwealth.”<sup>39</sup> Only the laws of nature or acts of God are above the sovereign; and hence, only the sovereign would have the power to enforce the covenant in order for it to be effective.

Hobbes filled the gaps Bodin left behind, as well as the lack of a controlling mechanism for the pursuit of uninhibited interests posited by Machiavelli. Hobbes theorized that before society, human life existed in a “state of nature” described at once as a state of perfect freedom (Locke), but also a state of political nothingness.<sup>40</sup> “[...] the state of nature symbolized not only an extreme disorder in human relations, causing men to consent to the creation of an irresistible power; it was also a condition distraught by an anarchy of meanings. Each man could freely use his reason to seek his own ends: each was the final judge of what constituted rationality.”<sup>41</sup> Hobbes believed in the state of nature human life existed in *bellum omnium contra omnes* (a war of all against all).<sup>42</sup> Each individual possessed the means to do what they desired based on a general equality of mental and physical capabilities. For Hobbes, it was precisely this equality that led individuals to be in a state of a war. In coming together upon a covenant and establishing a ‘commonwealth,’ individuals would give up part of their sovereignty and unlimited freedom they had in the state of nature, essentially becoming restrained in a new civic order.

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<sup>37</sup> David Dyzenhaus, “Why Carl Schmitt?” in *Law as Politics: Carl Schmitt’s Critique of Liberalism*, ed. David Dyzenhaus (Durham: Duke University Press, 1998), 7. Italics added for emphasis.

<sup>38</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 138-139. According to Wolin, the social contract: “Conceives of political society as the creation of individuals who freely consent to accept the authority and rules of political society on the basis of certain stipulated conditions... The contractual element is needed, according to the theory, because all persons being free and equal by nature and society being by nature in need of coercive power to protect rights, preserve peace, and defend against extern invasions, the freedom individuals will have to be limited and regulated. Individuals will contract, therefore, to surrender some part of their rights in exchange for the protection of the law and the defense of society from foreign or domestic enemies.”

<sup>39</sup> Jean Bodin, *On Sovereignty* (New York: Cambridge University Press, 2008), 1.

<sup>40</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 218.

<sup>41</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 230.

<sup>42</sup> Thomas Hobbes, *Leviathan* (New York: Barnes & Noble, 2004).



According to Wolin, this new vision of political society “[...] symbolized humanity’s triumph over nature, and since nature had no history in the human sense, society also marked man’s creation of history, or more precisely, his recovery of it. The re-establishment of order changed man’s relationship to time.”<sup>43</sup> Hobbes initiated a paradigm that viewed politics in terms of science and above all, reason.<sup>44</sup> No longer would there be the chaos of conflicting rationalities. Instead, definitive truth revealed by science and enforced by the sovereign would take precedent. Politics could become the vehicle for achieving a new form of human perfectibility that differed from the aspirations of previous ages. The difference can perhaps be taken generally as greater comfort through commodities, a difference that Wolin suggests, can view Hobbes as the “founding father” of what would be called “political economy,”<sup>45</sup> advanced later by Locke and his conception of (private) property. In theory, the covenant represented the beginning of a new epoch where the previous political ideals and problems of the past would be forgotten. This would allow human beings to start over, to forge ahead on an enlightened rationality that would lead them to a new form of happiness and self-actualization.

Hobbes’s theory however did not eliminate the state of nature, nor did he provide a coherent theory for society. Regarding the former, Hobbes’s formulation repressed it: “His covenant was a device to incorporate *social amnesia* into the foundation of society. If men could forget, mutual absolution was possible, allowing society to start afresh without inherited resentments. A necessary condition of social amnesia was, therefore, that men dehistoricize themselves.”<sup>46</sup> As to a theory of society, “[...] the Hobbesian sovereign [was]...without any real leverage except that of supplying fear...His power lacked the sustaining support of society,

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<sup>43</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 237.

<sup>44</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 104. Wolin elaborates on the concept of reason: “Historically reason served as the great ground-clearer whose labors make it possible for the individual to be free to obey a policy that appears rational. By discrediting the claims of rival authorities, reason deposits a self abstracted from social context, liberated from the rival powers that have constitute it and facing the uncontested power of reason. Reason appears “irresistible” and “self evident” because the self has nothing to resist with. Selves, so to speak, have been severed from their “evidence” which has been left behind in the context from which they have been abstracted. Freedom has now become interchangeable with necessity. To be free is to obey necessary truths, truths that, like a mathematical proof, demand as a condition of their truthfulness that they be independent of social or historical context.”

<sup>45</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 41. Regarding political economy, Wolin argues: “What Hobbes had done inadvertently was to expose a different system of power, one in which the concept of equality was never mentioned and could not be without making nonsense of the new system. The novelty of that system is its hybrid character, partly economic in its referent to “buyer” and seller” and partly political in that the fundamental transaction consists of a power relationship. We can call that new system a “political economy,” and Hobbes its founding father.”

<sup>46</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 38. Italics added for emphasis.

because society itself was but a loose collection of discrete individuals.”<sup>47</sup> Hobbes’s theory results in a society of disparate individuals, “[...] equal in rights, secured in their possessions, and officially encouraged to seek their particular interests... [this] marked a revolutionary change... in the view that politics was significant only insofar as it impinged upon men’s interest equal in rights as citizens.”<sup>48</sup> This was connected to the changes developing in the concept and perception of *justice*:<sup>49</sup>

The idea that justice is identical with fairness and equality has become part of the ideology of liberalism... a strictly political definition of equality... pertained only to his status as member, to the relationship he had with the system of public rules. This meant that the range of inequalities arising from sources other than the rules was not relevant to the “political” status of the member.<sup>50</sup>

Hobbes’s theory wanted a new type of individual, “a domesticated animal, an article made to be fit for society.”<sup>51</sup> The task was to convince people that what was otherwise “something of a wish,” was “*the unquestionable ground of political experience*.”<sup>52</sup> Ultimately, Hobbes changed the formula of power as previously understood, abandoning the possibility of a shared, common good as a requisite of political community: “Power now had to be exercised in a society where the possibility of a sharable good had been denied... [it] had shed the older legitimizing idea of a common good... a common good had no meaning...”<sup>53</sup>

John Locke is often regarded as the “father of liberalism,” however, the above perhaps alludes to the possibility that Hobbes, rather than Locke, is the harbinger of liberal theory to come. Locke pushed forward many Hobbesian sentiments arguably better than Hobbes did, despite the widely held, but inaccurate belief that Locke and Hobbes are diametrically opposed to one another. By the time Locke published his *Two Treatises of Government* in 1689,

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<sup>47</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 246.

<sup>48</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 250.

<sup>49</sup> Nelson, *Sovereignty and the Limits of the Liberal Imagination*, 23. According to Nelson: “The liberal idiom, beginning with Hobbes and continuing on through Locke, Kant, Bentham, and Mill, radically reconstructed the politics of justice. Justice... was required to mediate the terms of liberalism’s exemplary tension: how to reconcile the individual’s new found self-interest and motivation with the demand for political stability, and some measure of equality? The aim... was to bend individuals’ wills and channel their energies in the service of procuring a politics within a distinct space that could be made to endure over time.”

<sup>50</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 241-242.

<sup>51</sup> Nelson, *Sovereignty and the Limits of the Liberal Imagination*, 62. Italics added for emphasis.

<sup>52</sup> Nelson, *Sovereignty and the Limits of the Liberal Imagination*, 62. Italics added for emphasis.

<sup>53</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 249.

*Leviathan*'s influence had permeated the intellectual landscape so thoroughly that Locke himself would unconsciously borrow from it. For Wolin, "Locke is really Hobbes in liberal clothing."<sup>54</sup>

Locke's contributions to liberalism are many, particularly his conception of natural rights, consent of the people in establishing government, society predicated on freedom and liberty, and most importantly, property. He advanced these ideas through a reconceived state of nature and social contract, introducing in the process the prototypes of constitutional government and the basic fundamentals of so-called liberal democracy. *Second Treatise* is perhaps best known for Locke's conception of *property*. "The great and chief end therefore, of men uniting in commonwealths and putting themselves under government is the preservation of their property..."<sup>55</sup> Locke's notion of property is a crucial principle that liberalism is contingent upon:

[...] while property was a right for Locke and was intimately connected with personhood, it also had a deep economic structure. How deep was suggested by Locke's deliberate attempt to widen the meaning of property to include life and liberty as well as estate. Lockean government was thus to be concerned primarily with the political economy of property, not only with the institution of property in its narrow sense of material acquisitions but also with human life and liberty in their economic involvements.<sup>56</sup>

The idea of consent would become the basis of civil society. Through it, Locke introduced the means by which liberal political institutions would be organized; in that, Locke's descriptions remarkably resemble that of the United States Congress and European parliaments. An assembly of men would be given consent by the people to represent them, and it is they who would have the authority of making law. Consent would come directly from the will of the people, as consent in America for example, would be legitimated by means of a "constitution." Such a device would "[...] provide the people with a limited corporate role while at the same time, [dissolve] their collective identity into an aggregate of individuals endowed with the same rights but possessing strikingly unequal powers."<sup>57</sup>

Yet Locke, who is viewed as having a more positive positive on human nature than Hobbes, did not view the human condition with optimism. Unlike the previous goals of Plato or Aristotle who placed human aspirations in a regal light, Locke instead "[...] confined man to a middling sort of condition, incapable of omniscience or perfection... a state of mediocrity." This

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<sup>54</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 275.

<sup>55</sup> John Locke, *Two Treatises of Government* (New York: Cambridge University Press, 2008), 350-351.

<sup>56</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 41.

<sup>57</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 69.

in turn would be reflected in his outlook, and subsequently other liberal theorists, on the role of political philosophy. According to Wolin, Locke believed that political philosophy provided little towards the circumstances and events moving human history. Locke claimed that men were more productive with tangible truths, rather than abstract ideas of the world and nature of man. Action (political or otherwise), Locke believed, “should be directed at getting ahead in the world.”<sup>58</sup> For liberals, this meant essentially economic activity. Hence political thought should be directed at improving human life materially, not physically, spiritually, or intellectually – unless otherwise economically lucrative or productive. Locke began the tradition among liberal thinkers to conceive of “society” as separate from politics – that politics and society were unrelated.

This tradition would eventually incorporate classical economic thought, by the likes of Adam Smith, David Hume, Jeremy Bentham, and David Ricardo into the classical liberal paradigm: “[...] they advocated a politics centered on the middle class...excluding the working class and poor...They pitted...the free market against mercantilist notions of state control of the economy...sided with modern science against religious obscurantism. They were only moderately enthusiastic for political participation...”<sup>59</sup> Rather than focus on the political *praxis*<sup>60</sup> of individuals, attention would now be attuned to the societal realm, which for liberals was largely defined by economic concerns. In doing so, the notion of justice regarding the distribution of goods was transferred from the public domain to the private. Citizens became part of system that viewed economics as the purveyor of human happiness; as economics (over political knowledge), was now considered the best means of solving the affairs of society. Thus in Wolin’s view, liberalism transformed what ought to have been a society focused on the common good, to one of *political economy*.<sup>61</sup>

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<sup>58</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 266.

<sup>59</sup> Wolin, *Democracy Inc.: Managed Democracy and the Specter of Inverted Totalitarianism*, 219.

<sup>60</sup> Bent Flyvbjerg, *Making Social Science Matter: Why Social Inquiry Fails and How It Can Succeed Again*, (Cambridge: Cambridge University Press, 2001). 55, 136. Flyvbjerg defines “praxis” as: “The relationship you have to society when you act. It is contingent on context-dependent judgment, on situational ethics.”

<sup>61</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 41-43. According to Wolin: “[...] the concept of political economy is a mode of life in which society is conceived primarily as the “economy.” Further, instead of economic relationships being viewed as embedded in and conditioned by a complex of social and political relationships and moral norms, they are treated as forming a distinct system of power that is at once autonomous and determinative of all other social and political relationships. The limits of justice are dictated by the condition of the economy as interpreted by those who are the authorities of political economy...the United States, it might be said, was fairly launched as a political economy.”

Liberal theory combined with classical economics formed a system that would operate on its own. As long as people were guided by their own self-interest, then civil society would operate without coercion. “Social harmony, instead of being the responsibility of a governing authority, was the design of no one, it was the resultant flowing from the spontaneous equilibrium of economic forces.”<sup>62</sup> Liberalism transformed the way in which individuals would identify themselves in the face of nature and the world at large. By inflicting a “social amnesia” mankind forgot the equality of the state of nature, and thus the human element of the political. If acquiring pleasure in the avoidance of pain were the coercive mechanism to drive human beings into obedience, then Locke had placed these traits of the human condition into material objects, thereby having individuals strive to work, produce, and contribute out of fear of losing them. Underlying all of this was anxiety: anxiety about legitimacy, place, status, work, production, and power. “Self preservation was broadened to include not merely ‘life’ but ‘the means of it; that is, liberty and property. As Locke had shown, man’s personality had been extended into external objects and when those objects were taken away, the resulting shock profoundly affected human sensibilities.”<sup>63</sup> Although liberalism includes many positive features, it should be clear that the salient origins of liberalism were economic.

Rousseau questioned whether political society is capable of any form of legitimate government? His main concerns in *The Social Contract* are sovereignty and what he calls the “general will” of the people. Rousseau attempts to clear things up regarding sovereignty towards establishing a greater role for the political efficacy of the people. Yet Rousseau also retains and borrows much of the theory laid down by Hobbes and Locke, specifically, the state of nature and man’s consent to the a *social contract*:

I assume that men reach a point where the obstacles to their preservation in a state of nature prove greater than the strength that each man has to preserve himself in that state. Beyond this point, the primitive condition cannot endure, for then the human race will perish if it does not change its mode of existence. Since men cannot create new forces, but merely combine and control those which already exist, the only way in which they can preserve themselves is by uniting their separate powers in a combination strong enough to overcome any resistance, uniting them so that their powers are directed by a single motive and act in concert...<sup>64</sup>

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<sup>62</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 273.

<sup>63</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 293.

<sup>64</sup> Jean-Jacques Rousseau, *The Social Contract* (New York: Penguin Books, 1968), 59-60.

Each man gives himself as a whole as all others give to the whole of the community established under the contract. Since this is the case, this union is perfect; and having given himself as whole, he simultaneously gives himself to no one but himself, having now secured himself and his property as a member of the new established community or state. He regains everything he previously lost upon consenting to the contract in the first place:

If then, we eliminated from the social pact everything that is not essential to it, we find it comes down to this: Each one of us puts into the community his person and all his powers under the supreme direction of the general will; and as a body, we incorporate every member as an indivisible part of the whole.<sup>65</sup>

For Rousseau, sovereignty should *directly emanate from the people*. Sovereignty is reciprocal: being a member of the society, and a member of the state in relation to the sovereign, which is the people themselves as a united whole. This is the “general will.” “The general will alone can direct the forces of the state in accordance with that end which the state has been established to achieve – the common good...It is what is common to those different interests which yields the social bond...it is precisely on the basis of common interest that society must be governed.”<sup>66</sup> Rousseau makes explicit the political character of what is common to the whole community. Sovereignty is “nothing other than the exercise of the general will.”<sup>67</sup> It appears Rousseau reduces, if not removes the absolutist tendency of Bodin and Hobbes (and Locke to a certain extent), from the conception of sovereignty he provides. Rousseau suggests Hobbes and Locke have ‘confused’ sovereignty and have made “the sovereign a creature of fantasy, a patchwork of several pieces.”<sup>68</sup> He claims “this is more or less the trick our political theorists perform – after dismembering the social body with a *sleight of hand* worthy of a fairground, they put the pieces together again anyhow.”<sup>69</sup>

Sovereignty retains some absolutist principles, including that sovereignty is inalienable and indivisible. Yet Rousseau does place limits upon sovereign power. The limits of sovereignty for Rousseau are found in the original covenants agreed to by those who consented to them: the sovereign cannot go beyond what was originally prescribed. But he finds it necessary also for the general will to have a universal and compelling force:

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<sup>65</sup> Rousseau, *The Social Contract*, 61.

<sup>66</sup> Rousseau, *The Social Contract*, 69.

<sup>67</sup> Rousseau, *The Social Contract*, 69.

<sup>68</sup> Rousseau, *The Social Contract*, 70-71.

<sup>69</sup> Rousseau, *The Social Contract*, 70-71.

[...] the social pact establishes equality among the citizens in that they all pledge themselves under the same conditions and must all enjoy the same rights. Hence by the nature of the compact, every act of sovereignty, that is, every authentic act of the general will, binds or favors all the citizens equally, so that the sovereign recognizes only the whole body of the nation and makes no distinction between any of the members who compose it.<sup>70</sup>

It appears Rousseau takes for granted his account of sovereignty, believing that the general will – the sovereign – always acts in accordance to the common good. However, Rousseau’s idealism does not diminish what is perhaps the proper role of sovereignty towards the quality of civic participation and political experience of the *demos*.

What Wolin tells us today about liberalism is that it perpetuates a society of unconscious, but always-present anxiety regarding the absence of a life in common. The notion of the common good has been transformed into individualistic economic gain, shrouded in the guise of an ambiguous notion of equality and democratic representation. It results in an anxious ‘liberal man,’ having been removed from his natural inclinations as *zoon politikon* in need of public belonging and community, now devoured and embedded in an anomic condition obscured by the pursuit of private over public gain. It is not the absence of the political entirely but its sublimation in the depoliticalization of the public realm in the removal from the social consciousness a sense of political community and common good. Instead, the people have become instilled with a petty egoism and individualism that is at root of the unconscious anxiety<sup>71</sup> regarding political life in society. To be certain, although discordant, Wolin is not suggesting liberalism is entirely antithetical to democracy. Wolin is not against all liberal tenets, by no means. Liberalism and democracy can be compatible, however difficult. Therefore, if this conception is to work, society must first realize the nature of the political. In short, Wolin suggests liberalism prevents the political from being realized. *If the political cannot be realized, then democracy cannot be practiced.*

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<sup>70</sup> Rousseau, *The Social Contract*, 76.

<sup>71</sup> Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (New Jersey: Princeton University Press, 1995), 24-25. Brown suggests: “These paradoxes incite a certain *ambivalence and anxiety* about freedom in which we dwell especially uncomfortable today...Freedom thus conceived is precisely at odds with the adolescent pleasures held out by liberal formations of liberty as license...I want to insist that freedom neither overcomes nor eludes power; rather, it requires for its sustenance that we take the full measure of power’s range and appearances – the powers that situate, constrain, and produce subjects as well as the will to power entailed in practicing freedom. Here again, freedom emerges as that which is never achieved; instead, it is a permanent struggle against what will otherwise be done to and for us.”

## *Liberal Despair*

If the late eighteenth century was the height of liberal aspirations with the rise of (democratic) revolutions in America and France, then the nineteenth and twentieth centuries could perhaps be described as the “hangover” of liberalism – societies still dealing with the difficulties inadvertently produced by liberalism. In his analysis of Tocqueville, Wolin indicates that the expansion and influx of populations, the advancement of scientific and technological progress, and the implications of increasingly capital-focused societies began to generate concerns on the quality of life and the political experience of citizens. “If...the new aristocracy of factory owners was presiding over the production of a species of social inferiority, of brutes, then the formative experience of the new citizens was *far from being a preparation for civic life.*”<sup>72</sup> Throughout the globe, concentrated and diffused powers spearheaded large populations of people who benefitted from the scientific revolutions and progressive activities liberals had advocated. The world had become “[...] a world of diverse powers and dominations, which mankind alone had brought into existence but no one had legislated.”<sup>73</sup>

“By midcentury liberals began gingerly to turn greater attention to issues of popular education, the condition of the working classes, social welfare, and the rights of women – that is, to inequalities that appear attributed more to the new society than to the old.”<sup>74</sup> These new problems intruded on the aspirations of liberals. The newfound knowledge and scientific understanding of the natural world became “[...] tinged by the desperate knowledge that Western societies were being pushed, shaped, and compelled in ways that both fascinated and appalled.”<sup>75</sup> What was occurring was the creation of what Wolin aptly calls “modern power,” one progressively moving towards *totality*.<sup>76</sup> This could perhaps be viewed as the guiding force of

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<sup>72</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 364. Italics added for emphasis.

<sup>73</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 14.

<sup>74</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 14.

<sup>75</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 15.

<sup>76</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 316. Refers to the obscuring of the political. According to Wolin: “[...] involves the state eclipsing what once separate domains from the political. Twentieth-century totalitarianism was notable for keeping society in a constant state of readiness, of perpetual mobilization of its population. It was also notable for the avid participation of ordinary citizens in the cruelest acts of rape and murder. In the economy-dominated politics of our day perpetual demobilization takes the form, not of rigid uniformity or crude fashion, but fashionism, conformity to incessant, inescapable change: in technologies, marketable skills, processes of production, and organizational structures and strategies. Instead of simple mobilization, there is continuous mobility.



politics from modernity to late-modernity, power that would later transform (at least in the United States) political society to produce what Wolin calls “managed democracy,”<sup>77</sup> and “inverted totalitarianism.”<sup>78</sup>

Liberalism was beholden to numerous contradictions and dynamics. In particular, the rise of bureaucratization and administration in the state’s attempts to alleviate the problems begotten by liberalism. Many considered the dissolution of a properly political conception of society into fragmented spaces “the necessary price for achieving some measure of individual self-determination, freedom, and participation in the modern world.”<sup>79</sup> Other writers of the period began to worry that society was losing necessary forms of community, and generally a sense of the political. The new systematic and mechanized features of life appeared to be leading people towards becoming automatons working tirelessly in endeavors that exacerbated and created new hardships rather than alleviating them in a superstructure<sup>80</sup> of science, technology, and capital. This recalls Foucault’s “biopolitics.” This suggests, perhaps, human agency and autonomy, the discourse of American freedom of the individual is utter hypocrisy. It suggests that for every generation of people since, their labor, love, and lives have been and continue to be manipulated by forces thought working towards their benefit. Instead of “earning a living,” liberalism has been living off them instead in a symbiotic relationship of control and reproduction: capitalism the master, the citizen a slave.

By the nineteenth century and well into the twentieth, economic forces were clearly the center of political and social concerns, driven by modern power as it manifested throughout the world. Modernity came to be centered on the continual reproduction and development of this power, generated by a society of conformity instilled by an ambiguous equality. It would

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<sup>77</sup> Wolin, *Democracy Inc.: Managed Democracy and the Specter of Inverted Totalitarianism*, 47, 136, 140. According to Wolin: “[...] centered on containing electoral politics; it is cool, even hostile to social democracy beyond promoting literacy beyond job training and other essentials for a society struggling to survive in a global economy. Managed democracy is democracy systematized; it is the application of managerial skills to the basic democratic political institution of popular elections; the expansion of private (i.e. mainly corporate) power and the selective abdication of governmental responsibility for the well being of the citizenry.”

<sup>78</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, xvi, 591. According to Wolin: “Superpower represents a drive towards totality that draws from the setting where liberalism and democracy have been established for more than two centuries. It is Nazism turned upside-down, ‘inverted totalitarianism’. While it is a system that aspires to totality, it is driven by an ideology of the cost effective...and by the material rather than the ideal.”

<sup>79</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 389.

<sup>80</sup> Antonio Gramsci, *Selections from the Prison Notebooks* (New York: International Publishers, 1971) 137. I attempt to use this term in vein of Gramsci in referring to the overarching structure of liberal society.

dissolve political ties of community and replace it with a focus on the economic, industrial, administrative, and bureaucratized organization of society. These developments depoliticized the public realm, progressively giving more political power to non-political entities in the private realm, decreasing the general will, incentive for political action, and civic participation by the people. Liberalism placed society on a pedestal “personifying it as the life-force ultimately shaping politics, economic life, and culture.”<sup>81</sup> To Wolin, liberal societies entered into the “age of organization”:

The symbol of organization was power... a method of social control, a means for imparting order, structure, and regularity to society...Capitalism had perfected the organization of society and thereby had made it possible for a “planning elite” to gain “control of the whole” by capturing a few “key” positions...to bring power to bear at crucial, sensitive points and always in the right proportion.<sup>82</sup>

“In community and in organization modern man...fashioned substitute love-objects for the political. The quest for community...sought refuge from the notion of man as a political animal; the adoration of organization...inspired by the hope of finding a new form of civility.”<sup>83</sup> Recalling Rousseau, “[...] civilized man...had fabricated endless complications to existence...as a creature who society has rendered rational...he uses what he has acquired to make his condition miserable...He has destroyed the balance of needs and desires: what he needs he does not desire, what he desires he does not need.”<sup>84</sup> According to Wolin, Rousseau’s conception of man would haunt the age of organization that developed in the nineteenth and twentieth centuries. “Rousseau’s conception of community...[would serve] as a reminder that human needs demanded more than rational relationships and efficient routines.”<sup>85</sup> What is at issue for Wolin is not the elimination of the political, but rather the *sublimation of the political* in the depoliticalization and neutralization of the public realm by the private, the latter traditionally understood as non-political, but today it is political in increasingly significant ways.

Liberalism creates a society based not on the political, but a society where the private realm is given prominence. It inevitably creates a relationship that Wolin is concerned with in his latter-day works: private corporate interest, influence, and guidance of government in

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<sup>81</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 323.

<sup>82</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 326-327.

<sup>83</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 329.

<sup>84</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 331.

<sup>85</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 336.

relationship to the absence of a “common” of society. Liberalism produces a paradox of *privatization* that does not limit the reach of the state but precisely the opposite in broadening its scope over the lives of individuals.<sup>86</sup> What is surprising is that Carl Schmitt theorized a similar development almost two decades prior to Wolin’s first hint of it in *Politics and Vision*, and his subsequent work thereafter.

## II. Carl Schmitt’s Theory of Liberalism

Carl Schmitt’s “theory on liberalism” is connected to his discussions of parliamentary democracy and the political. Schmitt’s theory on liberalism is crucial to understanding his conception of the political and democracy. Schmitt is hostile to liberalism, although I suggest he is never entirely clear whether this is towards liberalism as a whole, or towards specific features of it. Schmitt essentially views liberalism as “illusionary” and “hypocritical.” The reasons for this can be generalized in the following: first, liberalism negates the political; therefore, it is antithetical to the sovereignty of the state and antagonistic to his conception of Rousseau’s general will of the people.<sup>87</sup> Second, liberalism “neutralizes” politics in it attempts to depoliticize all political concepts in order to eliminate politics from society. Third, bourgeoisie interests abuse liberal principles for “the sake of safeguarding private and public economic interests.”<sup>88</sup> Fourth, liberal constitutionalism doesn’t work. It insists on a “normativism” that lacks political efficacy in its open-ended, vague law.<sup>89</sup> It leaves legality and legitimacy and the sovereignty of the state in question, and thus leaves the state and political order prone to dissolution.

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<sup>86</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 26-27. According to Wolin: “Public and private power are intermingled, and the result is not a net reduction of state power but its articulation through different forms. The appropriation of public goals by private enterprise means that state power is being decentered without being decentralized. State power is being expanded, but it does not necessarily flow from a common center as pictured in modern theories of state sovereignty. It excludes private agencies that work in an adjunctive relationship with state power. Contrary to the official interpretations, these tendencies do not signal a decrease in state power in the state’s apparatus but rather their literal transformation. What is ‘private’ about these new forms of power is principally their location in a privatized rather than a public, political context. The new location helps to obscure their coerciveness by transferring formal accountability from traditional political processes, such as legislative oversight and elections, to the allegedly impersonal forces of the market.”

<sup>87</sup> Jean-Jacques Rousseau, *The Social Contract*, 69. Rousseau states: “The general will alone can direct the forces of the state in accordance with that end which the state has been established to achieve – the common good...It is what is common to those different interests which yields the social bond...it is precisely on the basis of common interest that society must be governed.”

<sup>88</sup> Heiner Bielefeldt, “Carl Schmitt’s Critique of Liberalism: Systematic Reconstruction and Countercriticism,” in *Law as Politics: Carl Schmitt’s Critique of Liberalism*, ed. David Dyzenhaus (Durham: Duke University Press, 1998), 24.

<sup>89</sup> William E. Scheuerman, “Carl Schmitt’s Critique of Liberal Constitutionalism,” *The Review of Politics* 58, no. 2 (1996): 302.

## *Decision and Exception*

Schmitt's *Political Theology* (1922) builds upon his previous work *Die Diktatur* (1916). The question presented in *Political Theology* concerns the nature of what Locke called 'prerogatives'<sup>90</sup> of the sovereign as the concept had developed in the West. For Schmitt nothing appears more legally important than sovereignty in the matters of the state. Schmitt declares that "*Sovereign is he who decides the exception.*"<sup>91</sup> This is aimed at defining sovereignty towards a theory of the state in the juridical sense, providing a point of reference used in his later work. "The exception...can at best be characterized as a case of extreme peril, a danger to the existence of the state, or the like."<sup>92</sup> Essentially, the sovereign decides what the exception is and how to solve it, whenever or whatever that crisis or situation may be. The precondition(s) for the decision on the exception is unlimited as these conditions cannot be codified into preformed law since that would limit the sovereign in the absolutist sense. Granted, Schmitt states, "the most guidance the constitution can provide is to indicate who can act in such a case. If such action is not subject to control, if it is not hampered in some way by checks and balances, as is the case in a liberal constitution, then it is clear who the sovereign is."<sup>93</sup> Schmitt brings attention to the paradox of sovereignty in the following statement:

[...] although he *stands outside the normally valid legal system, he nevertheless belongs to it*, for it is he who must decide whether the constitution needs to be suspended in its entirety. All tendencies of modern [liberal] constitutional development point toward eliminating the sovereign in this sense.<sup>94</sup>

The state is an artificial construct malleable to human thought that does not eliminate the state of nature but represses it. The state of nature remains in an anarchic world that exists "outside" the sovereign boundaries of the state, prevented from encroaching on the "inside"

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<sup>90</sup> Locke, *Two Treatises of Government*, 374. According to Locke: "For since in some governments the law making power is not always in being, and is usually too numerous, and so too slow...on all occasions and upon all person that may come in their way, therefore there is a latitude left to the Executive power to do many things of choice, which the laws do not prescribe..."

<sup>91</sup> Schmitt, *Political Theology*, 5. According to Schmitt: "Only this definition can do justice to a borderline concept. Contrary to the imprecise terminology that is found in popular literature, a borderline concept is not a vague concept, but one pertaining to the outermost sphere. This definition of sovereignty must therefore be associated with a borderline case and not with routine. It will soon become clear that the exception is to be understood to refer to a general concept in the theory of the state, and not merely to a construct applied to any emergency decree or state of siege...The exception is truly appropriate for the juristic definition of sovereignty."

<sup>92</sup> Schmitt, *Political Theology*, 6.

<sup>93</sup> Schmitt, *Political Theology*, 7.

<sup>94</sup> Schmitt, *Political Theology*, 7. Italics added for emphasis.

parameters of it. The decision on the exception promulgates that the sovereign's power is not limited to what is ordained by it "inside," but also of what can be drawn from "outside" the legal order. The exception appears when the "outside" encroaches on the "inside," threatening political order. The sovereign state maintains the exception within itself because the exception cannot be excluded as part of what it is already included in it:

The exception is a kind of exclusion...the exception maintains itself in relation to the rule [of law] in the form of the rule's suspension...At issue in the sovereign exception is... *the creation and definition of the very space in which the juridical-political order can have validity*...The state of exception...opens the space in which the determination of a certain juridical order and a particular territory first become possible...What emerges is the radical crisis of every possibility of clearly distinguishing between membership and inclusion, between what is outside and what is inside, between exception and the rule. The sovereign decides...*the normal structuring of life relations*, which the law needs...In this sense, *the exception is the ordinary form of law*.<sup>95</sup>

Therefore, a sovereign must exist in order for legality and legitimacy of the state to be effectively enforced: "Without a distinction between legality and legitimacy – which is to say, without a distinction between the legal order and a sovereign entity that was empowered to suspend the legal order, when necessary in order to preserve it – the legal state was perpetually threatened with liquidation. In this regard, then, sovereignty entails the political decision to save politics by (temporarily) suspending normal political activities."<sup>96</sup>

Liberal constitutionalism removes the title of sovereign from the state, and therefore the possibility of an identifiable "ruler" who makes the decision(s) on the exception, which in turn makes the distinction between "ruler" and "ruled" ambiguous (I will return to this in Chapter Three). It leaves the legality and legitimacy of the state without substance. Liberalism enters as a circumstance of history obscuring such clear distinctions. "The general will of Rousseau became identical with the will of the sovereign; but simultaneously the concept of the general itself also contained a quantitative determination with regard to its subject, *which means that the people became sovereign*. The decisionist and personalistic element in the concept of sovereignty was thus lost."<sup>97</sup> I suggest Schmitt is worried about "particulars," the indistinction between the sovereign will of the people, and the sovereignty of the state. Schmitt is not against "the will of

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<sup>95</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (California: Stanford University Press, 1998), 17-26. Italics added for emphasis.

<sup>96</sup> William Rasch, "Conflict as a Vocation: Carl Schmitt and the Possibilities of Politics," *Theory, Culture, & Society* 17, no. 6 (2000): 9.

<sup>97</sup> Schmitt, *Political Theology*, 48. Italics added for emphasis.

the people,”<sup>98</sup> despite the assertion that the people should not make decisions on state matters, but instead have “the right to evaluate the performance of the state only in the form of acts of acclamation.”<sup>99</sup> What he is distressed over rather is the indistinction regarding the sovereignty of the state. Constitutions in and of themselves are not the issue: *it is the liberal conception of constitutions* that leave Schmitt perturbed.

### *L’apathie de la bourgeoisie*

In *The Crisis of Parliamentary Democracy* (1924) Schmitt is denouncing “post-liberal, multiparty corporatism.”<sup>100</sup> This could be defined preliminarily as the repercussions of “mass democracy”: a diverse and growing population, or rather several “interests” attempting to gain influence or power within a government, be them political parties or private sector entities. For Schmitt, the latter could perhaps be defined generally as bourgeoisie interests. As a result of mass democracy, “multiparty electoralism” and “corporatism” lead Schmitt to suggest that parliament has become “outdated” towards handling the influx of these new interests. Schmitt views the essence of “parliamentarism” as *openness and discussion* in which such ‘electoralism’ has little to consider regarding the public interest. “Openness and discussion” are not corrupt in themselves but “outdated” in the context of mass democracy. Liberal constitutional procedures of parliamentary debate have become “methods of safeguarding private and economic interests of the liberal bourgeois.”<sup>101</sup> Schmitt shows how “openness and discussion” cannot be realized in modern liberal institutions, and therefore “parliamentary institutions [are] an empty shell, devoid of any justification and credibility.”<sup>102</sup>

Openness and discussion for Schmitt left complex legal and political questions unresolved in a stasis of indecisiveness. Schmitt contends that in liberal political theory “conflict

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<sup>98</sup> Gopal Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt* (New York: Verso, 2000), 71. According to Balakrishnan: “The cultural identity of the *demos* was politically significant only as the basis of the ‘General Will’, whose existence had to be presumed if laws were to be legitimate in a democracy. On this point Schmitt was essentially in agreement with Rousseau in claiming that the people has to be a sufficiently concentrated, homogeneous group for the will of the majority to generate legitimate outcomes.”

<sup>99</sup> Andrew Norris, “Carl Schmitt on Friends, Enemies, and the Political,” *Telos*, no. 122 (1998): 85.

<sup>100</sup> Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*, 68.

<sup>101</sup> Heiner Bielefeldt, “Carl Schmitt’s Critique of Liberalism: Systematic Reconstruction and Counter-criticism,” 27.

<sup>102</sup> Dominique Leydet, “Pluralism and the Crisis of Parliamentary Democracy,” in *Law as Politics: Carl Schmitt’s Critique of Liberalism*, ed. David Dyzenhaus (Durham: Duke University Press, 1998), 109.

can be transformed into a matter of opinion.”<sup>103</sup> This and “reason”<sup>104</sup> are basic premises of liberalism. In liberal theory, remember, reason is synonymous with “truth.” Politicians deliberate through openness and discussion to achieve reason. For Schmitt, no longer was “reason” possible through liberal means of attaining “truth.” Modern liberalism also produces “mass democracy.” Schmitt is inclined to believe in mass democracy politicians gain power through demagogic appeals and the “arts of popular leadership,”<sup>105</sup> rather than chosen by an informed, disinterested public, based on facts. Because of this, Schmitt suggests the bourgeoisie easily manipulates the masses. As long as the bourgeoisie can come to power, the true will of the people can never be ascertained.

What Schmitt presents in *Crisis* is that liberalism (and to be certain, democracy in the context of the work) would eventually turn on itself. Schmitt takes liberalism to task “for failing to implement institutionally its core political idea.”<sup>106</sup> To maintain liberal ideals of equality in suffrage and law, the state would have to relinquish power to the people. The masses, failing to act on this, would leave the bourgeoisie to abuse the political system for their interests. It would be a democracy turned despotism, where the most powerful classes rule, as the general will is manipulated and used in spite of itself: *reason used to prevent reason*. An inversed image painted by Tocqueville,<sup>107</sup> and one that is similar to Sheldon Wolin’s.

### *Liberalism and the Political*

Liberalism’s “historical conjunction [with] democracy” has “obscured” recognition of the political. Building upon themes from *Crisis*, “Schmitt identifies this loss of the political with the triumph of the modern notion of politics.”<sup>108</sup> *The Concept of the Political* presents perhaps the

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<sup>103</sup> Schmitt, *The Crisis of Parliamentary Democracy*, xix. From the introduction by Ellen Kennedy.

<sup>104</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 104. According to Wolin: “[...] reason served as the great ground-clearer whose labors make it possible for the individual to be free to obey a policy that appears rational...it appears “irresistible” and “self evident” because the self has nothing to resist with. Selves, so to speak, have been severed from their “evidence” which has been left behind in the context from which they have been abstracted. Freedom has now become interchangeable with necessity. To be free is to obey necessary truths, truths that, like a mathematical proof, demand as a condition of their truthfulness that they be independent of social or historical context.”

<sup>105</sup> James W. Ceaser, *Presidential Selection: Theory and Development* (New Jersey: Princeton University Press, 1979).

<sup>106</sup> Reinhard Mehring, “Liberalism as a Metaphysical System,” in *Law as Politics: Carl Schmitt’s Critique of Liberalism* (Durham: Duke University Press, 1998), 131.

<sup>107</sup> Alexis de Tocqueville, *Democracy in America* (New York: Penguin Books, 2003), 805-806.

<sup>108</sup> Schmitt, *The Concept of the Political*, xiv-xv. From the Forward by Tracy B. Strong.

clearest account of Schmitt's critique of liberalism. Strong illuminates succinctly how Schmitt regards modern bourgeois politics, or rather the modern conception of liberalism. Liberalism:

[...] 1)...is a system which rests on compromise, hence all of its solutions are in the end temporary, occasional, never decisive; 2) Such arrangements never resolve the claims of equality inherent in democracy. By universalism implicit in its claims for equality, democracy challenges the legitimacy of the political order, as liberal legitimacy rests on discussion and the compromise of shifting majority rules; 3) Liberalism will tend to undermine the possibility of the political in that it wishes to substitute procedure for struggle; and lastly, 4) legitimacy and legality cannot be the same, indeed, they stand in contradiction to each other.<sup>109</sup>

Perhaps liberal politics is destined to become controlled by those most successful in the competitive economics of acquisition? Schmitt feared the problem of a "social war of position" spearheaded by corporatist bourgeois interest group politics. The essence of "pluralism" in democratic parliaments was avoiding decisions that would change the status quo, "a political system without a center, drifting towards catastrophe. Schmitt thought that it was a cruel irony of the times that this system of evading hard decisions gave rise to the dangerous illusion...that politics could be rendered superfluous."<sup>110</sup>

Liberalism lacks a theory of the state in Schmitt's decisionist view. "Although liberalism has not radically denied the state, it has...neither advanced a positive theory of state nor...discovered how to reform the state, but has attempted only to tie the political to the ethical and to subjugate it to economics...This cannot be characterized as either a theory of state or a basic political principle..."<sup>111</sup> In this way, "liberalism never forms a theory of state, government, or politics. As a result, there exists a liberal policy in the form of a polemical antithesis...There exists...liberal policy...but absolutely no liberal politics, only a critique of politics."<sup>112</sup> "It makes the state a compromise," working its magic through an "always recurring polarity of two heterogeneous spheres, namely ethics and economics, intellect and trade, education and property."<sup>113</sup> Liberalism is then, for Schmitt, a theory of *how to limit and negate the state* as having a substantive reality of its own, instead conceiving it as a merely technical apparatus for

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<sup>109</sup> Schmitt, *The Concept of the Political*, xv. From the Forward by Tracy B. Strong.

<sup>110</sup> Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*, 104-105.

<sup>111</sup> Schmitt, *The Concept of the Political*, 61.

<sup>112</sup> Schmitt, *The Concept of the Political*, 70.

<sup>113</sup> Schmitt, *The Concept of the Political*, 71.



facilitating free competition and the self-organization of society.”<sup>114</sup> Moreover, liberalism demands the state to command its citizens to sacrifice their lives (i.e. in war):

[...] no consistent individualism can entrust to someone other than to the individual himself the right to dispose of the physical life of the individual. An individualism in which anyone other than the free individual himself were to decide...his freedom would be only an empty phrase... We thus arrive at an entire system of demilitarized and depoliticized concepts.<sup>115</sup>

There is a contradiction, then, between liberalism and the state. The state is left vulnerable in a time of crisis resulting in a political system that Schmitt believes is unjustified, illegitimate, and vulnerable to liquidation. Therefore, nothing about political society can be decisive, and uncertainty abounds. This lack of distinction, contradictions, and ambiguity alongside competition and discussion, coalesce to form a “comprehensive, metaphysical system” that envelops and assimilates citizens, evident in what matter’s most in liberalism: self interest and economic production:

The state turns into society...The self-understood will to repel the enemy in a given battle situation turns in a rationally constructed social ideal or program a tendency or an economic calculation. A politically united people becomes, on the one hand, a culturally interested public, and on the other, partially an industrial concern and its employers, partially a mass of consumers. At the intellectual pole, government and power turns into propaganda and mass manipulation, and the economic pole, control.<sup>116</sup>

To Schmitt, this is a “mass democracy” of consumers, with little interest above satisfying those desires of luxury and leisure;<sup>117</sup> perhaps a means of economic control over the masses. “In doing so, they deprive state and politics of their specific meaning.”<sup>118</sup> Perhaps this is the key to all of his contentions – *the lack of specific political meanings* as a result of liberalism. Liberalism produces individualism, perhaps the most significant to realizing the political at the individual, state, and international level. Perhaps the more crucial concern Schmitt presents is that liberalism prevents politics from achieving something uniquely human. Life in liberal society has no value,

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<sup>114</sup> Daniel McLoughlin, “Crisis, Modernity, Authority: Carl Schmitt on Order and the State,” *Australian Feminist Law Journal* 31, no. 1 (2009):142.

<sup>115</sup> Schmitt, *The Concept of the Political*, 71.

<sup>116</sup> Schmitt, *The Concept of the Political*, 72.

<sup>117</sup> Jose Ortega y Gasset, *The Revolt of the Masses* (New York: W.W. Norton & Company), 13-15. I find Schmitt’s argument concurrent with Gasset’s mass man. Gasset states: “The mass is the average man...a generic type...all that which sets no value on itself...mediocre and commonplace...for whom to live is to be every moment what they already are, without imposing on themselves any effort towards perfection.”

<sup>118</sup> Schmitt, *The Concept of the Political*, 72.

no higher *telos* (purpose). It seems he believes that the mode of life we exist in is merely a battle of land appropriation,<sup>119</sup> limited resources, and the production of commodities in order to profit from them with no real meaning.

Schmitt suggests liberal democracy will perhaps lead to “[...] war waged to protect or expand economic power...into the last war of humanity.”<sup>120</sup> States will either be compromised by their economies to engage in “pure-economic imperialism” in order to secure their vital economic interests: “politics continues to remain the destiny, but what has occurred is that economics has become political and thereby destiny.”<sup>121</sup> This “imperialism will...apply a stronger, but still economic, and therefore nonpolitical...peaceful means of force...Modern means of annihilation have been produced by enormous investments of capital and intelligence, surely to be used if necessary.”<sup>122</sup> What Schmitt tells us today about liberalism is a future that is perhaps unavoidable in liberal democracies. Fractures in the liberal polity will create a crisis that demands a decision which the state is unable to make out of indecisiveness. If and when that time comes, that is, the exception – the friend-enemy distinction of the political will become all the more apparent, and the possibility of World War III for the sake of preserving and spreading liberal democracy abroad may decide the fate of mankind.

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<sup>119</sup> Carl Schmitt, *The Nomos of the Earth: In the International Law of the Jus Publicum Europaeum* (London: Telos Press Publishing, 2003), 46. According to Schmitt: “In every case, land appropriation, both internally and externally, is the primary legal title that underlies all subsequent law...Land appropriation also precedes the distinction between private and public law; in general, it creates the conditions for this distinction. To this extent, from a legal perspective, one might say that land appropriation has a categorical character.”

<sup>120</sup> Schmitt, *The Concept of the Political*, 79.

<sup>121</sup> Schmitt, *The Concept of the Political*, 78.

<sup>122</sup> Schmitt, *The Concept of the Political*, 78-79.

## Chapter Two: The Political

When I think of the “political,” if I could sum it up into one easily digestible phrase, I recall a quote from the motion picture *Star Trek II: The Wrath of Khan* starring William Shatner, Leonard Nimoy, and Ricardo Montalban. Nimoy’s character Mr. Spock sacrifices his life to save the starship Enterprise after a close battle with Khan’s hijacked Federation starship. When Shatner’s character Admiral Kirk comes to say goodbye to his dying friend, Spock states, “*the needs of the many outweigh the needs of the few...or the One.*” For me, this is the essence of the political: individual concerns are no match for the aggregate needs of society, the state, or the world. To be certain, this interpretation is perhaps more aligned with Wolin’s conception of the political than perhaps Schmitt’s. However, I suggest both contain this element of “the many,” in particular, recognizing “the other” in varying degrees of the concept.

Denoting a concept, the political could perhaps be viewed as an expression incorporating a number of ideas and aims regarding political society, and presumably political theory. What the political consists of has evolved as scholarly work on it has progressed, as it has been used by numerous writers to encapsulate various ideas. Hannah Arendt is perhaps one of the more prominent thinkers who have used the term. She used the political corresponding to the *vita activa* to discuss the division between the public and the private realm among the many differences she presented between the Greek conception of life in the *polis* and life in modernity.<sup>123</sup> Hauptmann suggests that the political *as at term* “names not only what students of politics ought to study but invokes a way of studying it that, though incompatible with the behavioralist approach, might still have broad appeal.”<sup>124</sup> To be clear, I am not concerned here with the aims of other theorists or “schools” (e.g. Wolin as a faculty member at Berkley)<sup>125</sup> in which the political as a term has been formulated or used. My concern is only with what can be drawn from Schmitt and Wolin’s uses of the term.

To clear up any misconceptions that may have developed in the previous chapter, White presents two common misinterpretations of the political (specifically Wolin’s, but I suggest applicable to Schmitt’s conception as well) in his contribution to Botwinick and Connolly’s *Democracy and Vision: Sheldon Wolin and the Vicissitudes of the Political*. First, although the

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<sup>123</sup> Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1998), 43.

<sup>124</sup> Emily Hauptmann, “A Local History of the Political,” *Political Theory* 32, no. 1 (2004): 35

<sup>125</sup> James Wiley, “Sheldon Wolin on Theory and the Political,” *Polity* 38, no. 2 (2006): 211.

political is about *commonness* or the search for commonality, this sense of common is not a “transcendent universal that guarantees the search for agreement in a political order.”<sup>126</sup> For both Wolin and Schmitt the political consists of antagonism – the simple fact that disagreement (and for Schmitt in the extreme, war) is always possible, hence the need for politics.

Second, neither Schmitt nor Wolin view commonality as “[...] a kind of communal authoritarian tendency...[or] an engine of sameness in a community.”<sup>127</sup> The concept of the political does not imply that a society must be a uniform collective without a sense of individuality or difference. Rather, the political should be viewed as a “will” to a common and shared experience of citizenship in a community or state; a viewpoint where apolitical attitudes about the common good are combated or attempts to eliminate politics are taken as futile. For both, the political is a perceptible dynamic that suggests the temporal present, future, and good of the people is ultimately contingent upon it.

### **I. Sheldon Wolin & The Search for the Political**

Wolin’s *Politics and Vision* offers a remarkable history of political thought focused on the “eclipsing” of the political and the decline of political philosophy. Stating in so many words, Wolin suggests that this development is the principle cause for our late-modern state of political anxiety and *anomie*.<sup>128</sup> It is the public realm that is central to his conception of the political, which has been sublimated by liberalism and its focus on (perhaps) society and economics. It is here that his theories on democracy take root and from which he believes it can be formed, enabling it to escape from its current “fugitive” shadows. Wolin returns to the beginnings of western political thought to present the origins of the political and political philosophy. “Centuries of philosophers have contributed to a conception of political philosophy as a

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<sup>126</sup> Stephen K. White, “Three Conceptions of the Political: The Real World of Late Modern Democracy,” in *Democracy and Vision: Sheldon S. Wolin and the Vicissitudes of the Political*, ed. Aryeh Botwinick and William E. Connolly (New Jersey: Princeton University Press, 2001), 174.

<sup>127</sup> White, “Three Conceptions of the Political: The Real World of Late Modern Democracy,” 174.

<sup>128</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 357. Borrowing from Durkheim, Wolin suggests: “Anomie or social disintegration, the condition where society lacked a guiding sense of direction. The economy of the modern society...lay in a chronic state of anomie; its essentially orderless character was infecting all areas of social life; religious, familial, and moral restraints, had all declined in effectiveness; human passions raged uncontrolled by curbs or bounds.”

continuing form of discourse concerning what is political and to a picture of the political philosopher as one who philosophizes about the political.”<sup>129</sup>

Wolin suggests that political philosophy has always engaged in grasping the nature of the political. However, he presents a certain caveat to this, implying that since the Greeks, most political theorists have lost touch with what is essentially political. Since Augustine most all theorists and philosophers have not properly engaged in the political:

Unless the distinctively political context is preserved, political theory tends to vanish into larger questions, such as the nature of the Good, the ultimate destiny of man, or the problem of right conduct, thereby losing contact with...essentially political questions that are its proper concern.<sup>130</sup>

Wolin is concerned with the implications of what is common to the whole community, society, or state – what it means to be a citizen within the state. The political deals with questions that are of genuine political nature and relevance (e.g. moral quality of political life, the effectiveness of political rule, and the dispensing of justice), not to be decided by or confused with other ‘spheres’ or ‘domains’ (e.g., economics) throughout a society. “Political philosophy,” he states, “has been taken to mean reflection on matters that concern the community as a whole”<sup>131</sup> – aimed at grasping the political as a “commonness,”<sup>132</sup> the possibility that citizens can recognize what is common to themselves as a society in order to engender a greater quality of political experience and civic participation within it.

The political may be seen as *the result* of constituting a people towards the establishment of political institutions.<sup>133</sup> These provide an arrangement wherein the activities of individuals and groups connect spatially and temporally,<sup>134</sup> producing activities and ‘domains’ that can become

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<sup>129</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 4.

<sup>130</sup> Wiley, “Sheldon Wolin on Theory and the Political,” 215.

<sup>131</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 4.

<sup>132</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 11. According to Wolin: “[commonness] is seen in the basic belief of theorists that political rule is concerned with those general interests shared by all the members of the community; that political authority is distinguished from other forms of authority in that it speaks in the name of a society considered in its common quality; that membership in a political society is a token of life of common involvements; and that the order that political authority presides over is one that should extend throughout the length and breadth of society as a whole.”

<sup>133</sup> Edkins, *Trauma and the Memory of Politics*, 12-13. Edkins suggests: “The *political*...concerns the *real*. It refers to events in which politics of the first sort and its institutions are brought into being. This can be the day to day production preproduction of the social and symbolic order...the social order is not natural, it doesn’t exist unless it is produced continually. The political also takes place at moments when major upheavals occur that replace a preceding social and legal system and set up a new order in its place...”

<sup>134</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 8.

political, playing off human beings presupposed political nature. In other words, one must have a society before one can have a “political.”

Wolin defines “politics” as distinct from the “political.” The former is a form of activity centering on the quest for competitive advantage between groups, individuals, and societies. It is conditioned by occurring within a situation of change and relative scarcity in which the pursuit of advantage produces consequences of such a magnitude that they affect in a significant way the whole society or a substantial portion of it.<sup>135</sup> *Politics and Vision* suggests that the political encompasses the antagonism and conflict that is always present in a society – that is, politics. This is precisely the same for Carl Schmitt. Politics consists of the “actions” or “praxis” by individuals in society that can arise or create the ever-present possibility of disagreement and conflict. “Thus politics is both a source of conflict and a mode of activity that seeks to resolve conflicts and promote readjustment.”<sup>136</sup> The political is perhaps, in part, the realization of this, and for Wolin, it is characterized today by its sublimation into realms that traditionally had not been considered political, therefore rendered superfluous to a dangerous degree towards the meaning and practice of democracy in the politics of the state.

### *Polis Envy*

The concept of the political begins in Greek philosophy. The Greeks viewed the political as *what is common to the whole*, that is, the whole community, society, or state. Plato was the first to inquire into the nature of the political, suggesting that it should be distinguished from other dimensions of life.<sup>137</sup> Plato established that what was truly political was “the art of responsible charge of the whole community,” and how society should be viewed as an interconnected, coherent “system” of interrelated functions, an ordered structure.<sup>138</sup> Political societies for Plato were not that far removed from the state of nature theorized by such anti-Platonist’s as Hobbes. A political society was like being in a cave of illusions: Far from being a “real” world, political societies dwelt in a shadowy realm, a dream world “where men live fighting one another about shadows and quarreling for power, as if that were a great prize.”<sup>139</sup>

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<sup>135</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 11.

<sup>136</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 12.

<sup>137</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 30.

<sup>138</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 31.

<sup>139</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 39.

Plato attached a deeper ontological (and perhaps theological) element to the political in regards to nurturing people's souls. A good life could only be attained for members of society if they correctly took measures of taking care of their souls. "The vision of the Good...decreed that the aim of the ruler's art was to nurture souls, an aim that could be attained only if the community were at one in feeling and sentiment."<sup>140</sup> Important as well was Plato's conception of "unity," which was delineated as a common set of values that were necessary for a society to act purposefully. This unity was not a sense of conformity or uniformity. Rather it pertained to the unity of society acting as one in the application of its energies towards the common good in political and social matters – "commonness" in Wolin's terms. All of this is relevant to early-Wolin's view of the political. His views of the political (as democracy) show a strong affinity for the Greek conceptions of them. Wolin is often criticized for his "polis envy" – that is, it appears he will not be satisfied until politics returns to a Greek vision of the political and democracy.

Since the Greeks, recognition of the political has been in decline. The idea would still emerge in the proceeding ages, but with the rise of large-scale empires (e.g. the Roman Empire), appreciation of the political waned. The concept was saved (no pun intended) by Christianity. "The attempt of Christians to understand their own group life provided a new and sorely needed source of ideas. Christianity put forward a new and powerful ideal of community which "recalled men to a life of meaningful [political] participation...containing ideals of solidarity and membership that were to leave a lasting imprint."<sup>141</sup> Augustine endeavored to understand the dynamics of power that were evident in any aggregate of individuals (i.e. society) and how to temper that with the word of Christ. Religion continued to play an important historical role in the proceeding centuries. Luther and Calvin would construct ideals of the political as applied with religion invoking that "a sense of institutions must be combined with a sense of community."<sup>142</sup> Calvin's writing brought back the ideal of the "best society" as depicted by Plato and Aristotle. For Wolin, the idealism of Christianity was loftier, more social, with virtues of a higher dignity,<sup>143</sup> and aspirations for a society cognizant of the political that suggest, in his view, the expectations and goals of what a truly "political" society should strive for.

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<sup>140</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 58.

<sup>141</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 87.

<sup>142</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 170.

<sup>143</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 172.

Liberalism as an historical event was discussed in the previous chapter. Hobbes reliance on science to discern political “truth” allowed him and other liberals to re-envision the task of political philosophy: to identify and define what was truly political.<sup>144</sup> What was political? Very little as it turned out, as liberals eschewed the guidance of political philosophy in the organization of a well ordered community, thus signifying the establishment of anti-platonic ideals that remain today. Liberalism brought an enlightened rationality in which progress would be measured by the improvement of man’s condition, measured in part materially through comforts and efficiency in the process of production. Integral was political economy, which liberals deemed the primary activity of society. Although liberalism was partially a response to the power of the Catholic Church and monarchy in Europe, Wolin suggests that liberalism as developed in the American and French Revolutions was a means of reducing the radical democracy taking place during and after those events. For latter-day Wolin, liberalism served as the first advance in sublimating the political, reducing an awareness of it by tempering and eventually repressing the radical democratic impulses that he has advocated for in the present. To Wolin, the U.S. Constitution is a device to repress political and democratic practices:

In the early years of the American republic liberal writers sought a substitute object for the patriotic and political impulses fostered by the ideas and events of the revolutionary war. The Constitution served their purpose and they succeeded in surrounding it with a wealth of legend and symbol so that in the end the “myth” of 1787 overcame that of 1776.<sup>145</sup>

### *Days of the Fugitive Present*

The sublimation of the political regards essentially society “eclipsing” the political, or rather a non-political conception of society. This in turn led the functions of government to become more focused on issues taking precedent in regards to society rather than the political. This can be seen in the increasing need for bureaucratization and administration in order to grapple with the gravity society has displayed over the political. This in turn influences not only the scope of what constitutes a “just” society, questions of “how” and “what” a society should engage in, but also by whom. American individualism for Wolin, as Tocqueville points out, has been the veritable ‘nail in the coffin’ towards realizing the political. Perhaps Schmitt argues on a similar basis? Liberalism adheres to method and human nature is ignored. This mindset has

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<sup>144</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 259.

<sup>145</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 264.



afflicted practically every means of human inquiry, most notably the social sciences. These disciplines (economics, political science, sociology, and so forth) are a product of this rationality. They developed a means for understanding man-made phenomenon in vein of the natural sciences (i.e. biology, chemistry, mathematics) following the principles of what Wolin describes as “methodism.”<sup>146</sup> What was lost in the efforts of nineteenth and twentieth century social scientists was the “substantive” aspects of the political.

In “Political Theory as a Vocation” Wolin argues that behaviorist political science has reduced the study of politics itself. By reducing all political phenomena to observable, quantitative data, politics as a “science” incorporates the assumption that the study of politics is impractical unless it can be utilized towards “results,” or something beneficial to those who make politics a career. For example, empirical data of voting patterns. This data might as well be called “marketing research,” rather than *political* research. The result, perhaps, is that the study of politics (as other social sciences) become a marketable function, rather than working towards the study of the quality of political participation and experience of citizens in society. “Wolin essentially argues that both the political...and social scientists have distrusted politics and the political (or were actually hostile to them)...what this means is that most political theory...avoids a “substantive” engagement with politics and “the political.”<sup>147</sup> The same holds true for political theory if it “distrusts” or ignores the political. In turn, the study of politics has only served to further legitimize and strengthen liberalism, perhaps capitalism. To be clear, the study of political phenomena is not at fault in absence of the political. Perhaps it is rather the means (i.e. methodism) social and political “scientists” engage in that, in part, prevent solutions to the problems Wolin associates with its sublimation. In other words, theoretical discussion and imagining new possibilities are perhaps the only means available in piercing our political reality that obscures both what is “real,” and thus “political.”

As Wolin continued his work throughout the turbulent sixties and the proceeding decades, he was witness to history in America that would shift his view of the political as a rather broad concept circumscribing political and social relations towards a conception that is practically synonymous to his view of democracy. The political events, developments, and

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<sup>146</sup> Sheldon S. Wolin, “Political Theory as a Vocation,” *The American Political Science Review* 63, no.4 (1969): 1062. Wolin defines ‘methodism’ as: “Generalized, plural of ‘methodist’, one who is skilled in, or attaches great importance to, method.”

<sup>147</sup> Wiley, “Sheldon Wolin on Theory and the Political,” 216.

failures of the nineteen sixties to the early nineteen eighties presumably diminished any positive outlook in Wolin's perception of American politics, the political, and the idea of democracy since the publication of *Politics and Vision*. Then again, perhaps these events are precisely the evidence Wolin viewed as reason enough to change his formulations. Founding the academic journal *democracy* in the early 80's, it was evident by the end of the decade Wolin had dedicated himself to being a "radical democrat." *The Presence of the Past*, a compendium of journal articles published in the 1980's offers indications of Wolin's change in direction from a concern with the political to democracy. What follows is a discussion of salient points of interest in *Presence* considering the political, followed by "Fugitive Democracy." Both of these analyses will be complemented in Chapter Three.

Rather than address the political directly, his focus is predominately concerned with democracy and equality. Equality is discussed, I suggest, in place of the political. However I do not believe that equality should be seen as defining the political solely as early-Wolin conceived it. As will be seen, it is rather democracy that comes to be synonymous with latter-day Wolin's conception of the political; although the dichotomy of equality / inequality plays a crucial role in this formulation.

In *Presence*, Wolin examines the origins and meaning of the U.S. Constitution; particularly "myths"<sup>148</sup> that surround the document that continues to influence American perceptions of it. One of the salient points Wolin suggests is that the U.S. constitution (and constitutions in general) is a document that constrains rather than empowers the democratic ethos of the electorate.<sup>149</sup> The founding fathers are often evoked today in order to score political leverage among the masses, as if abiding their guidance today would solve our present day problems. Throughout *Presence*, Wolin attempts to discredit the aura of the founders by removing from them their (presupposed among many) infallibility. In particular, he examines

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<sup>148</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 1-2. According to Wolin: "Collectivities take shape historically, that is, as a matter of fact; but they come into being mythically... Myths have, however, more complex genealogies. They are stories that collectivities tell about themselves or have told to them. Their main purpose is to fix certain meanings about matters that are alleged to be fundamental because they pertain to the identity and flourishing of the whole society."

<sup>149</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 107. Wolin suggests: "Constitutionalism involved more than the limitations upon power and its discretionary exercise. It stood for the domestication of power... that is, the modification of power by the several modes of accommodation..."

*The Federalist*.<sup>150</sup> “The Founding Fathers left us a mixed blessing; a Constitution that showed how power might be organized without leading to arbitrary authority... the function of social contract thinking becomes clear: to relieve individuals and society of the burden of the past by erasing the ambiguities...”<sup>151</sup> He proceeds to discuss the social contract theorists and how their ideas elicited the “social amnesia” necessary for the contract to be brokered. Wolin views the goal of the social contract theorists as one of using the contract to take the place of the political:

The trade off is equality for remembrance, or rather a certain kind of equality...but equality as a fiction that serves to legitimate power...Justice will therefore mean equal protection of inequalities...covenanters must forget notions of natural equality...The trick for the contract theorist was to get equality to serve the ends of inequality...by divesting the persons of his or her multiple identities and replacing them with the single identity of the individual, then declaring that each individual would enter society on the same terms as every other individual, the way was prepared for the modern liberal solution to the problem of justice.<sup>152</sup>

In the United States, “the close collaboration between science, industry, and the state, which began in the seventeenth century was perfected by the end of the nineteenth. It resulted in forms of power which produced a series of technological revolutions that dramatically altered the human capacity for collective memory.”<sup>153</sup> The idea of “collective memory” appears as a precondition for a conception of the political, an idea that, perhaps, was purposively ignored in the Constitutional Convention at Philadelphia in 1789.

Wolin uses Tocqueville to emphasize the American “capacity for reproducing sameness...a society in which so many people thought alike, dressed alike, lived alike [and] occupied the same middling social situation.”<sup>154</sup> This suggests the United States had “developed a political society in which the state was practically invisible”<sup>155</sup> or in other words, is a society where the political is unrecognized. For both Tocqueville and Wolin, the state has a significant role to play in engendering this ‘sense of common’ but not to the extent of forcing it upon the

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<sup>150</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 84-85. For Wolin: “[*The Federalist*] set out the nature of power under the new system, explained how it was to be exercised and why it had to be limited in some matters but enlarged in others, how power was to be generated, the qualities and qualifications of those who would be expected to govern, and what sort of citizenry was required by a system that had been designed to allow them only a limited influence while extracting from them the raw materials of power in the form of taxes, military skills, enthusiasm and opinion.”

<sup>151</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 144.

<sup>152</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 38-39.

<sup>153</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 43.

<sup>154</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 79.

<sup>155</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 68.

individual or community. It appears the political perhaps requires the state to have a non-intrusive role in people's lives towards instilling a collective understanding of the good.

The Civil War is significant towards a U.S. conception of the political. After Reconstruction “the state [grew] steadily, aided by the centralizing impulses encouraged by periodic economic depressions and the total mobilization of society during two world wars, until in our own time it stands as the seemingly unchallenged definer of the terms of the political and social life.”<sup>156</sup> The rise of the American state hindered hope of what could be called a “local political” practice. Americans “instead of [being] participating members in the *polis*, [they] would [become merely] voters.”<sup>157</sup> The pervasive presence of the state is the sign of a *postmodern politics* in which democracy is a rhetorical function, practically meaningless. Democracy remains in spirit however in a “flourishing archaic political culture.” Yet on a national level “[...] *it is negligible...democracy is now the feudal element*, the counterprinciple to a new, postmodern regime.”<sup>158</sup>

Elsewhere in *Presence*, Wolin describes the “economic polity.”<sup>159</sup> It concerns the antagonism between the public and private realm, to which Wolin claims ought to exist *without* conflict. Wolin's conception of the political shares a similarity with Schmitt's in that it considers political and non-political “spheres” and “domains” as distinct from each other. He has not eliminated ‘conflict’ from the political but emphasized as Schmitt does the incongruence of political space the two now occupy, the private now a considerably larger space than the public. This involves the “systemization of the state,”<sup>160</sup> and Weber's view of “rationalization” in the spread of instrumental modes of thinking embodied in the rise of bureaucracy and

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<sup>156</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 80.

<sup>157</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 269.

<sup>158</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 81. Italics added for emphasis.

<sup>159</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 155. According to Wolin, this term: “Best captures the ontological and ideological assumption of an underlying reality to which ideally the life of society should be attuned and of a conception of power that is shared by two sectors, the public and the private, which ideally ought to coexist in a nonadversarial relationship. The Economic Polity unlike the ideal polities of Plato and Aristotle is positively committed to a conception of an unlimited expansion of power. It is the creature of late modern forms of power made available by the practical application of scientific knowledge. Late modern power is unique. In principle it is endlessly reproducible and is increasingly independent of civic virtue... The ideology of the economic polity, like its sources of power, envisions endless expansion but its imperialism tends to be nonterritorial, degrounded, projecting its influence throughout the world, while militarizing the emptiness of space.”

<sup>160</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 172. According to Wolin, this phrase: “Refers to the expansion of the state to include much that previously been viewed as private, from education to sexual reproduction. It is not merely that the state has “intervened” in numerous domains; it has sought to coordinate the domains themselves.”

administration.<sup>161</sup> Both coalesce as Wolin's "age of organization" and correspond, I suggest, to Foucault's biopolitics. For Wolin, the loss of the political has led the *demos* to be in "the presence of a new form of *Staatsrason*"<sup>162</sup> or as he sees it today, "inverted totalitarianism."

In "Democracy Without a Citizen" Wolin states "privatization is not the elimination of power, but *the elimination of politics*."<sup>163</sup> Notice the similarity between Wolin's view of the political as related to Schmitt's argument against liberalism in the previous chapter. Both appear to view the absence / sublimation of the political as working towards the elimination of politics. Furthermore, the similarity between Schmitt and Wolin's theories becomes more apparent in Wolin's description of the American *demos*, strikingly in vein of Schmitt's conception of "mass democracy." Although not directly expressed as such, the masses (American or otherwise) are enveloped by the problem of being "unable to recognize the nature of state power because they have been taught a certain common sense that identifies state power exclusively with government regulation..."<sup>164</sup> The discourse of American politics has been corrupted in light of being without a proper conception of the common, one that has precluded any notion of government or the people themselves being agents of the common good.

"Fugitive Democracy" has received a great deal of scrutiny, arguably more than any other work in his vitae. The article is important not only towards becoming more cognizant of Wolin the theorist, but also his "journey" since *Politics and Vision*. It is a milestone in Wolin's continual reconceptualization of what the terms democracy, liberalism, and the political "mean" – that is, how Wolin defines and uses them. Opening the essay, "I shall take the *political* to be an expression of the idea that a free society composed of diversities can nonetheless enjoy moments of commonality when, through public deliberations, collective power is used to promote or protect the well-being of the collectivity...*the political is episodic and rare*."<sup>165</sup>

If we compare this to the political developed in *Politics and Vision*, then the break with his previous work perhaps appears to be that: "In contrast, the political is episodic and rare." I suggest with "Fugitive Democracy" Wolin reduces the magnitude of the political. He asserts that

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<sup>161</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 172.

<sup>162</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 177-178. *Staatsrason* is translated roughly as "reason of the state." I suggest it is similar to Schmitt's theory on the state of exception.

<sup>163</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 182. Italics added for emphasis.

<sup>164</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 186.

<sup>165</sup> Sheldon S. Wolin, "Fugitive Democracy," in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Behabib (New Jersey: Princeton University Press, 1996), 31. Italics added for emphasis.

democracy is “one among many versions” of the political<sup>166</sup> suggesting also that forms-of-government can produce varying versions of the political. What needs to be understood here is that democracy is not about “where the political is located, but how it is experienced.”<sup>167</sup> *The political now appears synonymous with his conception of democracy.* Retaining the bearing of what is common to the whole, the political now pertains to a more tangible conception and dichotomy of exclusion / inclusion, but also equality / inequality. Furthermore, if democracy is a form of what the political could be, then democracy needs to be reconceived as something other than a form of government.

The experience of which democracy is the witness is the realization that the political mode of existence is such that it can be said, and is, periodically lost. Democracy...lapses in the course of time. *Democracy is a political moment, perhaps the political moment, when the political is remembered and re-created.* Democracy is a rebellious moment that may assume revolutionary, destructive proportions or not.<sup>168</sup>

The question becomes whether it is still possible to rescue or realize the political, practice democracy? Wolin re-emphasizes the dire predicament he suggests is our continued domination by illusion and forces beyond the power of the people. Fugitive democracy presents Wolin’s late-modern depiction of democracy as being the realization of the political, both appearing irrevocably tied to one another, yet significantly reducing the prospects of realizing either of them. The political is now episodic and rare. The political can only be seen or realized when “democratic moments” appear that more than likely represent the antagonism of the political generated by the forces which “eclipse” its realization in the systematic domination of peoples throughout the globe. To reiterate from the previous chapter, if the political cannot be realized, then democracy cannot be practiced.

## II. Carl Schmitt’s *The Concept of the Political*

Schmitt takes up the question of “what is the political?” in order to elucidate on the danger of losing the experience of it. “What distresses him is that the historical conjunction of liberalism and democracy has obscured this conception...Schmitt identifies this loss of the conception of the political with the triumph of the modern notion of politics...”<sup>169</sup> This may also

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<sup>166</sup> Wolin, “Fugitive Democracy,” 31.

<sup>167</sup> Wolin, “Fugitive Democracy,” 38.

<sup>168</sup> Wolin, “Fugitive Democracy,” 43. Italics added for emphasis.

<sup>169</sup> Schmitt, *The Concept of the Political*, xiv. From the Forward by Tracy B. Strong.

be viewed as the “triumphal march of democracy,”<sup>170</sup> in the implications of “mass democracy” as a product of liberalism mentioned in the previous chapter. For Schmitt the political is more than just a “commonness” shared between citizens engaged in political matters; the political is something “truly human” which liberalism via democracy has attempted to eliminate, perhaps successfully. Schmitt’s conception of the political is applied domestically and internationally. It is the former where the greater similarities between the two theorist’s conceptions of the political can be seen. However, if we take some creative liberties with Nelson’s “Any Given We,”<sup>171</sup> there are perhaps similarities at the international level that may not have been previously realized. To the latter, I will return to this in Chapter Four.

### *Friends and Enemies*

*The Concept of the Political* opens by declaring that the “concept of the state presupposes the concept of the political.”<sup>172</sup> What Schmitt means here is that a will of the people must come before a state, and exist prior to recognition of the political. “The political is the pre-constitutional foundation of [a] constitution.”<sup>173</sup> Schmitt makes clear that in modernity the equation of state = politics is “erroneous.”<sup>174</sup> Liberalism enters as a variable into this equation, turning what were once non-political ‘spheres’ of society into political matters of the state. To reiterate that analysis, Schmitt, citing Burckhardt, suggests:

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<sup>170</sup> Schmitt, *The Crisis of Parliamentary Democracy*, 22.

<sup>171</sup> Nelson, “Any Given We,” 41. According to Nelson: “The dynamics of democracy and the political... forces driving democratization – forces responsible for and to ‘the political’ – well exceed the nation-state and manifest themselves at the international level in a variety of ways.”

<sup>172</sup> Schmitt, *The Concept of the Political*, 19. According to Schmitt: “The state represents the political status of an organized people in an enclosed territorial unit... the state is in its essence... a machine or an organism, a person or an institution, a society or a community, an enterprise or a beehive, or perhaps even a basic procedural order... in its historical appearance the state is a specific entity of people vis a vis the many conceivable kinds of entities, it is the decisive case the ultimate authority. All characteristics of this image of entity and people receive their meaning from the further distinctive trait of the political and become incomprehensible when the nature of the political is misunderstood.”

<sup>173</sup> Ulrich K. Preuss, “Political Order and Democracy: Carl Schmitt and His Influence,” in *The Challenge of Carl Schmitt*, ed. Chantal Mouffe (London: Verso, 1999), 157.

<sup>174</sup> Schmitt, *The Concept of the Political*, 22. According to Schmitt: “The equation state = politics becomes erroneous and deceptive at exactly the moment when state and society penetrate each other. What had been up to that point affairs of state become thereby social matters, and vice versa, what had been purely social matters become affairs of the state – as must necessarily occur in a democratically organized unit. Heretofore ostensibly neutral domains – religion, culture, education, the economy – then cease to be neutral in the sense that they do not pertain to state and to politics... In such a state, therefore, everything is at least potentially political, and in referring to the state it is no longer possible to assert for it a specifically political characteristic.”

Democracy must do away with all the typical distinctions... it blurs the boundaries between state and society and looks to the state for the things that society will most likely refuse to do... the inner contradiction of democracy and the liberal constitutional state... It should be able to do everything, yet allowed to do nothing... The state's form thus becomes increasingly questionable and *its radius of power even broader*.<sup>175</sup>

Schmitt outlines the parameters of what is and is not political. This is done by deciding what are clearly political categories. "The political must therefore rest on its own ultimate distinctions, to which all action with a specifically political meaning can be traced... The specific political distinction to which political actions and motives can be reduced is that between friend and enemy."<sup>176</sup> Schmitt defines the political as *the distinction between friend and enemy*:

This provides a definition [of the political] in the sense of a criterion and not as an exhaustive definition or some indicative of substantial content. Insofar as it is not derived from other criteria, the antithesis of friend and enemy corresponds to the relatively independent criteria of other antitheses [such as] good and evil, beautiful and ugly, and so on. In any event it is independent, not in the sense of a distinct new domain, but in that it can neither be based on any antithesis or any combination of other antitheses, nor can it be traced to these... The distinction of friend and enemy denotes the utmost degree of intensity of a union or separation, of an association or dissociation.<sup>177</sup>

Schmitt distinguishes the political not only from the separate domains comprising society, but also from the legality of the state. Schmitt uses the friend-enemy distinction to distinguish the political as separate from other 'spheres' or 'domains' in society. These 'domains' are what the political is not: it is separate from the moral, aesthetic, and economic spheres which express themselves in a characteristic way.<sup>178</sup> Furthermore, the political is limited in scope – "[it is the] arena of authority, rather than general law, and requires decisions which are singular, absolute, and final."<sup>179</sup> The friend / enemy distinction must be assumed in its concrete, existential meaning; it must be exclusively considered in the *public* sense, and not in an individualistic-private way.<sup>180</sup> "The identification of friend and enemy is an existential decision which cannot be anticipated by law."<sup>181</sup> Towards the latter, the friend-enemy distinction is not

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<sup>175</sup> Schmitt, *The Concept of the Political*, 23-24. Italics added for emphasis. Note how this corresponds to Wolin's discussion of the increasing reach of the state through privatization.

<sup>176</sup> Schmitt, *The Concept of the Political*, 25-26.

<sup>177</sup> Schmitt, *The Concept of the Political*, 26.

<sup>178</sup> Schmitt, *The Concept of the Political*, 25.

<sup>179</sup> Schmitt, *The Concept of the Political*, xiv. From the Forward by Tracy B. Strong.

<sup>180</sup> Marramao, "The Exile of the *Nomos*: For A Critical Profile of Carl Schmitt," 1578.

<sup>181</sup> Norris, "Carl Schmitt on Friends, Enemies, and the Political," 68.



between what is and is not ‘political,’ but relates to Schmitt’s theory of the sovereign decision on the exception; i.e. the sovereign inevitably decides who are “friends” and who are “enemies,” most saliently in international relations.

Important is the notion of *antagonism*. Recall that the political consists in part of *the dimension of antagonism that is a constitutive part of human society*.<sup>182</sup> “The most intense and extreme antagonism and every concrete antagonism becomes that much more political the closer it approaches the most extreme point, that of the friend-enemy grouping.”<sup>183</sup> They refer to both conflicts domestically and between sovereign states. The political is not a domain in itself. It comes to reside in all other domains [of society] as the intensity of oppositions peculiar to them.<sup>184</sup> Schmitt’s concept of the political is not so much an autonomous sphere of action and judgment as it is *a process of intensification moving towards an extreme case of conflict*.<sup>185</sup> In terms of friends and enemies, a dimension of antagonism is always present in society, hence the need for politics, and thus an awareness of the political.

Schmitt’s concept of the political stresses two main points, both of which have often been misunderstood by scholars and often used to cast Schmitt in a negative light. First, Schmitt’s political is aimed at the criterion of the political and not “politics.” Specifically, this pertains to “the degrees of intensity within the political.”<sup>186</sup> Since the friend-enemy distinction is the criterion in which to consider the political, the political must be assessed by realizing the possibility of antagonism between friend and enemy. By no means does this imply that Schmitt advocates the political as violent, bloody warfare. Rather, the political is ultimately about “a public relationship between people, a relationship marked by a specific degree of association or dissociation which can potentially lead to the distinction between friend and enemy,”<sup>187</sup> domestically or internationally. It is vital that his ‘political’ be taken to mean essentially the state as the political unity of the people.

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<sup>182</sup> Mouffe, *On The Political*, 8-9. Italics added for emphasis.

<sup>183</sup> Schmitt, *The Concept of the Political*, 29.

<sup>184</sup> Michael Marder, “From the Concept of the Political to the Event of Politics,” *Telos*, no.147 (2009): 59.

<sup>185</sup> Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*, 106.

<sup>186</sup> Ernst-Wolfgang Bockenforde, “The Concept of the Political: A Key to Understanding Carl Schmitt’s Constitutional Theory,” in *Law as Politics: Carl Schmitt’s Critique of Liberalism*, ed. David Dyzenhaus (Durham: Duke University Press, 1998) 38.

<sup>187</sup> Bockenforde, “The Concept of the Political: A Key to Understanding Carl Schmitt’s Constitutional Theory,” 38.

The difficulty in Schmitt's political is that he applies the friend-enemy distinction not only domestically, but also more pertinently to "high politics," or international relations. Applying the political in this manner recalls the contradiction between liberalism and the state having to demand individuals sacrifice their lives in order to protect it. The decision of whether a state is a friend or enemy in international relations, then, resides with the sovereign and the decision on the exception. This is why the decision between friend and enemy is existential (i.e. a threat that comes from "outside" the sovereign boundaries of the state). The 'intensification' involved in Schmitt's concept of the political is not addressing that the political action is essentially violence or war, but rather that it is a "*limit that keeps this intensification within bounds*;"<sup>188</sup> that is, the political should be recognized in order to prevent war. In a veritable full circle of Schmitt's theory, the political corresponds to Schmitt's fear of liberal democracy leading to wars where "enemies" are no longer recognized as legitimate. Schmitt fears that wars will be fought based on "universal" democratic values. These values, as wars, will be decided by those who are seen in the right, viewed as "world policeman" arresting "criminal" states that break international law(s) that do not exist in an anarchic world outside the state.<sup>189</sup>

The salient point regarding the political for Schmitt at the international level is recognition of "others" that should be taken as legitimate "enemies" and not just as economic competitors, which liberalism has reduced "enemies" to.<sup>190</sup> "War is neither the aim nor the purpose nor even the very content of politics. But as an ever present possibility it is the leading presupposition which determines the characteristic way human action and thinking and thereby creates a specifically political behavior."<sup>191</sup> Schmitt by no means advocates war, but it is war as the *extreme and exceptional case* that through the friend-enemy distinction the political is

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<sup>188</sup> Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*, 109.

<sup>189</sup> Schmitt, *The Concept of the Political*, xxii-xxiii. From the Forward by Tracy B. Strong. According to Strong: "Schmitt wants here to remove from politics, especially international politics but also internal politics of an ideological kind, any possibility of justifying one's action on the basis of a claim to universal moral principles. He does so because he fears that in such a framework all claims to good will recognize no limits to their reach. And thus, this century will see... wars to determine once and for all what is good for all, wars with no outcome except an end to politics and the elimination of all difference."

<sup>190</sup> Schmitt, *The Concept of the Political*, 28. According to Schmitt: "Liberalism in one of its typical dilemmas of intellect and economics has attempted to transform the enemy from the viewpoint of economics into a competitor and from the intellectual point into the a debating adversary. In the domain of economics there are no enemies, only competitors. The concern here is neither with abstractions nor with normative ideals, but with inherent reality and the real possibility of such a distinction."

<sup>191</sup> Schmitt, *The Concept of the Political*, 34.

revealed. It is only by understanding the possibility of war, and not the attempts of liberal neutralization and depoliticalization can the political be realized:

What always matters is the possibility of the extreme case taking place, the real war, and the decision whether this situation has or has not arrived... War is still today the most extreme possibility... only in real combat is it revealed the most extreme consequence of the political grouping of friend and enemy. From this most extreme possibility human life derives its specifically political tension... A world in which the possibility of war is utterly eliminated, a completely pacified globe, would be a world without the distinction of friend and enemy, and *hence a world without politics*... The phenomenon of the political can be understood only in the context of the ever present possibility of the friend and enemy grouping, regardless of the aspects which this possibility implies for morality, aesthetics, and economics.<sup>192</sup>

Schmitt believes that the possibility of war is a necessary condition for the political to be revealed. He is not advocating war, but is making the point that war can never truly disappear. I suggest the “serious man” has a point. If liberalism and democracy, together or apart, attempt to pacify the world towards some form of “universal democracy,” the goal of eliminating war will become an impetus for war, perhaps the last reason for war to begin with:

Nothing can escape the logical conclusion of the political... if the will to abolish war is so strong... then it has become a political motive, i.e. it affirms the reason for war. The war is then considered to constitute the absolute last war of humanity... war [as] a real possibility is still present today, and this fact is crucial for the friend and enemy antithesis and for the recognition of politics.<sup>193</sup>

### *A Truly Human Realm*

Schmitt ties an existential (and ontological) quality to the political as noted by Tracy B. Strong in the Forward accompanying *Concept*. “[...] the “friend- [enemy]” distinction... serves as the quasi-transcendental presupposition of the political... the political is for Schmitt the realm of that which is *truly human*, his distress is that the West is losing touch with that which gives life human meaning”<sup>194</sup> – to be clear, meaning as Schmitt sees it. However, if we take the liberty of removing from this that Schmitt is peculiar and is solely speaking on his own terms, then perhaps by returning to the notion of him being “a serious man” I suggest, then, it is plausible that *the political can be seen as concurrent with the search for human meaning* – an element that is part and parcel to all applications of the concept. Human meaning would be defined by its

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<sup>192</sup> Schmitt, *The Concept of the Political*, 35.

<sup>193</sup> Schmitt, *The Concept of the Political*, 36-37.

<sup>194</sup> Schmitt, *The Concept of the Political*, xxvii. From the Forward by Tracy B. Strong. Italics added for emphasis.

relationship to the political, the quality of a citizen's political existence and experience within the state. It stands to reason then that Schmitt's 'political,' much in the same vein as Wolin's earlier conception of it (i.e. "commonness"), is about a human element that is lost in its sublimation.

To reiterate, the political as the friend-enemy distinction for Schmitt is not about war or the glorification of violence. "The friend-enemy criterion defines a particular form of life, one in which group identity is valued above physical existence. To properly understand Schmitt's work it must be considered not as a rejection of an established moral order, but as a response to a culture of nihilism in which meaning – rather than value – is ebbing away."<sup>195</sup> I suggest critics of Schmitt have been missing the point of why war seems to weigh so heavily in Schmitt's conception of the political:

The political does not reside in the battle itself...but in the...*solidarity* that makes possible both self-sacrifice and political authority...It is not that groups need to be constantly at war with one another to be political...Schmitt suggests that a loss of meaning and significance attends the eclipse of the political. Life will lack meaning unless it contains commitments cherished above mere physical existence.<sup>196</sup>

Thus, one might conclude that a "truly human" meaning is at the core of Schmitt's concept of the political. What this 'meaning' appears to be is commitment to something greater than ourselves; be it the state, the community, to each other – to a life perhaps occupied with improving the life or status of others. In other words, a life of solidarity and mutual reciprocity, one defined not by the exchange of goods only. The political for Schmitt is absent in late-modern politics in light of pervasive and increasing individualism, political apathy, and narcissism. The political is used by Schmitt to indicate not only the need of politics, but also the necessity of the political in understanding ourselves as human beings. I believe what Schmitt (and essentially Wolin) is getting at is the heart of what makes us human, that which gives our lives as well as our politics purpose, value, and meaning. Our way of life in America is arguably one that eats away at the human soul in ways nature never intended, in ways in which we may be adapting or evolving towards, but never to the extent that nature will make us fully modified and fit for.

Modernity is making life less (politically) meaningful for Schmitt. I share this same view. The point, I think, is that a number of centrifugal domestic forces (i.e. features of liberal society discussed in the previous chapter) are taking the place of a political conception of life in the

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<sup>195</sup> Norris, "Carl Schmitt on Friends, Enemies, and the Political," 71.

<sup>196</sup> Norris, "Carl Schmitt on Friends, Enemies, and the Political," 77-78. Italics added for emphasis

state, thereby eroding the quality of life within it. Schmitt wants a people committed to the state – to making the state for them, by them, and about them. Liberalism negates this notion of the state as the political – it is antithetical to the state as a cohesive whole because it demands that everyone be counted as an individual, undermining what is similar in Wolin’s view of it – a commonness. This is central to Schmitt because he is essentially concerned with the whole – that is, the common good of the whole community:

[...] commitment required involves a life in its entirety...the part finds meaning only in assuming its rightful place within the whole. Just as the individual becomes the person he truly is by transcending his physical life in his solidarity with the community, so too the discrete relations and commitments of his individual life take on their true meaning when they form a whole. Only death confronts life as a whole.<sup>197</sup>

I would like to suggest initially (before Chapter Four: Conclusions) that both Schmitt and Wolin view the political as a “process,” if not a “destination.” I surmise both view the political as a *process* – a process in the sense of a culmination of events, antagonisms, or practices. A “process” might do justice to a concept that must continually be reconceptualized. The political as a ‘destination’ would consider society, political order, and the theoretical limits and meaning behind it – the political perhaps being a level of honesty we are unable to admit to ourselves; a ‘feeling’ of what is *truly human* that we have lost touch with, a destination we may inherently understand, but lies just out of reach.

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<sup>197</sup> Norris, “Carl Schmitt on Friends, Enemies, and the Political,” 87.

## Chapter Three: Democracy / Liberal Democracy

### **I. Sheldon Wolin: The Radical Democrat**

Throughout the years Wolin has become an increasingly radical proponent of democracy. His view of democracy is a reformulated ethos of it: a wildness, disruptive, random spirit that he associates with it. For Wolin, the spirit of democracy should not be contained or confined, but left open to its possibilities. Wolin wants no boundaries or limits to what democracy is or the practice of it. *Democracy* is one of several “constitutions” or forms of government introduced by the Greeks. Since it first appeared in Athens, democracy has been associated with revolutionary violence by the lower classes, the poor, or simply those without power. It begins in grievances, class divisions, and protests over the equitable distribution of goods and wealth – *justice*. Throughout antiquity, democracy was viewed with apprehension because it was “inherently incapable of achieving, let alone realizing, the political.”<sup>198</sup> What the Greeks feared as subsequent philosophers were “the masses” and their incapability of making decisions that were not disinterested from their own desires. Eventually, however, democracy came to be a phenomenon that could no longer be avoided in the course of history.

#### *A (Very) Brief History of Democracy*

In Book Eight of Plato’s *Republic*, Socrates, Glaucon, and Adeimantus engage in a dialogue of “constitutions” that could be applied to their “city in speech.” According to Socrates, democracy follows oligarchy (i.e. rule by the few, usually the rich) because “you cannot honor wealth in a city and maintain temperance in the citizens at the same time... democracy comes about, I suppose, when the poor are victorious [over the rich] kill or expel the others, and give the rest an equal share in the constitution and the ruling offices.”<sup>199</sup> Socrates then proceeds to examine the last form of constitution, *tyranny*. Socrates asks, “So isn’t democracy’s insatiable desire for what it defines as *the good* also what destroys it?” Adeimantus responds, asking Socrates what that *good* is? Socrates replies, “Freedom. For surely, in a democratic city, that is what you would hear described as its finest possession, and as what makes it the only place

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<sup>198</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 59.

<sup>199</sup> Plato, *Republic*, trans. C.D.C Reeve (Indianapolis: Hackett Publishing Company, Inc. 2004), 252-253.

worth living in for someone who is naturally free.”<sup>200</sup> It is precisely freedom, Socrates says, that leads a democratic society to tyranny: “Tyranny probably does not evolve from any other constitution other than democracy, then – the most severe and cruel slavery evolving from what I suppose is the most eminent degree of freedom.”<sup>201</sup>

Similar to *Republic*, Aristotle’s *Politics* is concerned with life in the *polis* (i.e. city-state) defined as a kind of association that exists in order to achieve the good. Unlike Locke who declared the chief end of the state was to protect private property, Aristotle had claimed the purpose of the polis was for citizens to achieve and practice “the good life,” essentially *happiness*. The good life in the polis is defined by community and something intangible beyond the acquisition of material goods. It can only be achieved when citizens endeavor in common towards the sharing of duties, honors, rewards, difficulties, and responsibilities of political life. This, in turn, produces what Aristotle called a “well ordered soul” that leads individuals to work in common to achieve a proper human end and “find their happiness in the goods of the soul rather than the goods of the body.”<sup>202</sup>

The great fear for Aristotle is when a mixed regime becomes imbalanced, tilting either to oligarchy or to democracy – when one set of interests (e.g. between the rich and the poor) becomes greater than the other. For Aristotle, democracy does not instill notions that lead to a well-ordered soul. It isolates people from a sense of community. Democratic freedom, unless practiced in the proper political settings, is antithetical to the good life because it is very difficult for people to be good, and therefore it is difficult for people to be happy in a democratic society. Reason plays a significant role in the decisions of the polis towards the well-ordered soul. Aristotle’s ‘reason’ is, according to Wolin, the proper conception of it in comparison to liberal ‘reason’ that “is free of social or historical context.”<sup>203</sup>

Distrust of the *demos* led early political thinkers to view democracy cautiously. This remained the predominant view until the English civil wars of the seventeenth century. At this historical conjunction, democracy and liberal theory crossed paths, making the rejection of democracy more difficult as the demands of the people became harder to pacify. To temper the

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<sup>200</sup> Plato, *Republic*, 260.

<sup>201</sup> Plato, *Republic*, 262.

<sup>202</sup> Aristotle, *Politics*, xvi. I suggest this may not necessarily mean goods of passion (i.e. sex) but products and commodities that are produced by the work of the body.

<sup>203</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 104.

dangers of democracy “republicanism” was devised. It would be English republicanism, alongside classical liberal writers that influenced the American founders in the late eighteenth century. The ideas of republicans “provided instruction to the American Founding Fathers on how to stabilize modern revolutions,”<sup>204</sup> specifically the American Revolution.

[...] with the proliferation of populist ideas during the English civil wars, republicanism had to redefine itself in the light of the revolutionary power and demands of the excluded... A strategy had to be devised that would refine both the inclusiveness demanded by the Many and the claim to rule hitherto associated with distinctions of birth and wealth. English Republicanism... became the heir to classicalism’s antidemocratic ideology and perpetuated it as a tradition.<sup>205</sup>

The “consent” of the *demos* in the establishment of government was a compromise for republican thinkers, not because they supported democratic modes of governance, but because there seemed little recourse in keeping the people out of having some shared authority in the political matters of the state. The republican goal was to create a system that allowed for a political elite to remain in power, while at the same time have institutions and procedures that would *appear* to allow the people say in political matters. This would constrain the democratic impulses of the people, keeping them in check.<sup>206</sup> Liberal thinkers made use of democratic principles in order to manipulate the feasibility of their agenda, hence the element of democracy in liberal thought. However, it is clear that neither Hobbes nor Locke advocated democracy as a form of government. Locke posited that consent could effectively keep the state safe from popular-democratic rule *and* be used to establish the legitimacy of the state. This would incorporate antidemocratic elements into liberalism, although retaining the appearance of being democratic in practice. The device used to produce this sleight of hand was a constitution. In the United States, the “[...] constitution would attempt to republicanize monarchy and democracy, revitalizing and modernizing the one while devitalizing and archaizing the other.”<sup>207</sup> The U.S. Constitution is an “amalgamate [of] late modern republicanism with early modern liberalism while preserving both the principle of inequality in its racial form and the *illusion* of political and social equality.”<sup>208</sup>

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<sup>204</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 67.

<sup>205</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 68.

<sup>206</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 69.

<sup>207</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 72.

<sup>208</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 70. Italics added for emphasis.



The founders resolved ways to make the experiment of a “democratic-republic” make sense, in such revolutionary acts as “enlarging the sphere.”<sup>209</sup> Therefore, the founders successfully constrained the democracy of the *demos* through an ambiguous “republicanized” democracy, in the process establishing the *illusion* of universal equality. However, the latter sat uneasily alongside the institution of slavery in the south, and the rise of class divisions in the industrial north. “The [American] state [grew] steadily, aided by the centralizing impulses encouraged by periodic economic depressions and the total mobilization of society”<sup>210</sup> This hindered what could be called “local political” practice. Democracy became the feudal element, the counterprinciple to a new, postmodern regime.<sup>211</sup>

### *Requiem for Tocqueville*

Wolin’s conception of liberal democracy necessitates discussion of Alexis de Tocqueville’s *Democracy in America*. I suggest that it is Wolin’s *Tocqueville Between Two Worlds* where his overall thoughts on democracy reside. Tocqueville’s democracy goes beyond a mere description of a particular government to provide an analysis of the implications of democracy as an ideal and practice. Tocqueville views democracy not only as a form of government, but also as an *ethos* that permeates itself into ways of thinking, suggesting that democracy is not only a way of life, but “something closer to a mode of social and cultural domination.”<sup>212</sup> The question posed by Tocqueville is “whether liberalism [is] inherently flawed...its conception of political liberty [is] too weak to resist the corruption encouraged when the content of freedom [is] defined by liberal economic values.”<sup>213</sup> Democracy “presented a serious political problem precisely because it was a political concept in which the idea of a “whole” corresponded to the reality of an increasingly inclusive society...The serious question of democracy was whether the political demands that it placed upon the [masses]...made its

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<sup>209</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 94. According to Wolin: “An enlarged scale for politics was a momentous decision...It was symbolized by a radical switch in discourse, from a localist and decentered discourse or political theory to a centered one.”

<sup>210</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 80.

<sup>211</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 81.

<sup>212</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 251.

<sup>213</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 6.

workability uncertain. Hence instead of presenting a simple question of its forms, democracy might be a question of the political commitments of the [masses].”<sup>214</sup>

Tocqueville found American democracy distinctively “Cartesian.”<sup>215</sup> Democracy produced a political society that “traded meaning for uniformity,” describing democracy as a “massive social pressure...derived from the uniformity that paradoxically accompanies individualism.”<sup>216</sup> Crucial to this and a key feature of Tocqueville’s theory is what he described as the *equality of conditions*. “Equality of conditions functioned [to]...shape public mentality, the complexion of the laws, and the actions of the governors as well as the habits of the governed.”<sup>217</sup> This equality was the “pressure” that Tocqueville found to be a new form of modern power he called “social power.” This power did not need coercion to be effective, but transpired in the hearts and minds of Americans who, without any shared history or identity, spontaneously created them, yet lacking the meaningful substance of both qualities. This condition produced a *meaninglessness* that reduced the meaningfulness of social life:

For Tocqueville, the meaning-full resided in singularity, in the uncommon, in what stood out by virtue of having been cultivated: historicized singularity. The threat [was]...a certain overpowering...rule of sameness...Meaninglessness signified the defeat of particularity by repetition, reproduction, and ultimately, *domination*; it was a condition of being *overpowered*...sameness stands for the dehistoricized.<sup>218</sup>

Connected to this was the growth of political economy in America. “Materialized under the name of capitalism, the new theory was helping to reconfigure the conditions under which human life was being lived and the perceptions by which it was being understood.”<sup>219</sup> American liberal democracy did not eliminate meaning, but rather ignored it. It was inconsequential to the generation of “modern power” pressing towards totality in the capitalist economy. This manifested as “individualism” that emphasized sameness, mediocrity, and banality, creating the threat of democratization: democracy’s production of generality. It would not remove the possibility of tyranny, but precisely set up the preconditions for a new form of it:

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<sup>214</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 8.

<sup>215</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 89, 351, 355, 362. Based on Tocqueville’s analysis, Wolin suggests: “A Cartesian society would display discontinuity, disconnection, and loneliness – in short, the abyss of a collectivity without a shared identity...”

<sup>216</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 99.

<sup>217</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 124.

<sup>218</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 132. Italics added for emphasis.

<sup>219</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 133.

Democracy, as bourgeoisified in the postrevolutionary era, would reveal itself to Tocqueville as likewise inadequately endowed with concern for the political, but, unlike aristocracy, it threatened to become overgeneralized. Democratic equality is one way of promoting commonality, but bourgeois individualism can undercut equality while bourgeois competitiveness destroys both equality and solidarity. The consequence is the perversion of generality and the prelude to *democratic despotism*.<sup>220</sup>

Equality of conditions makes possible the most pervasive conformity, the majority “silences” independent thought. Liberal democracy abstracts the political element suggested by liberalism, and makes the combination of the two unproductive to popular democracy. “[It] represents the movement of an entire society toward a state of affairs in which the vast majority shares the same beliefs and aspirations, enjoys the same pleasures, is fixated upon practical concerns of which the pursuit of wealth is uppermost...”<sup>221</sup> As it becomes more democratized the potential for civic participation in a liberal democracy becomes stagnant, undeveloped:

Majority rule, which had represented the idea that the *demos* could rule, now is disembodied, no less a force though anonymous and unselfconscious... Democracy as political praxis dissolves and becomes incarnate in a “strange power,” [of] “public opinion.” It does not promote its beliefs by persuasion; it imposes them and causes them to penetrate the souls by a kind of immense pressure of the mind of all upon the intelligence of each.<sup>222</sup>

Democracy’s drive towards totality is seen in Tocqueville’s use of pantheism: a “myth of modernity, of a realized totality in which stability and assurance coexists with continuous change.”<sup>223</sup> The spectacle of American culture becomes the driver of modern industry, politics, and bureaucracy, increasing the speed of political life<sup>224</sup> hindering the deliberative character necessary for a vibrant participatory democracy. Tocqueville’s despotism is not the fear of majority rule, but of the incessant desires of the masses – the “tyranny of the majority” – which leaves them susceptible to accepting unconsciously, but willingly, despotism and domination. Tocqueville’s despotism is not a single individual using the arts of popular leadership to gain power, but the masses themselves creating a “despot” that is a reflection of themselves. This

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<sup>220</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 159-160.

<sup>221</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 308.

<sup>222</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 308.

<sup>223</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 315.

<sup>224</sup> David McIvor, “The Politics of Speed: Connolly, Wolin, and the Prospects for Democratic Citizenship in an Accelerated Polity,” *Polity*, no. 43 (2010): 17. McIvor suggests: “[...] to accept the accelerated rhythms of culture and economy would be to accept an anti-political ethos inherent to those systems, and turn democratic praxis into largely irrelevant shadow boxing.”

despotism does not tangibly exist but permeates the entire fabric of American life. Its essence is “the evils of banality.”<sup>225</sup> These “evils” allow despotism to manifest effortlessly, as a result of the accelerated pace of American-globalizing political cultural, and economic life.<sup>226</sup> America creates a democracy “safe for the world” that does “not prepare democratic man for political action but...[neutralizes] him.”<sup>227</sup> Despotism becomes stronger as the political becomes obscured; it becomes more visible as privatization becomes predominant. This despotism is perhaps the ultimate “political illusion” – the epitome of the idea I have attempted to convey throughout this study.

Tocqueville’s despotism is essentially the consequence of modernity’s opposition and tension with democracy. It is illuminated in the masses losing cognizance of the political, coming to prefer (and support) the privatization of public spaces and the isolation of their own social ties and preferences. The sublimation of the political and the paradox of privatization are represented in the depoliticalization of all political concepts. The despotism here is not the result of great upheaval by the people, but is welcomed by their economic and political choices:

[despotism] becomes...institutionalized, grounded in the congenial...camouflaged by modernity. It is a *democratic despotism*...Without its participatory elements, other elements of democracy’s culture can be reassembled...to become supports for political democracy’s opposite. Elements such as consensus are inverted and become conformism. Self-interest when rightly understood...[include] civic involvements; now it sheds them and evolves into the egoism of isolated beings. Equality, instead of serving as the symbol of the triumph of the Many...conspires unwittingly at their equal subjection.<sup>228</sup>

Tocqueville’s despotism would be impossible without considering modern industry, and the implications of Foucault’s biopolitics.<sup>229</sup> Depoliticalization is the impetus for the channeling of energy and skills away from the common good, toward private interests. The depoliticalization

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<sup>225</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 342.

<sup>226</sup> Sheldon S. Wolin, “What Time Is It?” *Theory & Event* 1, no. 1 (1997). According to Wolin: “[...] political time is out of synch with the temporalities, rhythms, and pace governing economy and culture. Political time, especially in societies with pretensions to democracy, requires an element of leisure, not in the sense of a leisure class (which is the form in which the ancient writers conceived it), but in the sense, say, of a leisurely pace...”

<sup>227</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 336.

<sup>228</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 345-346. Italics added for emphasis.

<sup>229</sup> Foucault, *The History of Sexuality, Volume I: An Introduction*, 140-142. Foucault suggests: “[...] bio-power was without question indispensable element in the development of capitalism; the latter would not have been possible without the controlled insertion of bodies into the machinery of production and the adjustment of the phenomenon of population to economic processes.”

of the state is the outcome of institutionalized political economy. This suggests how democratic values can lead democracy to become an auxiliary for capitalism.

American democracy perhaps leads citizens to unknowingly accept despotism and domination. Generally called *soft despotism*, “the oppression threatening democracies will not be like anything there has been the world before; our contemporaries would not be able to find any example of it in their memories.” Tocqueville’s prophetic vision declares “I see an innumerable crowd of men, all alike and equal, turned in upon themselves in a restless search for those petty, vulgar pleasures, with which they fill their souls. Each of them, living apart...the remainder of his fellow citizens, he stands alongside them but does not see them, he touches them without feeling them, he exists only in himself and for himself.”<sup>230</sup> Tocqueville is referring to the individualism produced by the democratic equality of conditions. Liberal-democratic man exists in isolation from his fellow citizens. There is no political, no commonness which unites them.

Despotism is “an immense and protective power which alone is responsible for looking after their enjoyments and watching over their destiny.” Tocqueville describes this despotism as “fatherly,” but gives no indication that it is a single individual or group. This power “prefers its citizens to enjoy themselves provided they have only enjoyment in mind.” Furthermore, this despotism “reduces daily the value and frequency of the exercise of free choice, it restricts the activity of free will within a narrower range and gradually removes autonomy itself from each citizen. *Equality* has prepared men for all this, inclining them to tolerate all these things and often even to see them as a blessing.”<sup>231</sup> Tocqueville concludes with the following:

Thus, the ruling power, having taken each citizen one by one into its powerful grasp and having molded him to its own liking, spreads its arms over the whole of society, covering the surface of social life with a network of petty, complicated, detailed and uniform rules through which even the most original minds and the most energetic of spirits cannot reach the light in order to rise above the crowd. It does not break men’s wills but it does soften, bend, and control them; rarely does it force men to act but it constantly opposes what actions they perform; it does not destroy the start of anything but it stands in its way; it does not tyrannize but inhibits, represses, drains, snuffs out, dulls so much effort that finally it reduces each nation to nothing more than a flock of timid and hardworking animals with the government as its shepherd.<sup>232</sup>

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<sup>230</sup> Tocqueville, *Democracy in America*, 805.

<sup>231</sup> Tocqueville, *Democracy in America*, 806. Italics added for emphasis.

<sup>232</sup> Tocqueville, *Democracy in America*, 806. Italics added for emphasis.

I suggest that liberal democracy leads the *demos* to fall victim to its own desires of freedom and pleasure, which in turn, are restricted and used against them. What Wolin and Tocqueville together provide towards an analysis of democracy is that it perhaps does not exist in America, nor does democracy exist as the form liberal democracy. Liberal democracy is perhaps a contradiction of terms, for neither term professes what they signify or mean. Although early-Wolin believes them to be compatible, it is only with careful precision that the tenets of liberalism do not outweigh or corrupt the practice of democracy.

Latter-day Wolin however perhaps has sided with Tocqueville. It appears he believes Tocqueville's despotism has become a reality, which I suggest is very similar to Schmitt's view of what modernity has culminated towards. I suggest that Wolin's analysis of Tocqueville's theory on democracy also reveals much about Wolin himself. Although differences between Tocqueville and Wolin exist, the similarities I believe are so abundant as to make their theories practically inseparable. Tocqueville employed "archaism" which is useful for Wolin in discussing the problematic of liberal democracy, revealing a "specific trauma" between (late) modernity and equality. Archaism is "a protest against what it exposes as the principle form of destructiveness inherent in modernity: the disconnectedness of existence." Tocqueville's despotism reveals the conquest of democracy through privatization, which Wolin characterizes as "postdemocratic." Similar to Tocqueville's requiem for the aristocracy of his day and age, archaism suggests to Wolin that "the passing of democracy" (perhaps into its "fugitive" form) in late modernity is not "an entrance into a time of *postdemocracy*" but an experience of freedom from an impossible obligation that...could never be met.<sup>233</sup>

### *Postdemocracy / The Moment Ends*

"Fugitive Democracy" is Wolin's epitaph for democracy. It effectively reduces the political, the possibility of restoring a vital democracy, and therefore a shared commonness in liberal-democratic societies. Wolin's *The Presence of the Past* indicates the shift in Wolin's thinking from the political towards "fugitive democracy." Throughout *Presence*, Wolin suggests that democracy "involves more than participation in political processes: it is a way of constituting power."<sup>234</sup> Democracy is supposed to be a relationship of solidarity and reciprocity

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<sup>233</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 566-567.

<sup>234</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 154.

between the *demos* and the state through civic participation in political matters and the experience of politics in the state. The citizen, according to Wolin, “should be the main actor in a democratic society.”<sup>235</sup> However, the reality is far from the ideal Wolin desires. Wolin believes we have entered a new form of *Staatsrason*, which translates in English to “reason of the state.”<sup>236</sup> In its new form *Staatsrason* becomes the systemization of the state.<sup>237</sup> This latter view can be generalized as the sublimation of the political, but also recalls, I suggest, Schmitt’s theory on the state of exception. This perhaps provides a glimpse into Wolin’s own view of a “permanent state of exception,”<sup>238</sup> in vein of what has been posited by Giorgio Agamben.

Wolin underscores the paradox of privatization. “What in fact occurs through privatization is not the elimination of power but *the elimination of politics*, that is public discussion and argument over how power is used, for what ends, and who is responsible.”<sup>239</sup> Without the proper participatory elements available to the *demos*, the substance and meaning of the U.S. Constitution becomes anachronistic and superfluous. Essentially, “the forms of power which have been developed in this country far exceed the power capacity envisioned by the Constitution.”<sup>240</sup> The problem in “politics” is that the American people “are unable to recognize the nature of state power because they have been taught a certain common sense that identifies state power exclusively with government regulation.”<sup>241</sup> But as Wolin suggests, it is through privatization that society is misled and in which the state gains greater power.

“Operation democracy” is an early formulation of “Superpower.” It refers to “democracy both as an objective or end that justifies the use of state power.”<sup>242</sup> Furthermore, “Its essence is

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<sup>235</sup> Wolin, “Democracy, Difference, and Re-Cognition,” *Political Theory* 21, no. 3 (1993): 465.

<sup>236</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 163. According to Wolin, *staatsrason* is: “A notion that historically has provided the justification for a particular type of extraordinary state action. It claims that whenever the vital interests of the state are threatened, rulers should be allowed great latitude in exercising power, even when they violate the legal and moral restraints that ordinarily limit their actions.”

<sup>237</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 172. According to Wolin: “[this] refers to the expansion of the state to include much that previously been viewed as private, from education to sexual reproduction. It is not merely that the state “intervened” in numerous domains; it has sought to coordinate the domains themselves.”

<sup>238</sup> Walter Benjamin, *Illuminations* (New York: Schocken Books, 1968). Andrew W. Neal, “Cutting Off The King’s Head: Foucault’s *Society Must Be Defended* and The Problem of Sovereignty,” *Alternatives*, no. 29, (2004): 374. Idea borrowed from “Thesis on the Philosophy of History.” Benjamin argues that we have entered a period of history where the exception has become the norm, plunging us into a “permanent state of exception.”

<sup>239</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 182. Italics added for emphasis.

<sup>240</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 182.

<sup>241</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 186.

<sup>242</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 192.

to use democracy to promote the ends of American foreign policy, and, ostensibly, to use foreign policy to promote democracy.”<sup>243</sup> This appears throughout the remainder of Wolin’s latter-day work, and I suggest bears a striking similarity to Schmitt’s fear of liberalism leading to an economic imperialism. When a presupposed democratic society uses democracy to “fit the needs of its global empire” internationally or domestically, that society sees its politics “inevitably accompanied by bureaucratic administration, centralization of power, the elevation of elites, the passivity of the citizenry, and the erosion of participatory politics.”<sup>244</sup> Thus, democracy used for imperial purposes suggests that democratic practices on the home front are reduced and thinned to a “vanishing point,” becoming formulistic and formulaic.

These thoughts, I suggest, led Wolin to reconceptualize “democracy” based in part on his earlier work exploring “the political.” In “Fugitive Democracy,” he makes the two concepts synonymous with each other. When democracy appears from its fugitive shadows it manifests as violence, uprising, in groups of people demanding grievances from government, that is when the political is witnessed, but only momentarily. Kateb suggests that when fugitive democracy occurs, it is a *focused rage* against inequality and injustice. However, it is often suppressed quickly and the moment ends, hence the episodic and rarity of its happening. To be certain, this does not mean when fugitive democracy occurs it will always be unsuccessful, nor futile. However, fugitive democracy is not without its critics. For example, George Kateb’s “Wolin as a Critic of Democracy” from Botwinick & Connolly’s *Democracy and Vision: Sheldon Wolin and the Vicissitudes of the Political*. I would like to discuss this particular essay for it perhaps reveals characteristics of Wolin’s “fugitive democracy” that may otherwise go unnoticed.

Wolin’s concept of *fugitive democracy* is first underscribed and need of clarification. Second, Wolin is perhaps more contradictory than a surface reading would suggest – moments when his desire for greater civic participation or a more pure form of democracy in the United States is stipulated with statements that seem counter to Wolin’s goals.<sup>245</sup> Although Wolin may have been unenthusiastic about Foucault’s seemingly “no-exit” attitude from the ineradicable disciplines of modern experience, Kateb suggests Wolin falls prey to Foucault’s “no-exit”

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<sup>243</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 192.

<sup>244</sup> Wolin, *The Presence of the Past: Essays on the State and the Constitution*, 200.

<sup>245</sup> George Kateb, “Wolin As A Critic of Democracy,” in *Democracy and Vision: Sheldon S. Wolin and the Vicissitudes of the Political*, ed. Aryeh Botwinick and William E. Connolly (New Jersey: Princeton University Press, 2001), 39.



thinking. This becomes an underlying theme of what Wolin's "fugitive democracy" stands for. The salient question is what represents a genuine democracy to Wolin? The idea of "democracy" in the United States for Wolin is a fiction, an empty term that does not adequately portray what or how the political system in the U.S. operates. Democracy is not fully actualized in the United States since it is a political system based on representation – that is, we elect candidates for political office to "represent" us in Congress through a plurality voting system,<sup>246</sup> which means whoever has a majority of votes, wins, regardless of margins or voter turnout. Representation does not equal a genuine democracy to Sheldon Wolin.

First, unless citizens participate directly in the political matters of society, it is not a democracy. This reflects Wolin's "polis envy." For Wolin, democracy means something more than voting or representation: it is integral to the development of citizen's political dignity, education, and quality of citizenship. Second, recalling Madison's *The Federalist* #10 to "enlarge the sphere,"<sup>247</sup> the scale and structure of the United States precludes a truly participatory democracy. Wolin suggests this was done purposively to counter the radical democratic impulses of the masses. More than the scale however, is the structure that predominates it: a capitalist political economy. Representative democracy is an illusion for legitimacy to cover up the fact that elections are bought by the wealthy. The second reason leads to the third: Democracy is destroyed not only by capitalism, but also by the functioning of the state itself. Bureaucracy in a myriad of forms becomes totalizing towards every facet of political experience, multiplying in order to generate more power systematically. Because of these reasons, fugitive democracy is the only form of democracy possible. When all three are taken together perhaps there is "no exit" in Wolin's theory on democracy in late modernity.

For Kateb it appears that regardless of whether or not Wolin is presented with a state of genuine democracy, neither the former nor the latter fugitive version will satisfy Wolin's criteria. Fugitive or genuine, democracy is either "too good" or "not good enough" for the American people. Regardless of its effectiveness, fugitive democracy is better for Wolin than no democracy at all. Furthermore, Kateb suggests Wolin prefers fugitive democracy to that of a

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<sup>246</sup> Nelson W. Polsby and Aaron Wildavsky, *Presidential Elections: Strategies and Structures of American Politics* (Plymouth: Rowman & Littlefield Publishers, Inc. 2008).

<sup>247</sup> Alexander Hamilton, James Madison, and John Jay, *The Federalist* (New York: Cambridge University Press, 2003).

genuine democracy because it resembles Wolin's sentiments as a radical democrat. Four reasons perhaps support this position.

The first is the deficiency inherent in the administration and institutionalization of democracy. A constitution is the "institutionalization" of democracy. It is a "form" that overpowers "content," and results in a reduced democracy. To Wolin, this is not good enough for the American people as it confines the notion of what democracy is and / or could be. The second reason is localism. However, Wolin appears to recant this in later works. Third, democracy in America perpetuates established notions of economic and social inequality. To Wolin, modern democracy creates, put crudely, "undemocracy." Fourth, due to the extent in which capitalism and technology are embedded in the American way of life, "false consciousness"<sup>248</sup> now envelops the American people. Thus the *demos* itself is not good enough for democracy, even if it were genuine. Absorbed in selfishness, genuine democracy would lead to chaos and a political order worse than the one Wolin already perceives.

Kateb's criticism regarding Wolin's pessimism is a moot point. This is not to say that I condone outright negativity, yet considering Wolin's view of politics today, there is perhaps no way around the "darker" implications of his theories. However, this does not indicate that we should not attempt to overcome the pessimism of Wolin (or Foucault's) ideas. What Wolin wants, I suggest, is a state based strictly on "the political." Perhaps Wolin is pointing towards an aspect of democracy that is too hard to swallow? A way of explaining in a scholarly fashion that the American political system is charade, democracy an illusion for legitimacy when, as Wolin suggests, the United States is not democratic but is built upon perpetuating inequality and is controlled by the wealthy? Perhaps Wolin is simply stubborn?

Wolin's most recent work continues to explicate these themes. The expanded edition of *Politics and Vision* opens with a discussion of "inverted totalitarianism,"<sup>249</sup> a phenomenon he

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<sup>248</sup> Herbert Marcuse, *One-Dimensional Man* (Boston: Beacon Press Books, 1964), 12. According to Marcuse: "The products indoctrinate and manipulate; they promote a false consciousness which is immune against its falsehood. And as these beneficial products become available to more individuals in more social classes, the indoctrination they carry ceases to be publicity; it becomes a way of life. It is a good way of life – much better than before – and as a good way of life, it militates against qualitative change. Thus emerges a pattern of one dimensional thought and behavior in which ideas, aspirations, and objectives that, by their content, transcend the established universe of discourse and action are either repelled or reduced to terms of their universe. They are redefined by the rationality of the given system and of its quantitative extension."

<sup>249</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, xvi. According to Wolin this is "[...] an extreme ideal-type in order to identify certain tendencies towards totalizing power."

believes corresponds to the rise of the American “superpower democracy.”<sup>250</sup> This formulation is to reconcile the positive attributes that remain in American liberal democracy, while contending with the overwhelming negative qualities of U.S. imperialism overseas and lack of concern for social and political problems domestically. Both of these terms represent the overarching “postmodern power” suggested to be the current and most dangerous threat to participatory democracy. In the final chapter, we find Wolin coming to terms with the dominance of domestic and global capitalism. Capitalism has weakened the public utility of the state. Privatization has given multinational corporations increasingly more power in matters of the federal government now indispensable to domestic and international politics. Coinciding with this privatization is the reduction of democratic sensibilities among the public.

Although democracy continues to be invoked by politicians, Wolin suggests this is not to indicate its vibrancy, but to support a “myth that legitimates the very formations of power which have enfeebled it. The actual weakness of democracy is the consequence...of a judgment that democracy can be managed and, when necessary, ignored. The strategies are as anti-representative as they are anti-democratic.”<sup>251</sup> Not only in this example, but also in the popular distrust (and for some absolute hatred) of government is another sign that liberal democracy is problematic. “Thus the paradox: while democracy is widely proclaimed as the political identity of the American system, the *demos* is becoming disenchanted with the form that claims it. Disaffiliation is one of the marks that identify the state not only as postdemocratic but as postrepresentative.”<sup>252</sup>

America in late modernity is not about the genuine practice of democracy but the administration and institutionalization of it; transformed to promote a set of procedures that render political and economic processes calculable and controllable. “When democracy is settled into a stable form...it is also settled down and rendered predictable. Then it becomes the stuff of manipulation: of periodic elections that are managed and controlled, of public opinion that is

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<sup>250</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, xvi-xvii. For Wolin: “Superpower might be defined as expansive system of powers that accepts no limits other than those it chooses to impose on itself. Its system blends the political authority of the ‘democratic’ state, de jure power, with the powers represented by the complex of modern science-technology and corporate capital. The distinctive element that these de facto powers contribute to Superpower is a dynamic, a driving force. They are cumulative, continually evolving into new forms, self-reviving. Their effect is to change significantly the lives not only in the ‘homeland’ but in near and distant societies as well.”

<sup>251</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 601.

<sup>252</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 601.

shaped, cajoled, misled, and then polled, and of a legal system that dictates how much democracy is to be permitted.”<sup>253</sup> Wolin concludes that democracy is “*perennially outspent and overmatched.*” His solution is to first re-envision democracy – democracy viewed as an experience, an ethos that incites what is common to all citizens. Second, democracy should return to a form of “localism.” Localism for Wolin has the best chance of renewing direct civic participation and political experience. The task in the era of Superpower is not to arouse “the civic conscious of the nation” (Gramsci), but to nurture “the civic conscience of society.”<sup>254</sup> Perhaps what Wolin emphasizes as at stake is the recreation of meaningful civic participation and political experience in opposition to Superpower and the *arcana imperii* of “political illusions.” The choice is “between two forms of politics, Superpower and democracy.”<sup>255</sup> Considering the latter, Wolin laments that:

[...] What is at stake in democratic politics [in the United States] is whether ordinary men and women can recognize that their concerns are best protected and cultivated under a regime whose actions are governed by principles of commonality, equality, and fairness, a regime in which taking part in politics becomes a way of staking out and sharing in a common life and its forms of self-fulfillment...<sup>256</sup>

## II. Carl Schmitt & The Fate of Democracy

Both Schmitt and Wolin distinguish democracy and liberalism in order to analyze each concept with more clarity. For both theorists “[...] far from forming a harmonious pair, liberalism and democracy [are] antagonistic programs.”<sup>257</sup> To provide Schmitt’s “theory of democracy” it is necessary to return to *The Crisis of Parliamentary Democracy*, his conception of sovereignty and its relationship to liberal constitutionalism. Similar to Wolin, Schmitt believes constitutions are devices that “have consumed and legally tamed the political energies which enabled its creation,”<sup>258</sup> therefore the democratic impulses and representation of the *demos*. Towards the political, Schmitt notes (citing Burckhardt) democracy “blurs the boundaries” between the distinct ‘domain’s of state and society, resulting in “the inner contradiction of democracy and the liberal constitutional state...[the state] should be able to do everything, yet

<sup>253</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 602.

<sup>254</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 604.

<sup>255</sup> Wolin, *Democracy Inc: Managed Democracy and the Specter of Inverted Totalitarianism*, 260.

<sup>256</sup> Wolin, *Democracy Inc: Managed Democracy and the Specter of Inverted Totalitarianism*, 260

<sup>257</sup> Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*, 68.

<sup>258</sup> Ulrich K. Preuss, “Political Order and Democracy: Carl Schmitt and His Influence,” 157.

allowed to do nothing...The state's form thus becomes increasingly questionable and *its radius of power even broader*.<sup>259</sup> Although Schmitt concurs with Wolin on constitutions, Schmitt differs from Wolin by going deeper into an analysis of constitutional law to find the greater problematic of liberal democracy in respect to the general will of the people.

### *The General Will*

Schmitt appears to share much in common with Rousseau, and therefore I suggest with Wolin. "The essence of the democratic principle," for Schmitt, "is the assertion that the law and the will of the people are identical."<sup>260</sup> As a "serious man," Schmitt's theory on democracy presented in *Crisis* is his attempt to graft his decisionism onto to democracy. This pertains to the identity of rulers and the ruled, the demos and their "representatives," but also the system of elections and the law. Democracy entails a distinction between the quantitative and qualitative. Democracy pertains to the majority vote, which is quantitative; it also speaks to a sense of justice, which is qualitative. The latter reflects Schmitt's affinity for Rousseau's homogeneity of the general will, which provides the legitimacy of the state. "The democratic identity of the governed and governing arises from that, it can only exist in concerto."<sup>261</sup>

To be clear, this homogeneity should not be thought of in the sense of uniformity, or *Herrenvolk*. Rather, this homogeneity is rooted in his conception of the political: the people of the state should be united for the common good of the whole community – which is essentially Wolin's core argument in a nutshell. Liberalism however prevents this national unity and stands in the way of democratic equality in its conception of persons as individuals. Furthermore, liberalism produces "mass democracy" creating the apprehension Schmitt feels towards the bourgeoisie who could now come to power in Weimar's democracy. Moreover, is how mass democracy instills apolitical attitudes upon the masses. "The decisive conflict is between political solidarity and apolitical, liberal individualism: The negation of the political...is inherent in every consistent individualism."<sup>262</sup>

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<sup>259</sup> Schmitt, *The Concept of the Political*, 23-24. Italics added for emphasis. Note how this corresponds to Wolin's discussion of the increasing reach of the state through privatization.

<sup>260</sup> Schmitt, *The Crisis of Parliamentary Democracy*, xxxii-xxxiii. From the introduction by Ellen Kennedy.

<sup>261</sup> Grigoris Ananiadis, "Carl Schmitt and Max Adler: The Irreconcilability of Politics and Democracy," in *The Challenge of Carl Schmitt*, ed. Chantal Mouffe (London: Verso, 1999) 126.

<sup>262</sup> Norris, "Carl Schmitt on Friends, Enemies, and the Political," 77.

*Crisis* opens with Schmitt declaring “The history of political and state theory in the nineteenth century could be summarized with a single phrase: the triumphal march of democracy.”<sup>263</sup> Democracy is viewed by Schmitt as “an irresistible advancing and expanding force,”<sup>264</sup> having no “content,” and is only a “form” that any government (good or bad) could give whatever substance it wished.<sup>265</sup> Democracy is not a form of government but is rather “opportunistic” for it can attach itself to other forms of government, “occupying no necessary position on the political spectrum, being based entirely on the open-ended idea that government is legitimate to the degree that its actions reflect the will of the people.”<sup>266</sup> On one hand, democracy can serve the purposes of a good form of government (however that good is defined). On the other, it could serve the purposes of a bad form of government.

Schmitt contends that democracy is essentially based on “identities.” “[...] the fundamental conception that all democratic arguments rest logically on [is] a series of identities.”<sup>267</sup> Perhaps the most salient of these is majority versus minority. In a plurality representative system, identity is never fully defined. This contradicts Schmitt’s criterion of Rousseau’s homogeneity:

Rousseau’s theory of the general will expresses a fundamental truth about the nature of political legitimacy in a modern democracy: the will of the people is anterior to any constitution; therefore no constitution can be considered the definitive form of the popular will. This is because the existence and intrinsic legitimating authority of the people is partially outside any written scheme of constitutional norms.<sup>268</sup>

The problem with democracy for Schmitt is that it presents the serious question regarding the identity of the *demos* and its effective representation in government institutions. Democracy can never create the homogeneity of the citizens because of the individualism it produces. Democracy produces an ethos that precludes the general will of the people from ever forming. “Identity,” then, is the single factor that determines the quality and content of democracy depending on the form of government it is combined with. Regardless of government, liberal

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<sup>263</sup> Schmitt, *The Crisis of Parliamentary Democracy*, 22.

<sup>264</sup> Schmitt, *The Crisis of Parliamentary Democracy*, 24.

<sup>265</sup> Schmitt, *The Crisis of Parliamentary Democracy*, 25. According to Schmitt: “A democracy can be militarist or pacifist, absolutist or liberal, centralized or decentralized, progressive or reactionary, and again different at different times without ceasing to be a democracy.”

<sup>266</sup> Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*, 70.

<sup>267</sup> Schmitt, *The Crisis of Parliamentary Democracy*, 26.

<sup>268</sup> Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*, 95.

democracy precludes “an absolute, direct identity that is actually present at every moment.”<sup>269</sup> Without this identity, there will always remain inequality. Without commonness, disinterestedness in the matters of the state, the *demos* will effectively turn on itself. “Democracy seems fated then to destroy itself in the problem of the formation of the general will...”<sup>270</sup>

### *A Mass Democracy of Mankind*

It is not the ideal of democracy that Schmitt is upset over; it is the form of it as distilled or produced when attached to liberalism. What irritates Schmitt is the *illusion* of democracy in a liberal society. Recalling what was presented in chapter one, liberalism claims equality, but is inherently unequal. Democracy becomes liberal democracy and continues its drive “triumphal march” through history, becoming the impetus, perhaps, to the last war of humanity in establishing itself throughout the world in the name of equality. This will be done according Schmitt, through liberal “economic imperialism.” The salient point is that liberal democracy presupposes the idea of “universal and equal suffrage.” In the second preface of *Crisis* Schmitt presents his thoughts on the matter:

Universal and equal suffrage is only...the consequence of a substantial equality within the circle of equals and does not exceed this equality. Equal rights make good sense where homogeneity exists. But the “current usage” of “universal suffrage” implies something else: Every adult person, simply as a person, should *eo ipso* be politically equal to every other person. This is a liberal, not a democratic idea; it replaces formerly existing democracies, based on a substantial equality and homogeneity, with a democracy of mankind. This democracy of mankind does not exist anywhere in the world.<sup>271</sup>

It appears liberalism would create something in Schmitt’s view cannot and should not exist: a democracy of mankind. “Schmitt rejects the idea that the general equality of mankind could serve as the basis for a state or any form of government. Such an idea of human equality – which comes from liberal individualism – is...a non-political form of equality...it does not provide any criteria for establishing institutions.”<sup>272</sup> Schmitt fears that wars will be fought on the basis of “universal” values. These values, as wars, will be decided by those who are seen in the right, viewed as “world policeman” arresting “criminal” states that break international law that does

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<sup>269</sup> Schmitt, *The Crisis of Parliamentary Democracy*, 27.

<sup>270</sup> Schmitt, *The Crisis of Parliamentary Democracy*, 28.

<sup>271</sup> Schmitt, *The Crisis of Parliamentary Democracy*, 10-11.

<sup>272</sup> Chantal Mouffe, “Carl Schmitt and the Paradox of Liberal Democracy,” *Canadian Journal of Law and Jurisprudence* 10, no. 1 (1997): 22.

not exist and has no relevance in an anarchic world outside the state.<sup>273</sup> Democracy is confined within a sovereign state; therefore it cannot be spread all over the world. In this sense, “democratization” is misleading and perhaps is used for purposes that have nothing to do with establishing participatory modes of governance but rather control. Universal equality would imply there is no inequality, and therefore would result in a “conceptually and practically meaningless, an indifferent inequality.” Furthermore, “the sphere of the political and therefore politics itself would also be devalued in at least the same degree, and would become something insignificant.”<sup>274</sup> Moreover:

Equality would have been robbed of its value and substance, because the specific meaning that it has as political equality, economic equality, and so forth... would have been taken away... However great an injustice it would be not to respect the human worth of every individual, it would nevertheless be an irresponsible stupidity, leading to the worst chaos and therefore to even worse injustice, if the specific characteristics of various spheres were not recognized...<sup>275</sup>

Towards the political, universal democracy would destroy the conception itself, since the political presupposes the concept of the state. A democracy of mankind, if it were created, would find all legal distinctions lost, and a whole new legal order would come to be. To Schmitt, nothing could compare to the “worst chaos” of political instability and questioning of legitimacy that would follow in the establishment of an international world order of universal democracy:

[...] the distinction between ‘decision,’ ‘force,’ and the ‘rule of law’... is based on a blithe and simple illusion. What agitates Schmitt *is not the force, but the deception*. More precisely, what agitates Schmitt is what he perceives to be *the elimination of politics in the name of a higher legal or moral order*. In its claim to a universal, normative, rule-bound validity, the liberal sleight-of-hand reveals itself to be not the opposite of force, but a force that outlaws opposition. In resurrecting the notion of sovereignty, therefore, Schmitt sees himself as one who rescues a legitimate notion of politics.<sup>276</sup>

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<sup>273</sup> Schmitt, *The Concept of the Political*, xxii-xxiii. From the Forward by Tracy B. Strong. According to Strong: “Schmitt wants here to remove from politics, especially international politics but also internal politics of an ideological kind, any possibility of justifying one’s action on the basis of a claim to universal moral principles. He does so because he fears that in such a framework all claims to good will recognize no limits to their reach. And thus, this century will see... wars to determine once and for all what is good for all, wars with no outcome except an end to politics and the elimination of all difference.”

<sup>274</sup> Schmitt, *The Crisis of Parliamentary Democracy*, 12.

<sup>275</sup> Schmitt, *The Crisis of Parliamentary Democracy*, 11.

<sup>276</sup> Rasch, “Conflict as a Vocation: Carl Schmitt and the Possibilities of Politics,” 10. Italics added for emphasis.



## *Democracy and Restraint*

In chapter one I briefly mentioned Schmitt's contention with liberal constitutionalism, or rather constitutional democracy. Like Wolin, Schmitt believes that if democracy is to be established as a form of government, "[it] must be the unconstrained expression of the will of the people."<sup>277</sup> However, liberal constitutionalism in Schmitt's view would be "undemocratic" because it is essentially a constraint on democracy. Liberal constitutionalism then, "would indeed be either a mere legal fiction without any binding force, or a method of taming and inhibiting real democracy."<sup>278</sup> Furthermore, liberal constitutionalism removes the title of sovereign from the state, and therefore the possibility of an identifiable "ruler" who makes the decision(s) on the exception, that makes the distinction between "ruler" and "ruled" ambiguous. For Schmitt, liberal constitutionalism betrays the notion of sovereignty as he who decides the exception:

[...] liberal constitutionalism emerged as a negation of these sovereign claims of absolute power. According to the liberal thinking... the law was not the product of the sovereign's command: rather, *the state was the product of the law*, brought into being... in the constitutional document and its power divided amongst different state organs. Central to this subordination... was the elimination of discretion and arbitrariness from the legal system: the rule of law would allow the state to operate like a "technically rational machine." In the liberal rule... all power is to be subordinated to pre-existing norms, a state 'in which not men and persons rule, but rather where norms are valid.'<sup>279</sup>

Perhaps Schmitt wants law and legitimacy to come from the formation of the general will of the people, and not *pre-existing norms*. It *ought* to be the people who decide upon laws, and not the other way around. What Schmitt wants in a "ruler" is somewhat unclear, but this perhaps can be discerned from *Die Diktatur* which plays a part in making sense of Schmitt's agitation. There are two forms of dictatorship: the first, Bodin's "commissarial dictatorship," is not at issue. It is the second form as it appeared in during the French Revolution, that Schmitt describes as a "sovereign" dictatorship. It resembles Rousseau's general will.<sup>280</sup> "The dictator owes his commission to the constitutive power of the people... his power is conditioned. The people

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<sup>277</sup> Bielefeldt, "Carl Schmitt's Critique of Liberalism: Systematic Reconstruction and Countercriticism," 33.

<sup>278</sup> Bielefeldt, "Carl Schmitt's Critique of Liberalism: Systematic Reconstruction and Countercriticism," 33.

<sup>279</sup> McLoughlin, "Crisis, Modernity, Authority: Carl Schmitt on Order and the State," 137. Italics added for emphasis.

<sup>280</sup> Rousseau, *The Social Contract*, 69. According to Rousseau: "The general will alone can direct the forces of the state in accordance with that end which the state has been established to achieve – the common good... It is what is common to those different interests which yields the social bond... it is precisely on the basis of common interest that society must be governed."

however...are “formless” its will is unclear. This is necessarily the case for had it been otherwise, the people’s power would have been already *constituted* as opposed to *constituting*.<sup>281</sup> The sovereign “rule” must exist prior to a constitution, prior to “forming” a people. A dictatorship, by Schmitt’s definition, is one that is first sovereign, and second, able to form the political will of the people for the legitimacy of the state. From his *Constitutional Theory*, Schmitt states:

The concrete, collective condition of political unity and social order of a particular state...functions according to a state will. The state is constitution, in other words, an actually present condition, a status of unity and order. The state would cease to exist if this constitution, more specifically, this unity and order, ceased to exist. The constitution is its ‘soul’, its concrete life, and its individual existence.<sup>282</sup>

Schmitt suggests a constitution springs from the sovereign political will of the people *prior* to its ratification. Therefore, a liberal constitution itself cannot establish this will on its own. “[...] a constitution has to have a foundation in a political will which has to pre-exist it: this presumption of anteriority is made in order to justify the establishment, interpretation, and alteration of the constitution.”<sup>283</sup> Furthermore, the state should not be held together by a document that limits the *demos* in the matters of the state. Perhaps the Weimar Constitution and the way Wolin criticizes the U.S. Constitution share a similarity regarding the constraint of the *demos*, and the lack of legitimacy in the absence the political will of the people?

If liberal constitutionalism undermines the sovereignty of the state, then liberal rule of law to Schmitt is an illusion. First, if the political will is constrained, power divided among institutions, then the state is not legitimate for Schmitt. “The cultural identity of the *demos* was politically significant only as the basis of the ‘general will’, whose existence had to be presumed if laws were to be legitimate in a democracy.”<sup>284</sup> Second, “Schmitt’s point is that the state of exception cannot be defined and regulated in conformity to abstract legal principles, because these principles by their very nature are unable to determine in advance the scope of political power that is needed to deal with a unique and unpredictable crisis.”<sup>285</sup> As a “serious man,”

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<sup>281</sup> Grigoris Ananiadis, “Carl Schmitt and Max Adler: The Irreconcilability of Politics and Democracy,” 123.

<sup>282</sup> McLoughlin, “Crisis, Modernity, Authority: Carl Schmitt on Order and the State,” 141. From Schmitt’s own *Constitutional Theory* published by Duke University Press in 2008.

<sup>283</sup> Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*, 93.

<sup>284</sup> Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*, 71.

<sup>285</sup> Heiner Bielefeldt, “Carl Schmitt’s Critique of Liberalism: Systematic Reconstruction and Counter-criticism,” 26.

Schmitt views the decision on the exception as the crucial element regarding the legitimacy of the state, something that in Schmitt's view liberals have either forgotten or ignored.

Schmitt is worried about "particulars," the indistinction between the sovereign will of the people, and the sovereignty of the state. What is at issue is the unity of the political order and the will of the people as a whole.<sup>286</sup> How can the *demos* know its real share of democratic power in a state that limits it, divides participation and decisions between institutions that are perhaps illegitimate and not in the interests of the people? For example, who decides changes to the constitution? To Schmitt, it is only the people who could change a state's constitution:

Schmitt believed that the unlimited power of the sovereign people could never be fully identified with the limited legislative power of those bodies within the constitution authorized to represent the people...the constitution could not be altered by the legislative power which the constitution itself establishes. While the people as the ultimate sovereign power, cannot be bound to any form of government, and is free to decide which it will have, the people as represented by the legislative power is bound to the constitution-founding manifestation of its sovereign will...this is the real meaning of Rousseau's otherwise enigmatic claim that the general will cannot be represented. Only the people as a 'whole' that is, the general will – can change the constitutional law.<sup>287</sup>

What this suggests is that essentially, democracy is an illusion for Schmitt if the people do not share in the political decisions of the state. Even a constitution cannot proscribe limits on the participatory power of the citizens, since it is the will of the *demos* to which both the state and its constitution are contingent upon. Schmitt's argument against liberal democracy is essentially that it makes clear-cut distinctions of political order ambiguous and indecisive, leaving the state vulnerable to dissolution. This creates an anxiety about the stability of the political order. Liberalism prevents the sovereign from making the crucial decision on the exception, and perhaps more importantly, it is antagonistic to the real practice of democracy.

However, this does not suggest Schmitt is an advocate of democracy. Rather, it requires that we consider once again Schmitt as "a serious man." What is clear is that Schmitt wants clear-cut distinctions regarding the sovereign and political order. Keep in mind Schmitt does not view *this* dictatorship negatively. Democracy for Schmitt could perhaps be described as one of several options available, but by no means the first or best choice for a form of government. Perhaps Schmitt simply wants a democracy that is a democracy? It might be no matter to Schmitt

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<sup>286</sup> McLoughlin, "Crisis, Modernity, Authority: Carl Schmitt on Order and the State," 146.

<sup>287</sup> Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*, 95.

the academic what type of government a state has, just as long as its law is clear in all matters regarding the people, the sovereignty of the state, and who decides the decision on the exception. I suggest, simply put, if democracy is to be instituted, Schmitt wants democracy in its absolute, unconstrained form.

Furthermore, the path to a genuine democracy for Schmitt reads similar to a set of precise instructions: there must be a sovereign to facilitate a pre-constitutional general will that is necessary to institute a genuine democracy. Most importantly perhaps, there must exist a sovereign to decide on the exception when and if it arises. Liberal constitutionalism can include who this ‘decider’ is, but more often than not for Schmitt, it leaves the decision and the essence of the state to be embodied in the constitution itself, and not in the people. Liberal democracy placates the people in a system that is neither democratic nor legitimate because the legitimacy of the state does not emanate from the people.

Examined in Chapter One, mass democracy is the result of liberalism unhinged. Modern liberalism produces “mass democracy” through claims of universal rights. Not only are too many apolitical citizens, there are too many diverse interests. “Mass democracy” prevents liberal-democratic institutions from representing and fulfilling the will of the people. Private, bourgeois “corporatism” has invaded parliamentary chambers, using rules and procedures of deliberation in order to maintain the status quo. Reason cannot be equated with truth brought through the liberal tenets of openness and discussion. Compromise is not good enough for Schmitt – he wants decisive final decisions. Since openness and discussion never concerns the people or the state, but only the private interests of the few, important legal and political questions will never be resolved, and thus state legitimacy is at constant risk.

What is key for Schmitt (of course) is his concept of the political. Liberalism attempts to eliminate the political and therefore politics. Liberalism complicates everything resulting in a political system that is incoherent, unjustified, illegitimate, and vulnerable to liquidation. Therefore, nothing about political society can be decisive, and uncertainty abounds. Schmitt laments that the lack of distinction, alongside competition and discussion, coalesce together to form the “comprehensive, metaphysical system” of liberalism that envelops and assimilates citizens, evident in what matter’s most in liberalism: self interest and economic production. Perhaps the fate of democracy in a liberal society is a “mass democracy” of consumers with little interest above satisfying those desires of luxury and leisure? Democracy becomes a means of

economic manipulation over the masses? The absence of the political leaves what should be decisive state matters in the hands of private interests and the economy. “In doing so, they deprive state and politics of their *specific meaning*.”<sup>288</sup> This is perhaps the key to all of Schmitt’s contentions – the lack of specific political meanings as a result of liberalism – that which hinders realizing the political at the individual, community, state, and national level. Taken together, democracy as practiced in liberal societies is ultimately an illusion to placate the masses, perhaps used to perpetuate and establish a globalizing, capitalist economy the world over. Democracy in a liberal society is a charade, and works to obscure the political.

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<sup>288</sup> Schmitt, *The Concept of the Political*, 72.

## Chapter Four: Conclusions

What Schmitt and Wolin share in common in regards to liberalism is that they consider it responsible for the *sublimation of the political*. For both theorists, liberalism negates the political. Liberalism induces the idea that the political can be suppressed, that politics can become wholly unnecessary – both fear the elimination of politics. They appear to concur that liberalism reduces the level of civic participation among the *demos* through the depoliticalization / privatization of the public realm. This paradoxically strengthens state power through the private realm. Schmitt’s hostility to bourgeois “corporatism” and Wolin’s apprehension over private sector-corporate influence in government are similar to one another. For both it appears the panacea is the restoration, rescue, or realization of the political. Although the two differ in the manner in which they reach their conclusions, the depth and direction in which each takes aim at liberalism; I suggest (again) their theories and sentiments are similar to each other.

Perhaps solutions to the problems we face socially and politically should instead be solved through political means. Perhaps by educating and instilling in citizens a greater ethical and moral approach in, for example, the pursuit of wealth – wealth not in terms of ends, but rather as a means towards living a life “wisely, agreeably, and well.”<sup>289</sup> However, I suggest political answers can only be found in us, or “we” as a people, viewing ourselves not as individuals, but as an aggregate with common needs. My solution recalls Arendt’s desire for people to simply be aware of what they are doing, to think about matters more carefully; and that option, unfortunately, was eclipsed long before this present inquiry. When it comes down to basic necessities in vein of Maslow’s hierarchy in America and especially throughout the world, the anxiety at the root of liberalism remains – the deep uncertainty and the unpredictable spontaneity of circumstance determined by the spinning economic wheel of *fortuna* that provides neither freedom nor equality, but precisely the opposite: the democratic unfreedom from want<sup>290</sup> and the equal protection of inequalities. Ultimately, I cannot argue against abolishing liberalism and replacing it with something else. Despite the overarching and deep penetration of this mode of life, liberalism does perhaps allow for ways of working within it for greater freedom and civic participation. The key I believe is grappling with liberalism in absence of the political.

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<sup>289</sup> Robert Skidelsky, *Keynes: The Return of the Master* (New York: Public Affairs, 2010), 55.

<sup>290</sup> Marcuse, *One-Dimensional Man*, 1.

Schmitt and Wolin also share in common attributes in their distinct formulations of the political. First, both theorists suggest the political is vital to human meaning and experience towards politics within the state. Both believe the “eclipsing” of the political is effectively making the (political) life of citizens less meaningful. This can be seen in the emphasis on commonness and political unity of the people both advocate for. For both it appears there is no commitment to the common good, no meaning beyond which human beings recognize themselves in and among each other. Instead, we recognize ourselves only as individuals. Second, from both viewpoints the political contains within it antagonism inevitable in any society. Furthermore, both share similarities in what is required to constitute the political, and therefore the state. Inasmuch, for both the political is a perceptible dynamic that suggests the temporal present, future, and good of the people is ultimately contingent upon it.

I suggest both Schmitt and Wolin view the political as a “process,” if not a “destination.” I surmise both view the political as a *process* – a process in the sense of culminating events, procedures, or practices. “Process” might do justice to a concept that to Wolin must continually be reconceptualized, or to Schmitt’s notion of intensification, or rather, keeping that intensification within bounds. The political as a ‘destination’ would consider society, the theoretical limits, and meaning behind it – the political perhaps a level of honesty we are unable to admit to ourselves; a ‘feeling’ or ‘tacit knowledge’ of what is *truly human* that we have lost touch with, a destination we may inherently understand, but lies just out of reach. It is plausible too that *the political can be seen as concurrent with the search for human meaning* – an element that is part and parcel to all applications of the concept. Human meaning would be defined by its relationship to the political, the quality of a citizen’s political existence and experience within the state. It stands to reason then that Schmitt’s ‘political,’ much in the same vein as Wolin’s earlier conception of it (“commonness”), is about a human element that is lost in the sublimation of it.

I suggest the ambiguity of the concept, the need to continually re-envision and conceptualize it<sup>291</sup> have perhaps worked towards repressing it even further – the efforts of recognizing it in a liberal society have paradoxically hindered its realization. If the political is so “evanescent,” yet “tangible,” then perhaps the political is something to be understood with little effort by anyone, requiring rather a sense of practice: it should just manifest when the proper *ethos* is instilled, taught, or realized cognizant of it. The “faith” involved in the political is not a

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<sup>291</sup> Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, 11.

waste of time. It is perhaps the silver lining in the perpetual difficulties American society and countries around the world face, something that must be recognized if human beings are to make a reality of being self-determined, freedom loving people. You can't have "one" without the "other," and this play on words appears ever more true in late-modernity.

I suggest Schmitt and Wolin share the most in common toward the purported problematic of liberal democracy. First, both Schmitt and Wolin suggest constitutions constrain the civic participation of the *demos*. Second, both appear to advocate an unbridled, radical democracy free of all boundaries and limits. Third, both theorists agree liberal democracy produces individualism, which hinders democratic modes of practice. Fourth, both view liberal democracy as leading to a kind of "economic imperialism" that for Wolin erodes participatory politics on the home front, and for Schmitt could perhaps lead to the last war of humanity. When the latter is taken together, it forms a theory for international relations towards the implications and outcomes of the increasingly powerful grip of global capitalism.

Let's assume that Wolin is correct in suggesting the political is synonymous with democracy in the present, and that differences between the two theorists' formulation and use of these terms perhaps begin to intersect at the international level. According to Nelson, Wolin's *Democracy Incorporated* contributes to international political theory. The discussion of "superpower democracy" (i.e. the United States) and its actions abroad present international relations theorists "a better position to consider how global capitalism and a scientific mindset have become integral to the logics of state power."<sup>292</sup> "Democratization" is one of the the goals of U.S. military efforts abroad in Iraq and Afghanistan. Wolin suggests this is what American "superpower democracy" has been attempting to do since the end of World War II. This also resembles Schmitt's fear of attempts at establishing "universal democracy" as the impetus for war. Democratization is perhaps misleading and is used for purposes that have nothing to do with establishing participatory modes of governance, but rather control.

Notice the similarity between the terms democratization and depoliticalization. On one hand, the structure of the terms (i.e. spelling, their forms) is similar. On the other hand, the goal or outcome of each is arguably the same. With democratization we are led to believe that it is to "establishing" democracy elsewhere. Depoliticalization is about making civic life non-political. From both theorists viewpoints, what the United States is doing is playing "world policeman,"

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<sup>292</sup> Nelson, "Any Given We," 42.



using the ideal of democracy as a cover for “economic imperialism” in order to establish “American liberal democracy” in countries whose history, culture, and collective memory are altogether different and likely incompatible with the American brand. Therefore, perhaps democratization is the international equivalent of domestic depoliticalization?

For both Schmitt and Wolin, constitutions constrain democracy domestically. There is no reason to suggest establishing constitutions elsewhere would not reproduce this abroad (e.g. Iraq). Schmitt and Wolin’s arguments are similar in that both believe liberal constitutional democracy attempts to eliminate politics and thus the political all together. Perhaps, then, the United States is attempting to contain democracy throughout the world. The goal is to suppress the political in order to establish control and management of people by subordinating them to liberal democracy, thereby removing politics as a factor throughout the globe. It would be erasing all traces of the political from history, erasing a sense of “commonness” from their collective memory. This would suggest the goal is not to spread democracy but rather to privatize the public realm everywhere restraining everyone in new “private” world order (for our protection of course):

[...] democracy would come to be regarded by late-modern power elites as object, an indispensable yet *malleable myth* for promoting American political and economic interests among premodern and post-totalitarian societies. At home, *democracy is touted not as self-government by an involved citizenry but as economic opportunity...*<sup>293</sup>

Furthermore, recent events suggest perhaps that the fugitive democracy is not that far from reality. I believe we are witnessing fugitive democracy in the “wave of revolution” spreading across the Middle East in Tunisia, Egypt, and Libya in the early part of the year 2011. I also believe we are witness to “fugitive democracy” in the protests in Madison, WI. Perhaps these are happenings that portray the political Schmitt and Wolin have attempted to articulate: the simple practice of the people being aware about their vested interests, *what is common to the whole*; how liberal democracy is crucial to this realization, or perhaps the opposite: liberal democracy as the seed of our common domination and subsequent destruction.

Although differences exist, the core points made by each theorist I believe are essentially the same. The main point of disagreement between the two regarding democracy is the passion for it. Where it is abundantly clear that Wolin is an advocate for a reconceptualized practice of

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<sup>293</sup> Wolin, *Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life*, 570. Italics added for emphasis.

democracy, Schmitt on the other hand is rather elusive on whether he wants a democratic form of government at all, which ironically is indecisive. For Schmitt, if democracy is to be practiced, then it should be “done right,” and not applied as liberal democracy. It appears if Schmitt had a choice, he would vote for Rousseau. Schmitt wants a form of government with full cognizance of the political. It would be a state where clear lines of authority are demarcated, leaving no ambiguity about the sovereignty of the state, the decision on the exception, and more importantly the general will of the people. As for Wolin, I suggest he wants a state that abides by the political as well. It would be state where democracy is fully conceived and civic participation considered a virtue among the *demos*. Both theorists envision a unity of the people in support of the whole.

Further research should be conducted on the topics presented throughout this study. Each ‘term’ is revealing of a number of contradictions, perhaps *political illusions* that need to be understood more fully. To the latter, the goal is most definitely not in vein of Machiavelli – our goal should not be to master the art of popular illusion in order to perpetuate them. On the contrary, these illusions must be extinguished if the meaning and substance of these political ideas and modes of life are to function in their proper capacity. In particular, further research needs to be focused on the work of Sheldon Wolin. Often cited, highly regarded, yet in comparison to Schmitt, scholarly work on Wolin appears rather minimal. I suggest Wolin’s contributions will be long lasting. His stock in the pantheon of political theorists (especially of the American sort) will only rise as time progresses. Wolin has been at the cusp of some profound ideas considering American political life. His theory of “Fugitive Democracy,” although it has its critics, I believe is seeing fruition that shows a great deal of foresight, and can contribute significantly to international relations theory. Likewise, *Politics and Vision* I suggest, ought to be required reading at the graduate level in all political science programs. Both the original and expanded text continue to provoke rich and fresh conveyances of what exactly it means to inquire into political thought itself. Finally, his “Vocation” article remains arguably the de facto argument against quantitative political studies. It is the sword and shield that helps combat what perhaps supplants the very nature of the political that scholarly work on politics ought to aim towards.

Carl Schmitt on the other hand remains an enigma. Whereas Wolin is clear on where he stands, Schmitt leaves most first-time readers of his work lost in a maze of scholarly German jurisprudence which can lead to confusion and misunderstandings. Although I cannot state with

certainty that Schmitt has been “figured out” in the abundance of research, books, and articles that have been produced in recent years, I do suggest that initial views of Schmitt as some war-mongering Nazi are not entirely accurate. Schmitt remains open for further research, although the deeper one goes into Schmitt, I believe the less one will find. Once acclimated, Schmitt becomes easier to comprehend, and I suggest most will find my conception of him as “a serious man,” perhaps, a very accurate way of addressing his work. To “get” Carl Schmitt is to realize that what he is asking for is an end to ambiguity and the establishment of certainty. The only uncertainty that should remain is the exception, when and if it arises. Everything else would be clear-cut, and Schmitt believes human beings capable of this type of organization and government. He speaks to a voice of reason we are unable to admit to ourselves, a reality that is right in front of our eyes, but precluded from understanding. That reality is perhaps human nature itself, or in other words the political. Ignoring it will only make matters worse, politics being the necessary requirement to keep that antagonism in check.

In conclusion, I suggest Schmitt and Wolin share similarities that have not been previously recognized. Although they have their differences, I believe the core assertions made by them are similar to one another. What they share in common is essentially the understanding that *if the political cannot be realized, then democracy cannot be practiced*. This is precisely the situation they suggest is manifest in liberal societies the world over. As private citizen-voters of the economic polity, we are compromised by its requirements and obligations. Three classes demarcate this polity’s boundaries: upper, middle, and lower. All three vary in size, access, and the opportunities. The irony is that those who willingly accept this illusion, those who master it, are those that become the most prosperous, well respected, wealthy, and powerful. For the rest, life in an economic polity exhausts, extinguishes, and abuses the abilities we are forced to cultivate in order to “survive.” The pleasures of life such as love, family, friendship, and forms of community participation are often contingent on economic value, the individual being able to “afford” them – everything has a cost. In turn, life focused on economy causes civic skills to languish and critical thinking to become rare since these virtues are not lucrative. The American is at once free from political obligations, but remains in the vice of economic competitiveness that it calls “freedom.” But neither of these are “free,” and require a willingness and persistence to ensure that the latter remains disassociated from the former. As it stands, society has eclipsed the political and therefore our destiny is economic.

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