Schmitt’s Democratic Dialectic:

on the Limits of Democracy as a Value

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The work of Carl Schmitt has been interpreted as a defense of democracy against the limitations of liberalism and as a defense of liberalism against the excesses of democracy.[[1]](#footnote-1) It would be difficult to find another philosopher of the twentieth century who has invited such polar understandings on the question of democratic politics. This is partly due to the often cryptic nature of Schmitt’s prose, to some inconsistencies between different writings, and to the infamy and mystique of his association with Nazism; as he put it during his post-war “denazification” interrogation, “Carl Schmitt is quite a peculiar individual…he is also a composite of other individuals.”[[2]](#footnote-2)

I want to suggest, however, that this ambiguity is explicable in terms of the difficulty of an argument that Schmitt develops in the first chapter of *The Crisis of Parliamentary Democracy* (*Die geistesgeschichtliche Lage des heutigen Parlamentarismus*),[[3]](#footnote-3) which culminates in the claim that “dictatorship is not antithetical to democracy.”[[4]](#footnote-4) If we read this argument carefully, we see that Schmitt is neither an opponent nor a defender of democracy, but understands the unfolding of what he calls “the democratic dialectic” as revealing a fundamental ambivalence in the concept of democracy that nullifies its normative significance. The ambivalence is that, in practice, democratic politics is compelled to introduce a distinction between ‘the will of the people’ and the behavior of the empirical people, thus justifying the bracketing and unlimited suspension of the latter in the name of the former, even to the point of dictatorship.

 In this essay, I attempt to measure various prevailing democratic theories against Schmitt’s “dialectic.” I argue that no contemporary approach to democracy as a fundamental value is able to mount a compelling response to this critique, and that we should therefore reconsider the status of democracy as a normative commitment. I proceed by carefully and closely reading the first chapter of *Parlamentarimus*, and then by juxtaposing various currents of democratic theory (including liberal, deliberative, epistemic, and various hybrids thereof) with the trajectory of Schmitt’s argument. This essay is therefore less of a contribution to Schmitt scholarship, in the sense that it does not take a panoramic view of his corpus to determine his final stance on the relationships between democracy, liberalism, and the state, and more of an intervention into contemporary democratic theory using Schmitt’s argument as a kind of lever.

 The first chapter of *Die geistesgeschichtliche Lage des heutigen Parlamentarismus* concerns the relationship between parliamentarism and democracy. Schmitt wants to demonstrate that despite their being treated as equivalents during the nineteenth century, these two political concepts are neither synonymous nor mutually inclusive. He begins by noting that nineteenth century political theory “could be summarized with a single phrase: the triumphal march of democracy”—a statement that holds, likewise, for twentieth and twenty-first century political theory. The figure of democracy enjoys such “remarkable self-evidence,” Schmitt remarks, that “even socialism” regards itself as an ally in the democratic project—a statement which also holds today.[[5]](#footnote-5) He goes on to argue that in the context of the nineteenth century, democracy was a polemical concept conceived as an opposition to monarchy. In this situation, both socialist and liberal political ambitions, otherwise fundamentally opposed, could understand themselves as embodying the democratic principle insofar as they were both anti-monarchist. When monarchy’s status as a legitimate political form disintegrated, the figure of democracy lost its polemical significance and became something of a floating signifier, with liberalism and socialism both laying claim to the democratic title with equal plausibility. Meanwhile, some democratic experiments (such as elections and direct referenda) showed that a conservative, reactionary political agenda could also declare itself to be the real representative of democracy.

It is in view of this situation, i.e., liberalism, socialism, and conservatism all alleging allegiance to democracy, that Schmitt makes his first crucial observation with regard to the limits of the democratic form:

If all political tendencies [*Richtungen*] could make use of democracy, then this proved that it had no political content [*Inhalt*] and was only an organizational form [*Organisationsform*]; and if one regarded it from the perspective of some political program [*Inhalt*] that one hoped to achieve with the help of democracy, then one had to ask oneself what value [*Werte*] democracy itself had merely as a form.[[6]](#footnote-6)

His question here is not rhetorical. He is asking the hypothetical socialists, liberals, and conservatives who would affix their political *Inhalt* to the figure of democracy, what political *Werte* is added by the democratic form? In other words, if democracy is merely a stepping stone to the real political goal (socialism, liberalism, conservatism, or anything else), and if the same stepping stone could be used with equal plausibility and justification to reach other political goals, then of what theoretical or practical use is democracy? That Schmitt’s question is relevant today is demonstrated by the fact that democracy is so often taken, without qualification or explanation, to imply a certain political content; we can see many examples of contemporary theorists and politicians equating democratic politics and a particular partisan position—including the three Schmitt mentions, i.e., liberal, socialist, and conservative.[[7]](#footnote-7) But if by democracy we mean *politics x*, then why not simply affirm *politics x* and leave democracy out of the conversation? Where is the ‘value added’? This question is all the more pertinent insofar as *politics y* and *politics z* also claim synonymy with democracy.

 One possible response to this problem is to deny that democracy has intrinsic value, to refashion it as a strictly *instrumental* political good, useful for achieving ends that are justified independently of their relation to democracy. This perspective answers Schmitt’s question by claiming that the democratic form, however understood (parliamentary, direct, deliberative, etc.), tends to produce results that align with good political content. In some cases, this argument claims that democracy is the best organizational principle for maintaining the institution of a certain set of values.[[8]](#footnote-8) In recent years, Hélène Landemore has led an “epistemic turn” in the tradition of deliberative democracy, claiming that increased participation increases the “epistemic quality” of political decisions, i.e., their likelihood to conform to “a procedure-independent standard of correctness.”[[9]](#footnote-9) Democracy, according to Landemore, is the system best suited “to tap the distributed collective intelligence of a given people.”[[10]](#footnote-10)

 The instrumentalist position has been subject to numerous criticisms. Some argue that it negates the normative specificity of democracy (something that its advocates could agree with and not see as a problem). We will return to the perspective that regards democracy as an intrinsic good below. For the moment, another concern is more relevant: the fact that this position renders the value of democracy contingent upon the actual performance of an empirical *demos*. If one regards democracy as “helping” (to use Schmitt’s phrase) some political program, then democracy is only valuable as long as its organizational form tends to produce results in conformity with this political program. If, for instance, we believe that democracy is the best system for maintaining liberal values, then the value of democracy stands or falls on the basis of whether or not the *demos* is inclined toward these values, and dissolves entirely in the event of a shifting of public opinion, voting patterns, and popular movements away from liberalism. The same could be said for democracy as a helper for socialism, conservatism, etc. “A democracy can be militarist or pacifist,” Schmitt writes, “absolutist or liberal, centralized or decentralized, progressive or reactionary, and again different at different times without ceasing to be a democracy.”[[11]](#footnote-11) When the people turn on our chosen set of values, we must likewise turn on the people.

In the case of Landemore’s “epistemic” argument, the value of democracy is likewise bound to the contingent qualities of an empirically given ‘people.’ In a context in which popular political ignorance and misinformation assumes staggering proportions—as critics of democracy like Jason Brennan, Ilya Somin, and Bryan Caplan claim is the case for the United States[[12]](#footnote-12)—the suggestion that democracy is epistemically superior to any nondemocratic form falls apart. Even if Landemore denies that this is the case for the present moment,[[13]](#footnote-13) there is no reason to assume that it can *never* be the case. In sum, the instrumentalist defense of democracy, rather than answering Schmitt’s question, only reinforces its power. If democracy is valued as a bulwark for the correct political results (understood in whichever sense), then it has value as a form only insofar as it reliably translates into these results, and its value is cancelled when it does not.

 Taking another approach to the problem, we might offer a combination of intrinsic and instrumental (or procedural and epistemic) justifications for democracy. Ian Shapiro, for example, has articulated a view that regards “democracy as a subordinate foundational good, a conditioning good that is more than procedural yet less than substantive, more than instrumental yet never the point of the exercise.”[[14]](#footnote-14) In this case, democratic institutions are a necessary but not sufficient condition for a good political system, which must also include provisions for the maintenance of “justice.” But the tension between form and content cannot be resolved by affirming that both are foundational.[[15]](#footnote-15) This reconciliation is tested in situations where the respective “foundational goods,” democracy and justice, directly conflict with one another, i.e., when the democratic process—be it a referendum, a fairly elected representative government, or direct deliberation—decides for a course of action that we consider unjust. While Shapiro acknowledges that democracy and justice are often in tension with one another, his argument that they must nevertheless be pursued together relies on a set of contingent conditions: that undemocratic politics are not likely to be just in the contemporary world, and that democracy is popular because it tends to maintain justice.[[16]](#footnote-16) Such cautious optimism remains viable only as long as these correlations still obtain, but it offers no guidance for those situations in which the complementarity of democracy and justice breaks down completely and we are forced to opt for one or the other. If we choose the latter, then this shows that democracy was not in fact a “foundational good,” even a subordinate one, but merely an ‘added bonus,’ something advantageous but which we are prepared to bracket whenever necessary. That such a situation represents the exception rather than the rule is no response, since it is precisely the exceptional case that reveals where democracy really stands in our hierarchy of political values. As Schmitt says in *Political Theology*: “The exception can be more important…than the rule, not because of a romantic irony for the paradox, but because the seriousness of an insight goes deeper than the clear generalizations inferred from what ordinarily repeats itself.”[[17]](#footnote-17)

 To return to Schmitt’s question from *heutigen Parlamentarismus*: if our normative commitment is to the realization of some political content, then what is the value of democracy as a form? Instrumentalist theories require an extra-democratic justificatory standard, and the value of democracy is strictly contingent upon the extent to which it approximates this standard. However, the liberal, socialist, or conservative who regards democracy as synonymous with her political project has recourse to another argument. Against the instrumental theories of democracy, she might argue that democracy is an end in itself, and that her political commitments (liberal, socialist, conservative, etc.) are only the means by which this end is realized. In other words, *real* democracy might require a certain form of politics in order to function and achieve its purpose. The debate then transforms from one about the value of democracy to one about the right conditions to realize democracy. Liberals claim that a true democracy must be liberal and not socialist, while socialists claim that a true democracy must be socialist and not liberal. In both cases, what is ultimately at stake is not liberalism or socialism, but the achievement or forfeiture of democracy. *Pace* Schmitt, then, it is not that we hope to achieve some political program with the help of democracy, but that our political program is so designed precisely because it is the only way to achieve a true democracy. To proceed beyond this point, we must return to *heutigen Parlamentarismus* and to the trajectory of its argument.

 With all particular political tendenciessubtracted from the democratic form, Schmitt claims, democracy’s *Inhalt* is reduced to “a string of identities”[[18]](#footnote-18) [*eine Reihe von Identitäten*]: the identification of the law with the will of the people, and the identification of the will of the people with the *volonté générale*, and the identification of the *volonté générale* with the decision determined in “true freedom.” In each of these identifications, he argues, a practical limit is overcome by a certain logical necessity. “The masses,” he notes, “are sociologically and psychologically heterogeneous,” but the will of “the people” must be resolved in a singular direction if it is to be the basis for law. Thus we arrive at the colloquial understanding of democracy: majority rule. But then a minority finds itself in the position of having to obey laws, possibly numerous laws, that it has not authorized, casting doubt on the meaning of democracy as government by those who are governed. Recalling that we are attempting to establish the autonomous value of democracy, we cannot address this problem by instituting protections against “the tyranny of the majority” (which would make democracy a secondary value to some other—typically liberal—political commitments); so, “the will of the outvoted minority” must be construed as “in truth identical with the will of the majority.”[[19]](#footnote-19) This is Schmitt’s reconstruction of Rousseau’s argument in *The Social Contract*. If I have consented to the general will, according to Rousseau according to Schmitt, then my opposition to the will of the majority is in fact only a mistake about the general will, and I am not actually opposed to it at all (i.e., it was my will all along). However, in order to properly determine the general will, citizens must be “free,” i.e., they must have already recognized the ultimate reconciliation between their individual interests and the interest of the whole; that this condition of freedom may not presently obtain introduces the need for an original founding “lawgiver,” and leads Rousseau to his infamous claim that people must “be forced to be free.”[[20]](#footnote-20) This is what Schmitt means when he claims that, with this argument, “one can…justify the rule of a minority over the majority, even while appealing to democracy.”[[21]](#footnote-21) With this circuitous logic, Schmitt claims, the string of identities goes from ‘the people’ to the majority to the *volonté générale* to the lawgiver, and, as if by magic, democracy is identified with dictatorial rule. Invoking the Terror of the French Revolution, Schmitt calls this “Jacobin logic” [*Jakobinerlogik*].[[22]](#footnote-22)

 At this point, Schmitt’s discussion seems to lose its relevance for contemporary democratic theory, as few democrats would identify their perspective with these Rousseauian acrobatics. In fact, the totalitarian elements of Rousseau’s thinking make him something of a *persona non grata* to much democratic thinking.[[23]](#footnote-23) Consciously or not, however, the argument that posits some political content (liberalism or socialism) as the precondition for a true democracy conforms to this Jacobin logic as Schmitt describes it. When, for example, Yascha Mounk titles his book *The People vs. Democracy*, it is not only for irony and dramatic effect. Mounk considers certain liberal values, such as an indiscriminate protection of “rights,” as essential to the functioning of any democracy.[[24]](#footnote-24) When popular movements exhibit proclivities hostile to these values, then, they represent threats to democracy itself. The title of the book expresses the conclusion easily inferred from this line of thought: the people are turning against democracy. But if, as Mounk suggests is the case, the disposition of the *demos* is emphatically pushing in a certain political direction, then is not this direction, by definition, democratic? By answering in the negative, Mounk establishes a division between the political tendencies of the empirical people and democracy—in other words, between the power of the people and the *real* power of the people. The latter, of course, might (and if Mounk’s fears are realized, will) represent a minority, and thus, just as in Schmitt’s portrait of Rousseau’s argument, a relatively small fraction of the population represents the *volonté générale*, while the will of the majority is discounted because this majority is not behaving “democratically.” The key here is that Mounk does not title his book *The People vs. Liberalism*; it is not that democracy is problematic because it is illiberal, but that the people are problematic because they are undemocratic.[[25]](#footnote-25) In order for democracy to be realized, then, the people must come to understand how to properly exercise their own will (i.e., liberally), and so this argument, like Rousseau’s, must make use of a “lawgiver” figure. It may not take the form of a dictatorship or the Jacobins’ guillotine, but the basic logic is the same: the *demos* must first become enlightened if they are to properly exercise their *kratos*.

 This doubling, this distinction between the will of the empirical people and something else that would constitute a true democracy, also shows up in the socialist literature. Again, we can see it at the level of titles, as in Ellen Meiksins Wood’s *Democracy against Capitalism*. She defends this opposition by tracing the etymological roots of the word ‘democracy’ back to something like ‘rule by the laboring class.’[[26]](#footnote-26) But unless we believe that the contemporary empirical working class is staunchly anti-capitalist, understanding socialism as the condition for the possibility of democracy requires the same Jacobin manoeuver that we have just seen in Mounk, albeit with a diametrically opposed political content. What the actually existing people want (which is not necessarily socialism)is rendered irrelevant compared to an estimation of what their true interests are. Schmitt notes that this “democratic dialectic” has been part of Leftist politics at least since the Levellers of the 17th century.[[27]](#footnote-27) This problem goes deeper than what is sometimes called “the paradox of democratic legislation,” i.e., the question of how a democratic order could be founded democratically.[[28]](#footnote-28) Schmitt is not only concerned with the ‘undemocratic’ prerequisites for the establishment of a true democracy as these implicitly Jacobin thinkers understand it, but also with the ever-present possibility that the people, in whose name this true (liberal or socialist) democracy was established, might turn against the very liberalism or socialism that constitutes the true *volonté générale*.

Of course, not all democratic theorists regard democracy as a proxy for some other political commitment; there are democratic theorists who are just that, as opposed to liberal or socialist theorists who make use of the figure of democracy while simultaneously claiming that a minority viewpoint represents the will of the whole. In fact, one of the principle historical motivations behind democratic theory *qua* democratic theory was a skepticism toward the very idea of the “general will.” “No assertion that ‘the public good definitely consists of such and such’ can be shown to be ‘objectively true’,” Robert Dahl says.[[29]](#footnote-29) Because of this epistemological limit, Dahl reasons, no political orientation has the right to impose its singular vision on society, and the best system for avoiding such a monolith is democracy, which tends naturally toward pluralism because ‘the people’ are so naturally heterogeneous. More recently, Nadia Urbinati has sharply criticized the “epistemic turn” in democratic theory (discussed above), arguing that the essence of democracy is its “opinion-based character” and that “a commitment to ‘truth’ in politics makes consent redundant.”[[30]](#footnote-30) In her view, the normative core of democracy is its procedural validity rather than the ‘correctness’ of its outcomes. We encounter formulations like this again and again across the spectrum of democratic literature, from Claude Lefort’s much-cited thesis that “democracy is instituted and sustained by the *dissolution of the markers of certainty*”[[31]](#footnote-31) to Benjamin Barber’s counsel that “where there is truth or certain knowledge there need be no politics…democratic politics begins where certainty ends.”[[32]](#footnote-32)

At the same time, some contemporary *intrinsic* democrats do not rule out the possibility of an “objectively true” political position; rather than establishing the primacy of democracy on an epistemological skepticism, they base their arguments on a constitutive moral commitment that holds regardless of the existence or nonexistence of a “public good” definitely consisting of “such and such.”[[33]](#footnote-33) Thomas Christiano, for example, argues that the “fundamental value underlying democracy” is “equality,” the conviction that “individuals in a society have equal rights to vote, to organize political parties and interest groups, and to contribute to discussions on how society would best be organized.”[[34]](#footnote-34) This does not necessarily preclude the reality of a ‘best’ form of organization; it only insists that all individuals have a moral right to have their voice heard when it comes to hashing out this question, even if they are wrong. Along similar lines, David Estlund has argued that even if a fraction of the population did possess the expertise to make objectively correct political decisions, the “invidious comparison” necessary to establish the authority of this expert caste would violate one of the basic standards of democracy, the “requirement that political authority be justifiable to those subject to it in ways they can accept.”[[35]](#footnote-35) So even if a dictatorial cabal of experts made all the right political moves, its rule would still be illegitimate if some citizens did not find its rule acceptable, if the presumption of its expertise violated someone’s “reasonable moral and philosophical convictions, true or false, right or wrong…”.[[36]](#footnote-36)

 Philosophers in the tradition of deliberative democracy have attempted to fashion normative theories that account for both of these ambitions, i.e., epistemically respectable outcomes *and* morally justified practices of inclusion.[[37]](#footnote-37) Details as to how to achieve this hybrid differ. James Fishkin argues that in order to be legitimate, a political decision must be adjudicated by participants that are “informed.” Democracy is about opinion, but not “raw public opinion”; it values a plurality of opinions insofar as each has “been tested by the consideration of competing arguments and information conscientiously offered by others who hold contrasting views.”[[38]](#footnote-38) With a view toward accounting for elements of the *demos* that might be epistemologically well-informed but questionable on a moral level,[[39]](#footnote-39) Joshua Cohen claims that democracy requires deliberation among those who hold a plurality of “reasonable values.” A value passes the criterion of reasonability “just in case its adherents are stably disposed to affirm it as they acquire new information and subject it to critical reflection.”[[40]](#footnote-40) Both of these accounts owe an intellectual debt to Rawls’s vision of “public reason,” where political principles are justified by the extent to which they are “acceptable” to all “reasonable persons,” i.e., those who “propose principles and standards as fair terms of cooperation and…abide by them willingly” while simultaneously recognizing that such persons will inevitably disagree (“the fact of reasonable pluralism”).[[41]](#footnote-41) In a somewhat different register, the Habermasian tradition places its axiological emphasis on the institutionalization and normalization of structures of communication. According to Habermas, the “*discursive level* of public debates” encourages results of a “reasonable quality.”[[42]](#footnote-42) For Fishkin, Cohen, Rawls, and Habermas, then, democracy does not consist in a reflection of the will of the people as a brute fact, but a reflection of this will once it has been deliberated in conformity with the requisite information, reasonableness, acceptability, or communicative rationality, respectively. In this way, democratic politics can strike a balance between the moral demands of intrinsic theorists and the ‘good results’ expected by the instrumentalists.

Do these theories of the intrinsic value of democracy escape the “Jacobin logic” as described by Schmitt? At this point, we should return to his text and take up what, in my estimation, is the chapter’s key paragraph. Having described the Rousseauian ambivalence on the part of liberal and socialist partisans of democracy, Schmitt turns to discuss “radical democrats,” for whom “democracy as such has its own value without reference to the content of the politics pursued with the help of democracy.” Ostensibly, this perspective would avoid the dilemma faced by the democratic-liberal and the democratic-socialist, i.e., the potential rift between the will of the people and the political project. Now, the will of the people *is* the political project. But this move only relocates the tension without resolving it. Now, instead of a *demos* which may be incompatible with liberalism or socialism, the radical democrat must grapple with a *demos* that may be incompatible with democracy. I will quote Schmitt at length here:

If the danger exists that democracy might be used in order to defeat democracy, then the radical democrat has to decide whether to remain a democrat against the majority or to give up his own position. As soon as democracy takes on the content of a self-sufficient value, then one can no longer remain (in the formal sense) a democrat at any price.[[43]](#footnote-43)

This problem, he insists, is “in no way an abstract dialectic or sophistical game,” but a real issue that emerges in democratic politics, specifically in cases where “democrats are in the minority.” Numerous historical examples corroborate that this situation is not limited to frivolous thought experiments; free elections and mass social movements have proven themselves capable of installing unambiguously antidemocratic regimes (not least of which the regime that Schmitt himself served). He gives another example: the radical democrats, he says “decide on the basis of a supposedly democratic principle in favor of women’s suffrage and then have the experience that the majority of women do not vote democratically.”

In the paradoxical case of a *demos* which is antidemocratic, pure democracy is compelled, by the logic of its own position, to follow suit and become antidemocratic—depending on how the wind is blowing, to love democracy might mean to hate democracy. Because this is nonsensical, the only alternative is to return to Rousseau:

Then the familiar program of ‘people’s education’ [*Volkserziehung*] unfolds: The people can be brought to recognize and express their own will correctly through the right education. This means nothing else but that the educator identifies his will at least provisionally with that of the people, not to mention that the content of the education that the pupil will receive is also decided by the educator. The consequence of this educational theory [*Erziehungslehre*] is a dictatorship that suspends democracy in the name of a true democracy that is still to be created [*die Suspendierung der Demokratie in Namen wahren, erst noch zu schaffenden Demokratie*].[[44]](#footnote-44)

Instead of suspending democracy when the people act against liberalism or socialism, the true democrat must suspend the rule of the people when the people rule that the people should not rule. While they might not require education in liberal or social values, the *demos* still needs to be tutored on how to act democratically; the lessons are not designed by the *demos* but by an entity that knows the proper substance of democracy. Thus, the splitting between democracy and *real* democracy—or, more precisely, between the will of an empirical people and a determination of their *true* will, remains in full force, and the Jacobin logic asserts itself again. It is the permanent and inescapable possibility of this division that leads Schmitt to the counterintuitive conclusion that “dictatorship is not antithetical to democracy.”[[45]](#footnote-45)

 As I mentioned above, the ambivalence Schmitt is addressing here is subtler than the oft-discussed “paradox” of how a democratic order could be founded democratically.[[46]](#footnote-46) The problem is not that the establishment of a democratic institution or the expansion of the franchise might require non-or-extra-democratic means (like the formation of a constitution or a vote that does not already include those who are to be enfranchised). Rather than struggling against or making use of some antidemocratic force to establish democracy, democratic politics may have to struggle against the *demos* itself, thus raising the possibility that true democracy might conflict with the will of the empirical people. The logical consequence is that someone—a philosopher or a committee of public safety—knows the people’s will better than the *demos* itself, and so the “true democrat” finds herself in the same paternalist or vanguardist position that was the basis of her criticism of antidemocratic politics in the first place. By the same token, Schmitt’s account of the “democratic dialectic” is distinguished from the problem known as “Wollheim’s paradox,” which was actually articulated at least as early as the work of Joseph Schumpeter.[[47]](#footnote-47) In this account, there is a potential contradiction between a commitment to democracy and a commitment to certain policies, insofar as such policies may be decided against on a democratic basis. Others, like Shapiro,[[48]](#footnote-48) have pointed out that there is really no “paradox” here: it is perfectly consistent to favor a given policy, but to still regard the democratic procedure as the appropriate final arbiter. In Schmitt’s version, the ‘policy’ in question is democracy itself, and so the question of how to maintain these two commitments simultaneously is not so easily answered.

 Each of the intrinsic theories discussed above must account for the actual or possible existence of a ‘people’ which does coincide with its vision of the *demos* proper to a democracy, and which may even directly contradict it. The skeptics of a unified *volonté générale* insist that democracy requires pluralism, that no perspective can be in possession of an infallible political truth, that uncertainty is the essence of democracy, or, in Bonnie Honig’s formulation, that to take democracy seriously is “to give up on the dream of a place called home, a place free of power, conflict, and struggle, a place—an identity, a form of life, a group vision—unmarked or unriven by difference…”.[[49]](#footnote-49) In this case, the advocates of fallibility and mosaic difference must adopt a posture of negation when it comes to those currents of public opinion which insist, against pluralism, that one vision of the political ideal, one account of society’s best interest, is correct once and for all. But when this dogmatic monism defines the character of, say, thirty percent of the citizenry, or fifty-one percent, or ninety-nine percent, then the identification of democracy with pluralism begins to break down, even if the content of the monism differs from person to person, group to group. When the people have become absolutists, the theory that regards democracy as structurally opposed to absolutism becomes a democracy over and against the people. If “democracy is instituted and sustained by the dissolution of the markers of certainty,” then if and when the people emphatically proclaim certainty, they are behaving antidemocratically. This phrase—*the people are behaving antidemocratically*—perfectly expresses Schmitt’s thesis that democratic theory ultimately becomes *Erziehungslehren* (educational theory).

This problem is not resolved by invoking yet another “paradox,” this one famously articulated by Karl Popper: that in order to protect tolerance we must be intolerant of intolerance.[[50]](#footnote-50) The crux of it lies in how intolerance is defined, and by whom. The skeptical theory requires a criterion by which it could distinguish political positions that are properly pluralist from those that are not. This criterion is not itself decided democratically; if it were, then the people might very well decree that categorically asserting the “opinion-based character” of democracy represents the *real* absolutism, and thus censure it as antidemocratic.[[51]](#footnote-51) Again, a division is enacted between, on the one hand, an empirical people that might affirm absolutism *or* denounce the skeptical positions of theorists like Dahl and Lefort as unacceptably absolutist, and, on the other, a *real* democracy which not only opposes dogmatic certainty in politics but also understands it in a particular way. As a result, those who abjure the philosophical “guardianship” of democracy find themselves in the uncomfortable role of being the guardians of pluralism.

 The same argument could be made against Christiano’s identification of democracy with the value of “equality.” There are, of course, ugly cases of majorities deciding democratically that a certain minority groups are not equal. While there are no doubt coherent arguments as to why this is unjust, to claim that it is unjust *because it is antidemocratic* requires the kind of Jacobin partition we have been discussing: the empirical will of the majority might be one thing, but the real will of the people is something else entirely. Or consider another case, reminiscent of Schmitt’s example of suffrage: the legions of women, led by Phyllis Schlafly, who mobilized to defeat the Equal Rights Amendment.[[52]](#footnote-52) What does the axiological pairing of democracy-equality dictate here? We should support the Amendment because it institutionalizes guarantees of gender equality, but at the same time, many people who belong to the group that is to be equalized are against it—so, treating their views with equal consideration would mean consenting to the maintenance of systems of inequality. As with pluralism, it ultimately comes down to how the value in question is interpreted. In the United States, the political left accuses the right of promoting inequality and intolerance, while the right answers that its opponents’ presumed monopoly on the meaning of these terms enacts the very inequality and intolerance in question.[[53]](#footnote-53) Which one is more democratic? If a precondition for democracy is the transformation of structures of privilege and domination *understood in a particular way*, then how should democratic politics react when voters and/or participants, even if they belong to the underprivileged group, declare themselves in opposition to this transformation? Or when they do not even seem to recognize structures of privilege and domination as such? What if the *demos* is preventing the realization of its own *kratos*? Do we affirm the need to give the people a power they do not want? Are we not, in this case, led back to Rousseau?

 Deliberative theory leads in this direction as well. Its identification of democracy with the voice of the people that is “informed” or “reasonable” (or with institutions ensuring “rational” communication) requires a norm that is not itself established democratically. Unless the epistemological or discursive standard for what counts as good deliberation is also arrived at via the deliberative procedure, in which case there is no need to stipulate this standard in the first place, then democracy requires the pre-democratic educational process that Schmitt describes in his summary of the Jacobin logic. In Rawls’s conception of public reason, political principles are only required to pass the test of acceptability among *reasonable* people and in a context of *reasonable* pluralism; ostensibly, then, an unreasonable *demos* (or unreasonable minoritarian elements of a given *demos*) can be justifiably coerced into abiding by political principles they do not “accept” until such time as they become reasonable and thus accept these principles—and all of this can be done in the name of democracy.[[54]](#footnote-54) The conversation then shifts to the question of what constitutes a valid opinion or a valid institution of communication, and the people—the actually existing people—are left far behind insofar as their discourse may not correspond to this standard. The political question of “who decides?” simply becomes the metapolitical question of “who decides what is reasonable and/or informed?” For deliberative democracy, the people decide, but the people do not decide what is really democratic, i.e., what it means for the people to decide.[[55]](#footnote-55)

On some readings, the Habermas/Benhabib tradition of deliberative democracy includes constitutional stipulations that ultimately bring it in close proximity to a form of liberalism. If this is the case, then the theory becomes susceptible to the arguments outlined above concerning the subordination of democracy to the liberal paradigm. Nevertheless, this summary by Honig is worth citing:

For deliberative democrats, norms of legitimation and institutional safeguards of constitutionalism protect democracy's normative goods-equality, transparency, accountability-from the people who could betray them. More important, legitimation and constitutionalism are said to offer moral instruction, justified ideals, fair practices, and valid procedures that might guide a people and secure their claim to be fair and not merely powerful, "democratic" and not merely majoritarian.[[56]](#footnote-56)

I can find no better expression of the “democratic dialectic” that Schmitt describes: democracy must be protected against the people. The steps in the unfolding of the Jacobin logic are easy to follow from here: real democracy may require the perpetual deferment of the will of the people.

Estlund’s position, which authorized democracy on the basis that someone might object to being governed by experts, likewise includes a caveat about such objections being “reasonable.” “Some points of view,” he writes, “are such that objections that depend on those disqualified points of view are not capable of defeating a proposed political justification.” These points of view—like racist beliefs, for example—are “morally weightless.”[[57]](#footnote-57) His intrinsic legitimation of democracy is thus ultimately a deliberative one, insofar as it demands that a certain threshold of “reasonableness” be met before any democratic principles apply. The question of what constitutes an unreasonable view crops up again.[[58]](#footnote-58) But in any case, if and when a substantial portion or even a majority of the *demos* becomes racist, then its point of view is disqualified and its principled objection to being governed by a minority of guardians becomes meaningless. When the people fall below a certain threshold, the philosopher king resumes his prerogative of governing, or at least of preparing the people to govern themselves. The real question, then, is not “is democracy desirable?” but “where does this threshold lie?”

In contradistinction to the liberal-deliberative style of democratic thinking, theorists of “radical” or “agonistic” democracy have presented opposition, conflict, and struggle as performative goods in themselves, and contestation of established political vocabularies by minoritarian oppositional groups as the real normative core of democracy. Since I have written extensively about radical democracy elsewhere,[[59]](#footnote-59) I will confine my comments here to the observation that this tradition selectively chooses its examples from progressive and/or Left-wing political movements, valorizing certain forms of “contestation” while ignoring or marginalizing others that do not fit its political complexion, or in some cases even invoking the latter as examples of antidemocratic politics. Democracy means challenging the status quo, but when a Right-wing movement challenges the status quo, this is somehow not democratic. The Jacobin logic appears once again, even when democracy is understood in a decidedly non-majoritarian way. This perspective also has the problem of how to deal with an apathetic public that has little to no interest in participating in politics, i.e., little sense of the “performative good” of dissensus as such. If John Hibbing and Elizabeth Theiss-Morse’s empirical study *Stealth Democracy* is to be believed, this apathetic public is more than a speculative possibility.[[60]](#footnote-60)

Finally, this ambivalence asserts itself in attempts to differentiate democracy from “populism.” Some accounts equate democracy with liberal pluralism and populism with illiberal popular movements,[[61]](#footnote-61) thus falling prey to the same confusion we discussed earlier with regard to Mounk. In the same vein, others distinguish Right-wing “exclusionary populism” from Left-wing “inclusionary populism,”[[62]](#footnote-62) which is properly democratic. To this distinction we may pose the question we put to Christiano about the contested interpretation of “equality”: if a Right-wing populist movement calls ‘political correctness’ exclusionary, a response that wants to maintain the distinction must then assume the prerogative of deciding what is inclusionary and what is exclusionary, over and against any alternative taxonomies offered by actual popular movements, even if these attain decisive majoritarian status. Francisco Panizza, to take another example, presents populism as the unfortunate but unavoidable underside of democracy, a “mirror” that reveals “the ugly face of the people”—a formulation which requires a standard of political beauty in advance.[[63]](#footnote-63)

These attempts to construe different manifestations of the people’s power as belonging to two fundamentally different categories reveal what is really at stake: the *content* of the mass movements, not the extent to which they *are* mass movements. When a form of political mobilization coincides with some normative criterion (liberal pluralism or inclusion understood in a particular way), it is cherished as an emblem of democratic sovereignty; but if the very same people turn against these values, the movement becomes *populist* and therefore bad. This chimerically solves the problem of a democracy which is opposed to itself by swapping the Ancient Greek word for ‘people’ with the Latin word for the same thing: it is not the *demos* that is undemocratic (that would be an oxymoron), but the *populus*.

In the fine print, intrinsic theories are always compelled to revoke the autonomy that the large print had bestowed on democracy. The string of identities is rephrased as a string of provisos: the people should have power, provided *x*, *y*, or *z*, where these variables are qualities or conditions which may conflict with the qualities or desired conditions of the empirical *demos*. Attempts to establish the normative force of democracy *qua* democracy thus invariably fall into a form of the “no true Scotsman” fallacy. When it is pointed out that democracies (deliberative, representative, direct, etc.) can lead to results that contravene the values associated with democracy (equality, pluralism, informed and rational decisions, communicative reason, even democracy itself), the response is always the same: well, that’s not *true* democracy. Thus, true democracy does not lie with ‘the people,’ however understood, but with the chaperon of their true *kratos*. Schmitt’s claim that “dictatorship is not antithetical to democracy” is thus much more than paradox-mongering; it reveals a fundamental equivocation at the center of democratic theory and politics, which, at the end of the chapter, he refers to as “the decisive transfer of the concept from the quantitative into the qualitative.”[[64]](#footnote-64)

It may be objected here that a commitment to democracy is only that, i.e., a theoretical defense of a certain political position, no different than a commitment to socialism or a commitment to liberalism. It is perfectly consistent, for example, to be in favor of socialism but opposed to a dictatorship which would bring society in line with socialism. So why is the partisan of democracy not afforded the same privilege? The difference is that the socialist does not directly identify her politics with the will of the people, and thus is not necessarily compelled to introduce qualifications that directly contravene the position in question. Even if the socialist identifies her politics with the true *interests* of society, her primary commitment is to socialism, whereas the democrat must simultaneously write and erase her central category. Democratic politics as partisan politics is in the unique and precarious position of having to continuously posit and then bracket its central normative commitment of ‘power to the people,’ constantly inserting a qualifying phrase to its key term—“power to the [pluralist] people,” “power to the [reasonable] people,” and most of all “power to the [properly democratic] people.” Those who deny Schmitt’s claim that democracy requires a form of homogeneity thus make his point for him in an inadvertent way.[[65]](#footnote-65)

Whether or not a given theoretical position would openly endorse an “educational dictatorship” is beside the point; its normative intervention consists of an elaboration of standards that must obtain before democracy is possible, standards which, given the extant gap between the prevailing reality and these conditions, may define democracy as the polar opposite of the people’s will. This is why Schmitt claims that educational dictatorship is the “consequence” of democratic theory—if not the practical consequence, at least the theoretical consequence. Whether the education in question is epistemological or moral makes no difference; in all of the accounts we have discussed, there remains the possibility that the *demos* may be opposed to true democracy, and thus true democracy requires ignoring the will of the actual *demos* until such time as these sundered motives can be reconciled. We might say that the prevailing theoretical ethos represents “fair-weather democracy”—a commitment to democratic iconography is maintained *so long* as the people remain in line, solving the potential problems inherent in this theory by excluding them from the very definition of the theory at the outset.

At a normative level, then, a ‘commitment to democracy’ is not a commitment to the will of the people, but to certain ideal political conditions. The defense of democracy *provided the people believe and act in such and such a way* comes down to the claim that democracy would be good as long as it had the right kind of *demos*. Would any antidemocratic theorist deny this? Would Plato? His argument is based on the premise of popular incompetence: the majority does have the requisite maturity and understanding to govern effectively.[[66]](#footnote-66) If it *did* have this understanding, the argument would be a non-sequitur. The same can be said for contemporary “epistocrats” like Jason Brennan. Affirming democratic legitimacy *against* the elitist view, but with caveats of our own about the people being properly democratic (however this is conceived), thus turns out to be a distinction without a difference.

In the end, advocating for democracy is nothing more than advocating for a certain form of politics, with or without the *demos*. The problem is with determining the people’s true interests, not with determining whether or not the will of the people should rule. This is what Schmitt understood in 1923. “An identity with the will of the people has become so common a premise,” he writes, “that it has ceased to be politically interesting, and…the conflict only concerns the means of identification.”[[67]](#footnote-67) His position is thus neither pro-democratic nor antidemocratic, but understands democracy as an empty, formal shell into which any political content can be made to fit. Our political disputes, then, must be disputes about content, not form.

 In the second chapter of *Parlamentarismus*, Schmitt makes use of logistical arguments about limits of mass democracy which anticipate the well-known skepticisms of Walter Lippmann and Joseph Schumpeter.[[68]](#footnote-68) These arguments need not concern us here. In the first chapter alone, Schmitt issues criticisms of the notion of democracy as an end in itself that, in my estimation, have yet to be answered satisfactorily. It would be too easy to dismiss Schmitt’s critique because of where these ideas led him. If we abhor his subsequent political choices, as we should, we ought not to base our rebuttals on the figure of democracy, for he has shown himself every bit as “democratic” as we are, and if present trends are any indication, his choices may more faithfully reflect the democratic impulse. Rather, we should defend a particular content—socialism, liberalism, conservatism—without identifying it with the will of the people, thus avoiding the risk of reintroducing the chasm between the empirical *demos* and the real *demos*. For Schmitt, this *Inhalt* must consist in the perpetual formulation and maintenance of friend-enemy relations, based on nothing except a nationalistic and racialized notion of “concrete orders.”[[69]](#footnote-69) The first chapter of *Parliamentarismus* argues that such a political vision is as consistent with the value of democracy as any other, insofar as democratic theory is always compelled to introduce the real/empirical dialectic. For the reasons laid out there and elaborated here, a response to this fascist philosophy requires more than an appeal to the formal category of democracy; it requires an affirmation of different content, based on other categories.

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1. For the anti-liberal, democratic Schmitt, see Mouffe, *The Return of the Political*, 105-133; Kalyvas, *Democracy and the Politics of the Extraordinary*; McCormick, *Carl Schmitt’s Critique of Liberalism*; Cherneski, “An Unacknowledged Adversary.” For the anti-democratic, liberal Schmitt, see Schupmann, *Carl Schmitt’s State and Constitutional Theory: A Critical Analysis*; Cristi, *Carl Schmitt and Authoritarian Liberalism*. [↑](#footnote-ref-1)
2. Schmitt, “Interrogation of Carl Schmitt by Robert Kempner,” 103. [↑](#footnote-ref-2)
3. Justified or not, Ellen Kennedy’s rendering of the title is a mistranslation. The German means something like “The Intellectual-Historical Situation of Contemporary Parliamentarianism.” [↑](#footnote-ref-3)
4. Schmitt, *Crisis of Parliamentary Democracy*, 28. While this text is cited frequently in the Schmitt literature, this chapter has received curiously little attention. In Bellamy and Baehr, “Carl Schmitt and the Contradictions of Liberal Democracy,” for example, the authors barely mention this chapter, citing it only once and referring to it one more time. Cherneski, likewise, does not cite this chapter despite discussing *Parlamentarismus* at length. [↑](#footnote-ref-4)
5. Schmitt, *Parliamentary Democracy*, 22-23. I will discuss socialist theorists who regard democracy as synonymous with socialism below. [↑](#footnote-ref-5)
6. Schmitt, *Parliamentary Democracy*, 24; *Parlamentarismus*, 32-33 [henceforth, I will cite the corresponding German text in brackets, where relevant]. In the rest of this paragraph, Schmitt dismisses the notion of “economic democracy,” relying on a questionable political/economic division. [↑](#footnote-ref-6)
7. In Vázquez-Arroyo's *Political Responsibility*, he writes that political responsibility is “a question of the advent and sustenance of genuinely democratic, *and, by extension, socialist, political orders* (xii, emphasis added). I will cite further examples of socialists who make the same identification below, as well as several liberals. With regard to conservatives, this identification is less common in *theory* (with the possible exception of Schmitt himself, of course), but very prominent among politicians, especially following what historians refer to as the “majoritarian turn” of the 1970’s, when conservatives (especially in the United States) began appealing to “the silent majority.” See Nash, *The Conservative Intellectual Movement in America Since 1945,* 230-257; Critchlow, *The Conservative Ascendancy*, 114-131; Hoeveler, *Watch on the Right*, 7-8. [↑](#footnote-ref-7)
8. See Arneson, “Democracy Is Not Intrinsically Just.” [↑](#footnote-ref-8)
9. Landemore, *Democratic Reason*, 208. [↑](#footnote-ref-9)
10. Landemore, “Beyond the Fact of Disagreement? The Epistemic Turn in Deliberative Democracy,” 288. [↑](#footnote-ref-10)
11. Schmitt, *Parliamentary Democracy*, 25. [↑](#footnote-ref-11)
12. See Brennan, *Against Democracy*; Somin, *Democracy and Political Ignorance*; Caplan, *The Myth of the Rational Voter*. Also worth mentioning in this context are Lupia, *Uninformed*, and Achen and Bartels, *Democracy for Realists*. [↑](#footnote-ref-12)
13. See Landemore's response to skeptics like Brennan and Somin in “Yes, We Can Make It Up on Volume: Answers to Critics,” 207ff. [↑](#footnote-ref-13)
14. Shapiro, *Democracy’s Place*, 135. [↑](#footnote-ref-14)
15. There have been other recent attempts to achieve a hybrid between instrumental and intrinsic justifications, for example Chambers, “Balancing Epistemic Quality and Equal Participation in a System Approach to Deliberative Democracy.” In “Democracy and the Love of Truth,” Yack argues—to my mind, convincingly—that this balancing act is never really successful, inevitably giving more weight to one side of the scale than the other. [↑](#footnote-ref-15)
16. Shapiro, *Democratic Justice*, 48-49, 234-238. [↑](#footnote-ref-16)
17. Schmitt, *Political Theology*, 15. [↑](#footnote-ref-17)
18. Schmitt, *Parliamentary Democracy*, 25 [34]. [↑](#footnote-ref-18)
19. Ibid. [↑](#footnote-ref-19)
20. Rousseau’s *Législateur* (theorized in Book II, Chapter VII of *Du Contrat social*) is sometimes translated more directly as “legislator.” The infamous phrase “forcera dʼêtre libre” appears in Book I, Chapter VII. [↑](#footnote-ref-20)
21. Schmitt, *Parliamentary Democracy*, 26. [↑](#footnote-ref-21)
22. Ibid, [35]. This logic unfolds in a number of other identities (see ibid). [↑](#footnote-ref-22)
23. See Keenan, *Democracy in Question*, 11; Connolly, *Aspirational Fascism: The Struggle for Multifaceted Democracy under Trumpism*, 79-82; Walzer, “Philosophy and Democracy,” 384. [↑](#footnote-ref-23)
24. “Liberalism and democracy, we have long thought, make a cohesive whole. It is not just that we care about both the popular will and the rule of law…it’s that each component of our political system seems necessary to protect the other.” See Mounk, *The People Vs. Democracy*, 6. As Bobbio argues in *Liberalism and Democracy*, the notion that these two political dispositions belong together is very new; for most of the history of modern political thought and action, the two terms were actually understood as mutually exclusive. [↑](#footnote-ref-24)
25. This, in spite of the following acknowledgment: “[Outside observers] tend to denounce Orbán as undemocratic. But…it is a mistake to think that all democracies must by their nature be liberal […] In the emerging system, the popular will reigns supreme (at least at first). What sets it apart…is not a lack of democracy; it is a lack of respect for the independent institutions and individuals rights” (ibid, 10-11). His explicit concern, then, is not with the popular will becoming undemocratic, but with the popular will becoming *illiberal*; in nevertheless titling the book *The People vs. Democracy*, Mounk establishes a false synonymy between democracy and a set of (liberal) values which, as he acknowledges, might disregard the will of the empirical *demos*. [↑](#footnote-ref-25)
26. Wood, *Democracy Against Capitalism*, 181-237. [↑](#footnote-ref-26)
27. Schmitt, *Parliamentary Democracy*, 27-28. [↑](#footnote-ref-27)
28. See Honig, *Emergency Politics*, 12-39. [↑](#footnote-ref-28)
29. Dahl, *Democracy and Its Critics*, 71. [↑](#footnote-ref-29)
30. Urbinati, *Democracy Disfigured*, 7, 10. [↑](#footnote-ref-30)
31. Lefort, *Democracy and Political Theory* 19. [↑](#footnote-ref-31)
32. Barber, “Foundationalism and Democracy,” 349. [↑](#footnote-ref-32)
33. Shapiro’s work is a good example of this position: “it is true that my account rests on skepticism toward the absolutist epistemologies and ontologies that a classical Marxist or a Platonist might embrace. This skepticism is political not metaphysical in that I take no position on whether or not they are valid (perhaps one such view is), only on whether or not it is wise to let them run the world” (*Democracy’s Place*, 134).  [↑](#footnote-ref-33)
34. Christiano, *The Rule of the Many*, 16-17. Cf. Terchek and Conte, in their introduction to *Theories of Democracy*: “Most democrats hold that persons are equal in some important ways and all deserve a voice in their governance” (xiii). [↑](#footnote-ref-34)
35. Estlund, *Democratic Authority*, 36, 39. [↑](#footnote-ref-35)
36. Ibid, 43-44. Estlund is often associated with the ‘epistemic turn’; however, as John B. Min notes, “Estlund’s key idea is that democracy is epistemically superior to all other political arrangements that are *fair*.” See “Politics Must Get It Right Sometimes: Reply to Muirhead,” 408. [↑](#footnote-ref-36)
37. See Chambers, cited above. [↑](#footnote-ref-37)
38. Fishkin, *When the People Speak*, 14. See also Offe and Preuss, “Democratic Institutions and Moral Resources.” [↑](#footnote-ref-38)
39. For an expression of this worry, see Erman and Möller, “Why Democracy Cannot Be Grounded in Epistemic Principles.” [↑](#footnote-ref-39)
40. Cohen, “Moral Pluralism and Political Consensus,” 282. [↑](#footnote-ref-40)
41. Rawls, *Political Liberalism*, 46, and 55-57. [↑](#footnote-ref-41)
42. Habermas, *Between Facts and Norms*, 304. [↑](#footnote-ref-42)
43. Schmitt, *Parliamentary Democracy*, 28. [↑](#footnote-ref-43)
44. Ibid [37]. [↑](#footnote-ref-44)
45. Ibid. [↑](#footnote-ref-45)
46. Cf. the discussion of Rousseau’s “lawgiver” in Benhabib, “Deliberative Rationality and Models of Democratic Legitimacy,” 28-30. In framing the issue as Rousseau “trading off” legitimacy and rationality, Benhabib avoids the real problem: this is not only a conflict between rationality and democratic legitimacy, but a conflict *within* democratic legitimacy. By insisting upon a certain formal democratic procedure over and against the desire of the actually existing *demos*, Benhabib performs the same “trade-off.” Honig likewise stays at the level of how a ‘people’ is originally formed and the impossibility of ever finalizing this category, rather than the question of how democratic theory could deal with the existence of a people (however formed) which is hostile to democratic values. See “Between Decision and Deliberation,” 3-8. See also Olson, “Paradoxes of Constitutional Democracy.” [↑](#footnote-ref-46)
47. See Wollheim, “A Paradox in the Theory of Democracy.” For a helpful exposition of this problem’s life and afterlife, see Gutmann, *Liberal Equality*, 176-77. For Schumpeter’s account of the same issue, see *Capitalism, Socialism, and Democracy*, 240-242. [↑](#footnote-ref-47)
48. Shapiro, *Democracy’s Place*, 134n. [↑](#footnote-ref-48)
49. Honig, “Difference, Dilemmas, and the Politics of Home,” 258. [↑](#footnote-ref-49)
50. Popper, *The Open Society and Its Enemies*, 546. [↑](#footnote-ref-50)
51. Such reversals are not merely the stuff of speculative thought experiments. See Neiwert, *Alt-America*: “the American right…eagerly accused President Obama and the liberal Democrats of being the *real* fascists” (357). [↑](#footnote-ref-51)
52. See Critchlow, *Phyllis Schlafly and Grassroots Conservatism*. [↑](#footnote-ref-52)
53. In addition to the Right-wing examples already cited, see O’Sullivan's “Foreward” to Legutko’s *The Demon in Democracy*, as well as Bauer, “The Left and ‘Discriminating Tolerance.’” [↑](#footnote-ref-53)
54. Ultimately, Rawls’s political theory is liberal, not democratic—as even Habermas points out, Rawls’s argument “demotes the democratic process to an inferior status” whenever it conflicts with the “priority of liberal rights.” See Habermas, “Reconciliation through the Public Use of Reason,” 128. [↑](#footnote-ref-54)
55. Habermas’s own critique of Schmitt makes no effort to respond to his basic point about the “Jacobin logic” of democratic theory, i.e., about how to deal with the problem of an antidemocratic *demos*. See Habermas, “The Horrors of Autonomy: Carl Schmitt in English,” esp. 138-39. [↑](#footnote-ref-55)
56. Honig, “Between Decision and Deliberation,” 1 [↑](#footnote-ref-56)
57. Estlund, “Epistemic Proceduralism and Democratic Authority,” 17. [↑](#footnote-ref-57)
58. Cf. Plott, “‘We’re All Tired of Being Called Racists.’” [↑](#footnote-ref-58)
59. See Busk, *Democracy in Spite of the Demos*, 51-83, and “Radical Democracy with what Demos?” [↑](#footnote-ref-59)
60. Hibbing and Theiss-Morse, *Stealth Democracy*. This book argues that most people in contemporary “democracies” have little to no interest in participating in politics. [↑](#footnote-ref-60)
61. See Ochoa Espejo, “Power to Whom? The People between Procedure and Populism”; Abts and Rummens, “Populism versus Democracy”; Müller, *What Is Populism?* [↑](#footnote-ref-61)
62. Mudde and Kaltwasser, “Exclusionary vs. Inclusionary Populism: Comparing Contemporary Europe and Latin America.” [↑](#footnote-ref-62)
63. Panizza, *Populism and the Mirror of Democracy*, 30-31. [↑](#footnote-ref-63)
64. Schmitt, *Parliamentary Democracy*, 31. [↑](#footnote-ref-64)
65. See Mouffe, *The Return of the Political*, 109-110. [↑](#footnote-ref-65)
66. Among the many relevant passages, see Republic, 431c, 493e-49, 561d, 563d-564b, and 473d, as well as Protagoras, 319be. [↑](#footnote-ref-66)
67. Schmitt, *Parliamentary Democracy*, 29. [↑](#footnote-ref-67)
68. In the preface to the second edition of *Parlamentarismus*, Schmitt calls Lippmann’s *Public Opinion* a “very shrewd, although too psychological book” (6). Cherneski argues that Schumpeter developed his form of “elitist democracy” *against* Schmitt; they nevertheless make use of very similar arguments. [↑](#footnote-ref-68)
69. See Schmitt, *Parliamentary Democracy*, 75-76; Schmitt, *The Concept of the Political*, 49-64; Schmitt, *On the Three Types of Juristic Thought*, 47-57, 75-83, 89-99; Schmitt, *Land and Sea: A World-Historical Meditation*, 59-68; Schmitt, *The Nomos of the Earth*, 147-148; Schmitt, *Theory of the Partisan*, 85-95. The best commentary on this theme in Schmitt’s work is Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*, 221-251. [↑](#footnote-ref-69)