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Metaphor and the Struggle between Populism and Liberal Democracy

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METAPHOR AND THE STRUGGLE BETWEEN POPULISM AND LIBERAL DEMOCRACY

DISSERTATION

A dissertation submitted in partial fulfillment of the
requirements for the degree of Doctor of Philosophy in the
College of Arts and Sciences
at the University of Kentucky

By
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ABSTRACT OF DISSERTATION

METAPHOR AND THE STRUGGLE BETWEEN POPULISM AND LIBERAL DEMOCRACY

Populist movements have emerged the world over, appearing even in countries in which it had long been assumed that liberal democracy was unassailable. Scholars have been grappling with the concept of populism for decades, but as populists have won victories close to home, the research has taken on a heightened sense of urgency. Two of the common theses that have appeared in the recent literature are, (a) populism is opposed to liberal democracy, and (b) populism is linked to a democratic tradition of thought that originates with Rousseau. While I am willing to grant (a), I argue in this dissertation that populism, at least in the United States and some European countries, has a much stronger connection to the classical liberal tradition than many scholars would like to admit. More specifically, the populist notion of 'the people' is indebted to a notion of self-interest and an instrumental conception of government.

This dissertation examines the democratic and liberal traditions through their orienting metaphors. The most important metaphor of is that of mechanism, which guides both of their notions of government. While liberalism has advocated for a notion of good government as a well-balanced machine, whose impartial procedures yield either maximal liberty or equality, the supposedly democratic populism insists on government as a tool for the people as voiced by a single leader. But this conception of the people as using a tool has less to do with Rousseau's notion of the general will and more to do with taking the economic conception of the individual as a metaphor for the people. Or in other words, populism treats the entire people as a single, self-interested individual writ large.

Underlying the approach to the problem through guiding metaphor is a concern with a notion of politics as involving public world-creation. That is, 'politics' as a technical term deals with the ways in which humans are spontaneous world-shapers who are not merely conditioned by the world but also can condition it in turn. I contend that the mechanistic metaphor, even in its liberal form, cannot adequately evoke this sense of public power as something to be preserved. This is because liberal theory often proposes a notion

of good government as procedural, regulated, and divided by competing powers. Any spontaneity of the individual is relegated to the private sphere, while the public sphere remains the purview of elected representatives subordinated to ‘independent’ laws.

KEYWORDS: Liberalism, Populism, Democracy, Politics, Metaphor, Tradition

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CHAPTER 1. POLITICS AND METAPHORS FOR DEMOCRACY

In recent decades, bouts of populism all over the globe have seemed to increase in both frequency and strength, winning elections in unlikely places. Authoritarian-leaning leaders have proclaimed victory on behalf of 'the people,' and have set about attacking enemies, competitors, and foreigners. The 2016 presidential election of Trump was one such event, which has left scholars and commentators grappling with an explanation of his success and worrying about a possible totalitarian turn. While it cannot be said unequivocally that any new totalitarian formation has emerged from these populist victories, racism and nationalism have clearly been at play, especially in (but not limited to) the United States and Europe. Thus, the populist victories on behalf of the people have—empirically at least—amounted to little more than a triumph of one group within a country. To put the point directly, minority populations have generally lost when populists have won.

With few exceptions, populism has been regarded as a threat to healthy democracy. While Chantal Mouffe and Ernesto Laclau have advocated for a Leftist version of populism, it seems dubious that any populist leaders have lived up to the position advanced in their scholarship.[1] Thus, scholarship, if not direct political commentary, comes to the question: what has made populism so appealing when it is self-evidently bad? What would drive sixty million people to vote for Trump? Perhaps the most popular and promising answer is that populism is able to exploit a certain strand

[1] While Latin American populism has often been more economic-oriented and 'Left' than populism elsewhere, its most famous exemplar was Hugo Chavez, whose authoritarianism and partisan-style of politics would serve as a poor exemplar of political virtue.

of democratic thinking about the people even if it is, in some way undemocratic. It seems that getting clear on explaining both the appeal and the problem with populism, then, will entail gaining a better understanding of the conceptual terrain set up by the notion of 'democracy.'

In this introduction, I will first identify some of the assumptions that we tend to make about democratic politics, so that we might develop a curious unfamiliarity with a topic in which judgments can seem to come naturally, even automatically. Many of the democratic concepts that we tend to take for granted, such as 'representation,' 'rights,' 'self-interest,' and 'checks and balances' stem from the liberal tradition, which, while dominant, exists alongside concepts from other political traditions, such as the Rousseauan-democratic and republican traditions. Thus, whether it be a matter of scholarship or a layman's evaluation, it seems that we cannot help but draw upon liberal-democratic concepts to think about democracy and populism. Second, I will briefly elaborate my approach to understanding populism and liberalism, which involves examining the metaphors they deploy in order to coordinate and determine their concepts. They both adopt a metaphor of mechanism for government, and they both adopt a metaphor—a schema—of an interest-driven individual for the citizen. While examining metaphors has been an approach in political philosophy—taken by Lefort, Hegel, and Taylor, for instance—it has not played a prominent role in the literature on populism. Third, I will outline the three basic concepts that these metaphors help us determine and deploy: freedom, authority, and unity. There, I will show the way in which populism and liberalism interpret these concepts in opposed fashion.

The benefit of my approach is that we can see not only the opposition of populism and liberalism, but we can also show how the shared metaphors enable a slippage between thinking as a populist and as a liberal. Moreover, while liberalism provides a sophisticated conceptual framework that has remained relatively stable for generations, the impulsive, shallow eruptions of populism are not rejections of liberalism's concepts, they are a perverse realization of them. Thus, populism cannot be solved or fought by simply insisting even more vehemently on the primacy of liberal concepts or about deploying them to decry the irrationality of populists. If the insights of liberalism—pluralism, the importance of freedom, the importance of discussion, and a rejection of absolute authority—are to be preserved, then we must think through another political tradition, viz., the Rousseauan democratic tradition, and set aside the primacy of mechanistic and self-interested individual metaphors.

As I will show, rather than helping us to think of a stable, healthy notion of democracy, these metaphors motivate a kind of instability in our concepts. This is not to say they explain the entire psychology of everyone who draws from them, but rather, that thinking from these metaphors has its own kind of inertia. Such inertia (a) gives a socio-economic rational kernel to irrational populism, transformed by a fanatical, even psychotic, belief in one's group membership, and (b) blinds liberalism to issues of community membership that cannot be successfully repressed.[2] If we want a stable, more

[2] We could put the point a little differently and say that for all its sophistication, liberalism still has an element of the irrational insofar as (a) it renders some intelligible questions nonsensical or irrelevant, and (b) it dispenses with the arguments and context of certain concepts and beings to deploy them as fully transparent even as they become increasingly opaque. Louis Hartz was comfortable referring to a kind of irrationalism endemic to the hegemonic adoption and expansion of liberal theory, associated with

comprehensive theory of democracy, then, we should be ready not only to expand our political vocabulary, but also to think about democracy differently, namely, by adopting and working through the organic metaphor for political unity. My overarching thesis, then, is that populism and liberalism tend to lead into crises that motivate transforming into each other, as evidenced by their shared metaphors of mechanism and the interest-driven individual, and that we can begin to think through a more stable version of democracy by working from the organic metaphor. I will outline the steps I take to support this thesis in the final section of this introduction.

1.1 Framing Political Issues

In common parlance, there seems to be no association more natural than "democratic politics" and "voting." For citizens, voting is that practice in which an opinion is made public; it is the primary way of participating in the public sphere. Consequently, while every person may have some set of human rights, voting rights are both reserved for members in a given political community as well as especially humanizing—assuming humans democracy realizes an essential freedom that is not found in other forms of government. If we narrow our focus to thinking about the

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Locke, in *The Liberal Tradition in America*, (New York: Harcourt Brace 1983), see esp. 6. While Hartz's project is more narrowly historical and emphasizes the role of feudal concepts, to which American liberalism was blinded, my project has an affinity with his insofar as I am attempting to explain how liberalism's blind spots are not simply theoretical shortcomings. They dangerous defects that give rise to the various threats to liberal democracy that we have seen since its ascendance, fascism and populism not least among them. These 'blind spots' arise at varying levels of analysis, such as the psychological need to organize aggressive impulses or the ontological-constitutive role of the community for the individual. For a helpful articulation of different levels of analysis, namely the ontological, metapsychological, and psychological, see Stefan Bird-Pollan, *Hegel, Freud, and Fanon: The Dialectic of Emancipation*, (New York: Rowman and Littlefield International 2015), esp. 17-20.

workings of any given democracy, for instance when we think about the perspective of politicians, votes are a kind of currency. They seek to accumulate that currency by building a platform wide enough to get the majority vote. One can interpret this situation cynically and take it that politicians will do or say anything to win enough votes. It is due in large part to this latter situation that "politics"—and public life in general—is a kind of nasty business that most people would prefer to be done with as soon as possible and return to their fulfilling and free private lives. In fact, one of the major motivations for voting is that it allows one to choose their representative, which ultimately means: citizens choose who will pursue and protect their self-interest. It is only with this assumption that we can make sense of the oft-made criticism of people—specifically of lower social classes—'voting against their own interests.'

Beyond this conception of democratic politics as an electoral competition is the conviction—prevalent but not universal—that political thought is something like a field of critique for the public, practical world. This is certainly found in the legacy of Marxist thought and its critique (a) of the state as an instrument of the bourgeoisie and (b) of organized labor as human alienation. These two threads oftentimes converge: political thought is a critique that articulates the ways in which public institutions or social groups hinder, dominate, oppress, etc. the interests of other persons and groups. It is up to the critical theorist to identify the limits of public power, so that its abuses are mitigated if not made impossible. These are the core background assumptions of the populist-liberal debates taking place in both scholarly and lay discourses. If we are to think through a healthy democracy, we must reject these two assumptions and (a) take a broader view of what constitutes 'politics', and (b) work through the positive constitution of public

power. That is, we must ask not "what makes the 'use' of public power bad?" but rather, "what makes public power good?"

Populism and liberalism seem to offer different perspectives within this framework of voting, self-interests, and critique. Populism suggests that a corrupt elite is using public resources to pursue their own private interests, and the proper response is for the people to elect an outsider who will pursue the general interests of the people—and not the established elite, foreigners, globalists, etc. Politics, for populism, has a messianic flavor; it consists of the righteous people overcoming the evil, corrupt individuals who have unfairly risen to power. Liberalism, at least insofar as it is readily recognizable in our public institutions and public discourse, suggests that everyone has their own interests, and the public sphere simply is the space of contesting these interests, hopefully with proper mediation (meaning a referee). Proper politics, on this understanding, consists of regulating and mediating this competition, such that no group is ever permanently in power and every individual can find fulfillment in their private life, protected by a system of rights.

The conflict between populism and liberalism—at least in scholarly discourse—takes place as a debate about the proper understanding of democracy. Is populism right in its insistence on a public interest distinguished from private ones? Or is democracy nothing beyond an aggregation and mediation of differing—even competing—private interests, as market liberalism suggests? The two options seem different enough, but they nevertheless hold in common those initial assumptions about the substance of politics: votes and self-interest. I want to suggest that these concepts are not only not necessary for

politics, but they might even be opposed to politics if we take it that politics is about freedom and community.

If it is at least possible that politics is not primarily about voting and has little or nothing to do with private self-interest, it remains a question as to why it strikes us as so familiar and natural to think of politics in *just* these terms. The answer, I think, has to do with how we think about politics and the greater community. It is not only that we say certain terms like "self-interest," whose meaning is taken to be fully transparent, it is that our thinking is guided by a vague, often (partly) unconscious picture of how the world works that insulates our self-evident concepts from inquiry. Thus, if we want to gain a better understanding of not only populism and liberalism, but alternative conceptions of politics, we should reflect on the kind of metaphors that we draw on, perhaps even unconsciously.

1.2 Metaphor, Populism, and Liberalism

Clearly, the notion of metaphor is central to my project, since I am identifying what metaphors drive certain kinds of thinking and acting. For liberal thinking, the mechanistic and self-interested individual metaphors do not provide a personal motivation so much as a logical framework and vocabulary for analysis. For populism, the metaphors operate less abstractly; they inarticulately fuel a drive to control government machinery, to expel other parties and groups from the public sphere, and to narcissistically celebrate the pursuit of one's interest, set against the interests of others. In this section, I will offer a clarification of metaphor and how it works in my project as well a provisional characterization of liberalism and populism, to be fleshed out in chapters two and three.

1.2.1 Metaphor

Approaching liberalism and populism through their guiding metaphors is necessary if we want to analyze populism and liberalism as people think and live through them, since the metaphors speak at a general enough level that it is shared by scholars and laymen. Further, guiding metaphors can offer a clearer glimpse of what drives ideologies to develop and be applied in the ways that people deploy them. Most importantly, though, metaphors allow us to think about the suprasensory. The ideas of community and freedom are not objects of sense experience; nevertheless, these concepts hold a central place in our language of political thought, even when our political thought seeks positivistically to reduce these terms to empirical issues. Metaphors are often the first way that we begin to think about these terms, and they remain one of the most powerful sources for further thought and action.

While these reasons for thinking in metaphor are necessary, they are also, in a sense, dangerous, because we can let them do our thinking for us. If we think that an organism offers a metaphor for community, we still need to work through what is relevant for thinking about community and what is inessential or misleading. Moreover, we cannot be too presumptuous in what we think of the term "organism." It is not just a metaphor but also a concept, and we have to be ready to inquire into its meaning. This provides even more reason to interrogate metaphors; we fail to analyze them at our own risk.

The focus on metaphor has an additional benefit for this project. Scholarship on populism and liberalism have both faced difficulties in offering definitions for each

term.[3] While there are divergent versions of each term—populism has varied empirical instantiations while liberalism has sophisticated theoretical variations—they become more transparent in their unity by highlighting their driving metaphor in conjunction with their familiar, disparate elements.

The most relevant, prominent work on metaphor and politics was done by Claude Lefort. He famously proposed that democratic power is represented as 'the empty place of power,' where totalitarian power is represented in the organic form of a single, monolithic person.[4] He provocatively engaged in analyzing the kind of images and fantasies that accompanied certain kinds of thinking of power and communities, and it should come as no surprise that it is now being drawn upon in discussions about liberal democracy and populism.[5] His rejection of the organic metaphor has been widely adopted, and while I think Lefort has a compelling critique of totalitarianism, I will be arguing that he mischaracterizes the organic metaphor. Moreover, the metaphor of the empty place of power is itself narrowly liberal-democratic and redescribes the liberal interpretation of government mechanism. So, while Lefort's work has been adopted to directly inform debates that pit populism against (liberal) democracy, I want to suggest that populism is not simply a return of totalitarianism (and thus does not neatly fit with

[3] For instance, see Andreas Kalyvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns* (Cambridge University Press, 2008) 3-7, (henceforth, "Kalyvas and Kratznelson, *LB*") as well as María Pía Lara, "A Conceptual Analysis of the Term 'Populism,'" *Thesis Eleven* 149, no. 1 (December 2018) 35, although her focus is more on "neoliberal." Henceforth, "Lara."
[4] Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism* (Polity Press, 1986) 301. Henceforth, "*PFMS*."
[5] For instance, in Koen Abts and Stefan Rummens, "Populism versus Democracy," *Political Studies* 55, no. 2 (June 1, 2007): 405–24. Henceforth, "'PvD.'"

Lefort's characterization of the organic metaphor), and liberalism is neither the only interpretation of democracy nor necessarily democratic.[6]

The empty place of power, as a representation of democracy, stands in need of critique, insofar as it can—in principle—lend itself to conceptualizing both populism and a certain kind of mechanistic liberalism. Both ideologies, despite their differences, require thinking of democratic politics in terms of 'contestation,' within a common space. Populism involves thinking of a group will overcoming partial interests that plague the government. Liberalism, at least its market-based varieties, involves thinking of politics in terms of a regulated competition for votes, in which people select representatives to pursue and protect their self-interest. Thus, both populism and liberalism are compatible with 'the empty place of power' insofar as they rely on thinking of politics in terms of voting and with the assumption that differences within a democracy are in a competitive relationship.

1.2.2 Populism

The discourse on populism often takes place as a critique, either of all populisms or of Right-wing populism specifically, where the rhetorical concern is the preservation of democracy. The major positions in this debate are (a) liberalism is democracy, ergo all forms of populism are anti-democratic, (b) Right-wing populism may be destructive of democratic practices, but Left-wing populism is a better realization of democratic politics than liberalism, and (c) populism is illiberal, but lives somewhat parasitically on a distinctly democratic tradition, namely, one that is not derived from the liberal-pragmatic

[6] *Contra* Michael Davis, "Liberalism and/or Democracy?," *Social Theory and Practice* 9, no. 1 (1983): 51–72.

tradition. In this case, populism is a degeneration of democracy, but presumably so is pure liberalism.[7] I think he third option is the most compelling. I will show why by first describing populism and second by discussing liberalism. Third, I will argue that both liberalism and populism are social modes of thinking and acting and cannot fulfill the democratic promise.

Ultimately, what I hope to show provisionally here and more thoroughly in the first two chapters is that liberalism and populism—and the tradition they stem from—may have positive contributions to political thought, but when they are understood in isolation and according to their metaphors of mechanism and individualism, they degenerate into a kind of social automatism. This automatism makes politics superfluous because populism and liberalism become transfixed on concrete ends. Populism becomes obsessed with having a representative that gives their supporters a sense of control over government machinery, which entails ousting other representatives and tearing down laws that do not seem to conform to their immediate will. Liberalism becomes transfixed with the supremacy of some set of procedures that transcend and limit public power. It may allow citizens to act with liberty in the private sphere, but the public work of articulating rights, creating laws, and maintaining institutions could—with all consistency—be left to a bureaucratic class or enlightened despot, or 'technocrats' as they are now sometimes called.[8] The liberal and the populist—or rather democratic—

[7] See for instance, Yascha Mounk, *The People vs. Democracy: Why Our Freedom Is in Danger & How to Save It*, (Cambridge: Harvard University Press 2018) 8-13. He uses the phrases, "illiberal democracy" and "undemocratic liberalism" to express these two kinds of degeneration.

[8] Liberal thinkers have offered arguments for why this is not the case, but it is not clear how plausible any of those arguments are in the face of populism. Schmitt's argument

traditions can only positively contribute to democracy if we abandon them as one-sided -isms and understand their concepts as rooted in political freedom, which I think can be done through an organic metaphor of political unity.

The difficulty of defining populism has led to several different approaches. Abts and Rummens characterize it as a 'thin' ideology that can couple with various other ideological contents, hence it can be both Left-wing and Right-wing without erasing the differences between the subspecies of populism.[9] Laclau argues that populism is a style of politics, which sits as the opposite pole of liberal-pragmatic politics.[10] Thus, in day-to-day political practice, concrete activities play out on a fluxing continuum of styles. Of course, there are other approaches, such as thinking of them as "combat concepts" used merely to identify political opponents or allies, thinking of them as a rhetorical strategy, or simply wishing to abandon the term altogether, but those will not be as illuminating in recognizing features of populism when they appear.

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against parliamentarism in *The Crisis of Parliamentary Democracy* serves as an adequate reason to be suspicious of liberalism's defense of democracy. Carl Schmitt, *The Crisis of Parliamentary Democracy*, Ellen Kennedy (ed. and trans.) (Cambridge: MIT Press 1988) 5-7. Henceforth, "*Crisis*." The core justification for democracy in liberalism relies on a presumed rationalism: a process of open discourse and voting will eventually lead to the best results (truth, justice, freedom, etc.). But the process of conversation does not necessarily lead to the best idea winning in the so-called marketplace of ideas. Ignorance can be disseminated just as easily as truth, domination just as easily as freedom, and social discrimination just as much as political inclusion. More to the point, I would say that liberalism seems more compatible with a kind of technocratic administration, in which an elite educated in political economy, make decisions about rights and how to protect them.

[9] "PvD" 408.

[10] He writes, ". . . populism has no referential unity because it is ascribed not to a delimitable phenomenon but to a social logic whose effects cut across many phenomena. Populism is, quite simply, a way of constructing the political." Ernesto Laclau, *On Populist Reason*, (New York: Verso 2005) xi. Henceforth, "*OPR*." Laclau attempts to formulate his approach to populism in several ways, including "a way of construction," and "a dimension of the political."

While scholars may disagree on the exact taxonomy of populism, they nevertheless agree on the characteristic features of populism. Moreover, there is relatively large agreement on what cases constitute populism. Each case of populism may emphasize some features over others, and some features may be largely unimportant for the success or appeal of the populist movement or regime. If we wish to understand a 'populist' event and not attempt to measure it, then these features suffice to get us started. I will identify four features.

First, populism involves a kind of (pretend) homogeneity of the people (or 'anti-pluralism'). Trump's 'make America great again,' slogan, with its imagery of a lost status, indicates that greatness was a property of the whole and not just a class or a group. Or in other words, there is some feature by which all Americans are alike, perhaps moral and perhaps ethnic. Second, populism involves a tendency to promote a single, authoritarian leader. Trump's referring to himself as a king is a perfect illustration, but the fact that he ran on being an outsider even while within the Republican party is a good indicator that he presents himself as the only suitable representative of the American nation. Third, populism often deploys a maxim that populism restores sovereignty to the people. At his rallies, Trump often says that 'we' will make America great again. By voting for him and attending the rallies, people are participating in a kind of national rejuvenation and taking control of the country back. This leads to the fourth and final feature, populist movements target an elite that has illegitimately seized control of government. Trump ran as an outsider; he promised to drain the swamp. He was able to harness not only resentment against Democrats, but resentment against professional politicians in general.

In analyzing populism, I want to understand it in the terms that make it plausible to voters. How does one have to interpret populism such that it appears as an attractive movement or ideology? In order to understand populism on these grounds, we need to understand it as having at least a rational kernel. It aims at a principle, namely autonomy, but its specification of this principle falls short. The destructive character of populism stems from its inability to realize its own ideal, not from having the wrong ideal from the start. Populism understands the principle of autonomy in the sense that the people manufacture and control the laws. More specifically, populism envisions the fulfillment of this promise as though the people were a giant individual authorized to create its own machines capable of doing so. The machines it creates, government institutions and laws, are designed for the sake of carrying out the people's will, which in turn should produce what the people want (prosperity, stability, status, etc.). If the tool is defective or if the desires of the people change, the people should be free to discard or change the tool. Populist supporters of Trump take it that the current government—its laws and institutions—are not doing what they want, and those supporters identify with the people as a whole. Thus, the laws and institutions should be discarded or changed.

1.2.3 Liberalism

Much like populism, liberalism has some familiar features, but its varieties pose a problem in offering a generic definition. Liberalism poses a greater difficulty than populism if only because the various forms of liberalism tend to be quite detailed, and its advocates have engaged in extensive defenses of their own versions but not others. My focus is less on liberalism as a modern, prescriptive theory. I am interested first in understanding the "liberal" institutions that inform our lives and that we discuss in the

political events of our times. Second, I am interested in it as a tradition that has produced several concepts that we now take to be self-evident and that shapes the thinking—often unconsciously—of most of our social-political thought. More specifically, I will be tracking the notions of "rule of law" (further associated with "checks and balances"), "negative liberties" (associated with "self-interest"), and "proceduralism" (with at least a loose association with means-ends thinking).

The concern with both liberal institutions and the liberal tradition are historically related. Once liberalism displaced competing political theories, such as the divine right of kings and republicanism, it entrenched itself so thoroughly in Western thought that it is expressed virtually everywhere. Once those concepts became omnipresent, their authorship became anonymous, their meaning shed the need for questioning, and their *raison d'être* forgotten. And in an approach inspired by Heidegger's historical *destruktion*, I aim to interrupt the ease and familiarity with which we repeat these concepts so that we can better understand them.[11] I start, then, with how several concepts, produced by a specific tradition but so thoroughly disseminated that they appear to be self-evident, are used in the contemporary critiques of populism.

To be clear, modern liberalism as it appears in current debates about normative theory is distinct from the tradition that I will be examining, although they are not mutually exclusive. The former is a narrow, relatively well-defined theory best represented by Rawls with a focus "equality" that seeks to promote individual choice. Traditional liberalism is much broader and is associated with such figures as Constant,

[11] I would like to thank Dr. Natalie Nenadic, whose contributions to my own thinking about history and my approach was invaluable, and who further allowed me to attend a large portion of her seminar on history in Fall 2019.

Berlin, Locke, and Smith. It focuses on the negative liberties (i.e., "rights" as non-interference) of private individuals. The tradition, as we will see, is tied to certain socio-economic conditions, namely that of capitalism, which have entailed a certain conception of the individual as private in a way that focuses on the exclusion of others. Proper, liberal government seeks to preserve that exclusion by enforcing rights, which are epitomized in the right to property.

In large part because of its ties to the material practices of everyday life, *viz*. life with a capitalist market, the tradition of liberalism has achieved a kind of common-sense plausibility that transcends 'theory.' The modern theories of liberalism do not make those same assumptions about the individual. In fact, in contrast to libertarians (much closer to the tradition in this regard), modern liberalism conceives of the individual as needing support from others. Hence, it has been somewhat derogatively described as advocating for a 'nanny state' insofar as it appears in the realm of professional 'politics.' Nevertheless, especially when conceiving of the proper role of government—or any other kind of collective—it is certainly possible that modern liberal thought can (unconsciously) draw from the same kind of market liberal tradition that permeates a majority of social thought.

None of this is to say that I am committed to the idea of material existence as a basic principle of explanation. While I think it is right to say that material economic practices reinforce certain kinds of thinking about the individual and society, taking this to be guiding principle of explanation for socio-political phenomena implies that politics and ideology are a kind of automatic super-structure, a spiritless realm distinguished from the material realm. I am more interested in how people think about existence—

material or otherwise—and this thinking often orients itself through some kind of ultimate picture or metaphor. Methodologically, then, I locate my project close to what Carl Schmitt calls a 'sociology of concepts.' I will analyze concepts, e.g., self-interest, primarily in terms of how conceptual structures and relations are mirrored in social relations and held together within an overall picture of reality. "The metaphysical image that an epoch forges of the world has the same structure as what the world immediately understands to be appropriate as a form of its political organization."[12]

To forecast the later analyses, I take it that the primary features of traditional liberalism are, first: an emphasis on 'a rule of law, not men.' Legitimate government action is not performed on the basis of an arbitrary personal will, but on the basis of independent laws, thereby curbing the abuses of public power and protecting the citizenry. Independence of the law is assured by dividing the government powers that deal with the law such that the excesses of power can be curbed ("checks and balances"). Second, liberalism involves a notion of individual rights, especially rights of non-interference. Put briefly, each citizen should be left to their own devices on some matters and within the same limits, and neither the government nor other citizens should be able to interfere with those individual projects.[13] Freedom, then, is a freedom *from* compulsion, coercion, and force. What the individual *gains* from this subtraction of

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[12] Carl Schmitt, *Political Theology*, George Schwab (trans.), (Chicago: University of Chicago Press 2005) 46. Henceforth, "*PT*."

[13] The idea is that it is in each person's interest to submit to this reciprocal limitation. The problem is that 'self-interest' is conceived narrowly to cover 'what is good for you' and not in terms of realizing the people's freedom to undertake something new and unexpected. Liberalism can be understood to promote freedom, but only (a) freedom understood as individual liberty, i.e., being able to do what one wants on one's own, or (b) freedom as personal choice. It does not promote freedom in the sense of creatively shaping the world that exists between people.

interference is a kind of control over their own private sphere, a control that lets them pursue their self-interest. We should note, however, that even when liberalism advocates for other kinds of positive liberties, or even focuses more on equality, it still usually adopts the same kind of instrumental thinking where government has an end of serving the individual, and thus is empowered to deploy the means necessary for accomplishing its assigned end. Moreover, these means—tied to rewards and punishments—all still rely on a notion of self-interest. Third, liberalism takes it that when decisions are to be made, the correct procedure to apply is majority vote, and usually majority vote on a representative with an assigned set of competencies. A democracy is an aggregate of individuals, and the 'collective decision' is the will of the majority articulated through a process of counting the opinions of each.

These concepts are common in the literature on populism, even when they are not presented under the name of liberalism (although they often are). They are also most forcefully articulated by some of the major liberal thinkers in the tradition, usually in response to political events in which public power was used to devastating effect. Benjamin Constant, for instance, offered an early articulation of liberalism in the wake of the Reign of Terror. Isaiah Berlin articulated a series of concepts directly taken from Constant as a response to totalitarianism. I take these two figures to be the most relevant liberal thinkers, given that populism represents a similar kind of real-world threat and not just a competing ideology. The basic impulse for liberalism is to recognize the danger of public power. Its solution is, essentially, public heteronomy and private autonomy. One can be in charge and pursue one's interest alone, but public government should—ideally—consist solely of universal laws applied without discrimination or prejudice.

Moreover, those laws, because they are independent, are the only competent mediators of conflict, since individuals are competitive and sometimes hostile, and since no one is a competent judge in cases where their self-interest is at stake, no one is therefore a reliable, stable mediator.

1.2.4 The Metaphors of Liberal Democracy

Both populism and traditional liberalism draw from the same two metaphors, government as mechanism and the interest-driven individual, albeit with different interpretations of each and different emphasis. Where liberalism privileges the state as a machine to be balanced and independent of human arbitrariness, populism is driven by the image of the people as a giant individual with its own interest. But from Smith to Rawls, liberalism too views individuals as self-interested, who are then represented by government officials, who are checked in turn by other representatives. While populism emphasizes the image of the people with one set of interests, it still thinks of government as a machine, albeit with the purpose of accomplishing the ends set by the people. Let us briefly examine how each -ism is shaped by these metaphors.

The ideal state according to liberalism is a giant, autonomous machine, ensuring that no individual oversteps their bounds and exercises power over another individual. This is a state that is immune from abuse, since no person or group of persons wields any power, at least no power that is not fully delimited by law and whose exercise is subject to oversight. The liberal dream is to design a constitution that could make even a nation of devils behave.[14] For Constant and Berlin, this ideal need no further proof than the

[14] To paraphrase Kant. Immanuel Kant, *Toward Perpetual Peace*, from Immanuel Kant, *Practical Philosophy*, Mary J. Gregor (ed.) (Cambridge: Cambridge University Press 1999) 335.

events that drove them to express their theories. The image of a well-balanced machine encourages thinking of government primarily in terms of representatives pursuing the interests of their constituents but limited by independent laws. Thus, a certain reading of the 'rule of law' as well as a notion of checks and balances are all central concepts held together in this metaphor. And liberal thinkers are prone to diagnosing problems in terms of violations of these concepts.

While populism may hold that the government is a machine, it is not an independent scale or referee. It is a tool to be used by the people. The people, moreover, is not simply an aggregation of individuals, it is a collective entity with its own interest and identity. The people, through their leader, have the right to seize control of government mechanisms away from corrupt elites, who have been using the government for their own narrow interests. This can be readily seen in Trump's claims about draining the swamp and making America great again. Since populism views the people as a single, self-interested person who has a right to use government, it is most likely to draw on concepts of popular sovereignty in the sense of the people being in control of government decisions. Thus, populists view the election of their representative as a license to use government however they will; there should be no check or limitation to the people pursuing its public interest. It tends to diagnose problems, then, within the register of partial/special interests, which should be banished from the public realm, and the will of the people as a kind of public interest. The public interest, however, is virtually always

the apparent interest of a specific, partial group, e.g., a nationality or race, and even this partial interest is unstable and leaves too much room for deviation within the group.[15]

If this characterization is right, then the widespread emergence and re-emergence of populism, even in the face of its defeats and failures, makes sense. Populism will continue as a possibility for democracy as long as liberalism remains the predominant source of our political and governmental concepts; they both emerge from the same guiding metaphor. Or in other words, by drawing on the same metaphors for their concepts, they narrow our vision of what politics is and should be, and when one -ism comes to a crisis, people are most likely to merely react and flee the opposite interpretation of that same, self-evident metaphor.

By focusing on issues of voting and self-interest as they do, I contend that neither populism nor liberalism offer a view of political community so much as they are competing views about a vaguely democratic *society*—a realm in which individuals pursue their private interests such as wealth and status. The major symptom of this fact is that both of them require conceptualizing individuals as (a) essentially alike, and (b) as instrumental reasoners. While liberalism may hold that individuals have diverse judgments of 'the good,' it holds that everyone can be regulated and domesticated by a notion of 'the right.' This is to say that human doing is dangerous and needs to be tamed.

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[15] Nadia Urbinati makes a similar point when contrasting populism to party democracy. Nadia Urbinati, "Antiestablishment and the Substitution of the Whole with One of Its Parts," in *Routledge Handbook of Global Populism* (Routledge, 2018) 79. While she is right to offer the distinction, I think she underappreciates how easily party democracy, which acknowledges some limitation to pursuing a partial interest, slips into a populist logic that makes no such acknowledgement. The source of this mistake, I think, is an over-appreciation of the independence of laws, regulations, etc. We will be examining how Hobbes gives us good reason for doubting this independence of the laws in the first chapter.

We are alike insofar as we all want things, insofar as we are vulnerable to what others can do, and insofar as we would all agree that we should follow the rules. Populism, perhaps more crudely, thinks that the members of a democracy are simply similar with regard to one feature or another, such as ethnicity, race, class, etc. As for social instrumentality, the liberal person and the populist collective are simply trying to produce the ends they desire. Private activity in the former and public activity in the latter are merely a means, and they come to an end when we get what we want. Community, by contrast, is not about how individuals behave around each other; it is a unity in the mode of being-together. To see what this can mean, we would need to abandon the socio-economic terms, especially that of interest and instrumental reasoning. While populism and liberalism are not about community, they are nevertheless about democracy insofar as they offer determinations of some concepts that necessarily accompany democratic government.

1.3 Three Concepts: Freedom, Authority, Unity

Populism and liberalism both draw upon metaphors of mechanism and the concept (and metaphor) of the self-interested individual to think about politics. It seems to me that the less these metaphors are explicit, the more powerful they tend to be.[16]

[16] Perhaps this is why bouts of populism tend to be so dangerous in the short term, while market liberalism seems to lead to periods of stagnation, relatively stable (by contrast), and slow, growing dissatisfaction. The former operates largely at the level of feeling—often feelings of resentment, while the various kinds of liberalisms tend toward being hyper-explicit in offering doctrine. The incessant explanation and systemization of liberal thinking drains the metaphors of much of their power. If we can say that populism is more immediately dangerous than market liberalism because its thinking draws from its guiding metaphors unconsciously—or semi-consciously—then we could also say that liberalism remains susceptible to bouts of populism because it is a weaker realization of those same metaphors.

Moreover, regardless of how implicitly or explicitly developed they are, these metaphors inevitably orient and develop three concepts necessary for thinking about democracy: freedom, authority, and unity.

Within the liberal-democratic framework generally (and drawing upon their metaphors of mechanism and interest-driven individuals), freedom is the freedom of each citizen that democracy is meant to guarantee as outlined, for instance, in a bill of rights. Thus, commonsense holds that freedom is a matter of the private, individual citizen. Authority, meanwhile, is the possession not of subjects, but of the rulers. Still within the liberal-democratic framework, authority is the rightful possession of those who win an election; it is through election that authority is given from the people (a collection of private citizens) to a representative who is supposed to act on behalf of their interest. Unity, finally, is a matter of the identity of everyone who is a citizen of a given state, including the ruling representatives.

While populism and liberalism have some similar, general commitments to these concepts as outlined above, they determine them further in opposing directions. Regarding freedom, liberalism views it as largely private and reciprocal. Each individual ought not to interfere with others, and the government is entitled to act in order to preserve these boundaries. For instance, if a state guarantees its citizens a right to life, then the state is entitled to protect citizens from those who might take their life, including fellow citizens as well as foreign enemies. For populism, however, freedom is not just private; it bleeds into the public sphere. Citizens are often promised by populist

candidates increased control of the government, either vicariously through the leader or through direct referendums and plebiscites.[17]

Authority is conferred by voting in both populism and market liberalism, but the similarity stops there. For liberalism, authority is a possession of a representative, but it is precarious: it is checked by other representatives and only temporarily conferred by elections. It is more of a "rental" and less like "property." For populists, authority is absolute; the people should not be challenged on any issue, therefore their leader should not be challenged or checked. Attempting to 'balance' government powers would be evidence that partial, corrupt interests have gained traction within the government.

Unity, for liberalism, is just the set of individuals who happen to be government by a set of institutions. Almost categorically, such thinkers go to great lengths to deny any kind of 'pre-political unity,' which is to say, any source of unity outside of the operations of government and voting.[18] The unity of the people, then, is not a comm-unity, it is a set of individuals operated upon by their representatives; as members of a set, they are alike in their having their own particular interests, rights, etc. Unity for populism, by contrast, is a matter of shared, substantive identity. Members of the people are not just formally similar in that they have an interest; they are substantially similar in that they have the same interest. Which is to say that unity in populism is a matter of social identity.

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[17] The latter have, historically, rarely been the result of populists coming to power. Most populism remains heavily representational and minimally participatory.

[18] For instance, see Arash Abizadeh, "On the Demos and Its Kin: Nationalism, Democracy, and the Boundary Problem," *American Political Science Review* 106, no. 4 (November 2012) 872-3, Jan-Werner Mueller, *What Is Populism?* (University of Pennsylvania Press, 2016) 77-8, Henceforth, "*WIP*," and Bernard Yack, "Popular Sovereignty and Nationalism," *Political Theory* 29, no. 4 (2001) 524.

One vision of democratic politics that does not draw from mechanism and interest-driven individuality would re-interpret each concept at a more basic level. Freedom, for instance, is not a matter of pursuing one's self-interest or being left alone or even of voting; rather, democratic freedom can be a matter of acting in concert with others. Or, in other words, it is public, not private. Authority is not a possession of a representative to perform concrete actions, but rather is a duty to orient and guide the actions of the population. And unity is not a matter of identity or a matter of being subjects to the same institutional machinery, but a cooperative endeavor of performing community.[19]

1.4 Roadmap

My overall goal is to show how liberalism and populism are linked such that they tend to transform into each other. The instability of liberalism and populism can be traced to their shared metaphors and how their interpretations of three core concepts—freedom, authority, and unity—lead into crises that suggest the opposite -ism is a cure. However, I also want to offer a healthy notion of democracy by taking up the organic metaphor for thinking of political unity.

In the second chapter, I will establish a clearer vocabulary for discussing politics, as distinguished from discussing the social realm. Moreover, I will introduce some distinctions to help discuss democratic government. Together, this terminology will set

[19] Or as Iris Marion Young put it: 'togetherness in difference.' See, Iris Marion Young, "Together in Difference: Transforming the Logic of Group Political Conflict," in *The Rights of Minority Cultures*, ed. Will Kymlicka (Oxford University Press, 1995) 157. Henceforth, "Young, 'Together.'"

up the conceptual terrain in which the metaphors of mechanism, the self-interested individual, and the organism operate.

In the third chapter, I will examine the mechanistic metaphor for the state as the main source of understanding market liberalism. There, we will see that the primary conceptual crisis is about the independence of the law and its implications for authority. I will start with the idea of authority as divided, checked, and regulated, and demonstrate how its crisis leads to the institution of an authority who has power over the law, a move exemplified in Hobbes's notion of sovereignty. This transformation can be characterized as a transformation from a liberal ideal of checks and balances to a kind of populist authoritarianism.

In the fourth chapter, I will examine the metaphor of the interest-driven individual as the main source of understanding populism. Here, we will see that populism views the people as an individual writ large, unified by a shared interest. However, I will show that interest—a concept that originates in liberalism—is itself prone to disintegration and change, and thus the necessary deviations from the general interest of the people leads to a suicidal aggression toward everything partial. The best outcome of this movement would be a renunciation of public power and agreed upon limitations of pursuing one's interest for the sake of having a plurality of interests. I characterize this as the transformation from a populist identity to a kind of liberal aggregation of private individuals.

In the fifth chapter, I discuss a healthy version of democracy by drawing up on organic metaphor for political unity. There, we will see unity discussed a shared project of making people belong. We will see authority in terms of orienting the action of

citizens and putting faces to the law. And finally, we will see freedom in terms of public freedom and the possibility of forgiveness for partiality.

CHAPTER 2. POLITICS AND DEMOCRACY

How do we envision our collective living together, or even better, how do we envision collectively living together well? Is it cooperatively living with other individuals with fair rules to regulate our behaviors? Is a system of competition, driving innovation and thereby promoting the overall happiness of each (at least in the long run)? Or perhaps our living together shifts between competition and cooperation, with no group ever becoming strong enough to stifle individual experiments in living. How we answer this question determines not only what we call our collective living together, e.g., "civil society," but also delimits our understanding of what democracy is and what constitutes its health.

I propose that many of the familiar answers to the questions above operate within a horizon of thought explicitly developed during the Enlightenment that I will call 'socio-economic' in contradistinction to 'political,' which has its origins in Ancient Greek thought.[20] The distinction, perhaps mostly famously articulated by Hannah Arendt, is a controversial one. This is in part because it the terms 'social' and 'political' have numerous meanings, occasionally acting as synonyms, antonyms, and occasionally just

[20] I am following Arendt's basic framework here. Cohen and Arato offer a slightly different read by rendering the Greek *koinonia* as "society," and thus take Aristotle to be concerned with "political society," rather than "political community." Beyond this terminological difference, there is extensive overlap in the genealogy of the social/political distinction according to Arendt, on one hand, and Cohen and Arato, on the other. Importantly, they all view the Romans as developing a notion of societies—in the plural—in contrast to the united political community of the Greeks, which strikes me as an important development in thinking about groups within a political whole—a move I will be making in my own usage of the social/political distinction. We will look at the Arendt in a little more depth later. For Cohen and Arato, see Jean L. Cohen and Andrew Arato, *Civil Society and Political Theory*, (Cambridge, MA: MIT Press 1992) 84-91.

unrelated, and it will be helpful to sort out some of the most familiar ones. On its own, 'social' might mean something like 'sociable' or be invoked when we talk about 'socializing,' meaning dealing with friends, acquaintances, etc. 'Political' might mean an "us versus them" struggle or cutthroat competition. When we distinguish between social and political, we might mean informal organizing for the former, and formal, government organizing on the latter. On this distinction, the civil rights movement was social because it was performed by actors who were not elected representatives. Organized sports, country clubs, and 'social gatherings' are all social because they separated from the government. This leads to a secondary sense of 'the social' as the sphere of voluntary association, whereas 'the political' is in some sense 'compulsory,' e.g., the government, as the sphere of politics, has the right to compel people to pay taxes, whereas social clubs can charge membership fees where people can opt out. While these uses have a nebulous relationship to the following discussion, they do not map cleanly onto the historical distinction. The tendency in these distinctions is to map out different spheres of life: the sphere of government, the sphere of non-institutional relationships, the sphere of command and compulsion, the sphere of business and profit, etc. But the demarcations of these spheres are shifting and disputable, if the social/political distinction is to be of theoretical use, it will need to be drawn in such a way that it illuminates the different spheres but is not simply a reflection of our assumptions about these spheres. I will be arguing for a modal conception of the social/political distinction. Some ways of organizing and thinking draw from a framework with instrumental rationality and a primacy of the concept of self-interest, which I will call "social." Meanwhile, the

"political," is a way of organizing and thinking about relationships that are creative and cooperative.

This reading of the political still resonates with the ancient Greek conception of the political, which is the sphere of freedom wherein political actors creatively determine their shared world and thereby themselves. For the Greeks, the political consisted of living together in a *polis*, which had multiple possible forms whose concerns explicitly excluded the necessities of life—which were taken care of by slaves. Political freedom is realized in living in a monarchy *or* an aristocracy *or* a democracy. Ants, by contrast, have no possibilities; they must necessarily live under a queen. While there are familiar debates about which form best realizes the freedom of its citizens (and which corruptions of political forms are the biggest threats to freedom), the main denial of freedom was isolation. Freedom cannot be realized in conditions of privacy, of being deprived of the public sphere.

Neither Arendt nor I are interested in returning to a Greek notion of the political that *excludes* issues concerning the necessities of life. To explicate the relationship between the necessities of life and the political, I aim to show how issues of necessity are conditioned by freedom rather than *vice versa*. This means, however, that if we are interested in a notion of politics that is not simply economics, we have to be careful about (a) the categories that we use to orient our thought, (b) the kind of reasoning we draw upon to interpret public activity and draw conclusions, and (c) uncritically assuming that some issues should intrinsically be kept out of political discourse or that some issues are the primary substance of politics.

One provisional reason for developing an open conception of the political is in response to emerging bouts of populism throughout the globe. Upon reflection, the actions of populists are often driven by animosity and insular group aggression rather than profit. And yet, perhaps ironically, populists like Trump make a claim to power based on his business acumen. Whether Trump ends up being 'good for the economy'—he certainly brags about stock market at though (a) that were the measure of economic well-being, and (b) there is a direct link between his actions and the health of the market—clearly there is a rhetoric about business and an appearance of economic thriving that entices some of Trump's supporters. How is this surface rhetoric of economic self-interest to be squared with a hostility toward educated elites, the established stewards of the economy, and low-labor cost immigrants?

Trump offers an illuminating, though challenging, example of populism. The primary challenge is to see how a notion of economic self-interest is connected with an aggression against a ruling elite as well as outsiders. They seem to be in contradiction. On the one hand, one of the biggest issues Trump emphasizes in his rhetoric is 'the economy,' or 'the market.' At least a portion of his supporters celebrate the fact that he is putting American interests first. On the other hand, some of the people supporting Trump are voting 'against their self-interest.' One could take this view insofar as one sees poor Trump supporters in favor of policies that advantage the rich. However, it may be the case that one of the driving forces in supporting Trump lies in how his supporters see themselves—as independent, as hard workers, as religious/social conservatives, as white—and these concerns frame their concerns more than 'class.'

If we unreflectively adopt a familiar economic framework for analyzing the support for Trump—or for any political phenomenon—we will invariably end up condemning some of the people we are examining to a kind of 'irrationality,' be it moral or instrumental. But the point at which we brand people 'irrational' is the point at which we cease to have an explanation for their actions. This is not to say that we need to view the support for Trump as rationally necessary, but our analysis must offer a rational foundation and then go on to show whatever contradictions or degenerations plague that foundation. The usual route to explaining the foundation for populism is to analyze the democratic tradition, which is more about the political form of a people rather than about economic issues. One of the problems with populism, as I will show, is that it attempts to navigate political questions about 'the people' with economic concepts. Before I can make that case, we will have to clarify economic (which I will be calling 'socio-economic') and political frameworks and how they relate to liberalism and populism.

Whether we draw from a social or a political framework will determine both our conception of 'the people' of democracy as well as their relationship to their government. Set against much of the modern tradition of political philosophy, my point of departure is thinking about collective living together as something that creatively (but perhaps often unconsciously) do as a collective. This collective creation of institutions and movements is prior to private behaviors and decisions. A dominant trend in modern philosophy is to assert the opposite: the terms of collective living together are established by individual acts, namely, entering the social contract.[21] Let us call this prioritization of the individual,

[21] This is at least true for Hobbes and Locke. Rousseau's notion of the social contract is not as devoted to the primacy of the individual.

qua independent, 'social,' or even better, 'socio-economic.' Provisionally, a social conception of democracy focuses on the self-interest of each private person and perhaps the interest of the whole collective (modeled on the interest of the individual).[22] What usually follows from starting with an independent, self-interested individual is thinking of rationality as instrumental rationality. Self-interested individuals have given ends, and their activity is focused on providing the means to accomplish those ends. The means are usually familiar and habitual, such as the routine tasks one performs on the job, or the routine chores in keeping up one's house.

A political conception of democracy holds that a people is primarily engaged in free self-organization, i.e., a kind of positive freedom in which people spontaneously institute and maintain features of a common world through persuasion rather than command, violence, or coercion. A political conception of democracy, then, is primarily concerned with the creative power that gives shape to the state; it is thoroughly public. The core assumption here is that a political form is open to question in a way that private ends are not. A people must commit not only to a general type of government—democracy, aristocracy, etc.—but it must also flesh out the genus with specific institutions, procedures, and rights that express their freedom (both public and private). In other words, political freedom not only determines the sphere of government but also delimits the private sphere as well. In sum, a 'political' framework emphasizes spontaneous, collective freedom, expressed most clearly in a people giving itself a form

[22] I follow Arendt in tracing the assumption that 'politics' is about ultimately about social interests from political economists of the modern era to Marx's critique of those economists and beyond. See Hannah Arendt, *The Human Condition 2nd Edition*, (Chicago: The University of Chicago Press 1998) 33. Henceforth, "*HC*."

of government, although expressed in other ways as well. A 'socio-economic' framework emphasizes the habits and behaviors of individuals, even individuals living together.

My aim in this chapter is to offer an account of a healthy democracy, which must be oriented by a political framework while still being able to address social issues. My main premise is that socio-economic thought is oriented too narrowly by a notion of 'self'—either individual or collective—that is defined by 'self-interest.' The first section distinguishes the social from the political; the former is directed toward instrumentality, efficiency, stability, while the latter is directed toward freedom and creativity. By detailing the social/political distinction, we will be able to see the way in which politics is distinct from economics and cannot be 'solved;' it is essentially open-ended.

In a healthy democracy, in which creative freedom is explicitly recognized, there is an inescapable question of how government is organized and who is responsible for making, interpreting, and enforcing the laws. This question, emphasizing the 'who' formulation, occupies the second section, which I will frame as the question of sovereignty. Any time a decision is made, or a law is passed that can be enforced on a set of subjects, sovereignty is at play. On the one hand, 'democracy' invites us to think of the whole people as sovereign. On the other hand, the right to enforce laws sets up democracy—just like any form of government—to seem antithetical to creative freedom since enforcing some set of laws would seem to reduce the plurality of possible actions to a narrower set of behaviors. It would follow that a successful account of healthy democracy must offer an interpretation of sovereignty that both recognizes political creativity as well as explains the ability to enforce laws. The difficulty here is that

sovereignty is necessarily ambiguous; in any concrete manifestation of sovereignty, it can be interpreted as an expression of political freedom or mere socio-economic functioning.

This discussion of sovereignty and the kinds of power that such a sovereign might express will shed light not only on liberalism and populism, as deficient modes of politics, but also on a healthy notion of democracy. Reflected in our liberal institutions and informed by a variety of thinkers in the liberal tradition, we have inherited a belief in the desirability and efficacy of a pluralistic representative system in which openness and competition are necessary conditions for democracy. Populism advocates for a personalistic sovereign, most often in the form of a single leader who presents the will of the people directly. Thus, populism and liberalism differ in the kind of constituted government, i.e., the political form, for which they advocate. In spite of their difference, they share (a) a commitment to the basic concepts of unity, authority, and freedom, construing them differently in order to establish their distinct visions of the community, and (b) an aversion to thinking of the people as a source of creativity and world-shaping. I will argue that they share more than these basic concepts but to a larger degree than others see, they share interpretations of these concepts, making them susceptible to transformation into each other.

In the final section of this chapter, I will briefly sketch a conception of a healthy democracy, oriented by a notion of political freedom. Here, I will argue that political freedom is more fundamental than social liberty and interest. Moreover, a notion of democracy oriented by political freedom must be accompanied by a notion of 'belonging,' which is more fundamental than socio-economic equality.

2.1 The Political and the Social

As we consider the term, 'social,' it is helpful to keep in mind some of the various ways of specifying what kind of society we live in (or that people have lived in). We may find some of the following terms familiar: 'market society,' 'civil society,' 'class society,' 'mass society.' These are concepts meant to express how people are organized, and they evoke not only different kinds of relationships individuals may have, but also different behaviors that that groups generally engage in. That is, the kind of society we have tells us what individuals tend to be like; there is a reflective relationship between the universal (society) and the individual.[23] But these social characterizations not simply additional bits of information to be added to information about what kind of governments people have; 'society' is not simply non-governmental groupings, since different kinds of relations may produce power relations reflected in government. So, different accounts of 'society' will have different relationships to concepts of government and 'politics.'

Given the manifold accounts of 'society,' there can be no definitive account of 'politics' that can be absolutely distinguished from the social. Nevertheless, if we take up the question of freedom, we can make sense of the history of the social/political distinction especially as it pertains to democracy. Thus, we will review a brief history of the two concepts of freedom that guide accounts of democracy. In this history, we will see social freedoms distinguished from political freedom by Benjamin Constant, in which

[23] Charles Taylor rightly makes this point explicitly in *Modern Social Imaginaries*. His main point that is that for all of the claims about 'individualism' that arose in modernity, such 'individuals' were always considered in conjunction with a notion of society as well. See Charles Taylor, *Modern Social Imaginaries*, (Durham: Duke University Press 2004) 17-9. Henceforth, "Taylor, *MSI*."

the former comes to displace the latter as the proper aim of government. Then we see the social and political distinguished as complementary spheres by Hegel, wherein the political is primary. Third, we will briefly visit Marx's critical analysis of the social being the basis of the political. Finally, we will see Arendt's continued analysis of the growth of the social as obscuring the possibility of politics. Once we are familiar with this historical sketch, I will offer my own interpretation of the social-political distinction as interpretive frameworks that orient us toward different questions, different issues, and allow us to interpret public power in different ways. That is, the social/political distinction marks different modes of organization, rather than separate spheres, and the political mode of organization emphasizes spontaneous creativity while the social mode of organization emphasizes self-interested behaviors.

2.1.1 A Brief History of Social and Political Freedoms

In the wake of the Reign of Terror, Constant articulated a notion of modern freedom that had supplanted the ancient notion of freedom.[24] Modern liberty is characterized as a 'freedom from' force and coercion, not only by the government but also other individuals as well. Such 'negative liberties' are often spelled out in a doctrine of rights—a right to life, to property, etc.—that explicitly delimit the ways in which individuals should be free to pursue their interests. Thus, this notion of modern liberty is

[24] Benjamin Constant, "The Liberty of the Ancients Compared with That of the Moderns," from *Political Writings*, (New York: Cambridge University Press 1988) esp. 316. Henceforth, "Constant." Constant is somewhat inconsistent on this point. Sometimes, presumably for rhetorical purposes, he seems to view the modern notion of liberty as completely replacing the ancient. Other times, he simply advocates it as more important or more predominant. While the latter view is probably the better account, he introduces it only as a defense against possible objections to his proposed normative theory, and he never works out an account of how ancient and modern freedom are to be successfully related.

immediately associated with interests and its locus was the independent individual. Moreover, this notion of liberty was explained and defended as something meant to overcome and replace the ancient notion of freedom, which was tied to direct civic engagement and participation in the public sphere. Constant's argumentation is interesting partly because we can see echoes of it repeated now,[25] and partly because the argument oscillates between whether modern liberty is desirable or simply the only form of liberty available. On the one hand, modern liberty is supposed to be its own kind of 'good,' worth choosing on its own, superior merits. It is a great gift of modernity. But on the other hand, it is the only form of freedom possible, and disaster is sure to result if people attempt to realize ancient—i.e., political—freedom. So modern liberty is both the best choice, but we have no choice.

Constant is not the inventor of a novel concept of freedom; he takes himself to have been articulating a notion of freedom that was already available, if not fully developed. Hobbes had espoused a similar concept of liberty much earlier, although it was not the driving concern of his political philosophy. Constant remains our important, historical source because he grasps a distinction between political freedom and social liberty, albeit in slightly different terms. Modern, social liberty belongs to individuals even when they do not participate in government. In fact, as long as individuals are

[25] Kalyvas and Kratznelson use almost some of the exact same arguments in their defense of liberalism against the modern revival of republicanism. See Kalyvas and Kratznelson, *LB*, especially their interpretation of rights as tools of prevention rather than permission 160 and their closing remarks on 176-8. Like Constant, Kalyvas and Kratznelson vacillate between thinking of their view as a separate, better view than republicanism and thinking of their view as simply taking over and evolving republicanism. The primary tension that arises in this ambiguity is precisely about the place of political freedom and the exercise of public power.

represented in government, their interests are best served by minimizing the intrusion of government into their private lives. Ancient, political freedom, however, seems fated to trample on individuality and demand religious and moral conformity, violently enforced.[26]

Constant's account of negative liberty and representation, while influential and embedded in a larger tradition, was not universally accepted as fully satisfactory. For Hegel, the modern notion of liberal freedoms, while a great achievement, needed to be situated in a more comprehensive theory, one that recognized humans also as participating in the universal, rather than passively represented in it. This is to say, humans are embedded in "ethical life," which had its purest expression in Ancient Greek democracy. This does not mean that each person should exercise sovereignty or otherwise be directly involved in government, however. This is because for Hegel, 'freedom,' which we may associate with the political, is not limited to direct government.[27] Smaller associations, guilds for instance, are all a part of the state and participate in the freedom of the whole, even if they are not a part of the government—which is the purview of the third estate.

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[26] At least according to the liberal thinkers who sought to limit the use of public power with inalienable, inviolable rights of the individual.

[27] This point about how ethical life is not merely reflected in 'governing' again stems from the nature of the concept, *Sittlichkeit*. Wood rightly emphasizes that it has both an objective side—the present, intersubjective world as embodied in institutions and determinate customs—and a subjective side—a self-understanding and attitude on the part of individuals that orients their thought and actions. Allen W. Wood, *Hegel's Ethical Thought*, (New York: Cambridge University Press 1990) 196. "Ethical life," then, expresses how people shape, create, and preserve their world by way of what they take to be shared norms, which extends beyond government to the entirety of intersubjective existence.

For Hegel, the life of the state was the realization its freedom, and its highest expression of freedom, its most reflected and explicit representation, was the monarch. This is not because the monarch was 'free' to act as arbitrarily as he pleased, but because his individual actions took responsibility for the actions of the whole. The monarch's own 'subjectivity' could be as minimal as putting a signature on decrees, which would be drafted and debated by ministers who interact with liaisons from other institutions. But the individual actions of the monarch (*qua* monarch) reflected and focused the will of the whole people into a concrete event. To be clear, the universality of freedom would be expressed in various contexts; the actions of the sovereign are only the clearest—and most powerful—expression.[28]

Civil society, on the other hand, is akin to the nation's household for Hegel.[29] It is not a market *per se*, but it is the realm in which individuals sell their labor for the sake of satisfying their needs. More than that, it is the realm in which needs are articulated and multiplied, which can result in a bad infinity (an unending sequence) if it is not delimited by the state.[30] Hegel recognizes the situation of the laborer as being engaged with the necessity of the body, akin the Ancient Greek slave. However, there are a few crucial differences. First, the laborer has the rights of the citizen; and although such rights are

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[28] Charles Taylor emphasizes the expressivist nature of Hegel's account of freedom. Charles Taylor, *Hegel and Modern Society*, (Cambridge: Cambridge University Press 1979) 1-14. Henceforth, "Taylor, *HMS*."

[29] Pelczynski notes as much in his excellent introduction to Z.A. Pelczynski (ed.), *The State and Civil Society: Studies in Hegel's Political Philosophy*, (New York: Cambridge University Press 1984) 10.

[30] G.W.F. Hegel, *Elements of the Philosophy of Right*, H.B. Nisbet (trans.) (Cambridge: Cambridge University Press 1991) 227-8. Henceforth, "*EPR*." Hegel's point about the multiplication of needs would be akin to contemporary claims about rampant consumerism or 'keeping up with the rat race.'

only a feature of abstract right, they still help formalize and aid in the recognition of the dignity of the human individual. Second, the modern European laborer contributes to the well-being of the state rather than a single household. Thus, the laborer belongs more universally in civil society rather than belonging to a particular person or family. Finally, civil society is more comprehensive than mere contract relations. This is because civil society is not simply limited by the state (*qua* government); it is integrated into the state (*qua* the people as a whole).

I take it that Hegel's account of civil society and the state is the right normative account of the social and the political. In this relationship, the freedom of the people is primary, and serves to orient and even redeem the social groups within the state (on the levels of the estates, the guilds, and the individual). Freedom, which has its highest expression in politics, also permeates social interactions as well, albeit less explicitly. However, actual states fall shorter of this ideal than perhaps Hegel was willing to admit, and for this reason Karl Marx is an indispensable contributor to the history of the social/political distinction. One of Marx's most enduring contributions to social-political thought is the recognition of the extent to which government is a reflection of class interests, and the ruling, bourgeois class is willing to wield a variety of tools—both physical and ideological—to maintain its control of the state. Descriptively, Marx's analysis of the operation of the government on behalf of class interests marks an engagement with the rationality of actual events that demonstrates the irrationality of the world.

For Marx, the state is a means deployed by social classes for their own ends, to serve their own interests. Because it serves the interests of particular classes, it must

ultimately be overcome, perhaps first by being appropriated by the proletariat in a dictatorship.[31] Hence, Marx's thought is associated with the 'withering away' of the state as well as the uniting of the workers of the world. The proletariat—the working class—is the universal subject and not 'the people,' the nation, or the state.

In the final point of our history of the social/political distinction, Arendt criticizes Marx's position insofar as it makes the public sphere the realm of administration and economic coordination. The culmination of communism would make it such that creativity and fulfillment would take place privately, between autonomous individuals no longer pitted against each other by artificial ideology or class difference. What is lost is the sense in which in which the public is the appropriate space for action, for the performance of great deeds and disclosing one's uniqueness in speech.[32]

Arendt, like Marx, is criticizing the dominant mode of conceptualizing the public world, but where Marx focuses on capitalism, Arendt targets socio-economic thinking. Both of their targets—capitalism and socio-economics—tend to displace and replace other modes of thinking, organizing, and acting. The major drawback of Arendt's approach to the distinction is that she tends to view the movements in favor of social

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[31] For instance, in his notion of human emancipation overcoming the state in Karl Marx, "On the Jewish Question," from *The Marx-Engels Reader* 2nd Ed. (New York: W.W. Norton & Company 1978) 46-7. Henceforth, "'Jewish Question.'"

[32] Of course, Marx is familiar with the alienation that accompanies modern economics: a person is at home in their animal functions (sleeping, eating) and most miserable in their human function (labor). See the Karl Marx, *The Economic and Philosophic Manuscripts of 1844* (New York: Prometheus Books 1988) 74. Arendt's continued criticism is that Marx still sees 'public' activity in economic terms, i.e., labor in the sense of production. It seems to me that the main difference between Marx and Arendt is that Arendt takes a broader view of the public sphere, incorporating Greek insights rather than adopting the materialist framework that Marx takes from Feuerbach (and other Moderns).

justice as instances of social climbing, i.e., governed by the logic of economic self-interest (for instance, in “Reflections on Little Rock”).

Arendt takes it that political action, unlike labor, is not (or need not be) driven by self-interest. This is not to say that politics is altruistic or requires self-sacrifice, but rather, the logic of self-interest and instrumentality are inappropriate for action. While it may be true that there is a tendency or a temptation to view ‘justice’ in terms of economic or distributive justice, which orients itself by economic categories, it is deeply reductive to view the civil rights movements and the struggles for social justice as merely economic (or ‘social’ in Arendt’s sense). While civil rights activists may not be government officials, their attempts to change the American communal fabric fits with Arendt’s own characterization of politics, with the caveat that civil rights activism is political action about ‘society.’ Part of Arendt’s issues in misrecognizing civil rights activism and social justice lies in how she draws the distinction between the social and political. Arendt often slips into discussing the social and political as separate spheres, which she takes from the Ancient Greek distinction between the private and the public spheres, demarcated by separate spaces, but her analysis of the social/political distinction works better—and is less objectionable—if it is understood as distinguishing two kinds of logic. Drawing from this brief history, and especially from Arendt, we can see the difference in social logic and political logic by analyzing the concepts they bring to bear on public activity.

2.1.2 Analysis of Political Action and Social Behavior

Having reviewed a brief history of the social/political distinction, we have arrived at the conception of terms as primarily referring to two kinds of logic. Political logic, on my reading, is guided by a notion of creative freedom that is realized in acting in concert

with others. Social logic, by contrast, involves a notion of private liberty, but its driving concept is that of self-interest. Political freedom can orient social groups (in the sense of non-governmental identities) and movements and make those groups a source of creativity and an initiation into the wider public sphere. Social logic and its notion of self-interest can guide some kinds of relationships and do so appropriately, but when it is taken to be the ultimate guidepost for thinking about all intersubjective interaction, it is destructive. In order to clarify these two kinds of logic further, I will analyze how they conceive of public activity, which can be analyzed into two sets of structural features: its activity, its aim, its mode of speech, and its performer; we will review both political action and social behavior in this framework.

Following Arendt, 'action' is the term appropriate to properly political activity, which she distinguishes from labor and work in *The Human Condition*. An action has its source in an actor and not in an external cause.[33] Moreover, action is necessarily performed by a plurality of distinct individuals in concert; it is not the product of a single will. Action, then, is the cooperative initiating of something new, and that novelty is introduced into a common world as something unique and unprecedented. It lacks the concreteness and durability of making (be it construction, manufacturing, etc.) but action can be preserved in institutions, memorials, and the like.

The aim of political action is a goal, which is both provisional and at least partly open-ended. When political actors cooperate, they enter the public sphere with flexible goals and a readiness to change course. The open-endedness of goals makes action explicitly unpredictable. Political actions are not arbitrary, and coordination remains

[33] See esp. *HC* 176, 179-80

possible because the actors share a principle, which itself is an open, normative guideline that actors must further determine in the course of their action.[34] While principles are generally agreed upon by those acting together, they may disagree about what goals best realize or express their principles, and this disagreement is the substance of political discourse.

The mode of speech appropriate to politics is persuasion. Persuasion is the appropriate language of freedom because it attempts to 'woo' the reason of others rather than derive a necessary conclusion. The key point here is that is that reasoning in public is neither deduction, which involves only necessary conclusions, nor education, which requires hierarchy between student and teacher; to engage in persuasion, political actors have to set aside the possibility that one can 'make' others believe something. This is in part because thinking and speaking in and about the public sphere involves appearances, for better or worse. While the best examples of political discourse would show a shared spirit of inquiry and curiosity among political actors, this is not always the case and public discourse can degenerate into mere rhetoric and propaganda.[35] Political actors speak to each other with the aim of persuading others about how their goal should be determined but also a willingness to be persuaded. Because of this openness to the speech

[34] Arendt follows Montesquieu in thinking of government forms as having their own appropriate principles, such as equality in democracy, honor in monarchy, etc. Arendt does not take Montesquieu's list to be an exhaustive list of principles. For instance, she suggests that solidarity can be a genuine principle for action that addresses the social/economic sphere in Hannah Arendt, *On Revolution* (New York: Penguin Books 1977) 79. Henceforth, "*OR*."

[35] I would like to thank Eric Sanday for drawing my attention to the Platonic/Socratic distinction between 'persuasion' and shared inquiry. It seems to me that the sense of persuasion that Arendt and I use is not opposed to this older sense of inquiry, but the meanings are not coextensive either.

of others, politics is a realm of forming an opinion.[36] Moreover, persuasion is appropriate for politics because action consists of equals acting together; no commands are possible.

Finally, political action is performed by distinct individuals, expressing their who-ness, an opacity that allows an individual to be surprising and spontaneous, and undertaking something that is not simply a part of their typical, day-to-day existence. Like action itself, political actors demand that they be the source of their own intelligibility; they both must be taken on their own terms if they are to be meaningful in their freedom.[37]

Offering examples of politics on Arendt's conception risks two possible pitfalls. If one treats it as something momentous and rare, then politics starts to appear as existentially superfluous and elitist. If it is commonplace, it loses its specificity. I propose thinking of momentous politics as the most shining exemplars of political freedom while being open to the idea that freedom may be at play more ambiguously in more common public affairs. An example of momentous political activity would be something like the American Revolution, in which distinct actors, with great uncertainty and equally great inventiveness, set about creating institutions that would act as organs of freedom. I would add, *contra* Arendt's own interpretation, that the civil rights movement was largely a prolonged action of unprecedented institutional and spiritual change for the country—although Arendt is far more willing to see civil rights actors as social climbers.

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[36] When public discourse shifts from forming an opinion to simply reporting an opinion—or enforcing one—then it has lost a sense of shared inquiry and transformed into what I am calling a social mode of acting and speaking.

[37] Thus, politics involves Kantian 'reflective' judgment, in which a universal must be found for the particular.

I now turn to the social. Where the political is spontaneous and unpredictable, the social invites instrumental reasoning and predictability.[38] Its mode of activity, then, is behavior. Instead of goals, it has ends, and social behaviors takes place only as a means of producing that end. Ends stem not from a principle that people discuss and further determine, but from an interest that is usually assumed to be fully determined. When social actors enter the public, their minds are essentially made up. There are things that social actors want, and they report—rather than form—their opinion when coordinating with others. Social organization, then, is instrumental.[39] While the goals of political action require a plurality of perspectives to be realized; the ends of social activity are more efficiently realized when everyone has the same perspective and engages in the same behaviors. Moreover, while persuasion is possible in social behavior, command is much more efficient at accomplishing the given end. Political actors are irreducibly distinct, while social actors are tokens of a given type. That is to say, social behaviors are intelligible as the typical actions of a given 'what' rather than a 'who.'

Perhaps the best examples of social behaviors are instances of buying and selling. Clearly, this activity involves multiple people and transpires 'in public,' but it involves people acting according to their private interests and ends. Moreover, the people and their private ends remain unchanged after their exchange—what has changed is that property has changed hands. 'Social behaviors' applies not only to material goods and economic

[38] The social consists in the use of Kantian determinate judgments, in which particulars are subsumed under a given universal.
[39] This point out the instrumental character of modern social thought has been made in many places, including, e.g., Taylor, *MSI* 19-20 (among other places).

exchanges; it applies to modes of association in which people pursue or preserve their social status, e.g., golfing at a country club.

There are three important points of clarification. First, while 'the political' is about the expression of freedom in action and not about following pre-given rules, it nevertheless has a prescriptive importance. If a genuinely public realm were lost, for instance, because all forms of interaction became technical-administrative and subsumed under regulations, then we will have lost the ability to express and recognize novel meaning (at least with regard to the ultimate issues of public life). While it carries an inherent instability and moral riskiness,[40] the political realm should be preserved. The most radical threat to politics is totalitarianism, which is not just a tyrannical form of government or a kind of immoral rulership. Totalitarianism is a threat to the general human condition that seeks to make an important mode of being human impossible in order to accelerate a transcendent process, e.g., racial struggle for Nazis and class struggle for Stalinists. In the total state, everyone is under surveillance by (potentially) everyone else, and everyone is fully subjected to the will of a single leader. This social arrangement not only assumes that people are malleable, interchangeable cogs, it seeks to make this belief a reality through obliterating the public and private.

Second, politics is both fragile and somehow almost inescapable (except for under totalitarian conditions). Politics is fragile insofar as it can be colonized by other modes of organization, especially the social. The language of judgment here helps to reflect this

[40] See James Bohman, "The Moral Costs of Political Pluralism: The Dilemmas of Difference and Equality in Arendt's "Reflections on Little Rock"," in *Hannah Arendt: 20 Years Later*, edited by Jerome Kohn and Larry May, (Cambridge: The MIT Press 1996) 59.

change, insofar as judgments, once made, tend to become prejudices used to inform other judgments. Moreover, initiating a new, unpredictable project with others demands vulnerability from its actors. Thus, an action tends to exhaust itself and become but one event in a causal link. Politics is also (largely) inescapable insofar as spontaneity and freedom continuously erupt into public affairs. Whenever people are together, they may—by virtue of a common problem and an urge to distinguish themselves—begin an action with the hope of reorganizing their common world.

Third, what we call 'government' can be political or social, and the political is not limited to government activity. Insofar as the government acts as a kind of administrator, issuing laws and making determinative judgments according to a procedure, it is social. Insofar as institutions and representatives initiate an action that changes how we live together and relate to one another, government is political. Presumably—and provisionally—democratic governments should tend toward the political mode of action because the people, as a collective, is engaging in self-government. "Self-government" here means the people is not automatically organized by some transcendent law. Rather, the people, again as a collective and not simply a collection of individuals, is organized by its own laws, i.e., is autonomous.[41]

2.1.3 Political Community

For the second task, I take it that politics, etymologically, invites us to think in terms of the *polis*, which is a kind of doing, namely, the doing of self-organization. For

[41] For Arendt, politics consists of persuasion and decision. It may be the case that decision by the mechanism of majority vote precludes any political action in a robust sense. Nevertheless, the on-going conversations and community organizing that spring up as part of a given election would nevertheless be political precisely because it is a mode of persuasion and dialog that impacts what the community ultimately does.

the sake of familiarity, I will often use the term 'political community' in place of '*polis.*' While this subsection will introduce a whole-parts relationship, I am still drawing on the modal distinction from earlier. Thus, I take it that it is appropriate for thinking of a whole political community in a way that is oriented by public freedom and creativity. 'Social parts,' by contrast can be guided either political thinking or by socio-economic thinking without issue.

The primary challenge in thinking of the unity of the political community in whole-parts terms is to think of it as a whole with parts, wherein (a) the plurality of parts is essential for the whole, and (b) the whole can be distinguished from other wholes and thus cannot incorporate everyone. I make the point about distinguishing wholes from each other not because each political community should remain absolutely pure or isolated from others, but because political communities need to be distinguished from each other in order to relate to each other at all (for instance, in relationships of respect and not annexing parts of other communities).

There are two explicit arguments that I take to be compelling on this point about distinction. The first is Hegel's argument that self-knowledge requires recognition from another self.[42] This is because a self-conscious being desires to see itself in the external world, but insofar as it interacts with objects of its desire, e.g., food, it destroys its objects. And a conscious being can only see itself reflected in the world by way of what it creates, not what it destroys. Acts of durable creation, 'work,' require a relationship to some other self that interrupts and mediates the relationship of a conscious being to the

[42] Charles Taylor discusses this point about the necessity of other selves, for instance, in Taylor, *HMS* 18-9**.** Hegel offers the material for Taylor's analysis in the lordship and bondage section of *The Phenomenology of Spirit.*

objects of its immediate desire. While all self-conscious selves may share a kind of creative freedom and reason, that freedom must determine itself in specific forms that distinguish them from each other.

The second argument in favor of distinction is offered by Carl Schmitt, and it is tied less to self-knowledge and more to a notion of commitment. For Schmitt, the primary distinction in politics is the friend-enemy distinction, which marks the possibility for a conflict in which death can occur. As long as people are willing to fight and die alongside some people and against others, then there is politics.[43] For Schmitt, when people are no longer willing to fight for their friends—their community—then there is no political community, and this kind of commitment must always include and exclude others. As a subsidiary point, the notion of a political community with a specific identity becomes all the more important for democracies, which can institute their own government only if they exclude others. When Schmitt makes this claim about democratic exclusion, he is in part drawing from examples of democracies, in part deploying the friend-enemy distinction, and in part recognizing that there is disagreement about how to organize the government machinery and that people will fight and die for that disagreement.

The principles of inclusion and exclusion for a political community often go unaddressed or their articulation goes awry. The difficulty stems from, on the one hand, the tendency to associate into groups based on some perceived similarity, especially if that similarity is presumed to be 'natural,' e.g., race or nation, and, on the other, the need to cooperate with people who are importantly dissimilar. The former is necessary because

[43] For Schmitt, the friend-enemy distinction is only what makes organized conflict possible. It does not imply that all politics is war. See Carl Schmitt, *The Concept of the Political*, (Chicago: University of Chicago Press 2007) 27-33. Henceforth, "*Concept*."

living together and cooperating with people who are similar is a necessary part of growing into a community. Sustained, daily interactions and cooperative efforts require substantive similarities, e.g., shared interests or hobbies, or an imagined identity of background experiences or perspectives. In other words, regardless of universal similarities, individuals are not born politically formed and ready to be integrated seamlessly into a political community; they are born into a family and then integrated into simple identities (religion, sexuality, socio-economic class, etc.) before distinguishing themselves from their peers.[44] The latter is necessary in part because without the ability to change roles and social descriptors, to renegotiate and reinvent them, each person would be sentenced to be what everyone else says they are.

The whole-part relationship provides a helpful path to understanding the political and social. On the level of the whole, the political community consists of the common project of preserving that intersubjective world. On the level of parts, social groups provide the grounds for association based on similarity of appearance, offering a simple but necessary basis of intelligibility for people. 'Social groups' are descriptive designations of what people say they are and which people they associate with. Social

[44] We can call these identities 'social,' but if we do not adopt a purely social interpretive framework, then these groupings can enhance and enrich the political sphere. While such groupings may have a positive relationship to the political, they are not as demanding as the public sphere and do not have the openness of possibility that political action has. Thus, they are like steppingstones to the political in the way that Hegel takes it that the estates, especially the second estate, is a kind of steppingstone to participating in the state as a whole. Social association is easier than working with people who appear different, and thus people, especially the young, need to have some ability to discriminate with whom they spend their time. Of course, the young also need to be introduced to a wider, intersubjective world just as immigrants need to be introduced to a new public sphere. Arendt establishes this as the political significance of education in Hannah Arendt, "The Crisis in Education," from Hannah Arendt, *Between Past and Future*, (New York: Penguin Books 2006) esp. 173-7. Henceforth, "'The Crisis in Education.'"

groups, unlike the political community can appropriately associate based on similar appearance.[45] In other words, a social identity says a little bit about what a person is like and a little bit about what is in that person's interest; it makes them readily intelligible but not necessarily in terms of their spontaneity. Those are the two levels of grouping; the political community is something to be strived for, while social groupings are a necessary part of the development of political actors. These two aspects are co-constitutive of our collective living together.[46]

The relationship between the two levels complicates the whole-part relationship. While the political community should not have a substantive identity in terms of similar appearance or what-ness, it must have a kind of identity insofar as all the parts are devoted to the same project, the political community must have a kind of homogeneity of freedom—shared goals, shared principles, and a commitment to mutual respect and forgiveness, etc. This homogeneity of freedom is a pre-condition of sharing 'objects' in

[45] Keep in mind that the individual's right to association—probably the greatest contribution to political thought by liberalism—is simultaneously the right to discrimination. That is, it is the right to choose whom to be around and not be around. While the 'association,' formulation is rightly praised, the discrimination formulation tends to be maligned, for instance, as a response to Arendt's usage of it in her "Reflections on Little Rock." This wariness about discrimination is also well-founded. I propose, in keeping with Arendt's thought, that the resolution to this ambivalence is the distinction between the social and the political. The social is the realm in which discrimination and association are appropriate. It is inappropriate to discriminate and associate on an individual basis in the political realm.

[46] For Schmitt and Rousseau, the partial social identities tend to threaten political groupings. Private interests, on their account, have a stronger motivational component, which not only fragments a community into smaller parts, it encourages various parties to seize control over the whole. While this scenario is certainly possible, it is not logically necessary. In times of political health—as ephemeral as they may be—partial social identities can express and further political belonging rather than detracting from it. Arguably the civil rights movement expressed such a democratic health, even if its legacy was incomplete.

the common world, e.g., laws, institutions, elected officials, etc. The key to keeping political identity distinct from a social identity, I contend, is that political identity must have different perspectives, members of that project have different appearances, and the difference of perspective and appearance must be recognized by all as constituting the shared project. With an outline now given, let us review each part of this account in more detail.

To recapitulate the point, political identity does not require a similarity of appearance; it requires shared, substantive principles and a commitment to some of the same institutions and modes of organization. Political identities still exclude other identities because not everyone will see their freedom reflected in the same institutions and laws, e.g., I take myself, as a United States citizen, to be perfectly reasonable in stating that I could not owe allegiance to a monarch. This does not imply that I have to fight against the United Kingdom, but certainly a conflict is possible along those lines were the Queen of England to declare a rehabilitation of her sovereignty over her old colonies.[47] Part of my understanding of my fellow Americans will be at least a vague and incomplete sense of the apparent characteristics and appearances of several groups of Americans. I can recognize several accents, for instance, that I can say are American even if they are not my own. Thus, while political identity does not intrinsically have a

[47] Political communities require people to be willing to fight for the state. To be sure, the important point is not that we fight and die for different, particular individuals who inhabit office, but that we see our freedom in our own government offices even when we despise the person/people in office. As an American, I see my freedom in the various government offices because I can vote for my representative, and this is my default, often deeply unreflective understanding of freedom. It would be unthinkable for me to see my freedom in a hereditary monarchy, but presumably citizens of the United Kingdom have their reasons for committing to their royal family.

shared appearance, there is often a sense among members of the political community of a kind of family resemblance for some of the social groupings within the whole. More problematically, one political pathology is taking a political grouping to be akin to a social grouping and thinking that one is committed only to those who are similar in appearance or have a strict identity of interest (often signaled by a common appearance).

The political community derives its unity from an active commitment to itself, to maintaining and supporting its parts and allowing collective action. Each member has to participate in this project, because it cannot be handled only or even primarily through representatives. This commitment is not simply an apparent characteristic shared by each member, like nationality, nor is it a common governing mechanism that transcends and mediates social identities. We might say that it is a common spirit, rather than a common nature or a common mechanism. The nebulous, collective commitment must consist of, at a basic level, respecting the self-articulation of social groups, meaning that each person attempts to allow others to identify themselves according to their own categories rather than imputing to them categories of partiality and hostility to the whole.[48] Maintaining

[48] It seems that a healthy democracy could not consist of "Left" and "Right" social groups, at least in America, because each group is committed to presenting the other group as essentially demonic and in need of being defeated. Identifying social groups as hostile to the whole because of their partiality is part of the logic of populism, and one of the reasons why populism so readily erupts in times of liberal-representative crisis is because demonizing other parties is an effective electoral strategy. It is possible that the American federal system provides a good model of political community, with the caveat that the individual states would be partly social (similar appearance), partly political (engaging in political sovereignty), and so they would have to have their own, more narrow social identities below them, as it were. My suspicion is that the public spirit of the United States is not committed to articulating our 'whatness' in terms of states, however, and there may be complex reasons for why we are not attached to a spirit of federalism even if we maintain federal 'machinery.' It is not clear to me that any articulations of social identity are currently well suited to being the basis for political

political unity is a task that can always fail or degenerate; no rule or constitutional arrangement can guarantee success, and no one can be forced to perform it. Even if, for instance, hate speech is outlawed, one has at best made an outward habit punishable if caught in public. A spirit of hate and bigotry still persists, and those habits can be perpetuated in private.[49] Even more problematically, the spirit of racism and bigotry can transform and show up in ways that are not expressly outlawed. Bigots are also capable of politics in the sense of spontaneous, creative world-shaping, and this capacity can be neither theorized nor legislated away. Here is an example. The racist response to school desegregation in the South wasn't to simply accept Brown v. Board of Education, it was to subvert the spirit of integration and create 'segregation academies' to maintain *de facto* segregation. In summary, maintaining political unity can only ever be a matter of shared principles and renewed attempts at persuasion, and if that unity erodes, then citizens simply have a shared administrative apparatus that they will attempt to possess and use against other social groups-turned-political (in a pathological way). I will return to the topic of a healthy political community in the last section. For now, I will briefly say a little more about the kind of social groups that I have in mind.

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unity in the country, which is more a product of a polemical spirit rather than a lack of social concepts.

[49] Carl Schmitt seems to lament that Hobbes allowed for just this point in his discussion of the public/private distinction. Hobbes claimed that publicly, subjects must recognize the king as possessing healing powers. However, in private, people need not believe in such miracles, and it would be a mistake to think that the sovereign could command private belief. We can perhaps recognize in Schmitt's regret over Hobbes's insight that private belief can always come back into the public, more powerful and coordinated with other private citizens into a new group taking on a political role, i.e., a role willing to conflict with the rest of the community.

2.1.4 Social Groupings within the Political Community

When I discuss social groups within a political community, I take social identities to be identities that foster typical behaviors for members of that group and offer interpretations of appropriate ends of action for group members. They involve a similarity of appearance, and they might be guided by a notion of common self-interest that does not thereby threaten the political. They can be identities that one takes on via free association, or they can be an identity imputed to persons from infancy. Either way, the existence of social groups is not in itself problematic. Social groups play a necessary role in the development of individuals and their sense of self and for gaining a perspective on the world. Social identities are problematic when they are taken to be absolute and unchanging and when they are taken to be the basis of a political community, i.e., when we take them to be the groups within which we act and create new realities and that demand our deepest loyalties and possibly our most final sacrifice.[50] For instance, people who take citizenship in the United States of America to be a matter of

[50] Space does not permit me to go into detail, but it seems to me decisive that Marxist thought played a pivotal role in thinking about social classes as something that transcends a political community (embodied in the state). It is only once we start thinking of a global bourgeoisie and proletariat that these classes can come to appear as constitutive of the intersubjective world. Progressive thought that draws from Marxism tends to treat social categories in the same way, although certainly not to equal extents or without innovations and emendations. To be sure, the treatment of social categories in this way—as transcending political boundaries—was not a fanciful invention on the part of Marx; it reflects a part of reality that remains true now. However, a class that transcends political boundaries, however much members of those classes resemble each other and no matter much their material interests may align, will never be a suitable political grouping. That is, it will never be a grouping of expressing its freedom in principled institutions. Communism was only able to appear in world history when it became alloyed to a nation—Russia, China, etc.—and never simply as a movement of the proletariat as such.

race or ethnicity, say white nationalists, have reduced a political community to a social identity.

Social identities, especially if they are imagined (rightly or wrongly) to be a matter of nature, encourage certain kinds of behaviors to further specific interests. Citizenship within a democratic community, however, provides the basis for interacting with others unlike oneself by way of more general commitments to institutions and general principles; such commitments and principles make fellow citizens intelligible as fellows to you without making them identical to you. Thereby, you can become unfamiliar to yourself and realize your own distinction without the threats and risks of meeting in a violent 'state of nature.' Nevertheless, appearing within the political sphere is demanding, so one cannot act politically all the time, and moreover, the political would not make sense if social categories had not established a shared language to communicate.

There are a few ways to conceive of groups within a political community. One can think in terms of race, class, sex, religion, party, gender, Left and Right, etc. What is important about any of these groupings, whether they seem to be natural/biological or artificial/historical, is that they inform the identity of the individuals who belong to each group. These descriptors make a person intelligible to others as well as themselves, and this intelligibility sets the expectations of their interactions. These groups tell you and everyone else within the wider community what you are. This is not to say that each individual within an identity group is exactly alike, or that a group identity works the same for everyone within the group. Social identities intersect with each other, change over time, and leave room for individual interpretation. Moreover, individuals must

inventively navigate their social contexts in ways that can be hard to predict. Nevertheless, social identities precede individuals, who are born into and grow from them.[51]

We could interpret the public sphere entirely as social groups interacting with each other. Such groupings would defy state boundaries. To be sure, the realities of the global economy offer good reason to think that there is one boundless—or near boundless—civil society in which we all participate and fall into groups. However, the instability of cooperative and competitive relations, the fluidity of social identity, and the lack of power outside of 'purchasing power,' are all good, provisional reasons to think that civil society is not a good locus of autonomy. Lasting rules that we can call our own seems to require a bounded unity, in which there is a relatively clear and stable sense of collective responsibility for one's fellow citizens. Such lasting rules give us a sense of determining the norms and institutions that shape our lives in the community, and communal living requires rules that are not merely formal or purely universal, e.g., the exact framework of government or a shared vision of what community should be like.

There are two difficulties I want to address to close this discussion of political unity. The first is a question about whether the political community must have its own kind of substantial identity, whether it merely holds together several social identities, or something else together. If the former route is taken, then political identity starts to become just a social identity that has been elevated in prestige or power, which entails

[51] Heidegger's notion of inauthenticity is *apropos* here. Everyone is at first and for the most part, inauthentic. Similarly, individuals begin life within, and most often persist in, social groups according to social modes of organization. Nevertheless, human freedom interrupts and breaks up the social realm.

that politics is about domination and 'the Left' aims at making the dominating class as inclusive as possible.[52] This approach has the advantage of giving a non-monetary motivation for public service that incurs the risk of death for some individuals: police, military, health care, firefighters, etc. If a political community has no identity of its own, the difficulty becomes identifying what principle could hold together a finite set of social identities.[53] Equality before the law may encourage many citizens to be law-abiding, but it hardly seems sufficient to motivate any significant personal risk or a life of public service.[54] Why and how would it bind some social identities together and not others? Why would members of one social group risk their lives in defense or service to members of other social groups? It seems possible, and perhaps even likely, that members of a social group would assume positions of risk and responsibility for the sake of dominating

[52] Mouffe and Laclau seem to think that political identity exists and that it is simply an elevated social identity, which ties into their notion of hegemony (a particular that stands in for a floating or open-ended universal). Laclau in particular discusses a notion of the populist identity being created on the basis of a particular demand that stands in for a group of irreducibly diverse social demands on, for instance, *OPR* ix.

[53] The classic liberal answer—and possibly the republican answer as well—is that laws are the basis of binding people into a political unity. Arendt takes this tack in *On Revolution*, but it seems to me that the portion of her argument does a disservice to the rest of her thought, particularly her work on forgiveness which I will introduce shortly.

[54] Benedict Anderson, reflecting on the Tomb of the Unknown Soldier, notes that it seems nearly inconceivable to think of such a monument without a background concept of 'the nation.' While people might be willing to sacrifice themselves for the nation, he contends that people are not willing to make such sacrifices for liberalism, for instance, in large part because liberalism does not deal with grander themes about life, death, immortality, etc. See Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, (New York: Verso 2016) 6-10. Henceforth, "Anderson, *IC*."

or harming members of other groups—a phenomenon that clearly happens with I.C.E. and the police.[55]

The second difficulty is about the relationship of the social and the political. I do not take it that each of them corresponds to some content or sets of issues of their own. Rather, the difference is in how they organize, what kind of reasoning they draw upon, and how their activities are carried out. Thus, no social issue can be immunized from political engagement, and no political action or institution is immune from falling into a kind of social routine. Moreover, while it seems that the political community requires the existence of social groups, social groups rely on their existence from some political act or grouping.

I think the relationship here is one of judgment and prejudice. One cannot judge without already having acquired a language and set of prejudgments (i.e., prejudices). But prejudices themselves are sedimented judgments that can be re-opened for reflective judgment. The great priority of politics and judgment over society and prejudice is not that they are antecedent, but that they are direct enactments of our freedom. In a similar vein, a social identity—a 'what' one is—can be expressive of freedom and not habit in situations where usual habits and norms break down. Thereby, a social identity becomes politically significant and expressive of one's who-ness rather than simply 'what' one is.

[55] As an institution, the police are rational and an indispensable part of the political community. However, corruption and aggression—especially when it is prevalent and embedded within 'the culture' of the police force—needs to be explained. My account has the upside of accounting for how aggression is one of the 'benefits' of what is ultimately a dangerous job. We should expect that it is a more prevalent motivator for officers when, (a) it is assumed that one becomes a police officer with the expectation of a benefit or serving one's interest, and (b) police officers become disillusioned with their monetary rewards.

Arendt seems to offer an example of this when she discusses the situation of being attacked for one's identity, e.g., being Jewish, and it is only in terms of one's identity that one can stand up for oneself. In this case, one takes on an active relationship to one's social identity that makes it an expression of one's capacity to initiate action and distinguish oneself from all others. In sum, there is no static barrier between the social and political; the political must occur against the backdrop of the social, and social issues and identities can be politicized.

In my contribution to the discourse on populism, liberalism, and democracy, I want to preserve the sense in which action is political, and not just a mechanistic behavior. I will show that both market liberalism and populism, even when either is taken as the solution for the other, fall into conceiving public actors in behavioral terms, ergo democracy must adopt a different framework if it is leave room for political freedom. I take it that the notion of behavior I wish to avoid can either be descriptive—in which case materialist or economic explanations are given to interpret actions—or prescriptive—in which ideal, 'legitimate' behaviors are suggested for people to follow.

Critiques of populism tend insist that populism violates the set of laws (or at least principles that should condition the laws) which are designed precisely for limiting the use of public power. The usual first reaction against populism is that populist movements and their leaders do not recognize the rules intended to check them as legitimate limitations. Within this framework, the question then arises: what do we do if our actions are constrained by rules and norms and theirs are not? Liberal critics often follow up on this basic question with more technical ones: how do we get populists to behave? How do we legitimately stop Right-wing populists? On the one hand, these critics have a moral

picture of the world that they want actualized; on the other hand, they want to fix the problem of populism while still operating within the limits set by currently existing government and social mechanisms. This project, I take it, effaces the political because it takes the ends of political action for granted and because it seeks to instrumentally shape the behaviors of others. For example, we might view the election of the president of the United States as important because that office can nominate supreme court justices. By voting on the president, then, one can help secure control of the supreme court, which has far reaching implications over contentious issues, or at the very least, that is how political parties are likely to present the situation. However, by exercising control of government and wielding the law to encourage behaviors, one has foregone persuasion.[56] When persuasion fails, then so too public freedom has failed, and only forgiveness can repair political relations. When persuasion fails and the disagreement is over something that is unforgivable, then an original political unity has disintegrated into groups jockeying for control of government machinery, and these new groups are only quasi-political, i.e., social in the sense of being driven by self-interest and governed by instrumental reasoning. Political action can be about justice, but it can never *make* anyone just. It can only attempt to persuade. While the end of liberal commentators is often something like equal rights, the notion of action at play here is deeply hierarchical, since the liberal

[56] One of the great political contributions of liberalism has been its insistence on the importance of discourse and persuasion, which Rousseau and the democratic tradition have been wary of. Problematically, liberalism has considered discourse as a rationalistic process in which truth and justice are assumed to emerge simply by virtue of engaging in a regulated process.

critics are taking on the role of social engineers, and the problematic populists are being treated as unruly cattle, impetuous children, or incorrigible brutes.[57]

2.1.5 Democracy and Its Liberal-Populist Interpretations

At the outset, I offered the example of BLM protests as an occasion to clarify social disruption and political action. Having seen a delineation of these terms, we are now in a better position to understand such protests as not only political but also democratic. Only one term remains to clarify. Once done, we will be in a position to see liberalism as a theory of civil society and populism as a kind of social movement.

The classical conception of democracy is a form of government in which all—or the many—rule. This is to say that every citizen participates in rulership, even if only by turns. Democracy is distinguished from rule by the one—monarchy—and rule by the few—aristocracy. It is commonly accepted that such a conception of democracy is no longer tenable given the scale of modern states. The modern conception of democracy—deeply influenced by the major contract theorists arguing against the divine right of kings—holds that democracy is a principle of authority: the authority of the government ultimately rests with the people. This modern iteration of 'democracy' served to make the term compatible with representative government. While the many may never occupy government office, they may still be the ultimate source of authority for those who do. With a change in how democracy is conceived, from a form of government to a principle

[57] Abts and Rummens are willing to call populists enemies of the state, thereby adopting a weapon of the populists themselves. Hillary Clinton referring to Trump supporters as 'deplorables' is exemplary here. It marks an attitude of having already categorized a portion of the population who are now a problem to be dealt with. Persuasion is not a live action. Admittedly, the polemical spirit of the contemporary U.S. is such that persuasion, in fact, is very difficult if not impossible.

of authority, so too there has been a change in how the political community is understood. The classical understanding of democracy, by directly involving each citizen in government, made it such that each citizen had a voice, and all had to listen. Modern, representational democracies have emphasized a right to vote for a representative; this does not imply that one has a 'voice,' however. Instead, it means that one has a representative to serve citizens' interests whether this is conceived as "self-interest" or simply as having set identical ends; this is the core meaning behind the maxim "no taxation without representation." But does representing the interests of some constituents mean that citizens have a voice or that they (indirectly) participate in public power? Liberalism and populism offer further specifications of democratic representation and how the people participate in government.

The liberal tradition offers a vision of democracy in which individuals cast votes for representatives who must maintain their approval for reelection. Thereby, representatives are 'subject' to their constituencies. The assumption is that if voters are dissatisfied with their representative—because they did not 'perform well' (did not serve voters' interests)—they will lose the next election. Thus, their continued time in office relies on being effective administrators, which importantly means implementing effective economic policies and offering their constituents the sense that their rights are secure.[58]

[58] One of the slogans of Bill Clinton's presidential campaign was 'the economy, stupid,' which is just one reminder of the importance of economic interest for liberal politics. Both in the history of liberal theories as well as in contemporary practice, property and wages are assumed to be of the highest order of importance. By contrast, while I have no problem with property and economics to be a concern of politics, I am skeptical of its primacy. Moreover, I think such relations tend to be thought of within a socio-economic framework, in which interest, instrumental rationality, and behavior take precedence over the concepts of spontaneous freedom in a political framework.

Such elections pit politicians in competition with each other, and—like the market's invisible hand—tend toward promoting the most effective administrators, assuming everyone follows the constitutional rules (including respecting individual rights as they have already been articulated). This entire vision of the democratic process assumes that voters behave according to their interests in set, transparent ways, and when constituents fail to behave in these ways, they are subject to the familiar criticism of voting against their own interests, i.e., they are voting irrationally. This is a social picture of democracy.

Populism may in some ways be a reaction against this picture, but it preserves the general social framework. Populists—and Trump exemplifies the point here—reject two features of liberalism. First, populists reject the old representatives who occupy office and the limitations of the power of the ultimate representative (usually the president, prime minister, etc.) both in terms of the particular people in office as well as the plurality of people who can act as appropriate representatives of the people. Moreover, while voting remains vital for populist leaders, the rallies, parades, and gatherings are arguably just as important. While liberalism promotes a kind of distant business relationship between voter and representative where the latter pursues the interest of the former,[59] populism promotes a stronger socio-psychological connection in which the populist supporters have direct access to their leader. The second rejection populism

[59] This is Hannah Pitkin's characterization of the liberal notion of representation in Hannah, Pitkin *The Concept of Representation* (Berkley: University of California Press 1967) 190. Henceforth, "*Representation*." This point is echoed in Arendt's analysis of the idea in *OR* 24, wherein the slogan "no taxation without representation" flags the extent to which economic self-interest and representation run together.

makes of liberalism is liberalism's allowance of any social grouping or interest.[60] Liberalism has no category of the foreigner, which is a category that is absolutely essential for populism, although it applies that category to other social groups within the wider community. Within any populist movement, there will be degrees of the rejection of social difference, with the simplest members being, e.g., protestant white supremacists who view women as belonging within the country as little more than dutiful servants. But the attack on these foreigners within the body politic is just a way of advancing the interest of the true people, the great silent majority, the real Americans, etc.

We can see in schematic fashion that liberalism and populism operate within a social framework. They are primarily ways of interpreting a representative's relationship to their constituents, and such representation remains focused on a concept of self-interest. We will see this account fleshed out in the following chapters. For now, I want to suggest that the BLM protests are not primarily about advancing anyone's interests—as individuals, as a social group, or even as a political collective. The protests act—even if only ambiguously or imperfectly—as declarations of belonging within the community, and their effectiveness has been due, in part, to the recognition from other social groups of both the validity of the claim of belonging and the evidence that this has been repeatedly and systematically violated. At this point, it is unclear if the BLM protests will be successful. As a political act, it will never have achieved a final end, but might nevertheless successfully reshape our intersubjective world. Such a success would require

[60] This is perhaps an overstatement, but not much of one. In the United States, the permissiveness of liberalism can be seen in the continued legality of far-right paramilitary groups, e.g., the Proud Boys. While members of that group may get arrested for particular crimes (and not often enough), liberalism allows them to exist as a group that defines their interests in direct, aggressive opposition to other members of the state.

not just a change in rhetoric or a shallow tokenism by politicians and advertisers, but in a) a reflective shift in the attitude of the general public, and b) a change in organization of government officials. Clearly, this model of political action is not contained by (voting) procedures, although such practices may play a part in political change. In fact, no political action is contained by any determinate practice. To understand how this can be true and how political action such as the BLM protests are still intelligible as democratic, we have to widen our view of what political action can be beyond the actions of elected representatives. Thus, I turn my attention to different notions of political power.

2.2 Sovereignty and Orders of Power

The previous section addressed the social and the political as modes of organization—both institutional and not. Of principle importance was the question of how liberalism and populism view the relationship of a representative to their constituents, given that the familiar notion of democracy thinks of 'politics' in terms of voting for a representative for the sake of pursuing one's self-interest. This everyday view of 'politics' holds that each citizen can pursue their self-interest in private. Representatives work for collective self-interests in public, and thus seem to be the bearers of democratic power, having been invested with authority from their constituents. That is, only representatives—and their appointed officials—actually act on behalf of the people.

This view of things, which emphasizes the work done by representatives distinguished from that done by private citizens, has two consequences in the popular imagination. First, it makes elected offices hyper-important insofar as only government officials—usually elected representatives—can exercise public power. Second, as a

further consequence, it makes the stakes of the elections high. If a group of citizens can gather enough support to get their representative in office then they have achieved control over some portion of the government, and this is felt no more acutely than in presidential races in the United States.[61] This view offers two *prima facie* problems: the first is that it makes 'politics' formulaic and non-creative for a vast majority of citizens. Public affairs, on this view, are not fulfilling, and they are only engaged with to the extent that citizens can reasonably think it secures their private endeavors. For those committed to the democratic promise that the people can collectively engage in world-shaping, this view of politics is untenable.

Second, this view of politics that only highlights the efforts of representatives must solve the puzzle of how to regulate the regulators. Assume, briefly, that our lawmakers are obliged to follow some laws or procedures. If we posit that such laws are natural or of divine origin, we would have to account (a) for how those extra-political laws can substantively guide political law-making, or (b) we would have to show which laws have such a status and give an account for what laws we need beyond them. If we take representatives to be guided by laws of reason, perhaps transcendental ones, we must now have to explain how such transcendental laws are manifested in some particular laws and not others. The difficulty is that if such laws of reason are genuinely built into reason itself, it would seem to be manifested in many alternative—but mutually exclusive—positive laws. In summary, there is no self-evidently plausible conception of extra-

[61] Note that in the Democratic primaries, Elizabeth Warren made a comment about how it was appropriate to have big plans and an ambitious platform when running for president. She certainly did not invent such an attitude, which inarguably played a role in Barack Obama's 'Hope' and 'Change' campaign slogan in '08.

political laws that can guide political laws. Either politics is superfluous, and we should follow the laws of God or nature or reason directly, or laws/procedures of reason are superfluous because they cannot, in themselves, decide on what positive laws to establish.

As a consequence, we should recognize that even in the safe, regulated picture of representatives exercising public power, such officials are genuinely powerful, and this is the condition not only for the use of office but also its abuse. If there is an anesthetic for this risky arrangement of public power, it is the belief in the 'constituent power of the people,' that is, a belief that it is the will of the people that creates and sustains their government officials. This concept, used by Rousseau and influential for theory of modern democracy, consists of the belief that the people wills itself, and in willing itself as a political community, it can appoint its magistrates and officials. And while particular officers like magistrates and princes may be corrupt, the will of the people is always upstanding—if in need of guidance.

The everyday, representational view of politics, at least in our imaginations, draws upon a larger, more expansive history of liberal-democratic ideas. If we want to better situation and evaluate our ideas of what a representative is and should do, we should gain greater clarity on the constituent/constituted power distinction. In doing so, we will be able to see more possible relationships between a people and its government. Moreover, we will be able to sort out what kind of power government representatives should have: is it power in the sense of control? Is it creative? Whether it be power wielded by an individual or a group of individuals (e.g., a parliament or a council), the historical term for the power of the highest office has been "the sovereign," (famously

expressed by Hobbes and Boudin and later taken up by Carl Schmitt). Used in conjunction with state government, sovereignty has more often been used in the sense of 'control' and is further tied to the right to give punishments and rewards. Certainly, the populist attitude toward the president—at least when the populist leader is elected—draws upon this historical notion of sovereignty, albeit in a confused fashion. My account of a healthy democracy, then, needs to offer an interpretation of sovereignty.

Sovereignty, in brief, has been taken to mean the ultimate decision-making power. One of its early and influential definitions is given by Jean Bodin, "Sovereignty is that absolute and perpetual power vested in a commonwealth which in Latin is termed *majestas*."[62] In other words, the sovereign is the one who commands and is not commanded, who subjects others to the law, but is only subject to the laws of God and nature.[63] The concept takes on an especially modern character insofar as it focuses on command; Bodin views even statutory laws as a command. Command, unlike persuasion so characteristic of life in the Greek *polis*, requires hierarchy. Consequently, the issue of sovereignty can be found wherever the ruler and ruled are not strictly identical, which poses some conceptual difficulties for democracy given its insistence on both popular sovereignty as well as representation.

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[62] Jean Bodin, *On Sovereignty: Six Books of the Commonwealth*, M.J. Tooley (trans.) (Oxford: Seven Treasures Publishing 2009) 65.

[63] Andreas Kalyvas offers an interesting dual interpretation, of sovereignty as the power of command on the one hand, and sovereignty as a creative, constituent power on the other. The latter, he thinks, provides an understanding of government power that does not run afoul of some of the critiques of sovereignty, such as those given by Arendt. See Andreas Kalyvas, "Popular Sovereignty, Democracy, and the Constituent Power," *Constellations*, Volume 12, No. 2, (2005) 226-7. While Kalyvas has a promising start, he does not address the problem we will initiate here about popular sovereignty and the necessity of particular persons to act.

The issue in its simplest form is that in a democracy, the people is the ideal sovereign.[64] However, since it is never wholly present for a decision, the will of the people must be represented by some concrete person or persons. The representative is then the practical sovereign, since it is the representative who concretely acts. But this, of course, is a violation of popular sovereignty since only a few are making decisions.[65]

When we ask about the constitution of democratic government, we ask who is entrusted with the authority to make final decisions on behalf of the people. By 'final,' I mean to designate not only the rank of the highest office, but also the authority to command even if obedience entails risking one's life.[66] Assuming that modern

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[64] I am deliberately overlapping a notion of sovereignty, which we are discussing now, and the notion of the constituent power of the people, which I mentioned earlier. This is not simply an entanglement of concepts that I am repeating because these terms tend to be found in such a fashion, e.g., in Rousseau. Rather, I am overlapping them because, on my interpretation at least, they have an expressive relationship. The sovereign office—be it prince or legislature or parliament, etc.—expresses the authority of the bearer of constituent power. My position regarding sovereignty does not deny the right to punish and reward, but rather to re-emphasize some of the ways in which representatives must express and determine, in words and deeds, the principled commitments of their constituents. One of the most alarming things about Trump is not that he is deaf to his supporters and that he only commands them through Twitter, but rather, the fact that he engages with his followers, sometimes retweeting their conspiracies or fake news. Trump, as a populist, is not just a manipulator using vulgar rhetoric; he is an expression of a genuinely narcissistic and paranoid attitude that has embedded itself in a significant portion of the population.

[65] Bodin took himself to have solved the problem by identifying an aristocratic government (the few) with democratic sovereignty, which implied offices were open to all without special favor. See Bodin 112-3. Such a resolution seems to elide the basic situation of a government official issuing binding commands on the general population. In short, if the government issues commands, then it is sovereign. The fact that sovereignty may have originated in the people is immaterial if they alienated in the person of their representative(s).

[66] Benedict Anderson notes that liberalism and the notion of interest were insufficient to motivate people to risk their lives. It is only with the emergence of 'the nation' as a mode of political belonging that governments were able to shift away from monarchy. See Anderson, *IC* 10 and 65.

democracy must be representative, we have to ask who the people are who vote for their representatives and who those representatives are such that they can command their constituents.

2.2.1 Constituted and Constituent Power

Constituted power is created with an eye for an assigned function; it is regulated by publicly known laws. Every state has such institutions, and moreover, they are organized into a political form. Such forms define the exact configurations, subordinations, and dependencies, etc., that determine how decisions are made and laws enacted. For example, the United States federal government has three branches whose highest offices are the supreme court, congress, and the president. Each has their own 'sphere' in which they make decisions according to given principles and subject to limitation by other powers; each has offices subordinated underneath it which it can command. While the United States government can be said to be 'democratic,' our political form is certainly not the only form that can make such a claim. Other governments that call themselves democratic can include various parliamentary configurations, presidential configurations, and even include a monarch in their constitution. Unlike the ancient Greek conception of democracy, which corresponded to a political form and designated who was in office, our conception of democracy is a principle of constituent power that is compatible with many governmental configurations.

Constituent power is responsible for the creation of constituted powers and, by definition, is not always already regulated by a pre-given law. Constituent power features prominently in Rousseau's thought, in which the general will has the right to legislate for

itself without itself being regulated from some outside rule.[67] In Rousseau—and democratic thinking more generally—constituent power is a collective endeavor and not the actions of a few. Thus, 'constituent power' does not pick out any particular founders of a country, but the spirit and character of a people. Constituent power, to be sure, does not exist apart from constituted power. It creates and conditions the very institutions that express—even if only partially or unstably—constituent power itself.

Constituent power is often viewed in the contemporary literature with distrust or even outright rejection. It is distrusted for at least two reasons. The first reason is that demagogues are liable to abuse terms like "the will of the people" for their own purposes, 'justifying' violent and oppressive actions. The very vagueness of such a phrase it malleable and insulated from critique. The second reason is that constituent power never appears directly; it occupies a conceptual space similar to that of a noumenon of which there can be no theoretical knowledge. However, if we discard any notion of constituent power, specifically in the form of the general will, then democracy can only be realized in a form of constituted power in which everyone participates in government.

2.2.2 Representation and Identification

This brings us to another distinction with which Carl Schmitt engages, which he calls the representation/identification distinction. For Schmitt, representation and identification are necessary aspects of all sovereign power, although all stable

[67] Constituent power has an earlier origin in Christian theology. The fact that, as a concept, it has been derived from the absolute authority and power of God is the reason why so many Left thinkers view it with distrust. Thinking about constituent power qua constituent power commits one to thinking in terms of political theology, which is antithetical to the contemporary project of thinking through democracy as following the death of God or the proverbial decapitation of the king.

sovereignties will tend toward one or the other.[68] The polar distinction is meant to explicate the fundamental problem and definition of sovereignty: who decides. In a representational system, an authority—a single person or group of persons taken from the whole—have the final say. A monarchy is an example of a representative system insofar as the monarch represents not a group of voters, but rather a legitimate will (bestowed by God, for instance) that binds the members of the collective together. Identification, by contrast, is an expression of sovereignty in which a collective, as a whole, has final say. A system in which decisions are made by referendum exemplify an identificatory system. Representation is still necessary in an identificatory system, though, since a particular someone needs to present the question or issue on which the collective will vote yay or nay. Conversely, a representative system still requires some identification insofar as a group accepts the authority of the representative and recognize it as legitimate. Liberal democracy is meant to be a kind of hybrid system that nevertheless prioritizes identification, insofar as representatives making decisions are themselves subject to the will of the people through vote.

Schmitt's work on democratic representation challenges the assumption that a people must be represented by a pluralistic legislative body, e.g., parliament. He was

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[68] See Carl Schmitt, *Constitutional Theory*, (Durham: Duke University Press 2008) 239-41. Henceforth, "*CT*." Schmitt makes the argument in a few places, but perhaps most clearly in *The Crisis of Parliamentary Democracy*. Schmitt's work is important not only for thinking of the political, but also for the specific debates about populism. He is often interpreted and criticized as an advocate of populism. Schmitt's most prominent, contemporary representative is probably Chantal Mouffe. Like Mouffe, my reception to Schmitt is often critical, and while I agree with her that Schmitt's thinking provides a challenge that must worked through in order to address politics, she and I differ in our responses as we will see in chapters 2 and 4. To put it briefly, by advocating for a Left-populism, Mouffe still operates within the horizon of self-interest; it only seeks to widen that category beyond economic-material bounds.

infamously distrustful of parliamentary democracy on the grounds that the political parties and bureaucrats end up making decisions behind closed doors, violating the principle of openness that undergirds a parliamentary-legislative state. While there may be conditions in which a parliamentary state can function well, he thinks under modern conditions and the need for economic administration, parliament degenerated into an aggregate of special interests parasitically carrying out their own projects through public means.[69] The competition of private interests, carried out semi-secretly, directly led to inaction in the midst of crises, an erosion of faith in parliament, and a breakdown in the basic principles meant to ground parliament, e.g., a substantive relationship to truth. Schmitt preferred either a singular representative, e.g., the president,[70] or a mode of democracy in which crowds would publicly acclaim or decry a proposed course of action by a chosen leader. While he acknowledges this configuration of power which emphasizes political identification, he did not advocate for it, perhaps in part because it did not bypass the need for some kind of representative. If we think of democratic practice in terms of plebiscite and referendums, Schmitt has already shown that someone still needs to frame the issue to the whole community.

2.2.3 The Problem of Sovereignty in Democracy

One way to understand the shift of the classic definition of democracy as a form of government to the modern notion, wherein the people are the source of authority for representatives but do not themselves make concrete decisions is a shift from democracy

[69] Carl Schmitt, *Legality and Legitimacy*, (Durham: Duke University Press 2004) 92-3. Henceforth, "*L&L*"

[70] He advocates for this position after analyzing the inconsistent parts of the Weimar Constitution. See "*L&L*" esp. 77.

as a constituted power to a constituent power. This shift is not only evident in Rousseau's notion of the general will, it also plays a role in Locke and Hobbes, who take the social contract to consist of the individuals ceding the authority to a representative. That representative—who is constituted by the social contract—exercises sovereign power to make decisions on behalf of the entire public; the ideal of autonomy is still maintained, though, because the sovereign representative acts with authority that ultimately lies with the people who constituted the representative, and—at least post-Hobbes—the people can revoke the sovereign status of the representative.[71]

However we understand a representative constitution—whether it be a parliament, a president, or the person who puts a question to a vote—it is clear that government always involves hierarchy and command. A pure identity of rulers and ruled cannot be achieved. The fact that some amount of representation is necessary entails a problem for democracy. On the one hand, the people should be sovereign since they are the constituent power. They should have the final say by voting directly on an issue. On the other hand, the options that a people can take are laid out by some representative power. So, while the people may have the final say, either 'yes' or 'no' in a referendum, what they can say is determined by a representative. Thus, there is always a question of 'who' acts as the representative of a democracy that cannot be simply answered in universal

[71] My characterization here is perhaps too general. Hobbes, for instance, has offered a theory of a sovereign representative, but once individuals have alienated their authority through the social contract, they retain no active relationship to that authority. The sovereign is, in a sense, absolute unless a new sovereign emerges or a commonwealth degenerates back into a state of nature. Moreover, for Rousseau, the people cannot be 'represented' at all. Nevertheless, they can appoint magistrates and revoke their appointments. My discussion of sovereignty here pertains only to representational thinkers, and while Rousseau has concepts for sovereignty, constituent, and constituted power, we will not see them in detail until my third chapter.

terms; without someone to act as president or formulate questions for the people, the government would not be able to act. This is the problem of sovereignty, of establishing who is entrusted with the power and authority to direct 'the will of the people' into a concrete state of affairs. Schmitt rightly points out that whoever has the highest office not only acts but acts with the discretion to interpret and apply vague concepts, e.g., state of emergency, public health, etc., and this power of discretion cannot be fully or finally delimited by a pre-given law or procedure.

To be clear, we could remain committed to a view in which sovereignty and authority (or any other positive term) in some way lie with 'the universal' (i.e., the collective or the people). But some particular someone or group have to act on behalf of the community. Moreover, this 'acting on behalf' must, itself, be something positive, a power in excess of what an ordinary citizen can do. Oversight, checks and balances, etc. may be prudent to institute, but such limitations on power are secondary to the institution of power itself. Ergo, if government is to act at all, government officials must have the ability to act on behalf of the collective, and this investiture of power is 'sovereignty.' My strategy for thinking through representative power—sovereignty—is to think of such power as necessary, but not creative on the part of the sovereign.

I want to make the provisional suggestion that liberalism and populism and their shared presumption about elections focus solely on this question of sovereignty, i.e., the power of a representative in relationship to the whole people. Characteristically, the tradition of liberalism has addressed sovereignty by delimiting the powers of every office and pitting offices in balanced opposition with each other, just as parties oppose each

other in order to assume office.[72] Or in other words, sovereignty is limited by way of division, which is the basis of 'the division of powers.' But the focus on limiting the power of office belie liberalism's assumption that sovereignty lies in government offices, and that government offices must be able to determine concrete situations. Populism is even more straightforward: by definition, it claims government should be an expression of the sovereign will of the people. This expression can then only come to pass when the populist leader wins the election and eliminates the partial interests of the corrupt elites. The logic here is not that the populist leader has intrinsic authority, but rather that they have been invested with authority by voters and is therefore the bearer of the constituent power of the people. Thus, populism is the immediate fusion of political representation and constituent power, and their claim to sovereignty is absolute. A healthier notion of sovereignty would be 'limited,' not necessarily by other constituted offices (although maybe those too), but by a more expansive freedom of the people. And by 'limited' here, I do not mean simply checked and balanced by citizens instead of representatives, but rather, offices are not invested with absolute control; a healthy democracy has a somewhat more deflated attitude toward representatives without eliminating them.[73]

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[72] And while some of the more traditionally liberal thinkers like Constant, Berlin, etc. have espoused and developed this idea about dividing and checking public power, "checks and balances" has become a part of our familiar vernacular. In this way, we can see my point about metaphor and the political imagination, in which the history of liberal-democratic theory has permeated our conceptual landscape, and we draw from these traditions even without fully thinking them through. "Checks and balances" can be deployed as a normative requirement without argument, as though such divisions and 'balance' automatically yield good results. Kenneth Roberts's work on populism certainly does so in his insistence on 'competitive equilibrium'—claims we will see in greater detail in the next chapter.

[73] I hope it is clear from my discussion that I am not advocating for minimal government for minimal government's sake, or that I think all taxation is theft, or that all big

Another way to put my suggestion is that democratic freedom is not solely or even best expressed by the sovereign, although the highest representative office must at least partially express the will of the people.

2.2.4 Mediating Powers: Freedom, Authority, Unity

As constituent power, the people of a democracy is responsible for its laws. The government representatives, as constituted power, are responsible for the concrete details. The two are not strictly identical. That being said, they are related. At least since Hobbes, constituent and constituted power have been mediated by three seemingly familiar concepts meant to resolve the problem of sovereignty: freedom, authority, and unity. Freedom has been predominantly interpreted in the mode of negative liberties: guaranteed rights of non-interference on some delineated issues, e.g., freedom of speech, right to bear arms, etc. Whatever representatives are empowered to do, they are not permitted to violate these individual rights. Thus, constituted power is barred from eliminating or violating individuals who are constituents even if they wield no direct, public power.

Authority, within this tradition, has been a transference of a right to act from a group of people to a single body, either an individual person or a representative group. Thus, a constituted power is legitimate only if it has been authorized by the people. We might say that sovereignty is the power of an official to act concretely while authority is the legitimation of those acts by way of the people.

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government is inefficient, etc. Ironically, libertarians who take this view tend to endorse the power of representatives, which they want used to dismantle independent institutions.

Unity, meanwhile, is what makes the citizens of a state one people. For Hobbes, a people only exists when individuals divest themselves of their individual authority and it condenses in a single representative. For Hobbes, there is no people without a representative; the representative makes them one collective. To be more precise, there is no people at all, merely a commonwealth. While bouts of nationalism and similar such movements (fascism, Right-wing populism, etc.) have attempted to derive their unity from some natural characteristic, Hobbes's claim that a collective only comes into being with institution of a sovereign representative set the stage for a narrow focus on constituted power while simultaneously endorsing an individualist social ontology.

2.2.5 Hermeneutics of Constituted Power

On a final note, I want to point out the tendency of social thought to interpret constituted power in a top-down fashion, and not just top-down but also in terms of 'control,' in which a representative exercises power over their constituents. I mean here not simply the ability to determine or enforce laws, but to influence opinion and encourage certain behaviors. While representatives certainly have some impact on their constituents, interpreting constituted power in a top-down fashion can lead to a hermeneutic position I will call 'conspiratorial hermeneutics.' In conspiratorial hermeneutics, it is assumed that someone is in control of public phenomena, and this can be as hopeful as thinking that the president can bring hope and change all on their own, or as cynical as to believe that there is someone 'pulling the strings,' e.g., Obama, Soros, 'the deep state.' Far Right-wing extremists famously engage in this kind of interpretation of public affairs, in which 'the deep state' calls all the proverbial shots and the righteous, deserving American citizens are victimized and denied the ability to exercise political

power.[74] But the Left is no stranger to this kind of interpretational framework. Critical accounts of Trumpism sometimes attribute a seemingly mystical power to Trump to be responsible for every evil in government. Trump's followers are referred to as 'cult-like,' who imitate or blindly obey him. More importantly, any account that focuses on how members of the Right are manipulated or run amok by propaganda endorses conspiratorial hermeneutics.

Clearly, Trump directs and accelerates the belief in conspiracy theories, but his strategy of calling out 'fake news' can only take hold because people already believe—or deeply want to believe—that the news is fake, i.e., made up, or manipulated, or has some 'spin' to it, etc. In order for Trump's strategy to work, there needs to be (a) a general distrust in cognitive authorities, scientists, and reporters, (b) a sense of being betrayed or attacked by powerful people, politicians and semi-anonymous groups like 'the radical Left' or 'cancel culture,' and (c) an anxiety about the stability of the world—political crises, wars, global warming, precarious employment and the threat of downward mobility, opiate addiction epidemic, etc. While new developments and findings have made (a) a relative constant with some portions of the population, (b) seems to have only reached a sufficient level of intensity recently, although it has clearly been on the rise for years. I doubt Trump—or anyone—could have run with such a strategy even a couple of decades ago. Similarly, (c) has been on the rise as people 'consume' more news and develop a love-hate relationship to it.

[74] Donald Trump has recently stated that the people who control Joe Biden operate in 'dark shadows.' He's appealing to people who operate from this position.

While Trump and the Right cynically channel distrust in cognitive authority and use propaganda (they are not alone in this regard),[75] it must be explainable, in rational terms, why people buy in. For one thing, Trump neither magically created an infantilized population ready to be duped, nor is he a mastermind who knows exactly how to manipulate each Republican voter. For another, there are diverse sub-groups of Trump supporters, many of whom do not like him. A more philosophically nuanced interpretation of populism—in America or elsewhere—needs to abandon a model that assumes that a leader has full control over their supporters just as an appropriate normative model of authority does not recommend giving absolute control to a representative office. Such a bottom-up model understands representatives less like engineers operating upon the people, but instead as a completion of political action. That is, the representative acts in such a way to add a final determination of shared, public principles to make them concrete. Populists, then, are not simply hucksters and charlatans—there is an element of that—they are an expression of the dissatisfaction with the established government officials. That dissatisfaction can be rational even while the populist solution, e.g., electing Trump, is worse than the initial problem.

2.3 A Political Conception of Democracy

Drawing from the preceding material, a successful account of a healthy democracy should offer a notion of political belonging that does not require a single

[75] For instance, the Right has a tendency to treat George Soros as a master manipulator, while the Left treats the Koch brothers in the same way. While these figures might be influential, conspiratorial hermeneutics holds that those who are influenced do not genuinely support these ideas. They have been duped or bought, and they certainly have not engaged in reflective judgment.

social identity or interest. In other words, members of a democracy must be willing to let others belong. Moreover, a political democracy, while it has laws and shared principles, cannot become overly fascinated with an idea of purity, whether it be natural (national, racial, etc.) or moral. That is, there must be some spirit of forgiveness, although certainly not everything should be considered forgivable.[76] Finally, representatives should not be engineers exercising control of the government and the police, but rather should be a completion of an initiative taken by the people.

2.3.1 Community Is the Performance of Unity with Difference

I take it that a healthy version of democracy is echoed in Tocqueville's claim that a democracy must not only have common laws but common *manners* as well. That is, a people must have a kind of community in which laws are actively shared and in which the people are responsible for living with the law. I contend that a community's health is not a matter of formally well-built set of laws or balanced power or qualified representatives, but rather the people being oriented by the project of making its members belong and taking up a forgiving attitude about the law. My conception focuses on the nebulous, non-homogeneous activity on the part of the people as non-constituted. According to this conception, the people is a collective that is committed to listening and

[76] As an example, it seems to me that while we have the same laws for different racial identities in the US, both police officers as well as some nebulous group of conservative liberals are deeply unforgiving of any transgressions made by black people. The penalties for violations of laws involving marijuana are a case in point. Racists in this context are damaging democracy not because they violate procedures (they may do that also), but because their attitude is so unforgiving toward fellow citizens. Taking that aggressive attitude damages the community, erodes trust, and makes people not belong. On the flip side, there is a blanket institutional forgiveness for the murder of (largely but not always) black civilians by police officers. I contend there should be far less forgiveness for such murders, although I think the spirit of "all cops are bastards" that some people have taken up goes too far.

speaking to the other members, even if the whole people is never fully present in one conversation.[77] Let us briefly introduce the concepts of belonging and forgiveness.

The project of belonging means welcoming people into a community, listening to their opinions, and respecting individuals as the source of their own intelligibility—rather than applying categories to them based on their appearance. However, a person might be situated by their social status, however they might interpret their interests in relation to others, their opinions and their actions are not dictated by some external source or 'what-ness.' Individuals are 'who's,' and that means they are unique and cannot be exhausted by their social identities. Belonging in a free community, then, means that one can negotiate their social identity and be welcomed by the general community even if they do not fit in with a particular group.

Forgiveness, at least in its political formulation, is one possible response to a violation of the law (positive, cultural, moral); it is the alternative to punishment. Where punishment reciprocates violence, albeit within a communal measure, forgiveness responds by acting anew, leaving behind the predictable chain of events in which harm begets harm. This allows the community to focus its attention elsewhere and begin a new initiative while still recognizing the crime *qua* crime. Forgiveness is not only an important option, but a necessity insofar as everyone is bound to act partially with insufficient regard for the community at some point.

[77] This conception is distinct from the rationalist assumptions of liberal-parliamentarism, in which discourse is supposed to yield a distinct good, namely, truth. While liberalism rightly emphasizes discourse, its presentation of discourse is both too consequentialist and too epistemological.

A healthy democracy, on my view, orients itself about these activities. This is not to say that everyone is made to belong and all crimes are forgivable. Such a demand for universal love would be, as Freud notes, an unreasonable demand. My view is that a community must determine the limits of who belongs and what is forgivable, and the setting of those limits is the measure of the community's strength. Moreover, these activities cannot be assigned to government officials while common citizens are free to pursue their private interests. These activities, while they may not constitute great, historic deeds, are nevertheless the expression of freedom of the people, and no community can persist in which these activities are abandoned.

2.3.2 Society Performs Disunity with Difference

Populism and the liberal tradition, by contrast, orient themselves by ideas of competition and control. Populism holds that a healthy democracy is one in which the government machinery is not in the hands of foreigners or a narrow elite, but in the hands of the people's sovereign representative. According to this conception, the people is the group whose interest defines the public interest, (aggressively) excluding others, and as such, they take it that the representative of that group should be in full control over constituted powers. Any other interest is, on this view, partial, corrupt, foreign—in short, opposed to the public interest. Liberalism holds that democracy is healthy when the laws are arranged in such a way that individual citizens are equalized and constituted power is divided and checked. When constituted powers are arranged in the right way, individuals are free to exercise control over their private lives and pursue their own vision of the good. According to this conception, the people is just an aggregate who happen to be subjected to a particular set of institutions that are built on absolutely universal laws.

These two conceptions are mutually intertwined and develop from the same spiritual soil: a metaphor of mechanism, a notion of the individual as interested driven, and a view of humanity as *homo faber*. Further, they take it that actions of public import are performed by representatives; 'the community' is only expressed by constituted powers while private citizens are never more than individuals whose sole political act is that of voting for a representative. As such, neither can express the freedom appropriate to politics since their modes of rationality are instrumental, competitive, and calculative rather than spontaneous, cooperative, and creative.

A qualified notion of cooperation is possible in civil society; individuals can cooperate as long as it serves their self-interest to do so. Such cooperation often solidifies into a social grouping wherein people take themselves to be alike on the basis of a seemingly stable, identical interest. For liberalism, this kind of association is a problem, and if the power of the group is not to be abused, it must immediately be balanced by competing with another, similarly sized group or become dissolved again into the independent individual.[78] For populism, such an association seems to be a boon, allowing individuals—especially if they are alienated from a community or economically-materially powerless—to gain a sense of power and 'community,' and any checks should be removed and any competitions should be won. However, one only belongs within such a social group on the basis of identity, and deviation can be the basis of expulsion from the group. That is, the ideal of identity (in the sense of similarity) tends toward a self-destructive tendency to expel or eliminate its members.

[78] The former option is more classically liberal, while the latter is closer to libertarianism.

One of the distinguishing features of racism, which have appeared in conjunction with Right-wing populism, is a kind of self-destructive insistence on purity. Seemingly even worse than nationalism, racism insists on an ideal of purity and views history as a series of contaminations.[79] While there might be different intensities of racism, it generally tends toward extreme separation between social identities. Commerce, discourse, and affection are an existential risk for the racist, since they might blur the boundaries that mark a hierarchy. But this is not an exception to or a break from social thinking, it is merely an extreme case. This is because self-interest constitutes the social self: you are a social person defined by what is in your interest, and this interest situates you in a cooperative relationship with some people and competitive relationships with others. Social classes generally do not exist indifferently side by side; they jockey for position within a kind of caste-system.[80] In sum, in a point that echoes Max Weber's work on Protestantism and capitalism, victory in competition helps to assure the competitor of their own purity.

It seems to me one of the boons of liberalism is that it does not propose a kind of social identity that requires purity and condemns any interest that appears different or partial. This is presumably because liberalism tends to view self-interest in ultimately individualistic terms, where group interests are voluntary and alienable (and are assumed to have less motivational force than private interests).[81] Moreover (and as less of a boon),

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[79] See Anderson, *IC* 149.

[80] Anderson offers a brief but illuminating account of how different dialects became the exemplar of larger language groups, thereby creating a hierarchical ordering of vernaculars within a nation. See Anderson, *IC* 44-5. We might call such a relationship "hegemonic."

[81] This is certainly how Hannah Pitkin frames liberalism self-interest in contrast to what she called "Burkean" self-interest. See *Representation*, esp. 198-200.

to preserve one's self-interest in the long term, a rational person must limit their self-interest in the short term by way of submitting to impartial procedures or government mechanisms. The downside is that thinking of oneself as being constituted entirely by one's private interest is alienating and—importantly—false.[82] One may participate in civil society and succeed in pursuing one's interest, gaining profits or status but not belong there.[83] Populism—which infamously has been appearing in nationalist and racist forms—offers a sense of belonging that is in part imagined in a nostalgic vision of the past (evidenced by "make America great *again*) and in part concrete (rallies, parades, etc.).[84] But this mode of belonging requires a similar identity and assumes an identical interest. If left without enemies—foreigners, ruling elites, liberals, etc.—its identity becomes an obsession with purity that creates new outside groups from those who had previously been considered members. A healthy democracy should avoid the kind of alienation that arises from market individualism as well as the unforgiving fascination with purity that justifies segregation and aggression.

[82] The realities of human reproduction entail that everyone is dependent on others—at the very least one's parents—for one's existence. Civil society also requires common infrastructure, common language, and a host of features o of an intersubjective world that living individuals did not create *ex nihilo*. Moreover, one can only ever attain a kind of relative, not absolute, independence. Thus, a particular self-interest cannot be fully constitutive of what one is *qua* a self.

[83] At best, one may belong at home, i.e., in private.

[84] It is not impossible for me to imagine that Left populisms may have similar risks. Perhaps there is a well-founded worry about 'cancel culture' and its requirement of moral purity, even if the current 'cancelations' of celebrities and businesses are not particularly worrying.

2.4 Conclusion

My goal for this chapter was to set out the features of a healthy democracy, which is appropriately political. To summarize the previous discussion, I will offer a brief reflection on the distinction between the *polis*—a way of organizing guided by public freedom—and society—a mode of organizing based on self-interest. Then, I will re-emphasize that a healthy democracy must take its orientation from a political imaginary framework rather than a socio-economic one.

A political community is a grouping that incorporates distinct people who nevertheless share principles and see their freedom reflected in some set of institutions. This allows a political community to have differentiated, partial groups within it, but it also means that a political community will exclude those who cannot see themselves within those set of institutions or who do not feel the pull of a given set of principles. The inclusion of diverse groups in a political community is not accomplished simply through an administrative apparatus, but through labors of belonging and a measure of forgiveness. The reasoning for this position comes down to an interpretation of the relationship between what collective living is like and what people are like. A political community acknowledges that people can initiate novel action, that they are not mechanically pursuing self-interest, and that interaction and cooperation can be a source of strength and meaning. This expressive notion of freedom and creativity can be expressed in various relationships, and it is the hope of democracy that it can be expressed in government to some extent.

Social groupings, by contrast, are based on similarity, and this similarity may be explicit and polemical, or it can function unconsciously. When our thinking draws from a social imaginary framework, we may behave in ways that we think are generally

appropriate, perhaps under-appreciating the extent to which we are taking for granted how norms are creative expressions that do not apply to everyone. But we are still acting socially when we attempt to claim a set identity through semi-scripted behaviors in order to distinguish ourselves from another group. The anti-mask protesters in the midst of the COVID-19 pandemic and their rejection of masks are—in part—taking their orientation from a social framework in which rejecting a mask sets them apart from liberal weaklings. While such protestors may not be driven by a concept of private, economic self-interest (although sometimes they are), they are taking their actions to be for the interest of the whole country (or at least its authentic members).

If we think that humans realize their spontaneity and freedom in acting with others, and if we think that a community involves a positive relationship among its members—rather than just limitations on behavior—we should endorse some notion of political democracy. This is a conception I will detail later, drawing from an organic metaphor for political unity to guide our thinking. In the next two chapters, though, we will be reviewing populism and liberalism in terms of a mechanistic metaphor and a metaphor of an interest-driven individual. What I want to suggest provisionally here is that liberalism and populism really offer visions of democratic *society*. Populism treats democracy as a single society, governed by a singular interest, often pitted against other societies, and regulated by administrators. Liberalism is a reflection of civil society, in which individuals can pursue their own interests provided that they are sufficiently respectful (non-violent, relatively well-mannered) toward others. While this vision of democracy advocates for avoiding certain societal ills, e.g., violence, theft, it has no positive communal project. There is no robust sense of communal belonging, in large part

because, as evidenced in Locke and Hobbes, individuals are conceived as largely atomistic. Moreover, the neutrality and focus on 'right' instead of the 'good' in market liberalism entails that there is no public flourishing or happiness; the good is reserved for private life while the public life is regulated simply to prevent and punish illicit behaviors—violence and theft.

It might be said that my account of political democracy has focused only on freedom at the expense of equality, and a love of equality is the principle that best suits and inspires democracy.[85] True, I have not emphasized the term and will not thematize it further. However, equality of a certain kind plays a crucial role in politics and thus in political democracy. Politics, insofar as it involves persuasion and creativity, requires that people meet each other as equals, which means that they do not command each other. Hence, my suggestion that a successful account to democracy must focus on the primacy of constituent power; constituted power—or at least the executive—tends toward relations of command and obedience. This situation of having to persuade each other is political equality. My account explicitly and purposefully neither focuses on any kind of distributive or material equality nor on the equality of condition that makes for good competition. This notion of equality is rooted in a notion of self-interest, and while it is perfectly permissible to pursue an equality of interests, such a project is social, not political.

[85] At least according to Montesquieu.

CHAPTER 3. THE MECHANISTIC METAPHOR OF POLITICAL UNITY IN LIBERALISM AND POPULIST AUTHORITARIANISM

As I outlined in chapter one, a working notion of democracy must be oriented by a notion of creative freedom; it ought not theorize individuals and the government solely or even primarily in terms of regulated behaviors or negative rights. In this chapter, I will examine the mechanistic metaphor for government, from which both liberalism and populism draw and keeps them operating within a socio-economic framework of thought.[86] Moreover, I will demonstrate the inherent instability of the liberal interpretation of mechanism and its tendency to transform into populism. This transformation is premised on (a) the shared metaphor of mechanism for political unity (understood as government), and (b) the characteristic tendency of liberalism to avoid answering the question of *who* decides on the uses of public power, preferring instead to focus on *how* decisions are made and ensuring that all exercises of power are checked and balanced. Populism can appear as a solution to the problem of liberalism because it focuses solely on who decides—an authoritarian leader. But populism, too remains within a socio-economic framework, and it, too, has its own inherent instability that tends

[86] The notion of mechanism can be explicit or implicit. When explicit, it is often deployed without much note or fanfare. For instance, William Galston writes that "Not only do democratic institutions protect citizens against tyrannical concentrations of power, they also provide mechanisms for transforming the public's grievances and unmet needs into effective reforms." William Galston, *Anti-Pluralism: The Populist Threat to Liberal Democracy* (Yale University Press 2018) 1. Henceforth "*Anti-Pluralism*." Galston's words here offer a notion of what I am discussing with 'liberalism,'—a kind of belief in organized government as a machine and for certain ends, with a hope that the right kind of formal organization will lead to the best consequences relative to other political forms. There are differences among liberal thinkers, but most liberal theorists all embrace this same vision of effective mechanisms, yielding desirable results without giving much credence to what people desire.

to transform (back) into liberalism. More specifically, the possibility of the abuse of a single authority leads to a general vulnerability of each member of the populist group, and insofar as populists are oriented by their self-interest, they are willing to limit the scope of the use of government to protect individuals from such abuses.

I will begin this chapter by reviewing contemporary critiques of populism and showing how they are informed by liberalism's core commitments—checks and balances, majority rule, and end-oriented government design (more specifically, for the sake of individual freedom). These concepts function critically, seeking to prevent and mitigate issues of authoritarianism—one of the primary threats that populism presents. Next, I will offer exegesis of several key texts in the liberal tradition, viz. works by Isaiah Berlin, Benjamin Constant, and John Locke, that inform the concepts detailed in the prior section. This will demonstrate how contemporary critics of populism are drawing from the wider liberal tradition, and it will establish how their concepts are guided by the mechanistic metaphor for government. In my third section, I will show 'authoritarianism' is not just an external threat to democracy posed by populism; it is inscribed in the origins of liberal theory—and in any system of representation. The reason for the priority of authoritarianism lies in the nature of human action as authored, i.e., political action is always performed by 'whos' that can and must respond to novel phenomena. Political action cannot be proscribed or mediated by some finalized law or procedure—mere 'whats'—ahead of time. When individuals give up their authority to a representative, they do it because it will enable the public interpretation and enforcement of laws; the creation of an authority allows the actualization of the laws in a community. Finally, I will discuss the mechanistic metaphor more broadly and make my ultimate argument that the liberal

interpretation of the mechanistic metaphor will tend to degenerate into the populist interpretation.

3.1 Populism, Party Politics, and State Power

One of the main features of liberal critiques of populism is the presentation of roughly two alternatives that exhaust the options available: either populism—associated with authoritarianism[87]—or liberalism. Jan Werner Mueller makes this choice the most explicit, but he is simply at the forefront of a general presentation of the problem.[88] He presents these options directly:

> The major differences between democracy and populism should have become clear by now: one enables majorities to authorize representatives whose actions may or may not turn out to conform to what a majority of citizens expected or would have wished for; the other pretends that no action of a populist government can be questioned, because 'the people' have willed it so. The one assumes fallible, contestable judgments by changing majorities; the other imagines a homogeneous entity outside all institutions whose identity and ideas can be fully represented. The one assumes, if anything, a people of individuals, so that in the end only numbers (in elections) count; the other takes for granted a more or less mysterious 'substance' and the fact that even large numbers of individuals (even majorities) can fail to express that substance properly. The one presumes that decisions made after democratic procedures have been followed are not 'moral' in such a way that all opposition must be considered immoral; the other postulates one properly moral decision even in circumstances of deep disagreement about morality (and policy). Finally—and most importantly—the one takes it that 'the people' can never appear in a noninstitutionalized manner and, in particular, accepts that a majority (and even an 'overwhelming majority,' a beloved term of

[87] This association of populism and authoritarianism is widely noted, as we shall see repeatedly in this section. Galston also notes it in *Anti-Pluralism* 10-1*,* although he situates populism as inheriting and transforming an older surge of authoritarian movements.

[88] In what will be 'the usual,' Mouffe and Laclau do not quite fit this pattern, since they present the options as liberalism, Right populism, and Left populism and they endorse the latter.

> Vladimir Putin) in parliament is not 'the people' and cannot speak in the name of the people; the other presumes precisely the opposite.[89]

Mueller takes it that the choice is clear: the former option is (liberal) democracy and good; the latter option is populism and bad. The former involves numerical clarity; the latter involves mysticism. The former is critical and mature; the latter is dogmatic and moralizing. 'Democracy' is the rational choice; populism is irrational, a manifestation of ignorance or blind emotion rather than a deliberate choice. Evident in Mueller's passage is the liberal heritage of some of the ideas being expressed: majority rule, proceduralism, value (meta-)neutrality, individualism, and a retained capacity to check or critique government officials ('oversight' as well as 'checks and balances').

Mueller is largely right in his characterization of populism, but I think he underappreciates how populism is a 'logical' outcome of liberalism. Coincidentally, he misses how populism retains a kernel of liberalism's own rationality, that is, socio-economic rationality. As I will show by the end of the chapter, the populist-authoritarian and the liberal models of democracy have more in common than they would like to admit; most importantly, they share a fundamental metaphor that (a) understands the exercise of collective power solely in terms of constituted government, and (b) thinks of constituted government as a machine deployed for some given end. However, populist rhetoric contains a democratic element often effaced in liberalism: namely, that a specific people rule, even if only vicariously through their elected representative, and who that representative is must express the principled commitments of the people. This may seem like an obvious claim at first glance, but historically, liberalism has dodged the question

[89] *WIP* 77-8.

of who rules by making claims to 'a rule of law,' by focusing on independent laws or procedures for how to rule rather than who rules. Populism appears to give an answer to the question by advocating for a single, nearly all-powerful representative, elected by a constituency with a shared identity. In this section, we will examine liberalism's critique of this authoritarian conception of democratic power and how it narrowly focuses on the mechanical limitations of power. Moreover, we will see how the machinery of elections and representation foster political parties, which play a significant role in both populism and liberalism. The role of political parties seems to differ in populism and liberalism, given the different interpretations of government mechanism, but this difference is merely one of relative intensity.

3.1.1 Populism and Authoritarianism

Populism has been rightly characterized as authoritarian.[90] But populist leaders do not present or advertise themselves as 'authoritarian,' instead presenting themselves as a vehicle for the will of the people. This requires some explanation. While there have been significant differences between populist movements throughout the world, scholars have identified several prevalent features that are general enough to work in most cases.[91] For

[90] One could make the case that the yellow vest protestors, protesting against gas prices among other socio-economic problems in France, were populists but not authoritarian. After all, they never fielded a candidate or entered into representative politics, but they were nevertheless against government elites. While such protestors may have been a part of a 'popular' movement, they are clearly different from Marine Le Pen, the French populist candidate, as well as other 'populist movements.' The full use of the term 'populism' seems best reserved for those movements and candidates who have entered into representational 'politics,' and whether Left or Right, have been at least somewhat authoritarian.

[91] We saw the following analysis played out in the Mueller quote earlier. We would see the same features with some additions in Galston, *Anti-Pluralism* 27-30. The following features also feature in Margaret Canovan's work on populism. As per usual, Mouffe and

instance, Koen Abts and Stefan Rummens offer a definition of populism as "a thin-centered ideology which advocates the sovereign rule of the people as a homogeneous body."[92] They further characterize populism's four major characteristics—antagonism toward an elite, a drive to restore direct popular sovereignty, a transparent, homogeneous unity of the will of the people, and a single leader.[93] These characteristics, in some form, appear in most analyses of populism, and they can all be applied readily to Trump in the United States. Let us examine each characteristic briefly.

First, populism is a movement of 'the people' against an elite whose positions in power have allowed them to pursue their own narrow interests at the expense of common folk.[94] Populist leaders attempt to foster and tap into that antagonism so that they can 'drain the swamp' and end corruption in government.[95] Let us call this element 'anti-elitism.' Interestingly, Right-leaning populists seem more prone to seeing independent institutions as beholden to a self-interested elite, as though the notion of an interest independent of private interests is a sign of corruption. This seems to be one component of a Trump supporter's anti-elitism and a reason why they may rejoice in Trump's business acumen when he dismantles institutions and puts them at the mercy of

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Laclau analyze populism somewhat differently, but their main disagreement with other theorists is a matter of (a) how to classify populism, and (b) what 'politics' even is. They do not necessarily contest the elements of populism we will discuss here.

[92] "PvD" 409.

[93] "PvD" 408.

[94] The reactionary character against established elites should show *prima facie* that populism can only arise within some form of representative democracy. See Mueller. *WIP* 101.

[95] Kenneth Roberts notes that, descriptively, populist movements generally emerge as a response to a crisis, often involving a crisis in representation.

businesses on friendly terms with Trump.[96] The second characteristic of populism is an attempt to restore popular sovereignty, which on Abts and Rummens's reading, means that populists think that legitimate politics is "based on the immediate expression of the general will of the people. . . . Populist democracies can be understood as an attempt to achieve an immediate identity of governed and governing. Populists claim to present and proclaim, not to represent, the essentialist will of the people."[97] We see here a notion of mass-mobilization of the people who have felt left out, debased, or forgotten; this is the call to restore popular sovereignty. Margaret Canovan frames popular sovereignty as a promise integral to democracy, which helps explain how populist movements get off the ground. As she puts it, populism exploits the redemptive promise of democracy, which is the promise that we—and not others—should be in charge of our political existence.[98]

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[96] On a further note, current populism in America is tinged with rhetoric of a 'culture' war. From what I can anecdotally at least, people at varying level of economic well-being can support Trump and identify with each other because they tend to lack cultural capital and they resent those who have it—the educated. They don't have a liberal arts education, and because of their rural living, they do not consume cultural products—food, movies, television, to some extent music—in the same way and with the same standards as the stereotype of the coastal elite. And with some justification, they resent the cultural elite who have been openly mocking them for decades, and they are more than willing to ally themselves with an economic elite to hurt the economic elite even if does not serve their own finances.

[97] "PvD" 408. I would like to voice my disagreement with Abts and Rummens on this point. Since populist leaders aim to get elected within a democracy, I think it is fair to say that they take themselves to represent the popular will. It is more plausible to say that fascist leaders aim to originally present the will of the people without electoral methods (note that both Hitler and Mussolini attained government power through constitutional means, but not through election). Abts and Rummens do attempt to show some differences between populism and totalitarianism ("PvD" 414), but the differentiation is under-developed and given only a response to an anticipated objection to their use of Lefort's work. For the sake of clarity, we should further note that Abts and Rummens take populism, because of its belief in an unmediated identity of the people and hostility toward otherness, to be proto-fascist.

[98] Canovan TtP 10.

One of the complexities of this democratic promise is the nature of representation and sovereignty. While populists may or may not promise increase referendums or political participation, they almost always reserve decision-making for themselves. That is, despite the claim of 'popular' sovereignty, they always reserve sovereign power for themselves, and offer 'sovereignty' to their constituency only vicariously.

This vicarious experience of sovereignty—a control over government mechanisms—is premised on an assumed homogeneity of the population, such that a group can identify with a populist leader based on some shared, substantial similarity.[99] Abts and Rummens write, "The people are united and indivisible, fully formed, self-aware and identifiable by the majority of numbers." [100] This transparency makes the feeling of control over the government all the more vivacious, and it motivates hostility toward non-group members all the more strongly. In sum, these two characteristics of a call for popular sovereignty and the supposed homogeneity of the people help to establish a readiness of populist constituents to become populist supporters.

This brings us to the third element of populism, the singularity of leadership—one leader speaks and fights for the people.[101] Whether populists actually implement more direct referendums or reserve all political participation for themselves is contingent; it is clear, however that there is a rhetoric of restoring government to the people as embodied

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[99] Mueller calls it "anti-pluralism" in *WIP* 3. Galston refers to it as both a kind of homogeneity and anti-pluralist in *Anti-Pluralism* 3.
[100] "PvD" 408.
[101] Note, insofar as populists are elected officials, I think Abts and Rummens are wrong to say that populists do not 'represent' the people. Thus, I find myself in agreement with Jan-Werner Mueller. *WIP* 101. My understanding is that Abts and Rummens are conflating the dynamics of populism with that of fascism on this point.

in a single figure.[102] It should be clear from this discussion that populism, whatever its (de)merits, can only occur as a reaction against and a continuation of representative democracies.[103] Trump can only promise to drain the swamp once people have come to believe that government offices are filled with swamp ogres, but somehow Trump—their political candidate—remains pure. On this view of a ruling, elite class, a plurality of representatives is a liability. Once some representatives go bad, they tend to spoil the bunch as everyone starts pursuing their own private self-interest.

While the constituent elements of populism are largely uncontroversial, the diagnosis for whether populism is problematic—and if so, why—has not achieved any consensus. The most common critiques focus on the last two features of populism: a call for homogeneity and singular leadership and involve a dichotomous choice. On the one hand, we can choose an autocratic, authoritarian government; on the other, we can choose a government whose officials wield limited power temporarily and where a multiplicity of parties ensures a multiplicity of voting options and prevent an abuse of power. Now that we have reviewed a conception of populism, we will operate from Mueller's passage to gain an understanding of the liberal alternative.

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[102] See, for instance *WIP* 102. I do think, even if Mueller is right, that populism does not have the hostility toward all positive law that totalitarian fascism has.

[103] *WIP* 101. It is a further question whether populism—insisting on singularity of leadership, is simply a modification of the representational system or whether its anti-pluralist stance is corrosive of the representational system. For Kenneth Roberts, the latter provides the answer, as we will see later in this section.

3.1.2 Liberalism as the Anti-Authoritarian Alternative to Populism

Jan Werner Mueller, whose extended passage we saw earlier, offers an explicit conception of liberal democracy, which he contrasts with populism.[104] Let us look at what is implicit in his conception. He writes that liberal democracy only assumes the existence of individuals, and in elections, only numbers count. He takes this to be a refusal of mysticism, but it also implies that communities are only aggregates—sets of particulars—rather than collectives (taking the group to be a 'whole' with its own character). If a community is just an aggregate, and number is all that counts, then government is being conceptualized in terms of quantitatively greater and lesser forces, represented by some individual(s), competing with each other. On this model, quantity of votes is the end of political rhetoric and actions by representatives—qualitative concerns are set aside as subjective. Liberalism takes domestic politics to be a form of war that has replaced weapons with votes,[105] and has enshrined the economy as one of the core ends of government.[106]

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[104] Mueller puts the alternatives in its starkest contrast; other alternatives may more fine-grained distinctions, but they are still essentially reducible to this singular choice. I have in mind Galston who thinks there are three democratic options (and other, even more problematic alternative political forms outside of that): populism, liberal democracy, and elitism. See, for instance *Anti-Pluralism* 4. The problem here is that elitism is not a political form that can take the same kind of stance about its own desirability that populism and liberal democracy can take. Candidates cannot really run as 'elitists' and gain traction. Elitism is clearly an empirical falling-short of liberalism; it is not separate in its idea.

[105] This is the explicit position of Benjamin Constant, and it is at least compatible with Galston's comments about liberalism involving a suppression of aggressive drives.

[106] See Galston's comment in *Anti-Pluralism* 25. "Economic growth has become more than a material goal; it is a moral enterprise as well." He thinks (liberal) democracy is impossible without a strong, and growing, middle class. Moreover, he thinks that "Prosperity is both the oil that lubricates the machinery of government and the glue that binds society together."

Mueller writes that liberal democrats do not take the results of democratic procedure to be moral in a way that implies the immorality of other alternatives. He is making a point about populists demonizing the opposition, which often encourages aggressive or even violent behaviors directed at the immoral. While we should be concerned about the claims of immorality of others—and how this claim can be weaponized--? Certainly, such moralism *can* be coupled with proceduralism or a majority vote; that moral status of winning a majority vote is one of the reasons that populist leaders enter into (and sometimes win) elections. Espousing a populist ideology, however—rather than a proceduralist one—is not a logical requirement for such moralism. Even if proceduralists did not fall prey to that kind of behavior, we now have a question about how the result of democratic procedure is 'good' or decisive.

Mueller states that the people never appear in a non-institutionalized fashion, and even the apparent parliament or government is not 'the people.' This claim is tantamount to the denial of constituent power (at least in Rousseau's sense). If institutional representatives are not the people, does Mueller take it that the people never appear at all? If the people *cannot* appear, does it exist? On the one hand, if the people exist but do not appear, that starts to sound like a mysterious substance—at the very least such a stance would be an impetus to taking a notion of the general will (and the constituting power) seriously. On the other hand, if the people do not exist, then the implication is that democracy—rule by the people—is impossible. In that case, we would not have liberal democracies but rather liberal states; 'democracy,' at most, would merely be an emphasis that individuals have a right to vote for representatives in the same way they have a

formal right to own property, but to ask the question of who the people are would not make sense.

The characterization of liberalism, especially when contrasted with what it is critiquing, is that it leaves little to the discretion of representatives. It is not mythical, it does not deploy a 'mysterious' notion of substance, and everything the representative does is contestable. To the fullest extent possible, decisions should (a) be contested and (b) be informed by 'quantity' (which, implicitly in Mueller and perhaps the social imagination more generally, is transparent, neutral, and therefore, desirable), whether that be in the form of votes or statistical data. For liberal democracy, both (a) and (b) are carried out by political parties. They compete for votes, and when in power, they seek to limit and 'check' other political parties. Further, they have been the object of analysis in the literature on populism.

3.1.3 Political Parties and the Use of Public Power

It is hard to imagine a democracy without political parties. Parties shape and articulate the programs espoused by candidates whom citizens vote into office; they offer an identity for those who support them. How would we know who shares our political principles if there were not a publicly accessible platform? They help to disseminate the name and face of their candidates, and they set a recognizable agenda for their candidates to pursue—at least rhetorically. How could a person seriously run for office without these functions? This means they also determine what the options are for voting citizens, which is to say, they determine the possibilities that democracy's constituted powers can take. How could we decide on an issue without this delimitation of options? This is not entirely unidirectional; parties can run primaries, poll, etc., but they nevertheless retain a huge

influence over who is a viable candidate. In the U.S., for example, it is unimaginable that someone could win a major elected office without the publicity and cooperation given from one of our two major parties.

One of the foremost thinkers of populism and democracy is Kenneth Roberts, and his overarching concern is the way that populism can erode a multi-party electoral system. Roberts begins his article, "Populism and Political Parties" with an observation on the paradox of populist parties; that they exist as a party while at the same time criticizing the established party system.[107] Roberts takes his two main tasks to be (a) illustrating the way that populism arises as a response to a crisis in representative parties and (b) analyzing the influence that populist parties exert on the pre-existing system once they arise. In terms of (a) Roberts identifies three kinds of failures for representative systems[108]: The first is cartelization of political parties, in which large groups of voters feel deliberately excluded by an entrenched elite who have prevented new interests and movements from entering the political scene. The second is performance failures; meaning that populist parties can emerge when ruling parties are viewed to be ineffective such as in the wake of an economic crisis. Finally, Roberts identifies programmatic convergence to be a failure of a representative system, wherein voters feel that they lack real or meaningful options.

All three conditions provide the fertile ground for a populist movement to spring up or to overtake an existing political party. In terms of (b) Roberts frames populism as a kind of corrective to some representational problem, writing: "At its most basic level,

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[107] Kenneth Roberts, "Populism and Political Parties," from *The Oxford Handbook of Populism*, (Oxford University Press 2017) 287-8. Henceforth, "PPP."
[108] "PPP" 291-5.

therefore, populism offers a corrective to deficient representation, and is best located within the representational sphere of democratic politics, even when it trumpets its hostility to established representative institutions."[109] Beyond that general description, which he takes to hold for both Left- and Right- leaning populisms, he notes that populism can have a variety of impacts in terms of party systems. It may transform an existing party or lead to the creation of a new party, and there may be a variety of reactions to either of these cases. Roberts also makes a few descriptive observations about various instances of populism and suggests further questions for the reader's own research; the most interesting consideration being whether/how the populism in question resists the "hegemonic temptation of popular sovereignty," implying that popular sovereignty is problematic.[110]

In accord with the liberal tradition, Roberts is interested in the maintenance of independent government mechanisms, insulated from being controlled by any one group—what Lefort would call "the empty place of power." In "Parties, Populism, and Democratic Decay," Roberts examines how some populist movements, through political parties, have eroded democratic norms. 'Democratic norms' here refers to impartial/fair/balanced procedures in which opposition is not stifled or effaced by dominant parties.[111] Ends with the observation that, if the Republican party doesn't distance itself from Trumpism/populism, it is up to the Democratic party to use what is left of our governmental checks and balances to stem the proverbial democratic

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[109] Roberts. "PPP" 300.
[110] Roberts. "PPP" 301.
[111] Kenneth M. Roberts, "Parties, Populism, and Democratic Decay," from *When Democracy Trumps Populism: European and Latin American Lessons for the United States,* (Cambridge University Press, 2019) 144-5. Henceforth, "'PPD.'"

bleeding.[112] Weyland argues that populism has a tendency to turn authoritarian, wherein populist leaders seek to overcome checks and balances, dismantle independent institutions, and control civil society on the basis of the leader being the embodiment of the will of the people.[113] The embodiment of a pure, homogeneous will of the people is set against Weyland's construal of a people as an essentially "heterogeneous, amorphous aggregate."[114] On this account, populism is less of an ideology or governmental/social movement form and instead is more of a strategy in which leaders seek unmediated connection with their supporters and promote weak institutionalization (in which competencies assigned to government functionaries are limited and be other institutional offices).[115]

However, insofar as populism is a 'strategy,' one which is capable of outcompeting other parties for votes, populism is merely an intensification of party politics. Recall that the basic functions of political parties in the liberal vision are to make evident quantitative support and to check or limit other parties. The populism vision of parties is identical, but with the idea that the winning party of an election should then be unchecked and unlimited; every other party should be limited absolutely. Think of it this way: liberalism thinks that parties should be in competition; populism thinks that a party should win the competition. The difference here is slight, and it is not irrational. This is because the populist interpretation of the party does two things that the liberal interpretation does not. First, it answers the question of who rules, viz. 'the people'

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[112] "PPD" 132-3 and 153
[113] Kurt Weyland, "Populism and Authoritarianism," from *Routledge Handbook of Global Populism*, (Routledge, 2018) 320. Henceforth, "PA."
[114] Weyland, "PA" 320.
[115] Weyland, "PA" 323.

through their single leader. By contrast, liberalism dissolves the people into a set of platforms which are not anchored in a sense of communal identity, and those platforms must constantly compete with others to be expressed. Second, populism highlights the need for power, to have someone make decisions, whereas liberalism is focused primarily on the limitation of power. But this authoritarian moment is not simply a populist reaction to the frustrations of a pluralist party system; it is inscribed in the origins of liberal theory itself. Soon, we will see this authoritarian moment in Hobbes. But first, we will see that the focus on a limitation of powers and on competition is not simply categories applied to parties; these terms permeate the whole liberal tradition.

3.2 The Liberal Tradition and the End of Liberal Government

In the previous section, we saw a stark choice presented between a liberal democratic government and a populist one. The former involved majority rule, checks and balances, independent laws and offices, and representation by parties that organize individuals rather than the representation of a singular 'people.' The latter involved a notion of a homogeneous people, unchecked power—often in the form of a single representative—and a moral standing on the judgments by the ruling person or group that deems opposition immoral. In this section, we are going to deepen our understanding of liberalism and its relationship to the mechanistic metaphor. While it is relatively obvious how populism takes government machinery to be a tool, it is not clear how liberalism can view government as a machine if it is not a means to be used by any of its competing parties. Nevertheless, it is a machine, and while it may balance or mediate competing parties, it has its own ends. These ends are not achieved through wise or judicious use of a tool, but rather, they are accomplished automatically as a result of competition, in the

same way that the invisible hand harmonizes competing interests. The most celebrated end of liberal government is individual, negative rights.

As a note of clarification, I am not interrogating the tradition of liberalism to reject it outright. Rather, I think liberalism's genuine insights into the limitation of constituted power and the importance of plurality in the people cannot be preserved with a mechanistic conception of power. Moreover, some of the features that are vaunted as self-evident—like those used by Mueller in his contrast of liberalism with populism—are not as compelling. And lastly, some of the features that liberal commentators find suspicious in populism, like constituent power, the identity of the people, and popular sovereignty, cannot be renounced or ejected from a working conception of democracy.

In following discussion of the liberal tradition, it should be noted that we will looking at writers working within a similar political situation; Berlin, Constant, and Locke are reacting against the violent exercise of public power. Berlin is reacting to totalitarian terror; Constant is reacting to the Reign of Terror; and Locke is reacting to the ideas of absolutism in the work of Robert Filmer (and Thomas Hobbes). My hope is that notions of individual freedom can best be understood as a further articulation of what public freedom requires rather than an escape from politics; checks and balances can best be understood as an articulation and augmentation of authority rather than a portrait of politicians acting like crabs in a bucket; majority rule is best understood as the concerted action of various partial identities and groups rather than a greater quantity wielded by one group or political party over another; and that laws and procedures are coordinated achievements of acting in concert rather than an alien law from another time, regulating

the behavior of individuals as though they were cattle. To best preserve these concepts in their best interpretation, we should reject the mechanistic metaphor.

3.2.1 Populist Authoritarianism and Liberal, Negative Freedom

A significant portion of the critiques of populism all share a similar narrative: populism, like fascism or totalitarianism before it, is an expression of monolithic power wielded by an authoritarian leader. Any public power that is wielded without abiding by liberal norms and procedures is illegitimate, anti-democratic, and destructive. Liberal norms and procedures ensure protection of human rights and de-fangs public officers. Moreover, some notion of individual rights sets limits to government power, which citizens cannot participate in directly anyway.[116] In this narrative, Rousseau (and more often—Carl Schmitt) plays the part of the antagonist against liberal democracy because of his notion of the general will. In this section, I will trace the main elements of this narrative from Isaiah Berlin's comments in the wake of totalitarian terror to the forerunner of liberalism, John Locke. We will see that the history of liberalism has tended to insist on limited government for the sake of maintaining individual freedom.

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[116] This is Galston's definition of liberalism, which is explicitly inspired by Benjamin Constant. He writes, "This brings us to the core idea of liberalism—creating a sphere beyond the rightful reach of government in which individuals can enjoy independence and privacy." *Anti-Pluralism* 21-2. Galston seems to not recognize the issue of 'creation,'—who creates this sphere and establishes its content? His anti-elitist bent should suggest that elected officials are not in charge of deciding in what regards people can be free. But his insistence on representational democracy over direct participation seems to leave the collective citizenry unable to engage in this creation. As I suggested in the last chapter, we can gain a sense of the political power of the people and its capacity to shape our communal living together, but this is premised on the kind of communal solidarity that Galston thinks liberal democracy must give up. See *Anti-Pluralism* 4-5, where he suggests that liberal democracy must give up excellence, nobility, communal solidarity, and the expression of any kind of aggression. And yet, he thinks, liberal democracy, which mysteriously upholds the private life of each individual, is still clearly the best.

Isaiah Berlin offers a distinction between negative and positive freedom that I will use for the basic organization of several accounts of freedom.[117] Negative freedom, stated in its simplest terms, is merely absence of restraint or interference.[118] Positive freedom means a substantive kind of self-determination.[119] Berlin takes these two kinds of freedom to be distinct, and negative freedom is a better ideal toward which a community should strive. He forecasts the argument here, for instance: "The liberals of the first half of the nineteenth century correctly foresaw that liberty in this 'positive' sense could easily destroy too many of the 'negative' liberties that they held sacred. They pointed out that the sovereignty of the people could easily destroy that of individuals." [120] Let us examine the terms in more detail.

Berlin distinguishes between different conceptions of freedom—a term he does not distinguish from "liberty"—that I will use to start my historical investigation. Negative freedom—or 'negative liberty' or simply 'liberty,' in Arendt's terms—is the absence of constraint or interference. Berlin writes, "Political liberty in this sense is simply the area within which a man can act unobstructed by others. If I am prevented by

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[117] Hannah Arendt makes a similar distinction between liberty and freedom, which maps onto negative and positive liberty respectively. For Arendt, (positive) freedom, means "participation in public affairs, or admission to the public realm," and liberty and negative freedom are virtually identical in the two thinkers. See *OR* 22-3. Similarly, as Berlin admits, the negative/positive liberty is meant to map on to Benjamin Constant's liberty of the moderns and ancients respectively. I adopt Berlin's terms and text as primary here for two reasons. First, Berlin's distinction seems to be more well-known, and secondly, I intend to contend with some of his argumentation.

[118] See Isaiah Berlin, "Two Concept of Liberty," from Isaiah Berlin, *Four Essays on Liberty*, (New York: Oxford University Press 1969) 122-131. Henceforth, "Berlin."

[119] Berlin 131-141.

[120] Berlin 163. I take Berlin's point to be generally right-headed, and a similar concern will motivate my criticism of Hobbes shortly, but Berlin and the liberal tradition more generally do not always identify whose view is susceptible to this criticism accurately. In short: right concern; wrong targets.

others from doing what I could otherwise do, I am to that degree unfree . . ."[121] Isaiah Berlin defines positive freedom in the following passage:

> The 'positive' sense of the word 'liberty' derives from the wish on the part of the individual to be his own master. I wish my life and decisions to depend on myself, not on external forces of whatever kind. I wish to the be the instrument of my own, not of other men's, acts of will. I wish to be subject, not an object. . .[122]

The idea here is self-determination; this can be expressed in terms of a rational self being expressed in contradistinction to merely natural instincts or it can indicate the ability to participate in government/public affairs.[123] As indicated earlier, Berlin is suspicious of this ideal because, when it is taken to be the ultimate value, is compatible with despotism over individuals.[124] From this, he takes it to follow that the end of government is best suited to individual, negative liberties. The main issue with this conception is that unless one thinks that negative rights are god-given and god-enforced, then rights are created by the community. Thus, undergirding the network of negative liberties is a notion of the positive freedom that created them. However, because liberalism regards negative liberties as the ends of government—the means to enact those ends—the creative aspect of negative liberty is effaced.

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[121] Berlin 122.
[122] Berlin 131.
[123] Berlin 132-4. On Berlin's analysis, this notion of self-determination requires 'two selves,' one that is rational and truly my own, and then another self that is a part of me, and yet comes from some other source.
[124] According to Berlin, thinkers of positive freedom include Plato, Rousseau, Kant, Hegel and Marx; all of which lend themselves to the most severe kinds of despotism. But Berlin's argument must be at least somewhat disingenuous here. Despots and totalitarians can adopt the language of freedom and quote philosophers from the tradition, but that is hardly a faithful expression of the philosophical view. The very traditions and thinkers that totalitarians reference can be used to fundamentally critique totalitarianism. If we are to critique the practices of totalitarian thinking, we must track totalitarian concepts and modes of reasoning (i.e., ideology) and not just their word choice or names referenced.

For Benjamin Constant, the only liberty that should be the end of political institutions is what he calls the liberty of the moderns, which is to say, individual independence and non-interference from others. He writes, "For each of them [citizens of the United States of America, France and England] it [the term 'liberty'] is the right to be subjected only to the laws, and to be neither arrested, detained, put to death or maltreated in any way by the arbitrary will of one or more individuals."[125] It is clear that he takes something like 'the rule of law' to be the means through which the arbitrary and tyrannical use of power is averted. For power to be wielded legitimately, it must be directed through law and not other humans, not even a majority. This resonates with Constant's individualism, in which power is to be examined in terms of the concrete actions of and impacts on individuals. He writes, "Among the moderns, on the contrary, the individual, independent in his private life, is, even in the freest of states, sovereign only in appearance."[126] Here, he denies participation in sovereignty (in this context meaning public practices of power) to individuals even through their representatives. The reason for this denial is, again, that power is a matter of individuals, and in a liberal state, power is only to be enacted by laws upon individuals rather than by individuals (even large groups) upon other individuals.

There is an ambiguity in Constant's thought (and liberalism more generally); either the law is perfectly independent of human doing, or some general lawfulness must be recognizable in human action. The former, I take it, is a prevalent feature of the mechanistic metaphor for political unity, which I shall address in the last section. The

[125] Constant 310.
[126] Constant 312.

latter is compatible with both the uniformity metaphor of political unity (in a problematic way, discussed in chapter 2) and with the organic metaphor of political unity (in an insightful way, discussed in chapter 3). For this chapter, I will maintain a discussion about the law as independent of human doing because, within the various threads of the liberal tradition, the sole concern is elaborating the proper design of constituted power, i.e., with offices and institutions with assigned functions and competencies and that appear in the day-to-day practices of public power. Constituting power, which cannot appear directly in regular practices of power, will be the subject of the next chapter and cannot be brought under a concrete law or procedure.

On Constant's understanding, ancient liberty consists in this:

> . . . exercising collectively, but directly, several parts of the complete sovereignty; in deliberating, in the public square, over war and peace; in forming alliances with foreign governments; in voting laws, in pronouncing judgments; in examining accounts, the acts, the stewardship of the magistrates; in calling them to appear in front of the assembled people, in accusing, condemning or absolving them. But if this was what the ancients called liberty, they admitted as compatible with this collective freedom of the complete subjection of the individual to the authority of the community.[127]

While he thinks it is not the proper end of government, it nevertheless retains a place in his version of liberalism as a means. He writes, "Individual liberty, I repeat, is the true modern liberty. Political liberty is its guarantee, consequently political liberty is indispensable."[128] Again, he wants both kinds of liberty, but the liberty of the ancients is a means to individual independence and for self-development, i.e., it is subordinate to individual liberty.[129] Moreover, this priority is absolute. Constant writes, "Individual

[127] Constant 311.
[128] Constant 323.
[129] For self-development, see Constant 327.

independence is the first need of the moderns: consequently one must never require from them any sacrifices to establish political liberty."[130]

For Constant, ancient liberty could act as an ideal for roughly two reasons; first, the view the ancients had of individuality, and second, the conditions of modernity. As to the first, he writes, "The ancients, as Condorcet says, had no notion of individual rights. Men were, so to speak, merely machines, whose gears and cog-wheels were regulated by the law. The same subjection characterized the golden centuries of the Roman republic; the individual was in some way lost in the nation, the citizen in the city."[131] Keep in mind that Constant takes ancient liberty to apply the meaninglessness of the individual in the face of the whole. However, only modern 'political' theories—usually socio-economic in nature—emphasized the mechanistic nature of both government and individual behaviors. Where the ancients had a theory of passions and deliberation (e.g., in Aristotle), modern theories are characterized by a notion of interests and instrumental rationality (e.g., in Adam Smith).

3.2.2 The Conditions of Modernity and the Economic Turn

Briefly, let us review his claims about the relevant social changes in modernity. The new era has brought four changes that make it impossible to realize ancient liberty as an ideal: first, larger states imply that each individual is less politically important. Second, the abolition of slavery deprived citizens of leisure. Third, commercial activity does not leave time for public engagement. Finally, commerce leads to love of one's independence.[132] For our purposes, I want to treat the theme of the last three changes

[130] Constant 321.
[131] Constant 312.
[132] Constant 314-5.

together and then the first change separately. With the rise of modern commerce, individuals are concerned with their economic interest. This is not merely a hobby or a necessity, but an end that they come to love with their individual independence. Moreover, it essentially informs their political relations. "The representative system is a proxy given to a certain number of men by the mass of the people who wish their interests to be defended and who nevertheless do not have the time to defend them themselves."[133] Thus, the practices of public power are again subordinated to the function of pursuing one's interests; the representative system is merely an expedient form that fits this concern. However, this liberal vision of rights and interests may also be compatible with a kind of enlightened despotism, in which case, political freedoms could potentially be eschewed. Regardless of the compatibility of liberalism with despotism, we should note what Constant takes individuals to be like—namely, interest-pursuers—as it will contrast with the ancient vision of individuals.

The first change about the diminishing importance of the individual in relation to larger, modern states is important, as it directly violates what he takes to be the ancient view of the individual. For the ancients, it must be the case that the individual as a public being is absolutely essential and in need of respect and recognition. If human individuals are politically important, they cannot be interchangeable, or else their public performances would be superfluous. It is only in private affairs, that is, in dealing with economics or the necessities of the body, that people are interchangeable.[134] From an

[133] Constant 326.

[134] From the perspective of economics, everyone is basically the same. The plurality that Hobbes finds in individuals is owed to the fact that we desire the same objects and have to compete for them. I thus take it that, at its foundations the economics-based facets of

ancient/republican view, modern liberalism—when it views humans in terms of their economic functions—transforms people into interchangeable cogs, recognized only for their fitness for a task. We will see versions of this vision in both Locke and Hobbes.

Locke is often taken to be the explicit originator of liberalism (more or less); at the very least, he articulated several of its key concepts in a way that many thinkers and political actors found plausible. He thought of government as designed for some end(s), he believed in majority rule, and he took his point of departure individual rights and liberties. For him, a unified commonwealth is required to stabilize property rights, and his view of liberty is clearly a 'negative' one. Locke wrote of the state of nature as "a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man."[135] While people may be free in the state of nature, and will use their labor to acquire property, it is possible that others can disregard the natural rights of others and attempt to steal, murder, etc.[136] For the sake of maintaining some freedom and stabilizing property relations, people enter into a social contract to create a commonwealth. But Locke's social contract adds an important twist to the perfect negative liberty of the state of nature. Locke writes later,

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liberalism are deeply anti-pluralist. Where liberalism is better able to articulate pluralism is where it diverges from market models. Instead of competing over our interests, the plurality of value judgments that accompany religious freedom is a much better basis for considering pluralism. John Stuart Mill's notion of experiments in living is a kind of halfway point between the two concerns—market and religious—insofar as he appreciates spontaneity and creativity, but it is subordinated to the principle of maximizing utility (when he is consistent).

[135] John Locke, *Second Treatise of Government*, (Indianapolis: Hackett 1980) 8. Henceforth, "Locke."

[136] Locke 66.

> *the end of law is* not to abolish or restrain, but *to preserve and enlarge freedom*: for in all states of created beings capable of laws, *where there is no law, there is no freedom*: for *liberty* is, to be free from restraint and violence from others; which cannot be, where there is no law: but freedom is not, as we are told, a *liberty for every man to do what he lists*: (for who could be free, when every other man's humour might domineer him?) but a *liberty* to dispose, and order as he lists, his person, actions, and possessions, and his whole property, within the allowance of those laws which he is, and therein not to be subject to the arbitrary will of another, but freely follow his own.[137]

Locke clearly expresses that government should be established for the stabilizing of a set end, namely, freedom. The genus of freedoms, for Locke, is the right to property; even the right to life is but a form of property.[138] But freedom for Locke is negative; it entails non-interference from others so that one can pursue one's own interests.[139] However, in his notion of property ownership, Locke makes liberty not just one among other goods somewhat preserved from the state of nature, but the good essentially secured and maintained through state power.

For Locke, your participation in government is just this: consent to majority rule. Sometimes you will be a member of the majority, sometimes you will not.[140] In either

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[137] Locke 32.

[138] Locke 66. This is at least true for Locke. There is another take on liberalism that emphasizes religious freedom as the quintessential liberal freedom, as discussed by George Sabine and his take on the Glorious Revolution. Both paradigmatic rights, property and religious freedom, all nevertheless share a commitment to private life, set up as the end of public administration.

[139] One could debate whether Locke is deploying the liberal notion of freedom as non-interference or what Skinner and Pettit have called the republican notion of liberty as non-domination, i.e., freedom from the dependence on the arbitrary will of another. I am not convinced there is much of a difference between the two interpretations, largely because both notions of freedom disavow the mutual dependence entailed by public freedom; they are both defined as the negation of what is essential: others.

[140] Mueller thinks you won't lose all the time. See *WIP* 78-9. It seems entirely possible to me that you could lose frequently and perhaps all the time, especially if the dominant parties are not trying to appeal to your demographic. With this observation in mind, I

case, someone will be making a decision, and you will necessarily accept that decision through your consent. But why does the majority speak for me even when they endorse the opposite decision of what I wanted? Why would I not simply withdraw my consent the moment there was some discord between myself and the government? For Locke, the answer is that you have given your consent to abide by the majority decision, either implicitly or explicitly through owning real property or voting. Your own act has—potentially—set you against yourself or your apparent interest. Like an absolute ruler, majority rule has an unstable relationship to one's private interest. What is stable is a notion of individual rights. However, these rights are—for Locke—god-given and discoverable by reason. The main reason why one would consent to live in a commonwealth, to give up some amount of personal authority, is in order to have the benefits of public power in enforcing laws.[141] Of course, Locke believes that the legislative branch is the primary branch of government; but its ends in legislating are already given, and from this, Locke further concludes that the rulers of a commonwealth cannot make laws to impoverish or enslave their subjects.[142] All of this is to say that for Locke, living in a commonwealth, in society, is just a matter of taking advantage of the mechanical power of government.

3.2.3 Rights as an End and Economics as a Model

Let us briefly assume that government has an end: the preservation and augmentation of individual rights. Once you have an end, the question that naturally

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think we ought to take the threat of a tyranny of the majority more seriously than George Sabine—not that he was a particularly staunch defender of liberalism—in "Two Democratic Traditions" 468

[141] Locke 68.

[142] Locke 71.

follows is one of means. And the question of means is ultimately rooted in economics. On the one hand, public power should be limited by way of division and competition, lest it be tempted to arbitrarily infringe on the rights of the commonwealth's subjects. The competition of powers, because of their balance, will yield the best overall results; competition is simply the right procedure for making decisions. Thus, politics is modelled on (Adam Smith's notion of) economics. But on the other hand, living in a commonwealth is beneficial only because it offers power, the power to guarantee pre-given laws by suppressing differing interpretations of that which is universal and already given. Thus, politics intersects with economics and sometimes conflicts with it. Living in a commonwealth guarantees the public good—which is to say the general preservation of property—even when it works against an individual's self-interest (i.e., a person cannot accumulate to defend their property to the fullest extent of their private, unstable power). Nevertheless, simply consenting to the decision of the governing is the right procedure, at least in the long run.

How should we understand this seeming opposition? What is important is not their seeming contradiction but rather what they both presume. They both presume a universality about humans. All humans have the same ends, given by nature. Moreover, each person alienates 'some' of their rights for sake of preserving their rights. But the only reason each subject can trust the authorities to whom they cede some of their rights to protect their rights is because they all share the same laws. Suppressing differing interpretations—intrinsically biased because people are self-interested—is necessary, lest those interpretations and interests lead to conflict, which puts property at risk. I take it that this equivocal attitude toward public power—the need to limit it, the need to

augment it—is an outcome of Hobbes's logic, and by turning to his thought, we can see the clearest theory of liberal power.

Before we turn to Hobbes's theory, I want to make one brief note about politics. This brief discussion has been about how government is supposed to produce a given end: rights. If we find either means—competition or consent—compelling for accomplishing those ends, it is because have already taken the end as given. To be sure, this liberal view of government and its purpose is not the only view; it is a result of human creativity. Nevertheless, it is not a view of politics that seeks to expand or recognize human creativity. Government itself is not tasked with creation; it is tasked with the laws that specify and coordinate rights as well as the law's enforcement. But individuals are not creative either; they have interests, and they consent to government for the sake of pursuing their private interests. They neither shape the public world nor themselves; they shape their household. Liberal theory can deny that other political configurations are as good as liberalism,[143] or it can deny that other political views are even distinct from liberalism since liberalism is a kind of meta-arrangement.[144] But if it denies that people have a need—not a preference—to express their freedom, then it is going to force that need into avenues that are ultimately destructive. Call it the return of the repressed.

3.3 Hobbes and Authoritarianism

My reading of Hobbes in this section situates his thought at the origin of liberalism. For Hobbes, just as with many, canonical liberal thinkers, government is

[143] E.g., Galston and Mueller.
[144] E.g., Rawls.

envisioned as a power constituted by individual choices, and freedom defined in terms of individual liberty.[145] In addition to situating Hobbes at the origin of liberalism, I will show how he offers the basis for the constantly re-emerging threat to liberalism: authoritarianism. I am not the first to offer such an interpretation of Hobbes. C.B. Macpherson has convincingly argued that Locke's and Hobbes's notion of the individual is the same, namely, that of a possessive appropriator.[146] Carl Schmitt begrudgingly writes that Hobbes made possible the liberal tradition (with its anti-political impulses) when Hobbes distinguished between the public and the private and assigned religious belief to private life. Insofar as the immortality of the soul, the belief in the divine and miracles, etc., is both supremely important and a matter left to the individual, public life is devalued. It was only a matter of time, Schmitt laments, before private parties exploited the public/private distinction and subordinated the state to their own ends. In another vein, Quentin Skinner has recently argued that Hobbes and his notion of negative freedom (freedom as non-interference) marked a crucial departure from the republican tradition and the beginning of liberalism. While I am sympathetic to all three of these projects, my own contribution focuses on how Hobbes and liberalism share a vision of how a polity is organized.

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[145] For emphasis, this implies that for Hobbes, as with most strains of liberalism, there is no pre-political unity or power; public power is essentially constituted, *and* groupings are necessarily an effect of constituted power.

[146] C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, (New York: Oxford University Press 2011) 2. Henceforth, "*PI*." Macpherson's thesis is further supported by Benjamin Constant's notion of individual relations being similar to that of Hobbes and Locke. Constant thinks that economic competition is the replacement for war, wherein individuals are pursuing their own interests. Constant 313.

What many liberal theorists take as an end of communal living together, Hobbes takes as the starting point for a nature that needs to be overcome. So where liberal thinkers like Galston advocate for a system of rights and privacy insulated from government power and a notion of checks and balances to enforce that limitation, Hobbes sees the potential for conflict among individuals who are not themselves 'checked' by a sovereign. We can quickly identify two relevant features of his political theory: a need to limit individuals, on one hand, and the institution of a government for pre-given ends on the other. The first is the inverse of what we find in liberalism, the second is completely continuous with liberalism. The Hobbesian argument is that if we are serious about the ends of government, we need to be able to make those ends a reality, which requires the use of public power and the ability to insulate the commonwealth from threats emerging from the private sphere.

For Hobbes, the state of nature—having no common authority to which one can make appeals—is the worst kind of social evil (because it makes life nasty, brutish, and short), and this evil is ended when an over-awing representative is created as the head of a commonwealth. The second feature of Hobbes's political theory is the proper end of government. In the previously reviewed liberal theorists, we saw the notions of individual liberties and the pursuit of individual interests. These projects are, in principle, conditioned only by the rights and interests of others, i.e., they are reciprocally conditioned. For Hobbes, however, the end of government is self-preservation. Not only does the individual pursue the private end of self-preservation, but once the commonwealth is established, the sovereign pursues the self-preservation of the whole political body, which provides the support for individual life.

3.3.1 The Institution of the Commonwealth

For Hobbes, the institution of an authority is essential to having a stable commonwealth. *Contra* Hannah Pitkin, Hobbes is relatively clear that it is not difficult to exit the state of nature and enter a commonwealth. The first two laws of nature (i.e., laws of reason), among others, encourage the cessation of the state of nature. The first law of nature is to pursue peace if it can fully be achieved (and to pursue war if peace is impossible). The second law of nature, following from the first: "*That a man he willing, when others are so too, as farre-forth, as for Peace, and defence of himselfe he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himselfe*."[147] Renouncing one's unlimited right to all things is the foundation of the social contract, which we enter reciprocally with all other members of the body politic. However, the laws of nature that encourage the mutual renouncement of rights by itself is insufficient to guarantee that people will maintain respect for each other's liberty. Hobbes writes, "And Covenants, without the Sword, are but Words, and of no strength to secure man at all."[148] And so to fully institute a Commonwealth, not only do citizens have to reciprocally renounce their unlimited rights, they also have to authorize some party to enforce covenants with the threat of swords. The sovereign is the person (either individual or some other party, e.g., parliament) who appropriates the authority laid down by all other citizens and acts on their behalf to maintain peace, enforce contracts, contribute to the public defense.[149]

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[147] Thomas Hobbes, *Leviathan*, (New York: Barnes and Noble 2004) 80. Henceforth, "Hobbes."
[148] Hobbes 105.
[149] Hobbes 106-9.

The point about enforcing the law here is crucial. Even if we all share the same universal laws of reason, humans are capable of acting contrary to them.[150] For humans to stably act in accordance with laws, the law must factor into their deliberations.[151] If the law only appeals to their desires, they will act in accordance with laws only so long as there is not a better alternative. Thus, Hobbes takes it that the fear of punishment—and especially of death—is what makes the enforcement of law so integral to a commonwealth and necessitates a sovereign. Importantly, Hobbes does not endorse a notion of legitimacy like the divine right of kings, where the authority of a leader or official is derived from some external source. Rather, the authority of a leader (either a person or a group) is derived from their subjects, and it is only by virtue of having a shared leader that a commonwealth is one political body at all. Hobbes writes, "A Multitude of men, are made *One* Person, when they are by one man, or one Person, Represented; so that it be done with the consent of everyone of that Multitude in particular. For it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person *One*."[152] So for Hobbes, the sovereign is necessarily a representative because the sovereign derives their authority from their subjects even without elections (which is what separates him from our contemporary notions of liberal democracy).

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[150] Thus, Schmitt is right to say that Hobbes need not impute evil to each individual; evil need only be a prominent possibility. Keep in mind that for Hobbes, the state of war of all against all is not a matter of action fighting, but only a constant possibility. A possibility, nevertheless, that can destabilize intersubjective living together.

[151] For his initial discussion of deliberation, see Hobbes 33-4. The point about fear follows from the earlier passage about words without swords and the role of the sovereign more generally.

[152] Hobbes 101.

For Hobbes, while there are many benefits to living in a commonwealth, there is one final end toward which government must be directed. He writes, "The Finall Cause, End, or Designe of men, (who naturally love Liberty, and Dominion over others,) in the introduction of that restraint upon themselves, (in which wee see them live in Common-wealths,) is the foresight of their own preservation, and of a more contented life thereby . . ."[153] Thus, the end of the commonwealth is founded on the end of the individual. The survival of the commonwealth is superior to the survival of an individual, and thus rational for the individual to enter, insofar as (a) each individual in the commonwealth lives a secure life in virtue of their membership in the commonwealth, and (b) the commonwealth does not have all of the vulnerability of an individual human, e.g., the need to sleep, even when considered as one commonwealth separated from others with no common power as a higher authority. There is no contradiction in the claim that one may have to risk one's life to protect the commonwealth and one joins a commonwealth for the sake of self-preservation because of the superiority of life in a commonwealth (although one can always defend one's life against the sovereign). Again, a state of natural independence is nasty, brutish, and short because of the vulnerability and powerless of the individual (relative to other individuals).

To be clear, my interpretation of Hobbes does not suggest that we are always already living in a commonwealth with a sovereign. There may be moments of civil war or unmediated struggle, but I take Hobbes to be saying that it is rational to institute an authority to whom various parties can make appeals, and even more boldly, there is an immanent tendency for commonwealths to be established. Or in other words, in the end,

[153] Hobbes 105.

somebody will always appropriate public power. Civil society is the norm and the state of nature (far from being 'natural') is the exception. If, for example, the police force ceases to be the enforcers of law somewhere, someone or some party will—eventually—replace them. Moreover, even the rule by a dictator or a gang or some other despotic power is more stable than no rule at all, i.e., having no common authority.

3.3.2 Hobbes and Authoritarianism

I take Hobbes to articulate the logic of populist-authoritarianism insofar as (a) the authority of the sovereignty is taken to be derived from the subjects of the commonwealth, and (b) the authority and power of the sovereign is taken to be absolute, i.e., not legitimately subject to recall or opposition since the end—self-preservation—is absolute. While (b) might strike us as unintuitive, it warrants some provisional justification.

Checks and balances are a staple of liberal theorists; they prevent an abuse of public power. However, their very articulation (by figures like Madison and Burke) often involves the language of slowing down and even stopping the use of public power so that the popular passions can cool, and a wise elite can make decisions with technical acumen. Or in other words, the whole point of checks and balances and parliamentary debate is to not accomplish the ends of citizens. But the point of the institution of the commonwealth is to accomplish the ends of living together—basic rights, commodious living, peace, prosperity, and stability, etc. The commonwealth is instituted against the backdrop of individual disagreement, private values, and a lack of cooperation, and an effective institution requires unified power (so that it cannot undermine itself).

While liberalism has been most strongly articulated in reaction to abuses of public power, moments of authoritarianism (including the populist variety) emerge as reactions against a feeling of powerlessness. Where Hobbes theorizes this powerless in terms of a state of nature, where the war of all against all prevent any kind of industry or stability, more contemporary populisms are reacting against a perceived powerlessness in the face of a global economy that defies common understanding, against a perceived inability of government against a ruling elite who may be interested in votes but not peoples' opinions, and against various socio-economic crises (opioid epidemic, perceived decline in status or stability of one's status, erosion of communal bonds and sense of solidarity). This is the basic dynamic that establishes the possibility for transformations between populism and liberalism: too little power and too much. The caveat is that the need to limit power is secondary; the primary issue in politics (conceived socio-economically or properly political) is the need for power.

What Hobbes gets right in my estimation is the existentialist interpretation of the basis of government. A community, in times of crisis at least, must be able to call upon its individual citizens to sacrifice negative freedoms for the sake of maintaining the whole, because it is the collective that creates and maintains those freedoms in normal circumstances. Whatever benefits living in a commonwealth might confer, those can be suspended or reduced for sake of defending the whole. This might be risking individual life defending the commonwealth against a foreign enemy, but it could also be making individuals wear masks during a pandemic.

Any body politic that cannot call upon individuals to defend it is no longer a political community. But what I am calling his existentialist insight is ambiguous: in what

sense is the community preserving itself, and what does such self-preservation entail? If it simply means keeping a representative in power, that would be unsatisfying because it fixates on something particular. If it means that a people can always pursue its economic well-being in order to maximize its chances of survival, that would be better but still unclear. The political interpretation of self-preservation is not the mere continuation of what is already given; it is the preservation of a capacity for creative freedom. However, the end of creative freedom can always be overtaken by and therefore perverted by the means of pursuing economic well-being. In summation, a community can seek its own self-preservation simply for the sake of continuing a given existence—this would be a socio-economic interpretation—or it can seek its self-preservation so that the community can continue to shape its world and thereby itself.

If Hobbes's version of sovereignty strikes us as unfulfilling, it is because it is a kind of absolute authoritarianism. But where Hobbes may offer an over-stated authoritarianism, this is in part due to his deployment of the mechanistic metaphor of political unity.[154] The leviathan is an automaton, the sovereign ruler is the head, and the citizens are the cogs that compose the body. Thinking of people as cogs—and a sovereign as a controlling head—may not be a strict logical entailment of thinking of government in terms of means and ends, but it is certainly encouraged by adopting this kind of metaphor.

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[154] If Carl Schmitt is right, Hobbes notion of mechanism does not preclude or contrast with the organic metaphor. He traces the organic-mechanistic opposition to political romanticism; but romanticism is only a re-birth of an old distinction. The difference between artificial (mechanistic) organization and natural organization was well-known to the ancient Greeks, for instance. It is clear from Hobbes's writing that the organic/mechanistic distinction is not observed because the organic is understood to already be mechanistic. "For what is the *Heart*, but a *Spring* . . .?" Hobbes xxxiii.

If we are to be on guard against authoritarianism, we should at least be suspicious of any account of government as (a) designed for an end (whether that negative liberty, the public interest, or fostering personal choice), and (b) constituted by the authority given from a collective of individuals to a representative. While I take it that Hobbes has an insight into the importance of empowered authority for the sake of maintaining the existence of a community, he has a narrow, mechanistic-materialist notion of existence, which entails that citizens remain largely atomistic interest-pursuers in need of being controlled by a sovereign. It is the *kind* of existence Hobbes attributes to the body politic that makes it incompatible with the organic metaphor of political unity, since it does not allow a notion of freedom as the cooperative, creative expression of public power. His notion of the atomistic individual, the mechanistic construction of government, and the controlling authority of the sovereign all lend themselves to mechanistic, individualist, competition-driven liberalism.

3.4 The Portrait of the Mechanical State

In this section, I will recapitulate my analyses of the history of liberalism through what I take to be the theory's guiding metaphor for government: namely, the metaphor of a constructed machine. Then, I will discuss this metaphor in terms of constituted and constituting power and the way in which populists are more accommodating of the latter notion of power to their benefit.

The mechanistic metaphor encourages us to think of government in two noteworthy ways. First, it encourages us to think of it as being built for the sake of accomplishing some end—individual liberty, self-interest, and self-preservation—and a government is good to the extent that it effectively and efficiently achieves that end. In

particular, liberal government is constructed for the sake of securing individual liberties and refereeing the pursuit of individual interests. Second, the mechanical metaphor encourages us to think of government in terms of a procedure, where some materials, e.g., public opinions, are inputs for the government machine that then outputs some presumably impartial result. Since no person is deciding what is best, this second way of thinking mechanistically allows for the claim that liberal government is a rule of law. For populists and authoritarians, 'the people' rule through their representative, meaning they differ importantly from liberal thought, since populists-authoritarians do not take governmental machinery to be independent of human action. Lurking behind thinking of law as a procedure or a mechanism that shapes human behavior—liberal or populist-authoritarian—is the belief that government exerts control over individuals, and whoever wins the election is in control.

By thinking of the design of government, the mechanistic metaphor focuses our attention on constituted power, i.e., power that is institutionalized and entrusted with a specific task as well as set into a web of relationships with other constituted powers. Any elected representative or appointed official is an example of constituted power, and such power is limited both by the sphere of competency assigned to that office as well as any checks and balances built into the proverbial system.

3.4.1 Liberal and Populist Visions of Mechanism

What follows from the liberal interpretation of mechanistic government as an automaton, i.e., in terms of its presentation of a 'rule of law' and 'proceduralism'? In this metaphor, independent procedures take inputs from human individuals and render impartial judgments. For Berlin, Constant, and Locke, the law is meant to prevent the

arbitrary exercise of power over others, but the commitment to limiting power is simultaneously a commitment to conceptualizing individuals as interest-pursuers. This interpretation of the phrase is clearly at play in contemporary critics of populism, especially those claiming a relationship to Claude Lefort's work on the empty place of power. For Lefort, the rise of democracy as a political form involved the decapitation of the king, where power is no longer symbolized as something that an individual (person or group) wields or controls. Instead, democratic power is an empty space that a plurality of people only temporarily plays within. But the place of power, just like any given law, is a product of human doing. To deny the question of constituting power implies a false independence of government machinery; it implies that government is an automaton. Moreover, I doubt such a denial can ever fully succeed. Even if we all agree to 'proceduralism' (and then whichever procedure is given) or 'checks and balances' (and whichever divisions are given) or any other normative concept, those concepts must still be specified by someone into a concrete state of affairs. Descriptively, elected representatives do such specifying, implying that laws themselves do not rule; political parties rule, albeit impermanently.

In its populist and authoritarian formulation, the government is machinery to be seized by 'the people' and utilized for their ends. The seizure of government machinery seems to follow naturally once one accepts that parties, and not independent laws, wield political power. Further, one of the lures of the mechanistic metaphor is that it lends itself to thinking in terms of control, such that if a party (or the representatives thereof) were to receive enough votes, it could—with all legitimacy—achieve its ends through planned action and the measured use of the very mechanisms it has appropriated. The belief in

control of people by the government even offers the fantasy that, given the right design, the right formal construction, institutions could make people virtuous (or at least make devils behave). Take the example of early liberal thinker Germaine de Stael. Over the course of her life, de Stael became increasingly committed to thinking in terms of mechanism and control. She thought that civic virtue could be created through the establishment of institutions and eventually replaced by the latter. The passage is worth considering, as it presents several concepts in unselfconscious unity that I believe gets mirrored today:

> Likewise, Stael replaced her previous preoccupation with the substantively ethical underpinnings of a republican society with a predominantly procedural and institutional approach based on interests. As we have seen, she now dismissed patriotic foundations. A resort to patriotism to facilitate public virtue and political participation, she warned, is 'a kind of foolish self-deception' because 'the people do not become free on account of their virtues.' Rather, only a felicitous and relatively thin institutional design produces freedom because of its capacity to envelop and appeal to the interests of all parties. 'We must combine the institutions,' she affirmed, 'in such a way that each will have an interest in maintaining them.' The support of a liberal society can be found not in any unitary conception of the good but rather in legal and institutional arrangements that allow individuals to pursue their own concepts of the good. Thus, quite diverse individuals and groups can come to possess an interest in the regime's stability and durability. [155]

As I have argued in the first chapter, genuine political thought cannot endorse such a conception since human beings are not merely behavioral creatures to be predictably shaped according to some design. It is true, humans may behave all the time,

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[155] See Kalyvas and Kratznelson *LB* 141. She is by no means alone in this thought. Liberal thinkers from before Kant to Rawls and beyond have thought that a good constitution could make humans behave, even without the assumption that people are 'angels.' Moreover, even modern liberalism, e.g., Rawls and Gina Schouten, make this same move of relegating 'the good' to the private sphere, while the public sphere is an independent mechanism that allows for the satisfaction of individual interests (conceived in whatever fashion—economic, religious, etc.).

but humans are fundamentally capable of acting anew, even if that power is not always publicly expressed.[156]

What Trump, a populist, shares with liberalism is the belief that government is a machine. But whereas more classically liberal thought wants to maintain the autonomous functioning of the machine, the logic in Trump-supporter logic is that the machine is a tool to be wielded against others. Given the repeatable and popular rhetoric about draining the swamp, his flouting of political correctness, and the calls to lock up Hillary Clinton, it is evident that a significant portion of Republican voters view the government machine as a monolithic, arbitrary power wielded by interests other than their own, viz., the interests of foreigners, minorities, cultural elites, crooks, etc. But whether you believe that the government machine should balance individual interests or be used to further one's own interest, they both buy into the narrow view that human beings, qua public beings, are really just self-interest-pursuers. From this assumption, it is dubious at best that people—liberal or populist-authoritarian—would agree with John Rawls that the definition of society is a system of fair cooperation instead of a ruthless competition.

3.4.2 The Machine Manufactures Its Own Instability

Recall Constant's claim that commerce is the replacement for war; the aim of war is victory. The aim of market competition, coincidentally, is not equality but economic victory, i.e., inequality. Given that market competition deeply informs the liberal

[156] Even without some version of Arendtian politics, Immanuel Kant makes a (roughly) similar point in "An Answer to the Question: What Is Enlightenment?" in which he insists on the importance of allowing other humans the right to exercise their judgment in public. Education is an important task that all communities must take up, but responsible education must respect students' power of reason. If it takes up this responsibility, it cannot be conceptualized as a machine that produces each student as a picture of virtue or learning.

tradition—or at least its libertarian strands as well as the actual institutions of liberal democracy—we should be careful in thinking of a well-balanced machine as an attainable idea. It is dubious that even a perfectly balanced system of competition would transcend possessive individualism. If I entertain political matters for the sake of furthering my interest, at the end of the day, why would I commit to an ideal of balance rather than efficiency? Why commit to long-term rationality over short-term? Burke and Madison seemed to hold out hope that popular interests, voiced in the public sphere (parliament) would compete with other and 'check' each other, none of them winning the day. Over time, almost as a result of magic, wiser heads would prevail and find some kind of compromise or solution. On this account, the perfectly balanced machine is supposed to lead to deadlock, at least for a while, which is one of the motivating factors in populists and fascists. My worry is that critics of populism see populism on the rise, associate it with popular sovereignty, and then seek to limit popular power by way of further divisions of power—more checks and balances, more individualism, more opportunities for oversight, and a more exhaustive account of a variety of interests for which people can vote. This misunderstands the problem. Populism is, at least in some cases—e.g., the American case—a reaction that arises because of an excess of division of power and the feeling of powerlessness of atomized individuals and resentment against those with monetary or social capital. In chapter four, I hope to show that the prognosis ought not be more intricate social machinery with ever-increasing divisions, but rather a change in ethos—or public spirit if you prefer. Institutional design is neither a replacement for an ethos nor is it more basic; rather it is a secondary compliment to a civic ethos.

The insight of the populist interpretation of the mechanistic metaphor is that we can create and reform institutions deliberately. Even the government machinery itself can be transformed by acting human beings. Even outside of a populist perspective, our concept of 'law-*makers'* indicates the extent to which we embrace the fact that the government is a product of our doing rather than an immutable condition for action. Insofar as political actors are engaged in creating or transforming laws and institutions, it does not seem so problematic to think of the government—in a limited sense—as created with specific ends in mind. Problematically, the mechanistic metaphor does not offer further guidance for thinking about who operates or designs the machine, and populist-authoritarians exploit this vagueness. I will contribute to the clarification of who operates and designs the machine by analyzing the 'constituting power,' which cannot be conceptualized by the mechanistic metaphor. I set my position apart from Mueller's insofar as he rejects the notion of the constituting power as intrinsically mystical.

Liberalism tends to fixate on particular constituted powers because it can, as a theory, measure a constituted power by a pre-given law. Insofar as the constituted power measures up to its law, and provided the law is sufficiently formal and thereby neutral, such a power is "right." The constituted power is not only governed by and accountable to this law, it is constituted by it. In a sense, all legitimate, public power is domesticated in liberalism. There is a genuine insight here that all power that appears as public and is intelligible is constituted, including 'the people' when it votes in elections for representatives or during plebiscites, referendums, etc. But constituted powers are not the ultimate source of their intelligibility. They must always express the constituent power

that created them, some specific 'who.' And constituent power cannot always already be regulated in the way the actions of an office can be.[157]

3.5 Conclusion

In this chapter, I have shown how populism and liberalism share a metaphor for government mechanism and demonstrated one reason why liberalism is prone to bouts of populism. This is because liberalism is one view about the end of government, and it requires public power to institute itself. To be sure, representative power should, in some way be limited, but the mechanistic metaphor limits power by way of competition. And while competition might yield 'good results' when everyone has the same background assumptions about the ends of the competition, this is no longer the case if there is no agreement. So, if populists enter the competition with a different view of the end of government, then we should not be surprised when the results turn out 'bad' from a liberal perspective. On the one hand, if liberalism is truly neutral about views of the good, populism would simply be liberalism continued by another name as long as the procedure (voting) remains in place. One could contend that simply voting is the wrong procedure, or that voting only works as a procedure given other conditions, but then one would have to endorse a theory either (a) is not tied to our actual, liberal-democratic institutions, or

[157] One of Schmitt's contentions is that the constituting power needs to be able to be directly expressed by a representative in a timely fashion in moments of crisis. This is essentially the definition of sovereignty; it is the impetus for his attempt to re-appropriate a notion of dictatorship, and it is the reason why he draws more from Hobbes than Rousseau. For Schmitt, while Rousseau has an adequate articulation of the democratic principle, that of identification between ruler and ruled, and while the democratic form of a modern state can involve referendums and plebiscites, there must always be a representative insofar as someone poses the question to which 'the people' vote yes or no, which is to say, some concrete person always makes the political decision. *CT* 240.

(b) is no longer a proceduralism because conditions have been stipulated that transcend the (voting) procedure. But on the other hand, if liberalism is not neutral, then (a) it has extensive work to show why it is the best view of the public world, and (b) it would have to show how it is not simply recreating a mode of religious organization. It is dubious that such accounts could be given while maintaining the familiar tenets of "liberalism" as we recognize it today.

Populism, too, thinks that government is a mechanism designed for an end. But it is a mechanism to be used by the people through their elected leader. Moreover, the end is not a set of human rights. The end is simply the public interest, full stop. On this reading, it seems that the people, even if only indirectly, are still engaged in shaping their world. In the following chapter I will show that this is not the case. In seeking control of the government, they destructively confuse the public and private. Populists do not give the world new shape or creatively express their freedom; they simply plug their own idea of their self-interest in for that of the group. But self-interest divides just as much as it unites, and thus populism finds its own instability 'solved' by liberalism.

CHAPTER 4. THE METAPHOR OF THE SELF-INTERESTED INDIVIDUAL AND THE IDEA OF THE GENERAL WILL

In the last chapter, I examined how the mechanistic metaphor of government shapes the populist-authoritarian interpretation of power and frames the liberal critique of constituted power. In brief, liberalism views the excesses of populist power as a breakdown in the division and balance of powers. As an outcome of that examination, I argued that a liberal notion of authority, in which independent laws rule and not humans, is unstable and tends to degenerate into populist rule. After all, the point of government is to exercise power, not simply to limit it. To merely limit power by division is to re-create a 'state of nature,' which as Hobbes shows, is the impetus to institute a sovereign power. This chapter takes up the question of sovereignty, but with a focus on the people, *qua* collective, rather than a representative. While some critics have identified populism with a Rousseauan-democratic tradition, I will show that this is not necessarily the case. Moreover, we should turn to this tradition to rethink the authority of representatives and the power of the people rather than jettisoning this tradition in favor of a purer liberalism.

To be sure, the populist imagination may draw from the democratic tradition, but not in the fashion that liberal critics think. The received view is that populists, by insisting on a pure and immediate expression of the will of the people, are thinking of the people as internally homogeneous. And homogeneity seems to require a simple composition of the people that is both impossible to achieve and invites acts of aggression in its doomed pursuit. To be sure, Rousseau explicitly invites us to think of the people as a giant individual, and like an individual, the people must presumably possess some kind of simplicity. For Rousseau, this homogeneous, indivisible element of the people is its will, provided it is a genuine people with a sufficiently general will. As

we shall see, liberal critics associate this metaphor of the individual, possessing a general will, with an aggression against minorities. What I will show, however, is that the metaphor of the people as an individual is not the problem. Rather, the problem lies in how the individual is interpreted. Liberals are right to say that populists are anti-pluralists when they insist on a homogeneous identity, but they overlook the fact that this anti-pluralism is deeply informed by one of liberalism's core concepts: 'the individual,' conceived in a socio-economic framework.

There are different accounts of 'the individual' in the liberal tradition, but most varieties offer a notion of the individual as self-sufficient in private. I do not mean 'private' in the sense of necessarily excluding everything public or intersubjective; what I mean is a notion of privacy in which the individual is in control over what and who is excluded and in which an individual can flourish in solitude. Clearly, this conception is different from a 'political' notion of the individual, wherein individuals are dependent on a plurality of others—which the individual does not create and does not even choose—for a community.

Locke is a good exemplar in his thinking of the private individual. Individuals are self-sufficient in a state of nature (in private), and they institute a government to secure and stabilize that self-sufficiency. That self-sufficiency is at risk—and in need of stabilization—because of other individuals, whose own self-interest may lead them into conflict, for instance, over property. As we reviewed in the last chapter, later liberal thinkers would go on to emphasize that government officials need to 'check' each other, so that a government instituted to protect rights of the subjects could not be used to infringe on them. A well-designed constitution, then, could allow private interests into

the public sphere, but their competition—balanced by a government that is itself checked and balanced—functions to the benefit of each. The usual benefits are familiar enough 'final ends' of government: life, liberty, and property. In any case, the natural, unstable divisions in the state of nature are supposed to be checked by the ordered, rational divisions in representative government.

If we were to analyze this liberal-democratic, private individual, whether admitted into the public sphere or not, we would have a ready-made catalog of relevant concepts, e.g., 'self-interest,' 'rights and liberties,' '(free) will,' etc. I am interested in how this familiar notion of the individual leads us to specify our three, framing concepts: freedom, unity, and authority. Drawing from a socio-economic framework, populism deploys the concept of the individual as a surrogate for the collective, and that causes it to think of (a) 'freedom' in terms of control, (b) unity in terms of a concrete social identity, and (c) 'authority' as a possession bestowed upon a single representative. If this account is right, populism is not simply an eruption of impatience or immediate passions. It may very well be passionate, but its passions and animosities are mediated (perhaps perversely) by concepts established and entrenched by economic liberalism. I will show the core ways in which populism furthers liberalism by using liberalism's own concepts for understanding the collective.

In the first section, I will explore the populist conception of the people. I start with populism's use of the metaphor of the people as an individual, and from there, I offer an analysis of the concept of the individual on which the metaphor is based. Then, I will detail a notion of 'the majority,' that accompanies both populist and liberal interpretations of 'the people' in its expression of popular sovereignty. In the second

section, I will review some argumentation for why 'the people' may require a homogeneous identity, which populism proposes against liberalism. Here, I will point to an ambiguity in senses of identification at play, one that is concrete and socio-psychological, and another notion of identification that is about the political form of a people. In the third section, I will review some of the criticisms of basing a notion of political unity on a homogeneous identity. The main criticism is that enforcing the homogeneity of any political unity is ultimately self-destructive, since it must keep purging the differences that necessarily emerge. In the fourth section, I will turn to an interpretation of Rousseau that shows how his work expresses the ambiguity in senses of identification discussed in the second section, but I will also show how the notion of political identification does not run afoul of the criticisms discussed in the third section. In the fifth and final section, I will offer an original analysis of populism that critiques it without drawing upon the mechanistic metaphor or the concept of self-interest. In this analysis, I will show how populism associates constituent power with an elected representative, who has control over government machinery, but an alternative reading of Rousseau would lead us to think of constituent power as dealing only with the basic form the people take and not with controlling particulars.

4.1 Section One: Individualism and Conceptions of the People

Liberalism has provided a sophisticated conceptual framework for critiquing the excesses of public power, insisting on a division of constituted powers and regular elections. In the last chapter, we examined liberalism's critique of authoritarianism and discovered that liberalism itself has an authoritarian moment within it. This authoritarian moment is not just an artificial construct of the theory, it lives within the logic of any

representative system, in which individuals cede their authority to an individual (person or group). That is, by insisting on the powers of a representative government over its subjects, liberalism must seek to institute a positive authority; liberalism just happens to limit that authority by recreating the very conditions of the state of nature that Hobbes sought to bring to an end. And as we saw, dividing such a power tends toward deadlock, which encourages a stronger re-emergence of authoritarian power.

But representative power need not be primarily limited by way of checks and balances; that is simply the method of limitation we tend to grasp for when we operate with a mechanistic metaphor for government. While the last chapter ended with an authoritarian conception of a constituted power, we will have to begin again, with a conception of "the people" as a kind of constituent power in the hope that a collectivist beginning can avoid an authoritarian logic. To be sure, our interpretation of constituent power must involve constituted powers if it is to exist at all. But constituent power exists insofar as it creates constituted power; it is not already fully regulated by it. If the Rousseauan-democratic tradition can avoid the fate of falling into authoritarianism, it will have to navigate the new threat of anti-pluralism.

We start with the metaphor of the individual standing in for the people. This will bring into focus not only the phenomenon of populism, but also the anti-pluralist worries it occasions. From the metaphor of the people as an individual, we turn to turn to the conception of the individual as a bearer of rights and possessor self-interest. This is the conception often deployed in liberalism, and while it is not a false conception, it is reductively narrow. I will review some of the criticisms against such a conception, with the caveat that whatever is partial or myopic about this conception of the private

individual, it will be even more problematic when it is used as the basis for a metaphor for the entire people. I will then address the notion of 'the majority,' which accompanies both conceptions of the people, *qua* aggregate and *qua* individual. This analysis will help to clarify and direct the further study into conceptions of the collective identity of the people.

4.1.1 Populism, the Democratic Tradition, and the Individual Writ-Large

While thinking of 'the people' as an aggregate is relatively easy, conceiving of it as a collective seems to be more difficult—or at least more abstract. Nevertheless, the democratic tradition has offered one approach to thinking of the collective, namely, through the metaphor of a large individual. Populism is influenced by this tradition, although it does not necessarily have the same kind of evocative imagery or achieve the theoretical insight of Rousseau. In fact, the populist conception of the people is akin to a corpse; it provokes neither the imagination nor the understanding. It is deployed, almost unthinkingly, e.g., in the cries of putting America first and pursuing America's interests through trade wars (both with China as well as with our longstanding allies). The fact that the metaphor is not evocative or provocative is telling; it lets us know the kind of interpretation that crusted over the image, which at one point was a source of inspiration. Let us turn to that image.

Rousseau explicitly envisions the body politic as a giant person.[158] In this democratic tradition, the giant person is a novel creation, born of the social contract and sustained by a common will. It evokes, in the first place, a sense of the way that a

[158] This is an echo of Hobbes's leviathan, itself a giant, artificial man composed of commonwealth's subjects and itself an evocative image (even a series of images) for thinking about the collective.

community creates a new life and transforms the lives of those who participate in that community. In the second place, it evokes the overwhelming strength of the collective, such that the giant individual towers over isolated individuals and nature alike.

When populists like Trump claim to be putting their nation's interests first, they are drawing upon this metaphor: the collective as one individual some sense of self-interest. Ironically, populist movements are trying to reclaim a notion of community or group identity by making the group into the very thing the group is resisting—an isolated individual pursuing its own good.[159] Perhaps the irony is fitting, as United States populism is seemingly obsessed with idea of an independent, self-made man, even while it paradoxically seeks to possess the notions of community and public service. We might say that the irony is two-fold. On the one hand, it seeks to recapture a sense of an American identity—set against immigrants, globalists, minorities, etc., but it is also set against any kind of collectivism or socialism. Populists see themselves as supporting the American collective, but they also advocate for individualism while still having its own collectivist-conformist elements, e.g., the red MAGA hat, the rallies, the ritualistic chanting. At least implicitly, then, populism involves a notion of a unified collective, perhaps an incoherent one, and it is hostile to any kind of private interest that appears as non-identical to it. This is because populism has a specific interpretation of the individual.

[159] Depending on the kind of populism—Left or Right—it might frame itself as fighting against the atomizing forces of liberalism/capitalism or the corrupt elite pursuing their own self-interest.

4.1.2 Liberalism and the Individual with Rights and Self-Interest

Probably the most common feature of different variations of liberalism is a conception of an individual deserving of rights. The tradition of liberalism has surely expanded our notion of individual freedoms while simultaneously setting such freedoms as the goal for government.[160] Set against the abuses of public power—whether by absolutist monarchs, despots, mobs, or fascists—liberalism has primarily framed its notion of freedom as "negative," consisting of an entitlement to non-interference. Negative liberties, such as the freedom of religious practices, prevents others from impinging on one's projects and generally allows for the pursuit of one's self-interest.[161] In the previous chapter, I examined a notion of rights in detail; here I am interested in a notion of self-interest and how it is related to negative liberties. While the liberal tradition does not offer a developed argument that demonstrates a necessary conceptual link between self-interest and liberty, the two notions seem to be constantly conjoined.

We have been using "self-interest" in a provisional way; it warrants clearer analysis. The main context that I am drawing from is socio-economic, and more specifically, in 'rational choice theory.' "Rational choice theory uses the model of *Homo economicus*. It explains human behavior in conformity with social norms as the product

[160] This is true for the tradition broadly speaking, including libertarianism. While liberalism more generally has an expansive notion of individuals freedoms and seeks to enlarge government to secure those freedoms, libertarianism focuses largely on property right, and it takes small government to be the means of achieving its end.

[161] More modern versions of 'political liberalism' have a similar structure, where the end is "choice," and the role of government is to keep private notions of 'the good' private. Despite these replacements, liberalism still relies on a notion of the private individual as well as a conception of self-interest, albeit one that is not private.

of strategic interactions of instrumentally rational, self-interested individuals."[162] Such a notion of self-interest serves not only to explain human behavior, but also to predict—and even define—it. By interpreting individuals as *homo economicus*, we commit not to the idea that humans are only self-serving, but they are ultimately self-serving and perpetually keep an eye for out their own benefit.

The notion of self-interest, especially embedded in rational choice theory, is still prominent in both economics and sociology. Its history extends back into the early modern era and was pivotal in the development of political economy. Albert Hirschman's extensive analysis of the term indicates its role as setting up an ideal to pursue that would curb the worst excesses of the human passions.[163] If I pursue my self-interest, I will not go out of my way to hurt others, and I will not let an 'excess' of anger drive me to harm someone if I will not profit from it. As an ideal, then, self-interest sets up a quantitative standard, encouraging one to discipline excesses and deficiencies of the passions for the sake of equally quantitative profit. Moreover, this ideal that is set against the passions implies that people have passions—drives—to act in ways that are not beneficial, and so people must become self-controlled. Thus, self-interest is a term that draws together notions of instrumentality, quantity, and control.

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[162] Elizabeth Anderson, "Beyond Homo Economicus: New Developments in Theories of Social Norms," *Philosophy & Public Affairs*, Vol. 29, No 2 (Spring 2000) 171.
[163] Albert O. Hirschman, *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph*, (Princeton, NJ: Princeton University Press 2013) esp. 31-2. While we might be tempted to assume that 'self-interest' would have originally appeared as a something bad, Hirschman convincingly argues that self-interest was conceived in liberalism not as an excess of greed or a constitutive feature of human behavior, but rather, as an ideal that could tame and displace the role of the passions.

This same, basic understanding can be seen in other commentaries. Arendt traces the notion of interest to Aristotle, which he defined as what is useful to people.[164] Pitkin contrasts liberal-individualistic notions of self-interest and Burkean notions of independent-collective self-interest; both of which hold that people pursue concrete ends but differ about the scope and origin of such ends.[165] We see this quantitative-instrumental interpretation further reflected in public discourse when lower class individuals vote for conservatives and therefore 'against their own interest.' To pursue one's interest is to reason about the means to achieve a given end and put those means into action. The presumed end in this criticism is monetary; it is assumed that conversative voters would get more money by voting for Democrats. And money is the proper conception of self-interest and not any kind of fuzzy, vague moralism. Ends, then, are the desirable outcome of action, wherein that outcome lies outside the action itself and is already presupposed before the action takes place.[166] Thus, we see the notion of

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[164] *OR* 12. I believe she is translating the term *sumpheron*, which can also be translated as what is 'beneficial' or 'profitable.' Translation commentary aside, the concept of self-interest is built on a notion of 'what is good for you,' but with a tone or a tendency that favors quantitative and instrumental rationality.

[165] *Representation* 191-4. Whether Pitkin is right in associating a notion of self-interest that is particularistic and dependent on each individual with liberalism is an interesting question, but one we need not delve into further. We need merely note that (a) representative government is almost always understood in terms of representing interests, (b) highly attached-particularistic and highly detached-universalistic notions of self-interest are not very compelling, and (c) liberalism is necessarily going to adopt some notion of self-interest. Note that Pitkin uses the term "interest" and contrasts the aforementioned senses of it, but her interest is in understanding its relationship to representation, not to giving the term its own conceptual analysis.

[166] See Hannah Arendt, *The Promise of Politics*, (New York: Schocken Books 2005) 193-4. Hannah Pitkin, in her work on representation, discusses the distinction between Burke's notion of interest as well as contemporary liberalism, but the difference there is about how, where the difference is about whether interests exist outside individuals (Burke) and prior to them or are internally determined (liberalism). In a move like

self-interest as an end that people *ought* (morally) to pursue, but also which we would say they *in fact predictably pursue* insofar as they act according to the standards of calculative rationality. When political action is understood in terms of self-interest and ends, then action becomes a matter of behavior and production, i.e., a matter of producing predictable, pre-given outcomes. A system of rights built around individual interests grants individuals a sphere of *control*, and libertarianism only seems to radicalize liberalism when it insists on the absolute character such individual rights and control.

The notion of 'interest' is formally the same for everyone, and as a universal standard, it means we can see people as 'irrational' when they do not pursue their self-interest. There is a tendency to commit to economic interpretations of self-interest, but such an interpretation is not necessary. One need only think of everyone as obliged to pursue the ends that are the most profitable (in a broad sense) for them. Interests are not only shared in a merely formal sense; they are sometimes shared substantially as well. Occasionally, it is in our self-interest to cooperate and combine our labor—perhaps because we have different specializations of labor. But just as the notion of self-interest may align us, it also serves to differentiate and divide people. If you and I have interests that set us at odds, for instance, because of the scarcity[167] of some concrete good, then it is rational for us to compete for those goods, wherein the only limits are those set by

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liberalism's, Chantal Mouffe distinguishes a notion of 'demand' from interest insofar as the latter remains anchored in reified social categories. The difference here is immaterial, because all the notions under consideration take the interest (or demand) to be an end to be produced by action. Thus, the logic of interest is the logic of instrumentality.

[167] The notion of scarcity here is important, because 'control' is always going to be limited. The more people there are running for office or voting or exercising political power, the less control one has—assuming control is evenly distributed. Instituting a representative or an office that can exercise control requires the creation of inequality (which may nevertheless be conjoined with created modes of equality).

government mechanisms and by our own understanding of our long-term, overall self-interest. Government limits are only binding insofar as we can count on punishments to be against our self-interest. The threat of punishment conditions our behavior such that some actions 'just aren't worth it.' Good government, however, establishes and respects the limits of punishment, allowing significant liberties and curbing them only to preserve them in a more stable system of rights.

The ideals of self-interest and liberty, presented as universally valid, rely on a wider set of beliefs about the individual and society. C.B. Macpherson argues that the plausibility of this view of rights and society rests on the background assumptions and habits of an increasingly bourgeois society in which individuals engage in truck and trade. In this kind of civil society, individuals of a certain kind—usually well-to-do European men—spend their time interacting with others for the sake of their own interest, usually understood as profit. They do so in civil society by selling their labor power, understood to be a form of property within themselves and which they are free to sell for the best price.[168] This model for interaction is then applied to all significant human interactions. In the wake of the Reign of Terror, Benjamin Constant would express his hope for the replacement of war with economic struggle and individual independence. The market and sets of 'political' procedures, and no common authority or officer, would mediate individual relations, all while guaranteeing that the right to life would never have

[168] The theory of property in the person is a pivotal notion for C.B. Macpherson as well as Carole Pateman and Charles Mills. All three of these thinkers are all part of a tradition that sees liberalism as playing a part in the economization of all public-political relations. Locke, usually liberalism's favorite contract theorist, took himself to be articulating the right of the pursuit of one's own interest against Robert Filmer's theory of the divine right of kings.

to be compromised. This wish to replace war with economics is representative of one of the earliest and most common threads of liberalism.

On Macpherson's view, Locke's theory, which is a tamer echo of Hobbes's own, took all human individuals to be constituted in the same way as the bourgeois businessman—what he calls 'the market man.' C.B. Macpherson writes, "As with Hobbes, Locke's deduction starts with the individual and moves out to society and the state, but, again as with Hobbes, the individual has already been created in the image of the market man."[169] The notion of 'the market man,' illustrated as the underlying assumptions of various political theories, exemplifies a problematic 'conception' of human subjectivity.[170] The image painted is one of a rational, self-possessed laborer, who freely enters into contracts with other laborers. Whatever accidental relationships to family, class, or nation a laborer might have, they are inessential in the face of such a portrait.

4.1.3 Critiques of the Socio-Economic Individual

Earlier, I mentioned that the conception of socio-economic individual, driven by self-interest and entitled to various liberties, is not wrong so much as it is reductively narrow. Now that we have examined this notion in greater detail, we can turn to some of the critiques of this conception. I will add that whatever is a potential problem in the

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[169] *PI* 269.

[170] Without detailing all seven assumptions of possessive individualism generally from Macpherson's text, I will note two key ones for our purposes: (iii) "The individual is essentially the proprietor of his own person and capacities, for which he owes nothing to society" and (vii) "Political society is a human contrivance for the protection of the individual's property in his person and goods, and (therefore) for the maintenance of orderly relations of exchange between individuals regarded as proprietors themselves." *PI* 263 and 264, respectively.

socio-economic concept of the individual is going to be magnified when this concept is used as a metaphor for the collective. The first strand of critique targets liberalism's atomic individualism[171] that conceives of political actors as (a) bearers of *rights* that insulate them from others (b) pursuers of their narrow *interest*. The second mode of criticism speaks to how the general ascription of citizenship or subjectivity (or humanity, etc.) does not capture the lived experience of marginalized groups and thus excludes the differences that make political action possible through erasure.

The first criticism holds that liberalism thinks primarily of the rights and interests of individuals owing to the nature of the specific experience of socio-economically independent individuals, consistent in principle with the basic assumptions of contract theory. I have already recounted elements of this critique, given by C.B. Macpherson. Macpherson is critical of a dominant tradition in which we understand a political community as arising from independent, self-interested individuals. Again exemplified in Hobbes and Locke, contract theory holds that individuals submit to a common authority for the sake of preserving their own life, their negative liberty, and their property. These three things comprise fundamental interests, and the social contract is meant to procure those, thus making it rational for individuals to leave the state of nature and enter society. In reality, this account of the social contract was used less for the creation of new commonwealths and more for liberating the individual from collective power and duty

[171] The issue of atomic individualism in liberalism is complicated by the fact that some liberal thinkers endorse it while other do not. In contemporary terms, atomic individualism is more associated with libertarianism. Nevertheless, the critique of individualism I will review applies to the pivotal liberal thinkers who champion negative freedom and seek to limit the right of public power, viz., Constant and Berlin. Echoes of their thought are visible in the liberal critiques of populism today.

for the sake of their economic benefit, i.e., the acquisition of property, the freedom to enjoy that property how one pleases, and the assurance of a life long enough to enjoy the former.[172]

Carole Pateman's seminal critique of contract theory is similar. She thinks that the contract is a mechanism of regulation fitting for economic relations. Even while it assumes that each person is free and equal, its very assumptions are used to justify subordination—even domination.[173] It is not an appropriate basis for all communal relations, which may involve non-calculative forms of rationality. Moreover, contract theory presupposes that the individual is a laborer seeking to acquire what he desires, and this always involves one party becoming subordinate to another (although the depth and intimacy of such subordination may vary). For instance, when one person pays someone a wage for labor, the laborer has become subordinate in that relationship. They must answer to the other person, their time and energy belong to that person (for some period), and the labor purchaser is guaranteed more legal options if he is dissatisfied. The person who sells their labor remains in a more precarious position, more vulnerable to the other party. This dynamic is intensified in marriage contracts as well as transactions involving prostitution, wherein women's bodies are subjected to a heightened vulnerability and their legal status is significantly diminished in relation to their male counterpart.[174]

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[172] To be sure, Locke played a role in the theoretical underpinnings of the American Revolution. However, his notion of an individual with rights was set alongside a notion of an individual acting together with others. Moreover, his notion of a right to property was replaced with the pursuit of happiness, which, if nothing else, does not seem to rigidly imply the same kind of economic-business model of the individual even if it is compatible with it.

[173] See Carole Pateman, *The Sexual Contract*, (Stanford: Stanford University Press 1988) esp. 39-40. Henceforth, "Pateman."

[174] Pateman 189-91.

Marx presents a critique in a similar vein. For Marx, the kinds of rights that attached themselves to bourgeois individuals were entirely negative, which he described as the right of a self-enclosed monad.[175] Ultimately, the concept and the ideal for the individual aim at alienation from fellow subjects. Whether this characterization is entirely accurate is disputable—Claude Lefort points out that some of the fundamental rights of man, such as freedom of speech and the press, seemed to actively situate individuals in relations with each other.[176] Even if we grant that Lefort is right, we should still be struck by the strength and the timing of some liberal claims to the primacy of negative freedom. Both Benjamin Constant, in the wake of the Reign of Terror, and Isaiah Berlin, in the wake of World War II, view positive freedom and collectives with distrust. The negative freedom for which they argue—and which we reviewed in chapter one—is meant to be an assertion of a right of the individual against the power of collectives, whose power they view as tending toward the destruction of individuals (at least in times of crisis).

We have just reviewed three critiques of liberalism that charge it with taking a narrow, economic view of the individual. Those critiques indicate that pursuing one's own interest and having the right to be left alone to do so ought not be the sole standard of human rationality, since negative liberties and pursuing one's interest only capture a calculative kind of rationality and limit our view of what is possible in cooperating with others. The other major perspective critical of liberal homogeneity is exemplified by Iris Marion Young, who calls liberalism 'assimilationist.'[177] Young's insight is that is that liberalism, insofar as it is individualist and proceduralist, fails to recognize significant

[175] "Jewish Question" 40-4.
[176] *PFMS* 246.
[177] Young, "Together" 162-3.

groups of political actors as they recognize themselves, and how people recognize themselves is a necessary feature of their free projects. A better ideal for a community, she thinks, is a kind of 'togetherness in difference' in which actors can have solidarity in a strong sense with those like themselves *while also* cooperating with those unlike themselves.[178]

The first criticism (Macpherson, Pateman, Marx) held that liberalism took a narrow, economic view of the individual. The second criticism (Young) held that liberalism does not account for the self-understanding of many political actors. To be clear, I am sympathetic with both of these strands of critique, and together with Arendt and Schmitt, I think the problem the socio-economic individual, for all its emphasis on freedom, is that it reduces all political problems to economic ones (or rather, attempts to solve political problems in analogous fashion to economic ones) and limits all individual spontaneity to the private sphere. 'Who exercises public power?'—a representative, a constituency, etc.—is not an issue that can be resolved by reference to private individuals any more than it can by reference to an unauthored legal mechanism. Addressing such questions will involve developing a notion of the collective.

4.1.4 The Majority

We have reviewed the metaphor of the individual in populism, the liberal conception of the individual, and critiques of such a conception. I now turn my attention to a notion of 'the majority,' which plays a crucial role in both populism and liberalism. In the last chapter, we saw Jan Werner-Mueller characterize the liberal majority, in which

[178] I will be drawing from this idea in the fourth chapter as I develop a positive metaphor for thinking through community.

only numbers rule, as clearly superior to the anti-pluralist collective with a mysterious identity.[179] Or in other words, a commitment to democracy entails a commitment to majority rule, and that a minority of votes has no right rulership no matter how much it claims to be for the common good.[180] From the passage, one sees that the major advantage of majority rule is that it is not derived from any particular interest. Power does not rest in the hands of any identifiable group but rather in a pure, quantitative mechanism. Or in other words, however elected representatives may act or explain their actions, majority rule is unerring from the perspective of democratic practice because "*in the end only numbers count* [my emphasis]." For populism, the leader claims to speak for the entire people not because every legal citizen voted for the leader but because the majority—the true Americans, for instance—voted for them. Crucially, quantity plays a role here; populist leaders must have large rallies, must win elections, or—like Trump—must be able to dismiss or discredit opposing votes. 'The majority,' or 'the silent/moral/etc. majority' may even become a name for the collective. In liberalism, however, 'the majority' is less about a group of people and more about a procedure.[181]

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[179] *WIP* 77-8

[180] Note that Mueller is not making a claim about minority populations, but rather about a minority of votes, i.e., he is making a claim about a mechanism for decision-making, he is not trying to make a claim about social identity. Locke articulates a notion of majority-rule that seems to have been influential, although not often discussed in the context of populism. The basic idea is that a commonwealth needs to come to a single decision; a commonwealth will consist of a variety of conflicting opinions, ergo, each individual needs to have submitted to majority rule so that the commonwealth can act without tearing itself apart. This issue will be considered in greater detail in the next section. Arendt notes a distinction between majority rule as mechanism versus majority rule in terms of a demographic or social group seizing control of government; only the latter represents a threat to a republic. See *OR* 155

[181] *Contra* Mueller, this notion of the majority can still be a moralistic identity, especially when non-populists feel that they must win an election against populists.

There are two important points about 'the majority' that makes it compatible with populism. First, majority rule, taken as an essential feature of democracy, does not logically require elections. There could be other mechanisms in place for a people to consent to its government or to participate in it. Given that breadth, it is unclear how populism would violate such a broad principle of majority rule. Second, majorities can be constructed.[182] Majorities might consist of an alliance of differentiated groups, or it might simply involve one large group with a narrow interest. Politicians—and their campaign strategists, advisors, and colleagues in their political party—can pursue multiple strategies for getting a majority of votes, which may involve running attack ads, making promises that cannot be fulfilled, or using propaganda. In fact, populist leaders are reliant on elections to maintain their legitimacy and are often effective campaigners. They may part with some of the ideals of liberalism, but they still use many of the same methods for attaining political power as ordinary, non-populist politicians.

Let us assume with Mueller that in the democratic process of rulership, majorities shift and change, and ultimately decisions get made on the basis of a quantity of votes.[183] If that is the normative foundation of democratic practice, then the source of that majority is unimportant. A majority might emerge in an election because a higher number of people have reasonably expressed their preferences, whether in accord with their genuine

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[182] The familiar term for groups of voters that are constructed by such narrow interests rather than arising from a 'grass-roots' movement is 'astro-turfing,' and majority rule, as a basic mechanism, encourages astro-turfing.

[183] From this perspective, the electoral college in the United States must be utterly confounding, since it does not privilege simple quantities. Any system that cannot tell when one number is larger than another and give recognition to the larger must be irrational. I am not so convinced, although I also do not think that any voting system—simple majority, electoral college, etc.—is insulated from abuse even in non-violent competitions/elections.

self-interest or religious convictions, etc. But a majority might also emerge because people are deceived or deluded about their preferences; they might be radicalized or mobilized by a demagogue. Moreover, the determinate rules by which a majority is calculated, for instance, through the drawing of district lines and the establishing of legal voting age, is itself subject to actions taken by elected representatives.[184] In short, between the social forces mobilizing groups of voters and the changes in voting laws that representatives can enact, the notion of 'majority rule' is unstable. Its very neutrality and mathematical purity keep it from being a foil or a prevention of populism. Moreover, the apparent neutrality of majority rule makes 'the majority' a possible source of identity independent of the actual quantity of votes—one can, after all, say some votes are illegitimate or take oneself to be in a majority before a vote is ever cast.

'The majority' has been a feature of both Republican and Democratic identities over the last two elections, one which saw Trump successfully elected and another defeated. After Trump was elected, Democrats were quick to point out that Trump lost the popular vote while Trump declared he won it once you remove the voter fraud. Republicans were happy to show a color-coded graphic of which states and districts voted for which representative, clearly showing Trump had painted the country Republican red; Democrats were quick to return with a different map with colored

[184] As a reference to a discussion in the last chapter, this is the concern that Kenneth Roberts takes up. His solution to this problem is to think of liberal mechanisms as having 'competitive equilibrium' for an end. While voting mechanisms might only be legitimate if they maintain competitive equilibrium would avoid the problem of enabling populism in this way (changing the rules for counting votes), they are still unstable in the ways discussed in the first chapter. That is, the people under the voting laws might see them as alien or alienating and seek to change them. At this point, liberalism might conceptually preclude populism, but practically it would encourage it.

circles, whose size depicted the quantity of voters in the region, etc.[185] Interestingly, identifying with the majority can take place both for the winners and losers of an election. The procedure itself does not seem to impact how people identify.

Politicians and partisan commentators are not the only ones drawing on a vague notion of a majority identity; it operates in academic discourses as well. For instance, Nancy MacLean, a progressive-liberal historian, thinks of the (far) Right as creating a kind of false voting majority through sinister campaign and misinformation campaigns, while the real majority of people would *never* vote for far-Right candidates.[186] While it is true that the (far) Right is willing to use propaganda, alternate facts, image-making, etc. to get voters, that is the name of the proverbial game in a competition where only numbers matter. Mueller's insistence on mere quantity (and he is joined by various liberal thinkers)—rather than any qualitative commitment to some substantive principle, e.g., some interpretation of 'freedom,' 'truth,' 'equality,'—does not and cannot preclude the use of propaganda. The strategy for getting votes is immaterial when quantity is the ultimate arbiter of democratic procedure.[187]

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[185] That whole discourse on either side was entirely irrelevant, given that our presidential elections proceed by way of an electoral college. As they say, it is a *feature* of our federal system, not a *bug*, that states vote and not a mass of individuals called 'the nation.' What this discourse did show was the extent to which the principle of majority rule can be used to justify and critique any given mechanism of decision-making.

[186] Nancy MacLean, *Democracy in Chains: The Deep History of the Radical Right's Stealth Plan for America*, (New York: Penguin Books 2017) On p. xvii, she claims that "the single most powerful and least understood threat to democracy today: the attempt by the billionaire-backed radical right to undo democratic governance." In general, MacLean often seems to express her appraisal of the Right's manipulations and threat to the American majority through the words and opinions of others on the Right, for instance, on p. 176 and 208-9.

[187] Of course, a liberal thinker could reject majority rule as a proper procedure, but as with Rawls, it becomes questionable in what sense such a liberalism is democratic. It is

To some extent, party politics is descriptively organized purely around getting votes, and various political alignments have used propaganda, or less maliciously 'spin,' to further their ends. Contrary to the focus of Nancy MacLean, the far-Right, the Koch brothers, etc., are not alone in the game. One could argue that Democrats and the Left are not as bad as the Right, but, like the Koch bothers, they certainly have big money donors trying to influence elections, e.g., Soros,[188] and their political candidates are perfectly willing to engage in image-making with exaggerated or misleading stakes, e.g., Corey Booker calling himself Spartacus during the Kavanaugh hearings. Ergo, Mueller is wrong to paint populists and liberals as stark opposites where the former believes in a mysterious, indeterminate majority and the latter believe in a merely quantitative majority. Populist strategies are compatible with the formal requirements of liberalism, even with anti-liberal rhetoric, as long as populists win elections. Any ideal, no matter how exclusive, no matter how illiberal, could be implemented as public policy as a result of majority rule. That is the price for a neutral, formal mechanism of decision where only quantity matters.

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hard to assume that elections are a good means for achieving liberal ideals when we could simply adopt a liberal technocracy—a condition that has arguably become actual in many countries in recent decades.

[188] Note that Soros and the Koch brothers are essentially mirror images of an authoritarian boogeyman for each side. Their reputations have less to do with their political ideals and much more to do with the fantasy of sinister individuals 'pulling all the strings,' which is to say, operating the levers of the government mechanism for their own ends. When one is guided by the metaphors of mechanism and the interest-driven individual, this is the kind of political hermeneutics one gets when one tries to understand support for the 'other' side. It is all just a competition, and nothing motivates a winning effort like the demonization of a competitor, supposing that one always has recourse to saying that only a minority, or better, a single figure, is demonic. One might always have to vote with members of that other group in the next election; they were just duped in this election. Thus, you see repeatedly a focus on leader, on the representative, and not the represented.

The most immediate implication of this discussion of the majority's instability is that 'majority rule' should not be understood as a bedrock procedure or fundamental commitment of a healthy democracy. It is necessarily vague and in need of other features of communal life to stabilize it. In the democratic tradition, a notion of constituent power—associated with 'the people'—has done that work of stabilization.

4.2 Democracy and Homogeneity

In the last section, we reviewed notions of 'the individual' and of 'the majority' to clarify a notion of 'the people,' and thereby better understand who participates in public power. A purely quantitative notion of 'the majority' is not stable enough to prevent or conceptually preclude populism; thus, it is not a preferable alternative to populism. We turn to a characterization of the people that Mueller rejects: a homogeneous collective.[189] Our point of departure here is the theorists of populism and not populists themselves, given that the former are self-consciously drawing from a rich tradition and the latter are often buffoons (albeit sometimes cunning ones).

4.2.1 Social Identification and Populism

The main defenders of a notion of populism, or at least a Leftist populism, are Mouffe and Laclau. Both on their account as well as in the analyses of liberal critics of populism, Carl Schmitt features into a democratic tradition that informs populism. By looking at their work, we will see a notion of the collective emerge that seems to necessitate a kind of homogeneity of the people. While I am ultimately sympathetic to some of the concerns that we will see here, I will show an ambiguity in the sense of

[189] We only be working with the populist alternative of the people broadly speaking; we won't be working through his exact characterization of the populist 'people.'

homogeneous identity that they use—a *social* sense that describes a characteristic found in many individuals and a *political* sense that describes a kind of shared project. The former sense, at least, is built on and reinforces the socio-economic concept of the individual with self-interest discussed earlier. The latter sense will be examined in the next chapter.

The most recent defense of thinking of the people as a homogeneous collective has been given by Mouffe and Laclau, who endorse a Left-populism while critiquing liberalism and Right-populism.[190] Mouffe and Laclau argue that while all politics may involve exclusions and dominance, a collective whose identity is constructed on broad grounds may re-open closed visions of a people and allow more people to gain recognition in the public sphere than under liberalism and allow for a resistance against authorities whose centrism tends to co-opt or neutralize such opposition. For Laclau, the new open identity is a collective whole, but one without multiple parts; rather a single part stands in for the whole.[191] The part that stands in for the whole—and like Mouffe, he understands the parts in terms of "demands"[192]—is not simply a single thing to be attained, but rather gains strength from the other demands not directly represented by that part.[193] An example would be the yellow vests in France, wherein the demand for change in laws about gas prices stood for a larger dissatisfaction with the economic policies of

[190] For instance, see Chantal Mouffe*, For a Left Populism*, (New York: Verso 2018) 5. Henceforth, "*Left*."
[191] *OPR* 111.
[192] *OPR* 74
[193] *OPR* 96-7. Laclau likens this logic of the empty signifier—the part inflated to represent the whole—with the process of condensation in Freud.

the French government.[194] For Mouffe, this approach breaks with 'politics' as technocracy, in which professional politicians solve economic problems and voters have the opportunity merely to approve of those solutions. Instead, she takes politics to consist of an agonistic debate, and she hopes for a left-oriented construction of the people, set against the oligarchic xenophobia of right-oriented populisms.[195]

Interestingly, her notion of agonistic debate, set against centrist (and neoliberal) consensus, sets the internal/external groups apart from the limits of democracy, since the Left and Right can appear in any particular state. Thus, her grouping seems more indebted to a Marxist tradition that focuses on the bourgeoisie/proletariat grouping rather than one people distinguished from others. Further, she sets the ideas of democracy and inclusion as definitive of one group—hers—and distinguishes the other group, the other populism, in terms of its xenophobia and oligarchical character. While I want to retain her critique of politics as technocracy, she paints her own populism in the same way that Right-wing populists paint theirs—in terms of the forces of good trying to conquer the forces of evil and corruption.[196] If we are worried about the persecution or violence

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[194] Note that within 'populist' movements of this type, there are at least some political actors who think the movement should avoid any kind of representation or organized leadership at all. This indicates that it exemplifies the kind of political identification that we will discuss in Schmitt shortly. Thus, while the yellow vests may not be full-fledged populists because they eschew representative leadership, they still seem to be drawing from the same democratic logic that will extend back to Rousseau.

[195] *Left* 6. Note that Mouffe slips into the language of construction, as though the Left exists, and its best strategy for electoral success to create a kind of identity and use that to win at the polls. Her language gives away her orientation in terms of control and exclusion. This is the same language—and indeed, the same concept—given in Laclau, who explicitly calls populism a strategy.

[196] Laclau tends not to slip into this dynamic as much. His contrast between populism and pragmatic liberalism, at least, speaks only about two styles of politics, neither of which can fully or permanently displace the other.

against out-groups, we should hesitate when we see narratives that set one group at its best against another group at its worst. I am wary of starting with such a stance, as it risks becoming more like propaganda than philosophy.[197]To be sure, we can disagree with other groups, and even think that their policies or principles are 'bad,' but I am cautioning against painting the group itself as evil.[198]

Neither populists nor Mouffe invented thinking of groupings in moralized terms. In fact, some amount of moralization might be necessary for people to conceive of themselves as members of a group. It will pay, then, to examine the source of group

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[197] Mouffe acknowledges the polemical character of work on *Left* 9. She could be painted as a propagandist because the notion of constructing identities—rather than letting them develop organically—is a tactic taken by professional politicians for the sake of winning elections. For all the positive work Mouffe does on Schmitt, she remains oriented within a liberalistic framework. She is interested in what it takes to win elections, to answer 'demands' which is her (and Laclau's) surrogate for interest (the difference is that she takes the latter to be anchored in static social categories, and she refuses to rank demands), and in her idea of a frontier set between Right- and Left- populisms, it is clear that she is thinking in terms of the sovereignty of competition. It seems to me that liberal centrism of the Rawlsian variety has an advantage of Mouffe on this point. At least for internal politics, such centrism, by expecting consensus, sets a place for each part or group to belong (however one might envision those groups being articulated). Moreover, that kind of liberalism, while it gives a place to a variety of demands, seems willing to work on ranking them so that they can be satisfied—the Mouffe/Laclau strategy of allowing demands to form into a formless group demand makes it harder to do any work on them; it is only useful for building discontent so that people will vote for whoever is not in office. For my own part, I think politics is not just about pursuing interests or satisfying demands; it essentially includes the creation of new realities and ways of living together. Politics is not anti-establishment for the sake of being anti-establishment, although it is essentially open to reconfiguring who inhabits constituted offices. Moreover, politics does not start with an idea of shared consensus, in which the work of politics is just allocating goods that constituted the lowest common denominator of what people want. It is on the basis of this conception of the political that I see the unsatisfactory nature of both Left-populism and liberalism.

[198] I am drawing here not only from Nietzsche's distinction between good/bad and good/evil binaries, but also Hannah Arendt's use of "absolutes." For a good discussion of the latter, see Richard J. Bernstein, "Are Arendt's Reflections on Evil Still Relevant?" *The Review of Politics*, Vol. 70, No. 1, Special Issue on Comparative Political Theory (Winter 2008).

concepts that influenced Mouffe and Laclau: Sigmund Freud. As we have seen, populists insist on a single leader and proclaim themselves the bearer of the general will for a people whose identity is self-evident. In Freud's terms, this group formation is appealing insofar as the followers in a group elevate the leader to a kind of father figure *qua* ego ideal.[199] Freud writes that for the group, the leader expresses both a kind of unrestrained libidinal freedom, taking whatever it is that the group wants, as well as some of the common characteristics of the group members.[200] The ego ideal and the identity of the group[201] in general is, for Freud, the key to constituting any kind of group, that is, binding them in a kind of love and affection that allows them to work together as well as make personal sacrifices for each other.

For Freud, the binding of individuals into a group involves a kind of conditional love; the bonds of the group will be extended only to those members who are equally 'inside' the group (and equally loved by the father). The aggression that might otherwise go toward members of the group gets diverted to out-groups, which Freud covers describes in detail in *Civilization and Its Discontents*.[202] He writes, "It is always possible to bind together a considerable number of people in love, so long as there are other people left over to receive the manifestations of their aggressiveness."[203] In other words, at long as there can be an external 'out group,' which can be the explicit recipient of

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[199] Sigmund Freud, *Group Psychology and the Analysis of the Ego*, (New York: W.W. Norton & Company 1989) 60-1. Henceforth, "*GP*." Note that the identification with the leader also involves a shared love object that helps constitute the ego ideal.
[200] *GP* 79. See also *OPR* 56-7.
[201] *GP* 21.
[202] Thus, humanity could never constitute a psychological group, and even the doctrine of Christian universal love excluded heathens and heretics.
[203] Sigmund Freud, *Civilization and Its Discontents*, (New York: W. W. Norton & Company 1988) 72.

aggression, then libidinally binding people together in an 'in group,' is not so difficult or unnatural. This is even easier if the out-group is nearby or easily identifiable; Freud calls this phenomenon the 'narcissism of small differences,' which helps to explain intense sports rivalries between neighboring towns. What *is* unnatural or difficult is a demand or commandment to love the entire human race as oneself without having an out-group at all.

Interestingly, Freud's analysis not only extends to the phenomenon of populism, but it also strongly parallels Hobbes's analysis of the commonwealth in some respects. Both Freud and Hobbes take a group (at least simple ones) to exist by virtue of a representative leader.[204] They also both offer accounts of how a group arises to stand in contradistinction to other groups—for Hobbes, for the sake of survival and stability, for Freud, for the sake of the shared love object and ego ideal. Further, Freud's account involves questions about the suggestibility of group members that might help explain how individuals can be 'duped' by propaganda, ideologs, and alternate facts, but those kinds of psychological details need not concern us here.

I introduced Freud's social psychology not only to review the roots of Mouffe's and Laclau's brand of populism, but to establish a particular concept of identification in which people view other group members as essentially homogeneous, i.e., alike one another and engaged in a kind of collective project of whatever sort. We should note that this is true of psychological groupings in general: it is not peculiar to populism or even

[204] We should note that Freud thinks that an idea, rather than a person, can take the place of a leader in some sophisticated groups. But even in his analysis of the Christian church—a long-lasting and stable group—the ideals of the community still have a human face, *viz*. Christ. It is an open question whether any idea can sustain a prolonged group without such a face.

democracy. I will call this 'social identification,' or 'social homogeneity.' Let us provisionally assume that there can be no socio-political order that does not involve organizing people along the lines of similarity.[205] Even if we grant that all people engage in social identification, it is not clear that democracy, even 'radical democracy' as an ideal expressive of equality and freedom, consists only of social identification. This equation between social similarity and democracy seems to be made by Mouffe and Laclau, who prefer that the content of the democratic identity be broader than the national/ethnic identities of Right-populism. If we want to understand how social homogeneity could be equated with democracy, the arguments are the most explicit in Carl Schmitt's work.

4.2.2 Political Identification and Democracy

For Schmitt, the establishment of borders and securing internal homogeneity are crucial for democracy.[206] Let us address Schmitt's contentious passage about democracy and homogeneity from *The Crisis of Parliamentary Democracy*:

> Every actual democracy rests on the principle that not only are equals equal but unequals will not be treated equally. Democracy requires, therefore, first homogeneity and second—if the need arises—elimination or eradication of heterogeneity. . . . A democracy demonstrates its political power by knowing how to refuse or keep at bay something foreign and unequal that threatens its homogeneity.[207]

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[205] I will be returning to this idea in chapter 4, but not for the sake of examining groups competing for control, but rather for the sake of understanding the growth and development of individuals when we orient ourselves with the metaphor of organic unity.
[206] Zakin connects Freud's work on borders and defense with Freud's work on the ego. On this reading, the institution of boundaries is a necessary function of the life of the subject, whether collective or individual. See Emily Zakin, "The Image of the People," *Telos*, 157 (2011) 84-5.
[207] Carl Schmitt, *Crisis* 9.

On the one hand, I take Schmitt to be making a relatively simple point that every democratic state is particular—there is no democracy of mankind—and to remain independent, each state requires the loyalties of its citizens.[208] Through their allegiance, citizens will be supported and protected by a military and an administration, and more importantly, they will have a public space in which they can participate in the popular sovereignty of that state, vote for their representatives, etc. On the other hand, he is making a claim about how democracies can only perpetuate their existence by maintaining—or at least striving for—an internal homogeneity in which group members have some, similar characteristic.

Democratic homogeneity is not just a matter of being alike in an abstract or formal sense; the common characteristic or feature of a people must be substantive, which means that feature picks out some people and not others. Schmitt writes that there are many possible such bases, such as religion, civic virtues, or moral characteristics, but the predominant basis of democratic equality is membership in a nation.[209] Thus, for Schmitt, democratic homogeneity not only indicates who one's friends are, but also, who one's enemies are. For Schmitt, 'the enemy' is not 'the foe;' it is not a demon that must be eliminated at all costs.[210] Moreover, the enemy is not an entity that one must be at war with.[211] The defining feature of the enemy is that (lethal and legitimate) conflict is

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[208] This point extends to all political communities, but it is especially important for democracies since they are built on the principle of identification.
[209] *Crisis* 9. National homogeneity holds no special place for Schmitt beyond its factual prevalence.
[210] *Concept* 36.
[211] *Concept* 27, 33-4. Note that on p. 27, Schmitt indicates that the enemy can, but need not, appear as an economic competitor. In the realm of politics, economic (or moral or aesthetic, etc.) categories can be drawn upon to intensify friend-enemy groupings, but

possible.[212] Moreover, (lethal) aggression with the enemy is legitimate and necessary when the enemy threatens one's mode of existence.[213]

Some amount of internal homogeneity is necessary for any political unity; it takes on a special significance in democracies because of the way that democracies engage in political activity. Schmitt explains the notion of *political identity* in greater detail in *Constitutional Theory*, a work in which he examines "constitution-making power" (i.e., constituent power), whose 'value' lies not in abiding by preset laws or procedures, but rather simply in existence.[214] Or in other words, an entity that determines its mode of existence, i.e., a people, has a right to preserve itself, to maintain its own existence; and this right is not governed by anything like procedural or distributive justice. If it can be said that politics is normative for Schmitt (and he certainly does not celebrate the

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that does not mean that politics reduces to other domains. Meanwhile, for Schmitt, economics only recognizes competitors, it has no proper concept of an enemy. When Benjamin Constant celebrates the possibility that war will be replaced with economic competition and domination, he is wishing for the death of politics by the hand of economics.

[212] Friends, by contrast may have legitimate conflicts, such as competitions or disagreements, but not that extend to killing one another. The most basic law of political friendship it seems is to not kill one another. Of course, it is possible to violate this law, but the killing will not be recognized as legitimate. See *Concept* 32 and 35.

[213] *Concept* 27. In this passage and throughout *Land and Sea*, Carl Schmitt's thought expresses a kind of existentialism. Carl Schmitt, *Land and Sea*, Samuel Garrett Zeitlin (trans.), (Candor, NY: Telos Press Publishing 2015) esp. 10, 47. Henceforth, "*Land*." He remarks that England made a decision in favor of the sea. What he means by this is that a people—and not a group of beasts—determines its characteristic ways of maintaining and reproducing itself, and at a point in history, the English people left behind sheep farming and turned to whale-fish hunting, piracy, and naval battles.

[214] *CT* 75.

'neutralization' of politics), its basis would be 'autonomy'—that freedom in which a self, the *auto*, maintains its freedom in a given form, the *nomos*.[215]

In a democracy, the constitution-making power of the people operates through its identity. Schmitt writes, "[the unity of the people] can already be factually and directly capable of political action by virtue of a strong and conscious similarity, as a result of firm natural boundaries, or due to some other reason. In this case, a political unity is a genuinely present entity in its unmediated self-*identity*."[216] This description is an ideal for identification, although Schmitt does not think that the ideal can ever be achieved in a pure, unequivocal fashion. Even the democratic principle of identity will need to be augmented with representation (i.e., some form of mediation by a person or smaller group of people). "At no time or place is there thorough, absolute self-identity of the then present people as political unity. Every attempt to realize a pure or direct democracy must respect this boundary of democratic identity. Otherwise, direct democracy would mean nothing other than the dissolution of the political unity."[217] For Schmitt, the democratic principle of identity is most closely approached in referendums, now sometimes associated with populism, "If state citizens entitled to vote do not elect a deputy, but the matter itself is instead decided through a referendum, a so-called genuine plebiscite, and

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[215] Schmitt is not thinking of a constitution or constituent power in terms of a written document, but rather in a characteristic mode of existence. Thus, if one is interested in putting Arendt and Schmitt in dialog, they would be talking past each other when one references Arendt's *On Revolution*, in which she is interested more in the document, the object, of constitution-making power. My sympathies lie with Schmitt on this point, since Arendt's notion of (authoritative) constitutions and laws as independent of human power seems to fall victim to the same instabilities or crises that characterize the liberal 'mechanisms' of government. I will turn to a more substantive discussion of this issue and democratic authority in the next chapter.

[216] *CT* 239.

[217] *CT* 241.

the question presented is answered 'yes' or 'no,' the principle of identity is realized to the fullest."[218] Nevertheless, there still needs to be someone who forms and poses the question to the people, ergo, representation plays a role even in the fullest expression of identity. Thus, Mueller is at least partially right that the people never appears in non-institutionalized fashion (which is to say, all *apparent* power is constituted, not necessarily all power), since citizens who show up to vote for a candidate or on a referendum are still operating within an institution. Regardless of the type or degree of representation, I will call this kind of identity that predominates in democracy, in which power is actively expressed by the people (not just represented), *political identification* (or political homogeneity), as it characterizes the ruling element of a political community. For us, at least, it should still be an open question whether political identification is the same as social identification.

If we press further into the notion of political identification, we are quickly confronted with an ambiguity about how a political, democratic identity relates to partial, social identities. At times, Schmitt seems to indicate that the political identity relativizes other identities, indicating that citizens may have partial identities, but they aren't as strong or decisive as their political membership.[219] At other times, Schmitt seems to take partial identities—factions—to be a threat to the political unity when they become intensified.[220] Finally, at times, Schmitt seems to indicate that the existence of social identities (aka private interests) led inevitably to the dissolution of political unity, indicating that political homogeneity and social differentiation are intrinsically

[218] *CT* 240.
[219] For instance, in *CT* 211.
[220] *Concept* 30-2

opposed.[221] The passage here about the leviathan as a symbol of political unity is worth reviewing given our interest in populism and metaphor:

> In this fashion, party pluralism has perpetrated the destruction of the state by using methods inherent in the liberal law state. The leviathan, in the sense of a myth of the state as the 'huge machine,' collapsed when a distinction was drawn between the state and individual freedom. That happened when the organizations of individual freedom were used like knives by anti-individualistic forces to cut up the leviathan and divide his flesh among themselves. Thus did the mortal god die for a second time.[222]

Schmitt blames the liberal ideal of the interested individual, insulated from sovereign power with rights, for the destruction of the state not because human persons are a threat to government, but because that notion of the infinite importance of the individual can be used and manipulated by social groups to destroy the public sphere and the institutions that express collective power.[223]

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[221] Carl Schmitt, *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol,* George Schwab and Erna Hilfstein (trans.), (Chicago: University of Chicago Press 2008) 56. Henceforth, "*LSTTH*." In the passage, which I will not quote here, Schmitt reviews Hobbes's interpretation on kings performing miracles and a distinction he makes between public and private belief. The very distinction between the two already leads, Schmitt thinks, to the primacy of the private over the public, given the infinite importance of one's own salvation.

[222] *LSTTH* 74.

[223] Compare with *CT* 202-4, in which Schmitt describes the *Rechtsstaat* as instituting a legal order focusing on rights for the individual, which is in principle unlimited, and the state, which is in principle limited. This order decays when those individual negative freedoms become supplanted with the power to form associations and collaborate with others in groups, which stand opposed to other groups. Which is to say, the freedom to association is essentially what is destructive in liberalism, because it leads to a kind of factionalism that tears the state apart. In chapter 3, I will disagree with Schmitt on this point, and while I think the freedom of association is a threat, I think it is a necessary one. Ultimately, I agree with James Madison that the threat of factionalism is can be mitigated, not prevented, although I am somewhat more pessimistic about the long-term prospects for success on that front.

4.2.3 Identity, Unity, and Sovereignty

Against the social groups and private interests that threaten the state, Schmitt is interested in preserving—or recognizing the necessity—of a concept of sovereignty. Schmitt defines the sovereign as "he who decides on the exception."[224] By this concept, he does not have in mind a mere abstraction or a mysterious power, substance, or identity that Mueller (among others) attributes to constituent power and 'the people.' The problem of sovereignty is concrete. He writes,

> What is argued about is the concrete application, and that means who decides in a situation of conflict what constitutes the public interest or interest of the state, public safety and order, *le salut* public, and so on. The exception, which is not codified in the existing legal order, can at best be characterized as a case of extreme peril, a danger to the existence of the state, or the like.[225]

Schmitt's idea, stemming from the right of an autonomous being to exist and maintain that existence, is that while norms are 'good,' they do not make, interpret, enforce, or protect themselves. Laws need a 'who' to do that work, to 'live the law,' as it were, and the sovereign authority to do this work is not itself governed by any higher legal norm or procedure. To say that sovereignty is subject to some kind of norm or procedure would be to transform autonomy to heteronomy. Moreover, any community built solely on the words of justice without the swords to defend it is not long for this world (to recapitulate the Hobbesian terms).[226]

Schmitt, like other commentators, associates the particular 'who' of the sovereign with constituent power. For the most part, constituent power functions invisibly and in

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[224] *PT* 5.
[225] *PT* 6.
[226] Arendt notes the tendency of the power of the many to abolish the authority of laws in *OR* 142.

accordance with norms, i.e., it does not appear in a form distinct from the institutions and laws it constituted. Schmitt's argument about the exception points out that sovereignty becomes visibly expressed by a particular representative in moments of crisis. We might have an idea that 'the people' is the constituent power of our democracy, and in moments of crisis, the president expresses the will of the people in a sovereign decision to resolve the crisis. We have already seen his comments about a form of existence being under threat—and thereby a political unity has the right to fight some out-group (whether another political unity or not)—but a couple brief examples bear mentioning. First, in *Dictatorship*, Schmitt introduces the idea of a state of siege as a kind of model or starting point for understanding the state of exception.[227] There, he claims that there are moments when an existential danger is present, in the form of an invading army laying siege to one's territory, and we need a concrete person or power to be able to respond to that danger quickly, and the responding power has the authority of command over members of the group.[228] Second, Schmitt is concerned throughout his oeuvre with the condition of political deadlock and factionalism. When parties are fighting over control of the government apparatus, the crisis is not just a matter of mechanisms being eroded or the imbalancing of a large machine; it is an existential crisis where the existence of the people is at stake. Sovereignty, in its concrete expression, would be able to suspend, limit, or eliminate the factions whose fight threatens the unity of the state. In this kind of

[227] Carl Schmitt, *Dictatorship*, Michael Hoelzl & Graham Ward (trans.), (Cambridge; Polity Pres 2014) 151.
[228] His concept of dictatorship can be either commissarial, in which case the sovereign assigns someone the power to suspend legal norms usually for a limited period of time for a specific purpose, or the sovereign itself can act as a dictator, which Schmitt seems to view with some distrust.

crisis, sovereignty appears to be opposed to social groupings, entitled to expel or eliminate them; and it is the same kind of justification populists use in their campaigns against an elite.

Insofar as sovereignty is an issue of who concretely decides on the exception and is responsible for preserving the existence of the people, it is an issue of control. That is, sovereignty is a matter of who is in a position of who can give the commands to achieve a pre-given end (in the most appealing circumstances, the end of self-preservation).[229] The problem with factionalism is that partial interests and groups are attempting to fight for control over the whole, not for the sake of preserving it, but for their own ends. As the democratic whole fractures and dissolves, each social group, the party, become new political unities competing for the control of the shared resources of all parties. The ideal of competitive democracy is of control, not autonomy. One need not over-indulge in cynicism to see that domestic politics in the U.S. tend toward this logic, in which Democrats and Republicans insist on their own identities against each other more than any shared citizenship, shared projects, or cooperative ideal.[230]

If we assume that 'the people' is the constituent power of a democracy, then it expresses its sovereignty in exerting control in a particular situation, reliably producing a pre-given end. The notion of a predictable end to be achieved mirrors our discussion of mechanistic ends set for constituted power in the first chapter, and this discussion

[229] Self-preservation being the genuine basis of both Hobbes's leviathan and Schmitt's dictatorship.

[230] In the months following November 2016, Democratic spokespeople insisted that the important project for their constituencies would be to insist on their usual platform agenda such as passing gun control, i.e., Democratic voters should stick ever more thoroughly to their Democratic identity.

suggests that constituted power is an instrument of producing the 'goods' that constituent power recognizes as desirable ends. One can easily make the inference that a people can more powerfully achieve its ends, pursue its interests, i.e., realize its freedom, the more purely it can maintain its identity, since heterogeneity is liable to give rise to faction.

While many critics of populism who draw on Schmitt (e.g., Mueller and Abts and Rummens) associate him with a kind of nationalism, my reading of Schmitt understands his notion of sovereignty as ambiguously rooted in a notion of autonomy, sometimes tending toward a notion of control and 'the nation.' Nevertheless, there seems to me something worth preserving in a notion of democratic identity and the institution of borders, if only for the sake of limiting who can participate in a given set of constituted powers. It seems to me politically suicidal to say that anyone can participate in the U.S. presidential (or any other) elections; just imagine if Putin was allowed to advertise for a candidate of his choice or even to vote. If a democracy is to exist, it must have borders of some sort, hopefully, ones not established on the basis of xenophobia and racism.

To be sure, the practice of maintaining political borders often goes awry and leads to injustice and cruelty. I take it that detention centers at the border and dehumanizing treatment of (both legal and illegal) immigrants presents a genuine crisis. The crisis, though, has multiple dimensions, only one of which tends to be recognized. There is a *human crisis* that every Left-leaning critic grasps easily, namely, that human beings are being treated in a cruel, dehumanizing fashion; no human should be treated in such a way. But there is a *political crisis*, too. Detained immigrants are well on their way to becoming superfluous in the same meaning as those minority populations created under the expanding nation-state principle. Their superfluousness is not an economic issue; it

does not reduce to a matter of some individuals not being free to change their location or pursue a better socio-economic life. To be superfluous entails means to have no one to whom your opinions are significant, to have no place to belong, and to be met without care or respect—although a superfluous person might still be met with a cold, procedural politeness. It is a political, not an economic phenomenon.

Our question is about 'who' participates in sovereignty, and our analysis of constituent power in a democratic context has led us to a notion of 'identification' which seems to slip between sociological and political elements (the former being a matter of similarity between individuals, the latter being a matter of actively doing something in a concrete context). To better understand this slippage, I turn our attention to the democratic tradition and Rousseau.

4.3 The Problem with Homogeneous Identity

Infamously, populist leaders constantly invoke the rhetoric of 'the people,' and they claim that by electing the singular leader of the populist movement, the people will have reclaimed its sovereignty from government elites and private interests. Critics of populism have remained unpersuaded and have noted that 'popular sovereignty' for populists usually equates to the seizure of democratic institutions by a small portion of the population and an erosion of de-centralized governing mechanisms.[231] In this subsection, I will address how the populist seizure of public power reflects wider thinking about the constituency of populist leaders.

[231] Abts and Rummens, Roberts, Urbinati, Werner-Mueller, etc.

I will start with a brief review of the general features that scholars identify in populism. First, populism characterizes itself as a movement of 'the people' against an elite whose positions in power have allowed them to pursue their own narrow interests at the expense of common folk.[232] One can see this feature exemplified in calls to 'drain the swamp,' by Trump. Antagonism toward an established elite gets specified in surprisingly different ways, which has left scholars struggling to explain how a single list of features could cover so many phenomena. Abts and Rummens, for instance, handle the generic nature of populist antagonism by insisting that populism is a 'thin-ideology' that can be coupled with radically different normative frameworks. In Left-populism, the elite is often simply the wealthy, and the people is the set of all disenfranchised or marginalized groups.[233] In Right-populism, the elite are both parasitical in themselves and also work for the interest of foreigners, globalization, etc.[234] Liberal critics of populism like Abts and Rummens and Werner-Mueller tend to care less about this distinction. They worry more about groups struggling for political power while decreasing institutional mediation

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[232] This characterization of populism is even true for Jacques Ranciere, who takes a somewhat deflationary view of populism. He takes it that the real exclusion and racism associated with Right-leaning populism takes place through subtle workplace discrimination and state policy. The implication of his article seems to be that worry about racism endemic to populism is taking the easy route, and we ought to be more concerned with the everyday doing of racism and not simply the rhetoric of it. Jacques Ranciere, "The Populism that Is Not to Be Found," from *What Is a People?* (New York: Columbia University Press 2016) 102-3.

[233] This is at least true for Mouffe and Laclau who want to set all 'demands' for freedom and equality (from feminism, critical race studies, etc.) alongside economic demands.

[234] Trump is a good example of Right-wing populism. "Sleepy Joe Biden" is not only a self-serving liberal, a condescending, 'elite,' but is also a globalist who will not put American interests first. Moreover, Biden is seeking to help BLM terrorists take over the country, to aid critical race theory taking over the state department, etc. Or in other words, populists overdetermine the extent to which their electoral opponents are 'outsiders.' They are too partial but too global, too self-serving but too helpful to people who do not deserve help.

for such struggles. Whether the group is Left or Right is immaterial. Meanwhile, Leftist critics of liberalism take the distinction more seriously, since they want to part both with liberalism as well as Right-wing populism. For my own part, I take it that all these positions—liberal, Left-populism, and Right-populism—share the same basic concepts but in different while nevertheless unsatisfactory configurations. I will revisit this point at the end of the chapter.

The second characteristic of populism is an attempt to restore popular sovereignty, which on Abts and Rummens's reading, means that populists think that legitimate politics is

> based on the immediate expression of the general will of the people. . . Populist democracies can be understood as an attempt to achieve an immediate identity of governed and governing. The immediate expression of the will of the people consists in the people pursuing its interests, whatever those interests may be. Even when populist leaders do not set up referendums or plebiscites, they can still claim to restore popular sovereignty insofar as populists claim to present and proclaim, not to represent, the essentialist will of the people.[235]

We see here a notion of mass-mobilization of the people, but also of the singularity of leadership—one leader stands in for the people and one leader fights for said people.

Finally, populism takes the people to be a homogeneous unity. Abts and Rummens write, "The people are united and indivisible, fully formed, self-aware and identifiable by the majority of numbers."[236] This transparency allows the closure of the question of the identity of the people; it is taken to be clear who a member of the people

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[235] "PvD" 408. I think Abts and Rummens oversimplify this point insofar as populists at least make a claim to fostering popular sovereignty and abide by the results of elections, even if they attack some of the institutions that make the exercise of public freedom possible. The 'presentation' v 'representation' issue will be clarified in our discussion of Schmitt in section 2.

[236] "PvD" 408.

is and who is not. The wording of this feature of populism is somewhat varied and includes a describing the populist people as 'homogeneous,' 'anti-pluralist,' or 'exclusionary.'[237] Taking the identity of the people to be self-evident and closed, is the most important feature of populism since it demonstrates populism's antagonism toward plurality. Further, it is this simple, evident picture of the people that animates populism; it is an essential part of why people become populist supporters, and my analysis later in the chapter will contribute to understanding this drive and its potency. As Claude Lefort points out, such a closure is partly constitutive of the logic of totalitarianism, as it expresses who the true humans are and who the subhuman parasites to be exterminated are.

Having reviewed the general features of populism, I will now focus on its anti-pluralist character. Populism is not alone in conceiving a political community in anti-pluralist terms, and some clarification is in order to distinguish a positive notion of the people in need of interpretation from anti-pluralist, already 'interpreted' notions of the people. I will call 'the people' the collective entity associated with democracy that must be interpreted and whose meanings are varied, which I will retain as a positive phenomenon. I will call the more determinate pictures of a people as deployed in populism, fascism, etc., 'the nation.'[238] I will draw on and extend Arendt's usage of the term, since the nation—as an already interpreted collective—has a closure of its identity, most often in terms of a

[237] For instance, see Mueller *WIP* 3, where he calls populism 'anti-pluralist.'
[238] Populism, fascism, and nationalism are distinguished by way of other features, but they nevertheless share a kind of family resemblance, and interpreting the political community as a nation is one of their more conspicuous shared features.

connectedness to a given territory. She addresses the term in several places, but perhaps most clearly in her description of the nation-state:

> The European Nation-state, which has received the inheritance of absolutism, rests on the trinity of the people, territory, and the state. First among its requirements, which are by no means self-evident, is a historically pre-existing territory associated with a particular people. . . . The second fundamental requirement for a Western nation-state—which is to say, primarily and perhaps even exclusively, a nation-state in the French mold—is that only members of the same people live on the national territory, and that ideally all members of this nation live on this territory.[239]

That connection to the territory is what is responsible for constituting the people as a nation, or in other words, a nation is unified by virtue of its 'natural' connection to the land and not by virtue of something the community freely performs.[240] While Arendt uses 'the nation' in a narrow sense of a people determined by its connection to a given territory, I extend the use of the term to cover any kind of social or factical

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[239] Hannah Arendt, "Nation State and Democracy," from Hannah Arendt, *Thinking without a Banister: Essays in Understanding*, (New York: Schocken Books 2018) 256. Henceforth, "'N-S.'" Arendt is engaging the notion of 'nation,' as a problem of modernity and as a pre-condition for totalitarianism. The absolutist character of the nation lies in its triumph over the state and its aspiration of control over the laws in the name of sovereignty. We will return to that notion of control and the collective in the last section.

[240] Arendt clarifies the point further: "I dare say that we are all united on the point that people and nation are not identical, that there are many more peoples than nations, and that we only speak of nations when a people has a public space that belongs to it in common, in a territory that is theirs alone. In this sense, the nation is of course older than the nation-state; nations existed even in the age of absolutism. The nation-state comes into being when the nation takes possession of the state and the apparatus of government." "N-S" 257.

Abizadeh, more or less following Ernest Renan, observes that "national identity constitutively depends upon a selective and even distorted memory of past events." Arash Abizadeh, "Historical Truth, National Myths and Liberal Democracy: On the Coherence of Liberal Nationalism," *The Journal of Political Philosophy*, Vol. 12, No. 3, (2004) 291. Henceforth, "'Myth.'" I don't take the role of myth to be replacing that of territory; in fact, I imagine shared narratives of the past and territory often intersect. The sake of maintaining some measure of concision in this paper, I will merely flag the element of myth in the nation-state here without further commentary above.

determinacy.[241] Whatever the characteristic is, be it biological, territorial, ethnic, etc., it will primarily lie outside of individual activity, i.e. it will belong to the group first and the individual second, and that characteristic will be self-evident.

In sum, the populist conception of 'the people' as a nation is a threat to plurality, and insofar as populism takes place at the level of elections, it represents a threat to minorities being able to vote or to have their rights recognized. The greater worry lurking behind critiques of populism—especially the eruptions of Right-wing populism in Europe—is that populism might become radicalized and turn into totalitarianism in the same way that fascism became radicalized in Nazi Germany. This transformation from populism to totalitarianism is possible, or at least threatening, because totalitarianism was clearly built on the assumptions of the nation-state system.

Hannah Arendt's work offers an essential articulation of just this transformation, and we can see the parallels between how fascist and Bolshevik ideologies crystalized in totalitarian regimes and how populism might develop. The conception of the 'nation' and its foundational role in organizing states was, in Arendt's analysis, a necessary precondition for totalitarianism and ultimately helped energize the transformation it made possible. The idea of the nation-state was taken as an organization principle and held that government should be controlled by and in the interest of the nation—taken as a distinct group with some tie to a territory and often shared ethnic characteristics. In the wake of WWI, states were created in nationally/ethnically diverse regions according to the nation-

[241] Abizadeh is interested in the notion of 'myth' but not as a positive constituent of a nation, but rather as a kind of lie or delusion in need of critique. He also thinks that ultimately, all kinds of nationalism, no matter the myth, collapses into an ethnic nationalism in practice, which is to say, all nationalism is basically racism.

state principle, which previously had been limited to those states with a "homogeneity of population and rootedness in the soil."[242] The result was not that everyone endorsed a shared bureaucracy or government, but rather, "the nationally frustrated population was firmly convinced—as was everybody else—that true freedom, true emancipation, and true popular sovereignty could be attained only with full national emancipation, that people without their own national government were deprived of human rights."[243] In short, while some regions may have been suited for instituting a nation-state, setting up 'democratic' states in nationally/ethnically diverse regions drawing on the notion of national sovereignty led to alienated minorities who could not meaningfully engage in acts of sovereignty or power. With this shared presumption about nationality, de-nationalization and other such techniques of expulsion became a major weapon in the arsenal of totalitarian governments. Before Nazi Germany could effectively deport, place in concentration camps, or exterminate its Jewish citizens, it had to de-nationalize them and legally designate them as an alien population. Genocidal de-humanization occurs through a systematic process of stripping away communal belonging before terminating in murder.

De-humanizing large groups of people was not the explicit goal of totalitarian movements, rather, it was the means by which totalitarian regimes made their ideologies reality, which in turn only received their initial plausibility from the existence of superfluous people. The spread of the nation-state system was the first step in the creation of superfluous persons—people who did not belong anywhere or to anyone, whose

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[242] Hannah Arendt, *The Origins of Totalitarianism*, (New York: Harcourt Inc. 1994) 270. Henceforth, "*OT*."
[243] *OT* 272.

political opinions were utterly impotent, whose freedom and interests were simply detritus to the administration of state apparatuses. Genocide could only appear as a *solution* once masses of people had been made superfluous. At this point, we should observe Arendt's remarks on the change of meaning of the state during the rise of totalitarianism. She writes,

> They thereby admitted—and were quickly given the opportunity to prove it practically with the rise of stateless people—that the transformation of the state from an instrument of the law into an instrument of the nation had been completed; the nation had conquered the state, national interest had priority over law long before Hitler could pronounce 'right is what is good for the German people.'[244]

Arendt rightly points out that totalitarianism was quick to make a weapon of accelerating the growth of superfluous people so that they could be a burden in need of being solved; but totalitarianism was not so creative that it invented this tactic *ex nihilo*. Totalitarianism took a problem from the nation-state system, the existence of minority groups within a system of national sovereignty and made it the mass-manufactured fuel for its genocidal project.

The perspective of the nation-state system took the view that it was the nation's right to wield the state; and the national interest defined 'right,' which justified its action against superfluous persons.[245] Thus, at least implicitly, both nationalism and totalitarianism have the notion of a nation as an individual thing with an interest and the right to pursue that interest, which is a project that is all the more secured the more other

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[244] *OT* 275

[245] The proto-totalitarian view becomes totalitarian when all persons, regardless of group membership, become superfluous. Genuine totalitarianism requires an ideology with a logic that transcends human action, such as a 'necessary movement of history" for Stalinist totalitarianism and 'race struggle' for the Nazi variant.

groups or forces do not interfere. Populism seems to be swimming in the wake of that conception of the nation, with the chilling parallel that Right-wing populism seems to gain strength in states with immigration crises and the existence of precarious minorities.

4.4 The Democratic Tradition and the General Will

Earlier, I distinguished between social identification—by which people may form into a group akin to a nation—and political identification. Political identification is a principle contrasted with and complimentary of the principle of representation, but its meaning was unclear. Often, for Schmitt, it seemed to devolve into social identification, which would then lead to the same kind of anti-pluralism associated with populism. The goal in this section is to gain a preliminary sense of how political identification might work without degenerating into 'a nation.' I turn to passages in Rousseau to do this work, with the caveat that Rousseau has some of the same ambiguities as Schmitt. Nevertheless, I hope to show two features of political identification derived from Rousseau's notion of the general will. First, the general will only deals with general, reciprocal relations that are in principle non-representable because they are active throughout the body politic. Thus, for instance, a populist leader's concrete decisions could not be representative of the general will. Second, if people are excluded from a democracy's political identity, it is based on willing, of not sharing a general, free commitment to the community. Political exclusion does not take place on the basis of any 'natural' or social determinacy.

With those two goals in mind, I redirect our attention to the notion of democratic sovereignty and its tension with populism. Margaret Canovan rightly points to populism as a kind of exploitation of the redemptive promise of the democracy, namely, the

promise that we are in charge in of our own fates. [246] The democratic promise is, to put it simply, the promise of popular sovereignty, set against the sovereignty of a monarch or a technocratic class. While democracy does not make any individual a sovereign citizen, it does promise that the political community, *qua* collective, can be politically autonomous. The democratic promise, like the people itself, is ambiguous. On one reading, to be in charge of one's destiny is to have a kind of absolute control over it, as though it were Lockean property that one could use, abuse, or alienate. This is populist interpretation. But the redemptive promise might be a kind of taking responsibility or active engagement with one's destiny that is not tied to producing pre-given, concrete ends. Thus, we see the same kind of ambiguity expressed in the notion of the people/nation, in the notion of sovereignty as control or responsibility, and in the notion of sociological/political homogeneity. It is with this set of two-fold possibilities in mind that we look at the most famous articulation of democracy's promise of redemption.

4.4.1 The Individual and the Collective

For many critics of populism drawing from the liberal tradition, Rousseau plays the part of a thinker articulating democratic thought gone wrong, since he seems to articulate a justification for the tyranny of the collective against individuals. Or in other words, Rousseau seems to lionize a kind of holistic anti-pluralism. We will start, then, with the most alarming passages in Rousseau. There is perhaps no passage more illiberal than the one about the political community forcing the individual to be free. Rousseau writes,

[246] Margaret Canovan in "Trust the People! Populism and the Two Faces of Democracy," *Political Studies*, XLVII (1999) 11. Henceforth "TtP".

> Hence for the social compact not to be an empty formula, it tacitly includes the following engagement which alone can give force to the rest, that whoever refuses to obey the general will shall be constrained to do so by the entire body: which means nothing other than that he shall be forced to be free . . .”[247]

It appears that Rousseau encourages an unrestricted despotism of the collective, to which he grants the authority to erase all personal independence and individuality to the people as a collective. Arendt reads him this way and makes the claim the general will/interest distinguishes itself only by virtue of its opposition to private wills/interests.[248] Still, the seemingly aporetic phrase, “forced to be free” is by no means self-evident, and thus I will attempt to interpret it in the ‘positive’ interpretation. First, we will need some more context, both in terms of the negative and positive trends in Rousseau.

For Rousseau, an individual within the body politic does not just give up a portion of their labor time; the individual puts their entire person into the general will becoming a part of a greater whole and losing their natural independence from others. Rousseau writes, “*Each of us puts his own person and his full power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible*

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[247] He continues, “. . . for this is the condition which, by giving each Citizen to the Fatherland, guarantees him against all personal dependence; the condition which is the device and makes for the operation of the political machine, and alone renders legitimate civil engagements which would otherwise be absurd, tyrannical, and liable to the most enormous abuses.” Jean Jacques Rousseau, *Of the Social Contract*, from Victor Gourevitch (ed.), *The Social Contract and Other Late Political Writings*, (Cambridge: Cambridge University Press 1997) 53. Henceforth “*SC*.” It should be clear from these latter comments that something like a majority rule or competitive equilibrium would—on Rousseau’s view—be an absurdity. To claim that one is free in the midst of a conflict of wills, even a mediated one, is to champion a contradiction.

[248] *OR* 66. This notion of interests should not be confused with her brief discussion of ‘inter est’ in *HC* 182, which refers to the worldly reality in between agents and that therefore binds them together.

part of the whole."[249] From this passage, however, we should not think that Rousseau envisions the community as a hyper-conformist mass. For one thing, he thinks that a general will is difficult to achieve since it lacks natural strength. He writes,

> According to the natural order, on the contrary, the more concentrated these different wills are, the more active they grow. Thus the general will is always the weakest, the corporate will occupies the second place, and the particular will the first place of all: so that in the Government each member is first of all himself, and then Magistrate, and then citizen. A gradation that is the direct opposite of that required by the social order.[250]

As a will becomes more general, it loses its strength. Thus, Rousseau is neither enshrining an already given political unity nor is he encouraging the construction of a majority; he is writing to encourage the project of cultivating unity from disparate and competitive wills. Moreover, he clearly thinks that social life is characterized by both centripetal and centrifugal forces, and he does not think that the spirit of individualism should be eliminated outright—although he takes spirit of his time to suffer from an excess of individualism.

We should further note that the general will is not already given by nature with determinate boundaries. It arises when individuals agree to act in concert to sustain a civil life together rather than a natural life of independence.[251] Moreover, his theory precludes

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[249] *SC* 50. He seems to offer the opposite position later and notes that not every aspect of an individual person is governed by the general will. *SC* 63. He claims that sovereign power cannot exceed the limits of general conventions, and that anything left to a person from these conventions remains their own. Perhaps the two passages can be reconciled insofar as the first is a matter of principle and the radical transformation that arises from entering into civil society from a state of nature, while the latter is a matter of practice and already assumes the primacy of the first passage.

[250] *SC* 87-8, 57.

[251] Schmitt thinks that the contractual aspect is superfluous in Rousseau, and that the real insight of the democratic logic lies in the already-found identity of a homogeneous people (in the sense of a nation if not in terms of nationality). See *Crisis* 13.

thinking of the collective as an entity that stands above its parts, justified in eliminating individuals for the sake of the whole. Rousseau writes,

> As soon as this multitude is thus united in one body, one cannot injure one of the members without attacking the body, and still less can one injure the body without the members being affected. Thus duty and interest alike obligate the contracting parties to help one another, and the same men must strive to combine in this two-fold relation all the advantages attendant on it.[252]

The first key takeaway here is that membership in a political community is not just a modification or additional property given to an individual. It is a full-blown transformation that creates a new, more powerful entity, like a super-organism.[253] This transformation is not one that each person experiences auto-biographically; it marks a change in human existence that we all now inherit. It remains conceptually available to us normatively insofar as we come to be educated to be considerate of and cooperative with others, rather than to cling to our own private independence. The second is that the collective only exists with its parts, and each part belongs to the whole and expresses the general will.

4.4.2 The General Will

On the one hand, the general will can be neither alienated nor represented.[254] Thus we see Schmitt's rendition of democratic identity as distinguished from representation was accurate (although setting them as polar opposites was his own innovation). This means that the general will exists insofar as people are engaged in the

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[252] *SC* 52.
[253] As I will detail in chapter 3, I equate this transformation that arises from collective living together a transition from acting to achieve pre-given *ends* to acting to realize provisional *goals* arising from shared principles.
[254] *SC* 57.

collective work of living together. On the other hand, the general will is also general in its content, i.e., the general will is about what is general in the collective's relationship to itself. Rousseau writes, "Thus, just as a particular will cannot represent the general will, so the general will changes in nature when it has a particular object, and it cannot, being general, pronounce judgment on a particular man or fact."[255] For Rousseau, the general object here is the reciprocal submission of each individual to the same conditions and institutions, i.e., the forging of equal bonds with each other. Rousseau takes it that the general will is inoculated from being tyrannical, (a) because no one is subjecting others to conditions that they are not subjecting themselves to, and (b) the focus on general, reciprocal relations prevents specific parties from being targeted. From this point, we now have a sense of how the general will, while it involves the whole person, is not expressed in every action or decision. Particular acts still require particular wills, which is why the body politic needs to commission magistrates and other government roles. For our purposes, this means that the general will is not concerned with achieved through the production of concrete ends, i.e., it does not seem to be a matter of control.

From the preceding characterization, it may be hard to identify exactly what may count as the general will, and in fact, Rousseau might not be fully consistent. We know that the general will is something that everyone ought to will, and people who stray from doing it can only realize their freedom by participating in it. We also know it deals with the collective itself, and each individual expresses the whole and belongs to the whole without representing it. One example of the general will might be the participation of the body of citizenry with the electoral college in the United States. The particular

[255] *SC* 62.

mechanism of the electoral system is not important, and *qua* a coordinating mechanism, we the people could replace it with a different institution. There are two important features, though, namely, (1) we will the electoral college; we perform it together even when we disagree about who should be president. It is not a mechanism that exists or operates independently of our willing it, but it also is not something that can be controlled or appropriated. (2) Underlying the particular mechanism of the electoral college is the spirit of respect that each state in the union has a place and has a voice in the decision of who is to head the executive branch of government, which is the closest branch to embodying the kind of unity associated with 'the nation.' The mechanism itself, the objective system of voting, is not responsible for unifying the people, and it could be changed while still preserving the unity of the people of the United States. However, if the spirit of respect and a sense of belonging of each sub-community fades away, then the people *qua* constituent power has died. Although a state government may still persist, but it would be a machine run by bureaucrats or demagogues dominating the citizenry and not the realization of the sovereignty of the people.

In this section, I have reviewed the key passages in Rousseau that indicates how populism might be channeling his thought, especially in terms of calls to expel or eradicate minorities or differing voices. There are passages that lend themselves to thinking of the general will in terms of articulating the nation as having a singular interest that unites each member of the community in a kind of closed identity. But more importantly, I have shown an interpretation of Rousseau, perhaps under-developed or even in contradiction with the first sense, to attempt to think of a collective whose 'homogeneity' allows or even fosters a kind of internal plurality. This kind of

homogeneity is a homogeneity of freedom; it is a taking responsibility of acting together with others in inherited—but not immutable—modes of interaction. This free homogeneity avoids being anti-pluralist because (a) it cannot target groups or individuals, which would be a particular act, and (b) it is not based on any kind of social determinacy or similarity. Political identification is willed; it is not found as an independent quality or feature that transcends action. Admittedly, we will have to look beyond Rousseau for a further articulation of this sense of democracy and its *demos*, but this line of thought should help guide our search.

4.5 The Metaphor of the Interested Individual and the Problem of Pluralism

After having explored the liberal and democratic traditions and examining their notions of unity, authority, and freedom, we have a better sense of how each tradition frames its critiques as well as its goals. Liberalism rightly critiques populism's anti-pluralism but obscures any notion of collective unity. Populism, sometimes rightly, critiques the way in which representatives work on behalf of partial interests and paralyze the collective body, but it seeks to replace multiple partial interests with a single, partial self-interest. It encourages a merely social identification, which—while it presents the kind of boundary-line—it obscures the kind of political freedom that can only be robustly expressed by people who share a world but not a narrow identity. If we can set aside the mechanistic metaphor as well as metaphor of the interested individual for the community, we will be able to critique populism without falling back into the instabilities of liberalism. In the next chapter, I will offer a more robust account of how the organic metaphor lends itself to thinking of democratic unity, freedom, and authority. For now, with a notion of political identification distinguished from social identification, we can

sketch a critique of populism that does not fall back on a "quantity of votes" or "competitive equilibrium."

4.5.1 Limiting the Power of the Sovereign Representative

Often, when critiquing populism in America, people focus on Trump. They are worried about how he will abuse his power. They are worried about how other Republicans will do what he says to avoid his ire. They worry about how he deceives his supporters and spread misinformation. The idea is that, as president, he has the power, and when Biden takes office that power will be gone. This is because, implicitly perhaps, they think that the president possesses sovereign power—he is the one who decides—and moreover, this power expresses or manifests the constituent power of the people. To be sure, the president of the United States has significant powers, but such power is not constituent. It is neither unlimited nor is it sufficient to determine the behaviors of other Republican representatives. In a significant sense, constituent power rests with the people, a portion of whom are Trump's supporters, on whom many Republicans depend for their jobs, and who are quite capable of spreading conspiracy theories and fake news among themselves without the aid of the highest executive office. Nevertheless, the electoral victory of their leader is sufficient—more than sufficient—for populists to think that their candidate represents the entire people and therefore can do whatever they want. There is no conflict between the populist's private interest and the public interest because the leader and their constituency all share the same social identity.

While populists assume that absolute power rests with their candidate once he becomes president, liberal critics think that significant, but non-absolute, power rests in the office. It is something that comes into possession of whomever is elected, and abuse

of that power is prevented by other empowered representatives. This is entailed by the logic of representation, in which individuals alienate their authority, which then condenses in the representative person(s). Neither view fully takes account of constituent power, which is expressed in various mechanisms or offices, but is not captured or exhausted by them. Constituent power, in contradistinction to constituted power, is creative. It sets the general terms for particular actions. In the democratic tradition, this creative power lies in the people and cannot be alienated or entrusted to a representative.

In distinction from the usual liberal critiques, the problem with the populist leader's claim to uncontested power is not that it violates principles of equal competition, or that it fails to adequately divide power, or that it involves a belief in mysterious, non-institutionalized 'constituent power.' Rather, the problem is twofold. First, populism assumes that a representative, even a sovereign representative, is the bearer of constituent power. At least in a democracy, 'sovereign' representatives are entrusted with power from the constituent power—the people.[256] In so doing, the power that sets the terms of particular actions is itself merely one particular action. On this assumption, a populist like Trump can—and should—restructure the entire government or take whatever measures is necessary preserve American culture. The second problem is that populism claims to represent the general community with what is merely particular. General principles can be expressed through particular representatives and institutions, but not insofar as they present themselves as independent, interested individuals. To recapitulate the reasoning, the independent, interested individual is in competition with (some) others. Their very

[256] Such representatives are 'sovereign' insofar as they are responsible for and empowered to make concrete decisions. They determine particular circumstances. They are not sovereign in the sense that they are the ultimate authority.

self-sufficiency enables them to enter into such contests, which they will do whenever resources are scarce. This economic-competitive framework can allow temporary, voluntary associations, but it cannot offer a robust sense of an enduring, stable, and complete community. Such a community will have finite individuals in it, and they in turn may have partial interests, but their partiality is not what is essential and should not be what government officials primarily express. What they should express is the topic of the next chapter.

4.5.2 Populist Leadership

Earlier, I noted that Freud's analysis of group psychology was broad—broader than populism and democracy. Earlier than that, I stated that if we are to understand populist rationality, we need to be able to see how a notion of the collective self-interest squares with its aggression toward an elite as well as outsiders. I will now respond to that issue and expand upon Freud's analysis of how populist leadership works more specifically.[257] To make this analysis, I will turn to some passages from Karl Marx's "The Eighteenth Brumaire of Louis Bonaparte."[258]

In this text, Marx gives an analysis of how a thoroughly mediocre and violent figure, Louis Bonaparte, became the head of France. As we attempt an interpretation of a crucial passage, we should keep in mind that Marx's interest is not in democracy, and Louis Bonaparte was not a populist. Nevertheless, there are some parallels, which shall become clear.

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[257] This analysis can also contribute to an understanding of fascist leadership insofar as fascism sets a notion of the public interest against private interests.

[258] Karl Marx, "The Eighteenth Brumaire of Louis Bonaparte," from *The Marx-Engels Reader 2nd Edition*, Robert C. Tucker (ed.), (New York: W.W. Norton Company, Inc. 1978). Henceforth, "'Brumaire.'"

> In so far as there is merely a local interconnection among these small peasants, and the identity of their interests begets no unity, no national union and no political organisation, they do not form a class. They are consequently incapable of enforcing their class interest in their own name, whether through a parliament or through a convention. They cannot represent themselves, they must be represented. Their representative must at the same time appear as their master, as an authority over them, as an unlimited governmental power that protects them against the other classes and sends them the rain and the sunshine from above. The political influence of the small peasants, therefore, finds its final expression in the executive power subordinating society to itself.[259]

There are a number of key points here. First, the elected leader in question is not a member of the class that elected him; that is, there is no starting identificatory structure. Second, the elected leader does not identify with the other parts of society *because the leader is hostile to the parts of society as parts (i.e., to 'factions')*. This is the basis of the fascist leader's election. The leader can represent the whole by not being identical to any part. Bonaparte gets his support because he has the same enemies as his supporters, and he was able to play this role for several groups simultaneously. The positive, collective self-interest of the peasants is not the basis of unity—by themselves they are unorganized—but by taking Bonaparte as their leader, their collective interest lies in hurting the interests of other groups. A perversion of the notion of self-interest, to be sure, but a perversion made possible by the fact that a shared interest is not an essential feature of self-organization.

If this preliminary analysis is right, then the populist leader must represent the whole people (not a part) and does so through hostility to the parts, often with rhetoric about special interests or parasites that taken hold of the people. What are we to make of identification, then, if the peasants and Bonaparte are not from the same social class or appear to have limited similarities? Identification here is vicarious, 'ideal' phenomenon.

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[259] "Brumaire" 608.

In belonging to 'the people' of a populist regime, one experiences the power of an aggressive leader over enemy groups in the same way a reader might experience the triumphs of a fictional character in an entertaining novel or movie over 'the bad guys.' While this psychological/ideal identification has no roots in shared material interests (which means for Marx, it is merely ideological and regressive/conservative), it is nevertheless quite powerful, especially for individuals who had not experienced a position of power (or had experienced a position of power long ago and want to return to it). Moreover, it is made all the more powerful by its adoption of the rhetoric of self-interest but vacated of any determinate content beyond its hostility toward apparent competitors. Populism only increases its hold on the imagination of its supporters when the populist leader provides isolated, short-term boons, such as when Trump gave Christian conservatives the supreme court, repealed regulation that made truck driving more profitable, and issued tariffs on various goods (even on goods that we get from our allies). Populism provides a 'sense of self' and even self-interest, but a radically simplified one.[260] The eagerness to belong to 'the people,' to belong to the winning side, to experience power—even vicariously—is a powerful drive that transforms democratic identity into populism, or even worse, fascism. But that is what happens when one assumes that democracy entails a notion of control of the government, and while liberalism may not think of the government as something that offers absolute control, it certainly offers a notion of the individual who has some private sphere of control.

[260] Robert Paxton characterizes one of the passions of fascism thusly: "An enhanced sense of identity and belonging, in which the grandeur of the group reinforces individual self-esteem." Robert O. Paxton, "The Five Stages of Fascism," *The Journal of Modern History*, Vol. 70, No. 1, (March 1998) 6.

4.5.3 The Nation as an Economic Entity

To round out my discussion of populism and its use of the metaphor of the interested individual, I want to draw attention to the inherent instability at play in populist thinking. On the one hand, populist supporters tend to be concerned with their own private self-interest in a way that excludes (all) others. We can assume this is logic of Trump putting his name on the first round of COVID-19 relief stimulus checks—assuming such an act was successful. It is the logic by which supporters that stormed the Capitol expected pardons to be given by Trump before he left office. And it is at least vaguely implied by frantic affirmation of 'individualism' against the evils of 'socialism.' This reaffirms the analysis of populist leadership given above: the populist leader maintains support by giving concrete benefits at the expense of the supporter's foes.

On the other hand, populism is rife with collectivist language. This is at least implied in populist approval of Trump's trade war with China. This is not to say that Trump's acts will be economically beneficial in the long run, or that trade is the primary measure of success between two competing powers. In fact, the international standing of the United States has fallen greatly under Trump, while China fared significantly better than us, for instance, regarding the COVID-19 response. The populist logic is that what is bad for China—the U.S. issuing tariffs—must therefore be good for the United States. On this understanding, hurting another nation's interest is sufficient evidence for proving that the action is good for the populist nation. The rhetoric about 'putting America first,' and measuring our renewed greatness in a trade war or in observing the GDP indicates that there is a vague, national interest that excludes outside powers, but it has no immediate bearing on the individual. The GDP could soar while one's wages stagnate, but this

would not necessarily have any bearing in the mind of the populist on whether what Trump is doing is good for the national interest.

Given these two sides of populist self-interest, we can see the source of instability. At one and the same time, the populist is an individualist who supporters a leader for the sake of concrete benefits that can be enjoyed in solitude while also being a collectivist who thinks who thinks there is a measure of "American" success that is not anchored to their personal situation. The populist supporter, presumably, is prone to assuming an immediate identity, in which one's own private interest simply is the national interest. But the populist is also prone to assuming that they have a vicarious (and precarious) identificatory relationship to the collective. The nation may extend beyond the populist's private sphere, but the populist sees himself in the GDP, sees himself victorious over the Chinese, sees himself liberated from 'bad deals' with Europe, even if these representations of his success have no anchor in the concrete realm. These two views on identity are opposed—one immediately enlarges the concrete, the other imagines a collective interest (potentially) opposed to the concrete—and thus the populist does not have a coherent guide for how to maximize their self-interest. My critique is not that they should become more consistent and simply reject one side of that identification; my point is that they conceive of themselves and the whole country simply as a self-interested, economic being. And the economic conceptions of the individual and community do not have a framework for how to think of a unified political body, composed of a plurality of genuinely different identities.

4.6 Conclusion

In this chapter, I analyzed how populism's metaphor for the community being an individual is rooted in liberalism's conception of the self-interested individual. When individuals are seen to be interest-pursuers and their freedom is seen to consist in a right to pursue their interests, then one belongs to a democracy either because one is regulated by the same mechanisms as others or because one's social identity gives one a right to control government mechanisms. These metaphors orient our thought about political power and freedom to be a matter of accomplishing the private ends we set for ourselves.

If democracy is founded on the principle of autonomy, then the mechanistic and individualist metaphor are not only inadequate; they are eventually self-destructive. If one's freedom consists in pursuing one's interest, then a democracy can only be either a hindrance to one's freedom or an apparatus to keep other people from being a hindrance. But mechanism is not the only understanding of government institutions; having a socially identical interest is not the only understanding community, and control is not the only understanding of freedom. From our investigations in these first two chapters, we have developed guidelines for a successful understanding democracy and identified many of the pitfalls that might plague any account.

First, a homogeneity that is anti-pluralist—that seeks to eliminate anything different—is self-destructive. This kind of homogeneity is operative in various populisms, albeit at different strengths. Second, a 'heterogeneity' that embraces everyone may not be self-destructive, but it also cannot create a collective whole. This kind of heterogeneity is expressed in liberalism, in which difference is respected only in theory and obscured in practice. Third, if we want a notion of democracy in which 'the people' is internally differentiated, we need to avoid a notion of freedom as control, which tends

to lead to the opposition of the collective against anything or anyone partial. The internal parts, however, still need to express a general will that allows for difference in dialog, that is, there needs to be an active unity and perhaps even similarity (at least in terms of commitments, if not 'natural' features). Insofar as we are thinking of the internal parts of a people, we are thinking of them as constituent power giving themselves their mode of existence, not as constituted powers in need of checks and balances. The former needs to be thought of on the basis of its cooperation, not competition. Moreover, we should expect that the internal parts are social identities insofar as everyone must grow into themselves and take on their identities over time with care and support from others, which implies the need for simple groupings of similarity. Or in other words, if a democracy can involve the difficult cooperation and harmonization of different parts on the basis of respect, it can only do so insofar as people learn to cooperate with those like themselves on the basis of love. In chapter one, I raised a question about the proper constitution of authority based on the liberal objection about authoritarianism and the Hobbesian need for authority. Across chapters one and two, I have raised the question of freedom by looking at the liberal articulation of negative freedom and the populist notion of control that stems from liberal interest. And now, from this chapter I hope to have raised the question of the constitution of the people from the unsatisfactory notions of the liberal 'majority' and the populist 'nation' and from the ambivalent notion of the general will from Rousseau. Each of these questions—about authority, about freedom, and about the constitution of the people—will receive a direct, if only provisional, response in the following chapter.

CHAPTER 5. THE ORGANIC METAPHOR FOR POLITICAL UNITY

The last two chapters explained how the mechanistic metaphor guides, often unconsciously, our thinking toward an unstable conception of democracy, oscillating between populism and liberalism. The primary concepts that are destabilized by the mechanistic metaphor are unity, authority, and freedom. In this chapter, I will introduce and explain the organic metaphor and how it can help us interpret the aforementioned three concepts. To state it provisionally, the organic metaphor conceives of the community as a 'living being,' and if we can unpack this concept of a living being, we can find out something about the constitution of a healthy body politic. Moreover, I will defend this metaphor as suitable for democracy, despite the fact that its reputation has suffered over the last century. Notably, Claude Lefort has argued that it lends itself to a totalitarian conception of power.[261]

By developing the organic metaphor, I hope to give an account of democracy in which we, as a people, have an active relationship to our democratic laws and in which a common concern for community creates a place for multiple social identities. If we were to switch from a mechanistic metaphor to an organic one, this would reorient how we conceive of various problems—including anti-pluralism and authoritarianism—such that

[261] Arendt occasionally makes similar remarks about the organic metaphor and its role in sociology. See for instance, *OR* 49-50. Strangely, she seems to use "life" in a positive sense, and I will be drawing on some passages in her oeuvre to develop the organic metaphor. For instance, in "The Crisis in Education," 184-5 Arendt speaks of the private sphere, insulated from others, as the condition both for growth as well as for a properly public realm. This is an important point not only for the organic (or "living") metaphor but also for a conception of the private sphere that is not dominated by economic necessity.

populism could be more stably diagnosed as anti-democratic. For instance, rather than focusing on balancing state machinery or adding new rules, the organic metaphor encourages to think of critique as articulating a need to replace corrupt representatives with non-corrupt ones, to reconstitute or eliminate institutions when a people outgrows them, and to foster a spirit of cooperation. In what follows, I will not be offering a systematic or complete account of democracy so much as articulating a largely forgotten framework for thinking through democratic politics and suggesting some fruitful directions for further theorizing. The major advantage of this normative account of democracy is that it sets up 'community' as a task that a people must engage it. It cannot be handled by representatives or procedures, and it is not established by any pre-political nature or characteristic.

My goal is to show how the organic metaphor, properly understood, is better for thinking about political unity, authority, and freedom than the metaphors of mechanism and the self-interested individual. This is not to say that the metaphor is without problems, and it is not to advocate for any particular ideology or normative political theory. My analysis is compatible with, for instance, communitarianism, republicanism, or even some variant of liberalism, provided their concepts are not oriented by the metaphors of mechanism and the self-interested individual. Equally, my account should offer an orientation to critique whatever elements of those theories are driven by the latter metaphors.

I have organized this chapter around the three unstable concepts: unity, authority, and freedom. While the mechanistic metaphor encourages us to think of the unity of the people either as an aggregate or by way of the same social identity, the organic metaphor

encourages us to think of unity in the sense of the project of belonging: creating a place for multiple identities. Where the mechanistic metaphor often encourages us to think of how a representative is in control of some collective functions, the organic metaphor encourages us to think of representatives as offering faces of the law. And while the mechanistic metaphor encourages us to think of freedom in terms of the ability to pursue one's self-interest—conditioned by rewards and punishments—the organic metaphor encourages us to think of freedom as maintained through forgiveness.

5.1 The Organic Metaphor and Unity

If we do not think of the political community as an aggregate mediated by a great machine or as a simple individual with a homogeneous, social identity, then how should we think of it? What gives a people its unity? The cue that democratic thinking takes—or rather, should take—from Rousseau is that a people is constituted by a common project; a people wills itself to be a whole. Such a will cannot be represented; it either exists in the activities of the whole people, or it does not exist at all. To be sure, representatives (should) also express the general will, but they are not the sole vehicle through which it is expressed. No representative can capture or possess it, and consequently, they cannot will in the place of the people. Because the general will is associated with the whole, it must permeate public life, i.e., it must be present in institutions and beyond. This non-representable, general willing is constituent power, and as constituent power, it is the normative basis for institutions which must live up to the spirit of its people. The key idea from the organic metaphor—compatible with Rousseau—is that the community is precisely a *co*-mmunity. It is a working *together* of different parts, and not a simple identity, even a formal or structural one, shared by each member. If we can better

understand what the general will is—through the organic metaphor—then we will be in a better position to understand (a) the way in which populism exploits the democratic promise and (b) what it would mean for a people to enact its freedom without merely seizing control of the government.

5.1.1 The Organic Metaphor and the People

I claimed earlier that a people constitute a unity by way of its general will—i.e., the constituent power of the people *is* the people putting itself together as one. I want to suggest that the organic metaphor invites us to think of this common project not simply as a homogenous will, but as a cooperation among differentiated organs that are dependent on that cooperation. From this schema, I want to develop the framework for a democratic framework for thinking of the general will not as exerting control over a concrete situation but as the activity of making others belong.

The organic metaphor, at its most basic level, indicates internal differentiation of the body into a system of organs. While the organs may have their own 'characteristic activity,' e.g., respiration in the lungs, the organs nevertheless must cooperate in a relatively stable way in order to preserve themselves within the whole. As Aristotle makes the point in *The Metaphysics*, organs do not form a heap of parts, and in fact, they cannot perform their characteristic activity if they do not belong to a whole body. Since our focus is on the constituent power of the people, we are thinking about groupings of the people, and not the constituted 'organs' of government, which are organs only in a secondary sense.

For our purposes, we ought not to become overly concerned with the typical arrangement and proportion of physical organs in the 'normal' body, especially since

organisms are not born with a final shape already present. Whatever the organism, its body and the organs therein ultimately grow into themselves. The metaphor goes awry when organs are viewed as static material with functions assigned to them. The proper lesson to draw from the organic metaphor is that the activity of life is affirmed even as the shape of the body changes, and life itself is co-constituted from the activities of the changing parts working together. Thus, as Hegel notes in his famous metaphor, the transformation of the acorn into the oak tree is an affirmation of the life of the whole because the oak tree fulfills the promise of the acorn even as it abolishes the acorn's form. Politically speaking, the activity of the whole maps onto the notion of the general will; each part is engaged in specific activities but also contributes to the overall project of life.

While the heart pumps blood and the lungs respirate, they both contribute to life. Unlike pumping blood and respirating, "life" is not a concrete process, at least not in the sense of being empirically transparent. But "life" is also not a taxonomical genus of which each organ is simply a specification. Life is expressed in the characteristic activities of each organ, provided such organs are working together. Orienting our thought by this cooperative notion of life, we can note that there may be multiple ways of understanding groupings within 'the people,' but only interpretations in which each group contributes to the whole is reflective of organic unity. Thus, any parsing of groups into 'good guys' and 'bad guys' should give us pause. Similarly, productive citizens and 'parasites' is problematic. Further, interpretations in which groupings are viewed as self-sufficient—and party politics tends to embody this interpretation as well as the good/bad dichotomy—do not express organic unity.

I want to suggest that the single project of "life" in the metaphor can be understood as a project of belonging. The endeavor of making people belong requires numerous acts by individuals but can only be accomplished by the wider community. Such acts constitute a community; without such welcoming interactions, there is only a set of people but no community. Arendt makes this point as a claim about "the right to belong," which she announces in conjunction with the right to have rights.[262] What she means by these phrases is that the most important feature about a system of rights, often left unarticulated, is the right to be a part of a community at all. And it is these two meta-rights about membership in a community—and not individualist, negative rights—that totalitarianism destroys in order to dehumanize. Individualist, negative rights are good, but in order for them to be real rights and not just personal preferences, they have to be recognized and collectively willed. Thus, they do not exist in isolation, but only in a community. What Arendt terms as a right in the 'right to belong' and 'the right to have rights'—possibly for rhetorical purposes—I am here framing as a kind of communal spirit, channeled in local labors in which people create and sustain groups by welcoming others. For Arendt, this activity creates a space in which individual opinions are significant because there are people who will listen to them, and rights are real because people will defend them together.

In conclusion, I am advocating the idea that the organic metaphor encourages us to think of the political body as having various social groups as organs who all—at least at times—do the labors of welcoming the other groups into the whole. This activity, a constituent power that is expressed in various ways, consists above all in actions and in

[262] *OT* 295-6.

the welcoming of other opinions. It cannot be performed primarily by elected representatives. Arendt offers a compelling argument:

> However, while it may be true that, as a device of government, only the two-party system has proved its viability and, at the same time, its capacity to guarantee constitutional liberties, it is no less true that the best it has achieved is a certain control of the rulers by those who are ruled, but that it has by no means enabled the citizen to become a 'participator' in public affairs. The most the citizen can hope for is to be 'represented', whereby it is obvious that the only thing which can be represented and delegated is interest, or the welfare of the constituents, but neither their actions nor their opinions.[263]

The point here being that no matter how much government power a representative may have, that representative cannot personally do the work of creating a space for living individuals to belong. Representatives may offer rhetoric about universal belonging, but such rhetoric rings hollow when representatives talk about a general demand for inclusiveness but do not do the work of making living individuals belong.

5.1.2 The Political Body

So far, I have outlined some general directions for interpreting the organic metaphor as a basis for political democracy. Without committing to any particular analysis of the body politic, I will offer some commentary on how the organic metaphor has informed more specific accounts of social groupings. Let us look at just a few. If one assumed that the Left/Right distinction identified complimentary sides, it would be a candidate for organic unity. Such 'halves' could not exist independently, since cutting off one side would merely create a new Left or a new Right. Moreover, for the body to function, its halves must work together. Unfortunately, in the United States, the Left and Right in political parties are currently vying for relative independence from each other

[263] *OR* 160.

and vilify the other half (rightly or wrongly). The estates system that Hegel espouses is framed explicitly as expressing organic unity. In it, various modes of life—agrarian, industrial/mercantile, bureaucratic, etc.—are all parts of a relatively self-sufficient whole, even though the parts could not exist in isolation. Arguably, the globalized economy and modern capitalist economic system have completely displaced the estates system, although we can still look to its articulation as an exemplar of political unity (even if Hegel views that system through rose-colored glasses). Identity politics might be a candidate for expressing organic unity, and there is a strong case to be made that such identities simply are the primary source for group differentiation—even more so than membership in a particular state in the United States—so it is precisely these divisions that we must understand as dependent on each other. To be sure, that is the goal of collective living together and not a given. Given that there are multiple ways of parsing social groupings within the body politic, it may be helpful to further specify the notion of social groups. Keep in mind that any 'identity' or group what-ness might qualify as a social group, but to understand the democratic potential of a group, it must involve some active organization and therefore contain an element of the political. Such a group has a recognized normative claim on an individual, demanding certain kinds of actions and prohibiting others. But these claims are relativized by the stronger claims of membership in the whole, even though this higher claim is more susceptible to disintegration or obfuscation.

Descriptively speaking, people organize into groups based in some common object of desire (interests) or some similar qualities, usually a similar appearance (broadly construed). Social identity groups are fluid, they intersect, and even apparently

large social groups may actually consist of many smaller, local identity groups. Intersecting identities may reinforce certain normative demands, but equally they may place competing demands on an individual, which in turn can constitute a genuine personal crisis. The familiar candidates for 'identity' are based in gender, sexual orientation, race, etc., but we are less focused on interpreting them as 'natural,' demographic categories and more interested in relatively organized communities precisely because they are actively engaged in shared activities.[264] Identity grouping is relatively easy to sustain and easy to get into in large part because the demands for being 'in' and the grounds for being pushed 'out' can be communicated fairly effectively and generally focus on something that one can change about oneself. Children, for instance, have an easy time grouping together based on similarity, and have an easier time caring for others that they find familiar because they are alike. It is a simple mode of grouping together, and it can never be eliminated because new generations of humans will need to associate along these simple lines.

To give an explication of this notion of grouping in its ideal form, Hegel describes the estates in roughly these terms—they are specific groupings in which a person 'is someone,' an estate is where someone finds recognition and support, and everyone can and must grow into estates, which in turn, collectively participate in the state as a whole

[264] Perhaps any characteristic people might share could be the basis of a social identity group in the way I discuss, provided people engage in consciousness-raising and instituting means of communication and interaction. As we saw earlier in Marx's analysis of Louis Bonaparte, a simple set of people *qua* isolated atoms with no class consciousness and no internal communication may constitute a 'class' without thereby having any power. This would be an example of a demographic, and such isolated individuals, instead of belonging to a partial group, are usually highly susceptible to organization by despots and totalitarians.

(in a limited sense).[265] This participation in the state is true even for the first and second estates—farmers, tradesmen, etc.—who are not the bureaucrats, experts, and officials whose vocation is state business. Thus, for Hegel, the universal is realized not through a representative group, but is rather expressed through each group—each estate—as it participates in the life and spirit of the whole community. The social identities I outlined above and which are familiar to us now are not estates—they are more fluid and intersectional, for one—and they may seem to fall short of the lofty vision Hegel sets of the estates. It is worth noting, though, that Hegel is only giving the rational structure of the estate system, any community will necessarily fall short of its ideals, just as it will still necessarily be informed by them. I wish only to suggest that if social identities are to be a source of political action, then they are responsible for doing the kind of positive political work that Hegel ascribes to the estates.

While social groups do offer a place for people to belong, their concrete acts of inclusion also entail exclusion—both by commission and omission. This is what Arendt refers to as the 'right to discrimination,' which is appropriate (in the sense of necessary and permissible) in the social realm.[266] On the one hand, it seems intuitive enough that individuals should not have to associate with people they want to avoid in their private lives. It seems tyrannical to legislate whom one must spend one's time with or whom one must be friends with. Any attempt to stamp out such social discriminations marks a

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[265] *EPR* 339-351. The estates, for Hegel, belong to the legislative moment of the state and mediate between the people and its government. Of interest is Hegel's notion that if a people is an unorganized mass, then cannot be called "a people" proper; it is only an aggregate. Thus, when thinking of the people, we must think of it in terms of its distinct, self-organizing groupings rather than anything like 'the masses.'

[266] She makes the point forcefully in Hannah Arendt, "Reflections on Little Rock," from Hannah Arendt, *Responsibility and Judgment* (New York: Schocken Books 2003) 203-6.

totalitarian turn and would constitute such a turn even if it were in the name of stamping out fascism.[267] The most familiar practical implication of this distinction is the limitation of public power—both in terms of representatives by the people and of various corporations and groupings by representatives—such that some matters are left to private individuals to make their own decisions. On the other hand, discrimination poses a problem insofar as (a) there are individuals who will not be welcomed into any social group, and (b) there spaces that seem to ambiguously be private and public, e.g., jobs, schools, etc.[268] Social groupings are a necessary fixture of public living, but the necessity of discrimination makes it relatively unstable, and sometimes unjust.

No matter how people decide to discriminate in their personal and social lives—and we should expect that there is no problem free route in navigating those decisions—those particular groupings will play out in a context of more general cooperation. This takes us from the organic idea of organs to the idea of the life of the whole. Group identifications require discrimination, which helps to give content to intersubjective norms and desires, but these must be relative in the face of belonging to a wider community, in which issues of discrimination and social group membership are

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[267] Carl Schmitt identifies two kinds of 'total state,' the quantitative and the qualitative. The quantitative total state makes its public power responsive to all social demands from all private parties, provided sufficient votes are given. He associates this with an unrestricted liberalism, which he takes to be indecisive and unstable precisely because it is the 'procedure' (a characteristic feature of most liberalisms) that could be used to abolish things like the recognition of individual rights (another feature of most liberalisms). Thus, there is a kind of totalitarianism that accompanies liberal proceduralism—assuming the liberalism in question is about democratic procedure. See *L&L* 91-3 for a clear account of the quantitative total state and its instability.

[268] It is on issues like these that Arendt seems to be least helpful, although I argue her position in the case of education is more insightful than usually credited. See Daniel Cole, "A Defense of Arendt's 'Reflections on Little Rock,'" *Philosophical Topics*, Vol. 39, No. 2, (Fall 2011) esp. 29-30. Henceforth, "'DRLR.'"

presupposed and displaced by issues pertaining to a common world. I take it this is the positive reading of Schmitt's political concept of 'friend,' that is, members of the same state with whom one must cooperate for the sake of maintaining their mode of intersubjective existence.[269] This public spiritedness will consist of some open-ended, democratic principles shared by the various groups, and a willingness to cooperate with members of those groups. One should expect this attitude of meta-belonging from citizens who have reached the age of maturity, but it is not something that can be regulated or enforced. It is an attitude that must be cultivated within various social groupings as well as in the family. This spirit of public belonging is, politically, more basic than any laws or concrete institutions; I contend that it is the properly interpreted constituent power of a democracy. In that sense, this public-spiritedness, expressed in countless local, non-institutional acts by the citizens and hopefully further embodied in institutions, is the main component of a good democracy. It is the power of welcoming others, of creating a place for them to belong, that a political body is unified. It is also demanding, and members who enact this attitude of making others belong in the public sphere will have to return to private sphere to rest. When these conditions of public-spiritedness do not obtain, social groups may share a technical administration, which may be economically benevolent, but that shared administration creates no space for public freedom and has no need for public spiritedness.[270]

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[269] See *Concept* 32-5. Much of the work is devoted to the enemy and distinguishing it from the foe. I am reading the notion of the friend in conjunction with his claim about the state making other statuses relative in relation to membership in the state.

[270] Compare to *L&L* 28-31 in which Schmitt argues that when democratic power is divided, it necessarily gives rise to a competitive despotism. Note that while I share Schmitt's wariness of a merely technical administration with quantitative procedures for

5.1.3 Populism and Organic Unity

From the foregoing discussion of belonging, it should be clear that populism runs contrary to the organic metaphor for political unity. There are two, related reasons for this. First, populism generally involves a kind of self-deceit about the source of community. It generally takes political unity to be a matter of sharing some feature that pre-exists the community, e.g., membership in a biological/natural grouping like or ethnicity. Second, populists do not view community as a labor or activity; they view it only in terms of self-interest either directly or by analogy.

Speaking to the first point, despite the great variety of populists, they virtually always have some sense of a 'pre-political' unity, i.e., some sense of a shared identity that subsists underneath the government. This identity can be more or less vague and more or less coherent, and can include a race, an ethnicity, or a nationality. To be sure, there are other bases for imagining a community, such as a religion or a socio-economic class. Such a pre-political identity is not intrinsically populist and may not even be problematic. However, such identities can be politicized in such a way that they seek to eliminate the representation of any apparently heterogeneous interest. Some identities seem better primed for becoming populist, and most of the ones that we have seen (even outside of the United States) make reference to a race or a nation. The reason that religion and social class are unlikely to generate populism is because they are not 'natural.' First, they have requirements for their members and thus imply a kind of activity; membership

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voting, I differ somewhat on the conditions for principled democratic practices, largely because I am addressing constituent power directly. Schmitt notes the indivisibility of constituent power—i.e., the general will in modern democracies—and from that indivisibility, he seems to infer no further explanation is possible. My approach, as evidenced by the earlier section, more closely follows Hegel's.

cannot be safely assumed. Second, there is a better articulated, distinctive identity of the group, which in turn helps to determine the specific normative demands the group makes of its members. Such an identity serves to distinguish their collective from other groupings as well as assure each member of some shared similarity, and consequently, these identities are not as likely to mistake themselves for 'The Identity' of 'The People.' As an example, I think it is easier for white supremacists to think of 'white' as 'The Master Race,' capable of subsisting on its own, in a way that most contemporary Christians do not assume that their particular sect of Christianity is 'The Religion.' We can conclude that populism, then, relies on thinking of the collective as a natural set rather than (a) an aggregate (liberalism) or (b) a cooperative system of differentiated parts (organic metaphor).

Following from the idea of the people as a 'natural' set, populists view their membership in the community as automatic, unquestionable, and defined by collective self-interest.[271] Self-interest, whether for the individual or the collective, is essentially private. It can guide action even in radical isolation. Consequently, populists virtually always identify their own individual interest with the collective interest. The organic

[271] Even United States populism, for as much as it hates socialism, has a notion of collective self-interest, even if that notion of self-interest is occasionally economic, occasionally religious, and virtually always vague. This is evident not only in the "America first" rhetoric, but also in the 'refutations' of socialism and communism. More specifically, an oft-repeated argument against such modes of collectivism (and in favor of 'individualism') is simply that communism does not work, as evidenced by the USSR. The implication is that it would be economically bad for the collective to try a different principle of organization. It seems to me that the threat of self-destruction through socialism plays a more prominent role in the American Right than any possible threats posed by specific policies, e.g., ACA, Medicare for all, etc. Of course, the general threat can be strengthened by a desire to not have any of one's private tax dollars go to helping another person. Conflating looking out for one's private interest with looking out for the collective interest is easy when the collective simply is a private interest writ-large.

metaphor, by contrast, encourages us to think of our own belonging—even our group belonging—as partial. And what is private or partial cannot be identical with the whole.

The organic metaphor, interpreted along the lines I have offered here, offers us a way to critique populism's anti-pluralism. The problem is not so much a violation of the division of power, or of checks and balances, or even of the dignity of the individual. Rather, the problem is that populists think that only they belong, and they need not change or adjust to the world in order to retain their membership in the political community. The organic metaphor, by contrast, invites us to think that community membership requires quite a lot from us. Namely, that we can only exist by cooperating with others who are not like us, and that this cooperation involves an ever-renewable task of welcoming others into the collective. Such labors of belonging are not procedural or automatic; they require listening and treating the opinions of others as significant, as potentially world-shaping, and as having a place in the public discourse. As a complement to this requirement of welcoming others, there is a requirement that every group foster the same collective principles and respect for shared institutions. Importantly, shared principles and institutions are 'active,' non-natural, and public, making them dissimilar from a notion of collective self-interest.

5.2 The Organic Metaphor and Authority

I turn now to how to the organic metaphor can help us think about authority. As we examine this notion, it will be helpful to keep in mind that we are concerned with the legitimacy of constituted powers, and more specifically, with representatives. Where the previous section analyzed the activity of the whole collective, here we are interested in situating the activity of representatives within the whole. The mechanistic metaphor may

encourage us to think of a centralized control center or a master-lever that sets the gears in motion, the organic metaphor encourages us to think of representatives as a system that orients the body while presenting a face to the external world. My contention is that representative authority is not primarily a matter of controlling concrete situations (although dealing with concrete circumstances is necessarily a part of what they do) so much as relating a people to its laws. This is accomplished through (a) an articulation of general principles in concrete situations, and (b) giving voice to a specific perspective on the shared law (which implies the need for multiple representatives).

5.2.1 Representation and Mechanism

The mechanistic metaphor can direct the notion of authority in a couple of ways. With a populist interpretation, authority is the possession of a single representative, whose actions are unrestricted. In the more traditionally liberal interpretation, the authority lies within the mechanism itself by virtue of some formal criteria, e.g., in a government that is constructed according to the requirement for checks and balances. While we may find the former interpretation abhorrent, or at least risky, it remains a possibility—even a tendency—in a liberal democracy because institutions are created to act, and a system of vigorous (and equal) checks tends toward inaction. Thus liberal-democratic institutions continually lend themselves to bouts of populism under conditions of ineffective or inefficient institutions, bureaucratic red tape, and partisan stalemate.[272]

[272] This corresponds roughly to what Kenneth Roberts calls the various crises, which we have referenced earlier. See "PPD," 291-5. I will add that if people feel personally frustrated, and they also have an instrumental, interest-based orientation toward representatives, they may be more willing to take up a populist attitude regardless of representatives' performance.

If we attempt to allow the organic metaphor to guide our thinking about representative authority, we may still be tempted by a mechanistic interpretation. More specifically, we might be tempted to think of representatives—or at least a sovereign representative—as 'the brain' of the body politic. As we will see later, Claude Lefort associates the organic metaphor with the populist/totalitarian-mechanistic interpretation, wherein the representative leader seizes total control over the body politic. Such a conflation of mechanism and organism is premised on the assumption that the body is a system of mechanisms, and the brain sits atop it, setting all parts into motion. Instead of situating each part within a whole, each part is instead subordinated to one, supreme part.

Clearly, then, simply adopting an image of the organism will not do our thinking for us; we must conceptually work through the metaphor to preserve it. There are a few reasons to resist the temptation to focus on our presumed understanding of 'the brain.' The first is that by subordinating each organ to a single organ, we obscure the general project of 'life' that was discussed in the previous section. 'Life' implies that every organ—the brain included—must perform its characteristic activity so that the others may perform theirs, and none can perform its activity in isolation. In this way, each organ expresses the whole. But when every organ is subordinated to one organ, each organ's activity becomes an expression of that highest organ's will. Such organs do not have a 'characteristic activity;' they have an assigned function. They are peculiarly shaped cogs. Second, by interpreting the brain as the 'control center,' we would be committing to a notion of freedom as control discussed in the last chapter, one which absolutely exclusive (fewer people yields more control. Such a notion would undemocratically imply that only the representative—and not the constituency—is free.

5.2.2 The Organic Metaphor and Representation

I suggest that the organic metaphor invites us to think less of an internal control mechanism—the brain—and more about 'the head,' which orients action and gives the whole organism a face. From this basic imagery, we should understand constituted power in two, complementary ways. First, representatives have the authority to make the law concrete—taking general principles and specifying them into the determinate shape of laws, on one hand, and then enforcing the laws, on the other. Consider this a kind of orientation for the actions of the body, rather than the sole locus of public action. Such concrete laws do not simply control behaviors through fear of punishment, they channel and coordinate action. Or in other words, enforcing the law is not simply a matter of forcing people to act in a certain way or avoid a certain behavior. Rather, legislation opens a horizon of action and enforcement preserves that opening. Second, in taking our point of departure from 'the head' rather than brain, we can imagine representatives as the faces of the law, offering points of identification in the handling of matters of public concern. Importantly, while the laws for democracy may be singular, a healthy democracy requires a multiplicity of representatives. This is unrelated to the rationalistic assumptions of liberalism[273] and is neither a matter of checks and balances nor a rationalism that is supposed to produce truth.[274] The multiplicity is for the sake of recognizing the multiple perspectives toward the same laws and institutions; it tempers

[273] See Schmitt's *Crisis* 39.

[274] As indicated in the section on Hobbes and authoritarianism above, such a logic of constituted powers checking each other leads to a kind of 'crabs in a bucket' scenario, in which nothing gets done. The more important check is by the constituent power, not simply another constituted power. What I mean by this is that the people needs to be able to initiate its own actions and create new institutions—and at least sometimes—eliminate or reform old institutions and laws.

the impulse to over-identify with a representative and think oneself in possession of institutions just as it helps one to relate to a set of pre-existing laws and institutions.

The first role of representative institutions, considered from the organic metaphor, invites us to think of the overall structure of the body that turns outward to the world. A political community is irreducible to one function, activity, or determinate end. It bears within it a multiplicity of these things and keeps generating them anew. The organism, then, must have a way of coordinating its different elements, and such coordination is not simply issuing commands piecemeal to each organ. Rather, a living organism—or better, a living person—directs its entire body outward to act. This requires a head with sensory organs to open a field of view (and hearing, etc.), into which the other parts of the body, e.g., the hands, may engage with the world.

Laws and institutions in a healthy democracy do not exist simply to make people behave in a set way or to follow the commands of a despot, not even a temporary one; they offer guidelines and illuminate shared principles in order to orient public action—including social activities. Within this framework, representatives and officials may have the authority to command, but that is not their primary function. Take, for example, Martin Luther King, Jr., who was not an elected representative, but certainly acted as a representative of the civil rights movement. His role was neither to command people nor to assign them a function. Rather, for those with the shared principles of freedom and equality, attuned to the racial injustice of this country, his speeches and actions clarified a shared vision of the wider community and coordinated the collective action to make that vision a reality.

While less inspiring, government officials—specifically legislators—have a similar role. Their role is not to do everything for each citizen, but to set limits to amorphous, spontaneous activity, e.g., by setting a minimum wage or requiring licenses/certifications in various jobs. In this case, the state government only sets a boundary meant to preserve shared principles while enabling actions by citizens.

To be clear, political action can take place both in government institutions and outside them. Moreover, institutions can attempt to forego (genuine) politics and simply administrate. We could expect the latter situation to occur when a people has no drive for collective action and seeks only a preservation of each member's private life. Nevertheless, in a healthy, political democracy, institutions play a necessary role. However, this is not to say that a democracy simply is its governmental institutions. Consequently, creating, dismantling, and reforming particular institutions does not necessarily imply the death of a democracy or a people. However, dismantling and reforming all institutions at once does imply a death of a democracy —or at least comes close to it.

A democratic people, to be a people, must be self-governing, which means that there must be some governmental organization. When the organization stops or changes completely, then the people has been dissolved. A people cannot realize its principles and commitments without expressing them in determinate, constituted institutions; it cannot have a political identity if that identity is not embodied in a political form. Coincidentally, we should be prepared to gauge the institutional damage done by populists not simply on how many loyalists they install in government positions, but to the extent that institutions themselves are 'gutted' or removed.

5.2.3 Temporality and Arendt's Account of Authority

As a further elaboration of representatives orienting the actions of the people, I want to suggest that representatives also act as a kind of temporal bridge between a people at different times. This claim sets my view in tension with Arendt's claims in *On Revolution* about authority and the preservation of a founding event while simultaneously drawing from Arendt's work in "What Is Authority?" Importantly, Arendt often focuses her discussion of authority on constitutional law, rather than a law-making body. The two loci of authority are nevertheless related: whatever representatives we have, their roles and powers, are going to be specified by a constitution that defines and delimits government officials. Of course, constitutions do more than that, but we need not focus on that here.

In *On Revolution*, Arendt locates a notion of constitutional authority in the past. She writes,

> The seat of power to them [the American founders] was the people, but the source of law was to become the Constitution, a written document, an endurable objective thing, which, to be sure, one could approach from many different angles and upon which one could impose many different interpretations, which one could change and amend in accordance with circumstances, but which nevertheless was never a subjective state of mind, like the will.[275]

At times in *On Revolution*, Arendt speaks of the founding of America as not only creating a government but also a people (which must be an over-statement).[276] On Arendt's

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[275] *OR* 148.

[276] Other times, her position is not so extreme. She quotes Jefferson reflecting on the Declaration of Independence, "'Neither aiming at originality of principle or sentiment, nor het copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give that expression the proper tone and spirit called for by the occasion.'" Quoted in *OR* 121.

account, it is the act of founding itself that has authority, and the people are anchored by it just as they are capable of augmenting it. The constitution may have created the American government, it did not give birth to the American people, who in large measure had already developed a consciousness of themselves as an entity independent of England. While this consciousness may have been ambiguous and indeterminate, it must be assumed that it pre-existed institutional action to make The Declaration of Independence intelligible. If we want to agree with Arendt that this document gave birth to a new body politic, we must also say that such a body was already formed; it simply had not emerged from the womb yet. In any case, both the Declaration and the constitution were a determination and an outward actualization of what was already there in the people. And the people were defined, in part, by their relationship to these documents, which only applied not to humanity, but only a narrow subset of people.[277] These documents did not create 'a one' out of an unidentified many, but rather from an already organized and relatively self-conscious many.

Locating an authoritative founding event in the past is an important part of Arendt's conception of how power is stably consolidated. As Arendt often points out, power needs to be limited by something that is itself outside of power. In "What Is Authority?" she writes,

> The source of authority in authoritarian government is always a force external and superior to its own power; it is always this source, this external force which transcends the political realm, from which the authorities derive their 'authority,' that is, their legitimacy, and against which their power can be checked.[278]

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[277] Not only did it preclude everyone who lived in Great Britain, it excluded many of the people living in the colonies, including Native Americans, African Americans, etc.
[278] Hannah Arendt, "What Is Authority?" from *Between Past and Future*, (New York: Penguin Books 2006) 97, 110.

If authority is to be effective, it must be able to check power itself, and it can do this only if it has a separate source—this temporal gap provides the distinction between the source of power, viz. the people, and authority, viz. the constitution.[279] Thus, she turns to a 'founding event' as something at the origin of political power but not reducible to it. The founding event, then, is at least quasi-natural, i.e., it is not made by the people for whom it is binding. Hegel makes a similar remark about constitutions in *Elements of the Philosophy of Right*; the constitution cannot appear as a mutable artifact.[280] But this point can simply be about how authority appears. Philosophically, authority can be interpreted as an internal complication or transformation of power. More specifically, constitutional authority is our collective agreement about some aspect of the world that we allow to determine us so that we can change other aspects of the world together.

The great advantage of this reading of Arendt's (and Hegel's) 'constitutional authority' would be a concept that marks what a people collectively renounces. The foundational laws and institutions are what a people collectively agree not to exercise power over. Philosophically—even if not recognized in practice—constitutional laws are still rooted in the people, even if it is only in the sense that they are willing to not will some 'self-evident' constitutional laws. Thus, I take it that democratic representatives are

[279] Compare to *OR* 142 in which she observes that 'only power can arrest power,' and notes the vulnerable existence of mere laws when they are opposed to power. Arendt goes on to infer that the separation of powers responds to this need to limit power by other powers. It seems to me, given her continued discussion about the limitation of power by law/authority, that Arendt is merely remarking on the emergence of a principle here without endorsing it as definitive. In fact, if we understand the separation of powers in the mechanistic terms of checks and balances, there is good reason to think such a principle is harmful for the constitution of public power. Arendt returns to the idea that authority needs a source that is not power, see esp. *OR* 175.
[280] *EPR* 312.

not simply carrying forward the will of the past event, as Arendt seems to indicate. Rather, they act for the sake of the future, according to the principles of the people and the present circumstances, but they also draw from the past—sometimes creatively—in order to present some piece of our intersubjective world that is stable.[281] This helps to humanize constitutional law by making it appear not as some alien, dominating command, but rather as a sacred part of our world we actively wish to preserve.

5.2.4 The Faces of Representation

The second major role of elected representatives is to put a face to the law: to exemplify or model some of the perspectives one can have of a shared law. The main idea here is that a single leader cannot represent the irreducible plurality of a people, *contra* populism. But *contra* liberalism, plurality cannot be contained and harnessed in a well-balanced competition of interests (or some other formal, constitutive feature of 'the rational individual'). And finally, a democracy cannot be realized in the independence of laws. If we give up the claim that a people can determine its laws, and consequently, that no one (or almost no one) engages in public power, then we have renounced the defining promise of democracy.

[281] Maria Pia Lara, in critiquing Right-wing populism, seems to suggest that a people is better served and better unified if it focuses on its future goals rather than some past glory or prosperity. Trump's own election slogan of 'make America great again,' is an exemplar of a certain kind of attitude toward the past as something to be repossessed. From the preceding discussion, it should be clear that I think a people must have an active relationship to both the past and the future, and we ought not just focus on one. The crux is how a people relates to its past and future, and what makes Right-wing populist ideology problematic is its maxim that the past is a kind of property one can get back in hand. See, for instance, her remarks on the temporal dimension of combat-concepts in "Lara" 37.

Representatives help to depict who the laws are for and on whose principles are being expressed. The people can see itself in its representatives, and because of that, it can see itself in its laws. I do not wish to say that one can immediately see one's own private interests in the law, but rather, one can see oneself as a member of the people in the laws—and that entails being able to see other members in the law as well. Thus, while each member of the people may share a political identity—we participate in some of the same institutions, have the same laws, and we make a collective existence possible with each other—we nevertheless have a partial perspective of our shared laws and institutions. Representatives, the ones with whom we do not immediately identify, act as reminders of who shares the space for freedom with us.

Representatives, by acting as the face of the country, also help to remind us of why we are subjects to the law and not controllers of the government: because other people depend on us as we depend on them, and those people are not just a statistic. We do not simply obey the laws out of fear of punishment, but because we wish to continue to live with others, others who respect the same institutions and share the same principles. While this commitment to other people may be easier and non-representational in, e.g., family life, having a commitment to an entire people requires being able to engage with those with whom we do not immediately live. The American federal system aims to be a realization of this principle insofar as each state is necessarily represented in the legislature of the country as a whole—each part belongs. Of course, representatives, *qua* the faces of a democracy, also make a people recognizable to other political bodies.[282] Of

[282] This warrants further discussion, especially in light of my engagement with Schmitt, who prefers that the executive consist of a single person. This is in part because a single

course, if United States citizens no longer find membership in the individual states as a meaningful identity and enabling condition of public action, then the federal system will not be able to realize its own principles.

5.3 The Organic Metaphor and Freedom

In the earlier sections, I discussed the general will of the people and the orienting activity of representative authority. The relationship between these two discussions is unclear, as is the issue of whether this can be said to be an account of democracy, since the relationship between the people and the laws has only been discussed abstractly. What I wish to address here is a sense in which a people is responsible for its laws, even if no one is in full control of creating or enforcing them. It is in this sense of being responsible for the law that I locate a notion of democratic freedom. I take this responsibility not to lie in control of their enforcement or construction but rather by discursively establishing a sense of what is forgivable and unforgivable.[283] The organic metaphor, if we take it to describe what a healthy body is like, encourages us to think about avoiding an auto-immune disorder where functioning—but imperfect—organs are attacked by the immune system. Forgiveness is a necessary feature of politics because

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person is better at representing the unity of a political body to other political bodies in addition to have the singular vigor (and therefore capacity for action) of an individual person. Since I am not dealing with international concerns, however, I will not pursue the question further and merely note that (a) representation is necessary for this role, and (b) whether such outward representation is compatible with plurality is debatable.

[283] This should not be confused with the concrete acts of punishment and pardoning that constituted powers perform. I am referring rather to the nebulous sense a people have of what constitutes a mere transgression versus a crime that is in some way beyond the pale. Arendt takes up this question in *HC*, but her focus is on the acts themselves and neither on a communal sense of the forgivable and unforgivable nor on any account of democratic responsibility.

individuals are born into an established, public world, but they are themselves finite and, in a sense, premature. Thus, they always bring an element of the private with them both in the sense of what is surprising and novel but also what is partial and immature.

5.3.1 Punishment and Behavior

Given our interest in the law, we should note that forgiveness appears as the alternative to punishment whenever there is a transgression against the law.[284] Punishment is a sophisticated concept that has generated significant discussion, but for our purposes, I want to indicate its role in the early social contract thinkers. In particular, Hobbes and Locke devote sections of their major treatises to a discussion of punishments and rewards as a way of shaping behavior.[285] The fear of punishment, for Hobbes, is meant to enter into a person's deliberations and thereby determine how they act.[286] Similarly, rewards incentivize various behaviors. In sum, the threat of punishment is intended to give the law sufficient force to determine actions. Further, its efficacy to determine behavior rests upon its regular enforcement. That is, prospective criminals

[284] Arendt argues in *The Human Condition* that we can only forgive what we can, in principle, punish. Therefore, when totalitarians committed crimes that transcend our ability to punish, they simultaneously committed atrocities that are unforgivable. See *HC* 241.

[285] See Hobbes 201-8. See also Locke 89. Therein, Locke defines political power as the power to make laws and to "annex such penalties" to them for the sake of preserving the lives, liberties, and property of the commonwealth's members. See also his discussion on 69, in which the power of punishing is one of the key powers that individuals cede to the government when they enter into a commonwealth.

[286] For Hobbes, the fear is primarily a fear of death. Liberalism, especially when we consider Constant's wish for economic competition to replace violent conflict, is more interested in economic punishments, including fines and imprisonment.

need to be able to anticipate that punishment is likely, and in a liberal democracy, the people must be able to trust that punishments will be applied equally.[287]

Both populism and liberalism consider laws in their relationship to punishment. For populists, laws serve the interest of the people, and they seek to punish anyone would pose an obstacle to pursuing their interest—especially the established elite who are corrupt.[288] Trump supporters were fond of chanting 'lock her up,' over the alleged transgressions of Hillary Clinton. Punishment still plays a role in liberalism, albeit more abstractly. For liberal thought, as we saw in Hobbes, the fear of punishment makes it such that transgressing the law works against one's self-interest, and similar theories of rewards and punishments appears in many liberal thinkers, including Locke. The threat of punishment, then, would be sufficient to keep individuals from infringing on each other's rights while still preserving their liberty by not placing them in physical bondage. Both ideologies accept this connection between punishment and the law, which sets the stakes for competitive elections. At least over the past couple of election cycles in the United States, the possibility of punishing members of the opposing political party has been one of the prizes of winning the presidential election. So, while the power to punish is not a logically necessitated goal of an election, it becomes prominent in times of partisanship.

[287] This is in part a matter of democracy sometimes being defined as an equality before the law for all citizens.

[288] This is evidenced in the constant rhetoric about a corrupt elite, which is an essential characteristic of populism. Populism seems more strongly founded on the belief that corruption is real and needs to be rooted out than on an idea of what actually constitutes purity.

5.3.2 Forgiveness and Freedom

Where punishment is meant to generate certain behaviors in the body politic, forgiveness has no such aim. Forgiveness does not follow from a crime in the way that punishment, as a 'consequence,' does. Forgiveness acts anew just as it allows the criminal to act anew.[289] A proper sense of a political community retains the capacity to punish but does so while acknowledging and embracing the possibility of forgiveness. The importance of forgiveness for politics has been noted before. For Arendt, forgiveness is necessary for politics as such and redeems one of politics' intrinsic instabilities: irreversibility. Since politics consists in a beginning from which further events follow, humans need a way to begin again without being beholden to a past beginning.[290] Forgiveness, in a sense, releases us from a causal chain to the extent that we can initiate new chains, themselves unpredictable and irreversible. As she understands it, forgiveness is a political act that retains the openness and novelty of the public sphere.

There are a few ways this discursive activity of establishing the forgivable and unforgivable plays out. First, it is expressed in trial by jury. This is a constituted and regulated expression of the people being responsible for applying the law; I cannot comment on whether it is a reliable method for finding the truth about alleged crimes. Jury duty, consequently, should be seen as a duty that is at least as vital for a democracy as voting. But secondly, it also plays out on social media and public discourse more

[289] I am not speaking here of (presidential) pardons that might be given in return for political favors, for instance.

[290] See Hannah Arendt, *HC* 241. "Forgiving, in other words, is the only reaction which does not merely re-act but acts anew and unexpectedly, unconditioned by the act which provoked it and therefore freeing from its consequences both the one who forgives and the one who is forgiven."

generally. Arguably, the protests in the wake of the murder of George Floyd express, among broader concerns about the widespread harm of mass racism, the unforgivability of a racist, brutal murder by a police officer and enabled by nearby police. The protests and the public discourse effected the arrest of the officer, and then shortly after, helped to ensure that the other officers were also charged, and the degree of the murder charge was increased. But separated from the concrete legal results, the protests helped put into words (and deeds) a collective need to address and redress violent, oppressive inequality. An articulation of what counts as unforgivable gives shape to the community standards, and thus its boundaries, such that (some) expressions of white supremacy are not only immoral, but they also place their perpetrators outside the community.[291]

While my discussion of forgiveness here focuses on freedom, I will briefly note it is helpful for diagnosing both inequality and disintegration of the political community. One recurring conversational thread in our national discourse is the way in which white criminals, especially if they are rich, face much less severe punishments than black criminals, even when the crimes committed by the latter are minor (or non-existent). While I am not advocating for stricter procedures when it comes to punishing or forgiving, I am suggesting that if we see trends in how punishments and forgiveness are doled out unequally among different identifiable groups, then we can see clearly how some people are being made unequal and therefore made not to belong. As for communal disintegration, if one portion of the country sees collateral damage against storefronts during the BLM protests as unforgivable, while another portion of the country views the

[291] Not necessarily in terms of banishment, punishment, or execution, but in terms of a loss of support, of having a place in which people will listen to them or be listened to.

assault on the Capitol Building as unforgivable—and each side is willing to exercise at least some forgiveness for their own offenders—then we can see that these two portions of the community have actually split and become two communities.

I will consider one final reason for the importance of forgiveness for political freedom, and it involves the prior discussion about social identification. As we saw in Freud, binding people together in love is possible only on the condition that aggression collectively gets channeled outside of the group. Hopefully, aggressive impulses can be mediated by institutions and customs, for instance, by taking place in sporting competitions, but we cannot assume this will always be the case. Conflict within a community is always possible, whether it be a mediated competition or a violent confrontation. In the struggle between populism and liberalism, populists and liberals may find themselves driven by a desire to punish the other group, which is to say an aggression that accompanies their sense of social belonging among fellow populists or liberals. The desire to punish is especially dangerous because an apparent justification for punishment tends not to limit the aggression against the criminal but rather to augment it.

5.3.3 Forgiveness and the Organic Metaphor

Organically speaking, the possibility of forgiveness corresponds to the body's capacity to sustain a diseased part of itself or some foreign bodies without immediately rejecting them. If the body rejected any part at the first sign of ill health, its immune system would simply be a system of suicide. But similarly, the body would die if it were incapable of expelling or eliminating anything within itself. Bodies can have problematic and even fatal immune responses, and the organic metaphor offers insight not because it tells us when to forgive and when to remain unforgiving, but because it evokes both

possibilities as essential but whose efficacy cannot be assured. The possibility of forgiveness is tied not only to the immune system but to healing and scar tissue. We may be tempted to think that positive laws bind people together, but laws by themselves merely subsume and categorize. Genuine, communal binding requires a more active relationship, and forgiveness is at least one such relationship mediated by law (but not mechanistically). Having endured crises together, even when responses to said crises may have gone awry, is one element of our communal fabric, assuming that finite, flawed responses are met with forgiveness. Such 'scar tissue,' our shared histories of suffering, should be recognized as having political (and not merely psychological or sociological) importance, and working through those events should be framed as a task worth taking on.

For the liberal and populist conception of politics, the freedom of the people—in the sense of participating in the public sphere—is found in elections for representatives, and neither version of politics presents the question of what is forgivable and unforgivable. This is because the law is already assumed in both cases. Populism thinks that law and punishment are at the discretion of the people (or their representative); they are simply instruments of the will of the people. Liberalism thinks either that (a) the law and the application of punishment (and pardoning) are governed by some higher procedure that is not in the hands of the people, (think Rawlsian proceduralism), or that (b) 'majority rule' simply is the procedure. Our institutions happen to be designed around (b), which is compatible with populism assuming populists constitute a voting

majority.[292] Liberalism, at least in its (b) formulation, is tantamount to having no immune system at all. If we were to agree with Mueller that 'only numbers matter' and we endorse majority-decision as the basic democratic procedure—then no ideology or policy, no matter how destructive, would be off limits in principle.[293] In a sense, it forgives any vote, provided the formal rules were followed when the vote was cast. Any losing vote is forgiven, but only because it is immediately forgotten; it has no direct impact on the constituted powers of the political community. For populism, at least as espoused by populist leaders, any disagreement with or deviation from the leader's policy or will is a sign of corruption and grounds for exclusion, e.g., by being socially isolated, made politically powerless, arrested, or purged. Populism, then, forgives no impurity in one's public voice—although as evidenced by Trump's regime, it is deeply forgiving of private faults and corruption, as long as one remains a loyalist publicly. The mechanistic metaphors that undergird liberalism and populism cannot evoke the question of the forgivable and unforgivable, and thus liberalism and populism tend toward one of the options automatically.

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[292] Of course, a liberal could break with the tenet of proceduralism in order to insist on the primacy of some other feature of liberalism, e.g., a doctrine of rights, but then it becomes unclear in what sense liberalism is democratic.

[293] *L&L* 45-6. There, Schmitt is doing work on the particular articles of the Weimar constitution and its introductions of various lawmakers in different situations. Here, I am addressing a mechanistic mode of thought endemic to liberalism. It may be the case that liberalism could, in principle, have a more stable doctrine of rights, values, etc., but it would have to take its doctrine seriously enough to eschew popular vote as a procedure for politics.

5.4 Democratic Politics and Critique

Over the last three sections, I have attempted to indicate how the organic metaphor for political unity would orient democratic thinking about unity, authority, and freedom. I have done this in order to restore a sense in which democratic community is the doing of the people directly and in which a people is responsible for its laws without seeking control of common institutions. This organic sense of democracy encourages political form accommodating of pluralism while allowing a people to distinguish itself as its own, distinct unity. Moreover, it situates government representatives within the wider community. Democratic community is not a result of the actions of a few elite representatives, and it is not automatically handled by laws, institutions, and procedures. This approach not only refocuses on our attention on how community arises and is sustained, but it also restores to democracy the possibility that the promise of freedom can be fulfilled. My aim in this section is to further contrast democratic politics to both liberalism—as we find it in the popular consciousness surrounding our actual institutions—and populism—at least its common Right-wing variants—and to elaborate on how this account features into political critique.

5.4.1 The People and Public Power

If we think that democracy promises that a people can be responsible for its laws, then we should recognize that ideologies rooted in a mechanistic metaphor cannot fulfill this promise. The most familiar liberal-democratic mechanism of participating in public power is voting. In contrast to the catalog of negative rights, the right to vote is strangely

positive.[294] At least for someone like Isaiah Berlin, who is worried about the excesses of public power, one would have to imagine that this positive right to participate in politics does not arouse suspicion because, it is assumed, one's vote will be canceled out (or checked or limited) by the vote of another. Consequently, as long as liberalism and populism draw from the metaphor of mechanism, voting will tend to be seen as either impotent or a means of controlling public decisions. Of course, versions of liberalism that do not insist on the primacy of voting procedures have a more difficult issue insofar as 'democracy' becomes a superfluous component of such a liberalism.

The right to vote is perhaps the right that populist leaders seek to exploit and pervert the most, given how voting is understood in terms of mechanism and power. Trump's rhetoric in the wake of his 2020 electoral defeat offers strong evidence of the importance of voting for populism. On the one hand, he brags about how many votes he has. But when he lost the election, he did everything in his power to discredit the elections, dispute how the elections are called, and then put on a show of having alternative electors (from fictional states), etc. Elections are the mechanism that no constituted power is supposed to control; ideally, it is the mechanism by which the people express its will directly. For this reason, it is the mechanism that populists will either seek to control the most or to destroy if they fail.

Populist supporters usually endorse their leader's stance regarding voting because an electoral victory offers a vicarious sense of controlling the government. Such a strong

[294] Since (a) voting is a right of citizenship rather than a human right, and (b) voting is the mechanism by which citizens generate public power, this right to vote has not been emphasized in the tradition of liberalism, e.g., as given by Berlin and Constant. Instead, the right to vote has been an issue of debate once liberalism has taken hold and social groups have sought to attain such rights.

drive to control government through a single representative requires a strong social identification that need not be tied to any active community; like Louis Bonaparte, the populist leader can appeal to a disorganized class. Unless populist leaders begin to institute extensive referendums, and historically they do not, then they offer a messianic version of politics in which one person is responsible for the whole people. The populist leader delivers the people from its enemies. Just as the leader flourishes—or more precisely, makes other groups suffer—so too do supporters take themselves to flourish. While this may be an effective way for people to feel a sense of control over the public world, it hardly offers any freedom. Moreover, anyone may find themselves suddenly at odds with the populist movement, which they will find is cruelly unforgiving.

In the everyday functioning of liberalism, the mechanism of voting can render experiences of impotence or the same drive to control government as populism. Considered merely in terms of quantity—the pure, non-moralized characteristic of liberal democracy according to Mueller—the voting individual becomes less powerful the larger and more powerful the state is. The competitive mechanism of elections implies that

one's vote plays virtually no role by itself,[295] and if one's chosen candidate loses, then one has does not even vicariously have a sense of having influenced public policy.[296]

Nevertheless, there are aspects of critique that liberalism and populism offer that I wish to retain for this account. Liberalism offers the claim that institutions should, in some way, be open-ended. They should not be controlled by a determinate interest group or social identity. Populism, meanwhile, makes possible the claim that government officials can seek their own interest over and against the community's will—which populists understand as an interest and that I have advanced as a project of community. The point of the populist critique is that no 'design' of an institution can prevent corruption, and that ultimately representatives (and their constituencies) must be principled for institutions to serve as organs of freedom. Liberalism may be too narrow-minded in its focus on constituted power, it nevertheless makes possible meaningful critiques of what can empirically go wrong with institutions.

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[295] Hegel criticizes the mechanism of voting, noting that as the quantity of votes increase, then the results of the election appear all the more arbitrary. This is because the question is no longer being answered by way of a principle, but by a simple magnitude. See GWF Hegel, *Lectures on the Philosophy of History*, Peter Hodgson (trans.) (Oxford: Oxford University Press 2011) 403, especially the claim, "If things come this final exactitude, the decision also appears to be contingent and will be resented, especially if at the same time inner conviction, the reflection of will, comes into play and is aware that whatever law alone, or whatever else has been decided, contributes to the corruption of the state." Henceforth, "*PWH*."

[296] One may even feel that one's will has been actively foiled when one's candidate loses. Recall the distress many Democrats felt once Trump was elected in 2016. One could contend that one is always virtually represented, even if one's candidate is not victorious. But if that is true, elections are a superfluous mechanism. One's interests can be represented even without having cast a vote. If voting is important, it must be because it belongs to the order of participation in the state, not because it belongs to the logic of representation.

While my account has emphasized constituent power, especially as it is expressed in non-institutional acts and discourse, this has not been intended to replace discussions about constituted power and the kinds of problems that arise therein. Rather, I think the organic metaphor for political democracy encourages us to think primarily about the relationship of constituent and constituted power. It encourages to ask, for instance, how are stable institutions with set parameters and regulations an expression of spontaneous world-creation by a people? When we focus our attention simply on representatives and positive laws, we fall under impression that a people's behaviors can be controlled by a centralized force, rather than thinking that a people affects its laws.[297] Further, by reorienting our attention on everyday acts of community and belonging, I hope to bring into focus how much the labor of community is performed by citizens, which is surely a kind of justice.[298] The focus on representatives and constituted power seems to me to over-estimate the extent to which particular individuals have control over public affairs and seems to resonate with a belief in conspiracy theories. This over-emphasis on representatives comes at the expense of paying attention to the people who have a meaningful and direct impact on our projects.

[297] This is the effect of my argument in "DRLR." Changing laws about school segregation and enforcing them may be good—or at least for a good cause—but if people are still predominantly racist, then those changes in laws will be largely ineffectual. And indeed, while the letter of the law held that schools could not be segregated, those who were unpersuaded simply created new schools and laws to maintain *de facto* segregation.
[298] I intend here not only people in professions such as teachers, firefighters, etc., but also non-economic positions, such as church members, neighbors, as well as people who offer support or friendship in unexpected places. It should unsurprising that many of the people who do the work of community underappreciated either are women or find themselves in roles historically assigned to the private sphere and associated with women's work.

5.4.2 The Problem of Authoritarianism

We took up the issue of authoritarianism in the second chapter. There, we understood the term to mean that a constituted power, a representative, has unchecked power. Let us imagine that a government official abuses their power, for instance, by firing whistleblowers within an administration. How might we critique it? By drawing on a notion of mechanism, liberalism encourages thinking in terms of *counter*-mechanism: what lawful means are open to stopping the populist? How might an office be redesigned to prevent abuse? The problem with this scenario is that the counter-mechanism is being removed, thereby making the power of the representative unchecked. The action is objectionable on formal grounds, and the immediate goal would be to re-check the representative's power. All of this is to say that the immediate impulses of liberalism frame 'critique' in terms of a technical question. The populist critique, if it were honest, would be concerned less with the form of representative power and more with the content. Do the representative's actions serve the interest of the people? But this is to say that 'authoritarianism' is not a problem in populism's understanding of politics. The only thing that matters is that power is in the right hands, and the pre-condition of populism is the belief that power is already in the wrong hands.

Unlike liberalism's use of the mechanistic metaphor, the organic metaphor does not offer any immediate practical solutions; it generates no 'fix' to political problems. What it does is help to orient our thinking about what counts as a problem and a response. The problem with an official abusing their power is not that power itself tends toward evil and needs to be 'checked.' Nor is the problem that an action is being taken that might not be in the public's self-interest. The potential problem is that a government action is

taking place that is not expressive of the people's shared principles and that hinders the publicity of office—and all things being equal, publicity is required for citizens to remain capable of informed (if non-governmental) action. But there can be exceptions to this general preference for publicity, such as some matters of (inter)national security, and there may be situations in which the whistleblower is corrupt. What populism gets right generally is that constituted power should be in the right hands, not for the purposes of any identifiable interest, but for the sake realizing and maintaining the people's shared principles.

5.4.3 The Problem of Anti-Pluralism

We reviewed the problem of anti-pluralism and populism in the third chapter. What we found is that while a democracy should be socially pluralistic—allowing multiple identities which may have their own interests—it also requires political homogeneity. So, for instance, a liberal democracy cannot allow monarchist groups who seek to supplant elected government with a single, hereditary ruler. More substantially, a democracy must require some shared fundamental principles; if 'the people' endorses some material notion of equality, then it cannot allow radical individualism to have much footing. The point here is not that each people can have only one normative concept, but that committing to a principle (a) entails renouncing any principles that are incompatible with it, and (b) subordinating other normative concerns to the shared principle.

Populism threatens the plurality of social identities by seeking to harm other groups, often economically and politically if not violently. Understood organically, aggression toward minorities or other identities is not an expedient way to pursue one group's self-interest, it is a path of self-destruction. It would be like cutting out one's

liver to make more room for one's stomach. But even this characterization assumes stable boundaries between groups; populism in actuality can be more directly self-destructive. For instance, after losing the 2020 election, Trump has denounced any Republicans who are not in denial about Biden's victory. Now, his supporters are turning their backs on several Republican figures and candidates. This clearly diminishes their pool of allies and will likely yield further electoral losses. Moreover, it catches Republican populists in a cycle of constantly seeking to punish Republicans for their lack of purity instead of forgiving their differences in order to focus on realizing whatever goals they still share. The fact that the Republican party has not entirely collapsed is a testament to how much many Americans distrust their ruling elite.

5.4.4 Lefort's Criticism of the Organic Metaphor

Democratic power, Claude Lefort argued, is best represented by an 'empty place of power.'[299] This conception encourages thinking of democratic institutions as contested spaces in which a voting group only seizes power temporarily and without thereby eliminating other groups. By contrast, Lefort thinks that the organic conception encourages thinking of institutions as a means of subordinating every part of the body politic to the whole. Or in other words, every individual is just a function to be arranged and put to work by a centralized agency. Such a metaphor is adopted by totalitarianism, which conceives of the body as controlled by a head and conceives of a people as controlled by a supreme leader.[300]

[299] *PFMS* 303.
[300] *PFMS* 301.

The former, democratic representation of power acknowledges society as something that cannot be controlled, at least not in any enduring sense. The latter, totalitarian representation entails thinking of the leader either as a kind of social engineer, planning and controlling the body, or as a mechanistic 'organ' whose functions simply have a higher place of importance. Lefort acknowledges the extent to which the organic metaphor has been colonized and transformed by a mechanistic metaphor. But Lefort does not further question this transformation. Is such a transformation necessary? What drove this transformation?

My contention is first, that the functionalization of the individual is only possible on a mechanistic conception of the state. That is, it is only when we think of the body as a giant machine, whose parts are devoted to realizing given ends and whose operations are entirely transparent and controllable that we make the jump to a totalitarian conception of power. Totalitarianism needs mechanism in a way that it does not need organism. Second, I contend that the blending of the organic and mechanistic metaphors is not necessary, and properly understood, it is a corrective to the mechanistic metaphor.[301] As I have been arguing throughout this chapter, the organic metaphor can offer its own guiding concepts for unity, authority, and freedom. My focus for the rest of this section is showing the drive toward mechanism and how it corrupts the organic metaphor.

The impetus for conceiving of the body—political or personal—in mechanistic terms stems from a fantasy of being entirely self-possessed, i.e., fully one's own and free of impurity, internally homogeneous. Any sign of impurity should be excreted immediately. On Lefort's account, the people is defined by its purity and need to eject

[301] *PFMS* 300-1

whatever is other—some malevolent, parasitic group.[302] Categorizing 'the other,' has played a role in totalitarian, fascist, and populist rhetoric. Interestingly, the notion of 'parasite' is not simply an out-group. First, it is an out-group that has found its way to the inside. Second, it is a group defined by receiving benefits from an entity to whom it does not contribute; it is a 'free-rider' on body of the commonwealth. 'The other,' whether it be liberals, foreigners, or globalists, does not belong, and yet it is taking up valuable space in the body politic. Thus, the populist (and totalitarian) project of eliminating the parasite is not simply maintaining boundaries to distinguish inside from outside; it aims to purify the inside. Moreover, if I am right in my diagnosis of how a social identity comes to take the place of a political identity, then we can readily recognize this 'anti-parasite' stance as an anti-difference stance, full stop. True enough, a people must be able exclude principles that are not compatible with its own. A democracy cannot allow a self-styled king; America cannot invite every Russian to cast a vote in American elections, etc. Just as with an organism, who cannot consume its own excrement or allow itself to become one with its predator, a political body must be able to exclude. But if we take the organic metaphor seriously, the organic metaphor indicates that a political body must allow internal differentiation.

We must be on guard if we are to take up the organic metaphor for political unity in a non-mechanistic sense. It is neither, for instance, an invitation to think of a people as merely carrying out a minimal, organic functioning. Nor is it an invitation to think that a people have an immutable form that persists through the changing generations. While the organic metaphor may encourage us to think of internal balance, it is not the kind at play

[302] *PFMS* 298

in competition; it is the kind evoked when differentiated organs must cooperate for the sake of the life of the whole organism without dominating the others. I take it that developing a normative picture of the political community by drawing on the organic metaphor encourages us to do two things. First, it encourages us to think of the community as performing actions involving growth, cultivation, and change, whereas the mechanistic interpretation encourages us to think in terms of instrumentality, force, and prediction. Second, the metaphor requires us to think of the parts and wholes of the community in a co-constitutive relationship.

5.5 Conclusion

In this chapter, I have offered an account of the organic metaphor as offering a better orientation for democratic thought than the mechanistic metaphor. I interpreted the unity of the people as a commitment to the project of community and the labors of belonging in which individuals support each other within a richer communal context. I interpreted representative authority not as right to control government, but as a stewardship of shared principles, an orientation for growth and action, and giving faces to the law. I then discussed public freedom as a discursive, general conversation about what is forgivable and unforgivable. Finally, I addressed how the organic metaphor orients our thinking about critiquing problems in constituted powers.

I have offered this account with the hope of redirecting critiques of current waves of populism to be more open to a people's capacity to act in unexpected, unregulated ways. While I think Trump is a corrupt politician, I worry that critiques from within a liberal framework will make matters worse (both strategically as well as well as in terms of the health of the political community). There is a tendency to identify all Trump

voters as die-hard, homogeneous Trump supporters, and from that identification, all manner of criticisms and associations are made about a large, heterogeneous portion of the population. These people are treated as though they are transparent, misbehaving children, and the more 'enlightened' liberals think that they need to be controlled, corrected, and if that fails, simply beaten in elections.[303] When 'solutions' are framed in this way, such critics are voluntarily becoming the very thing that conservative Americans think they are: elitists intent on humiliating and controlling them. This is not to say that one needs to embrace populists' beliefs, or that disagreement should be forbidden, or even that being more open and vulnerable will restore an original unity of the community. I think that once you no longer view someone's opinion or commitments as respectable, then the community has already withered, and public action is at least temporarily impossible.[304] In such a scenario, the mechanistic 'moves' that we are familiar with may seemingly offer us a means to combat populism in the short term, but such victories are at the expense of a healthy democracy. Perhaps Hegel is right, and the constitution of modern states is no longer compatible with democracy;[305] but it seems to

[303] This attitude permeates various discourses about populism. We have seen it explicitly in Roberts's "PPD," esp. 152-3.

[304] One of Arendt's compelling, but unhappy, contributions to political philosophy is the diagnosis of a widespread erosion of the public sphere. I not only think that she is right about that point but also that politics is always possible. And while infinitely unlikely, public spaces can emerge anywhere people are speaking and possibly acting. It is the threat of totalitarianism—not populism—that seeks to make the possibility of politics impossible.

[305] *PWH* 400-4. Hegel's theory of the state is composite. It involves democratic as well as aristocratic elements. But the sovereign power, the fulfilment of the idea of the state, is a monarch, and that monarchy is not an electoral one. I am certainly amenable to the idea of a composite state, but I take it that the general commitments of our time are such that the democratic element must be sovereign, and that requires a substantive, shared spirit.

me at least *prima facie* more likely that democracy is possible, but devoted anti-democratic people should not participate in democracy.

The organic metaphor offers two routes for critique without demonizing or infantilizing the people or groups thereof, largely because it encourages thinking about what we can undertake without compromising the constitution. Either we can treat populists as fellow citizens to be persuaded and whose opinions matter (and hopefully thereby ease some of the partisan tension), or, we can say they do not share our principles or commitments to our actual institutions. They advocate for a government and can only see their freedom that is not our own. In which case, they should not participate in our elections. They are an 'enemy,' if not a foe, and while this does not necessitate violence, we cannot pretend to share our space of public freedom while seeking to defeat that freedom at every turn (and *vice versa*).

One possible objection to my view is that liberalism or populism could adopt an organic metaphor and thereby avoid any of the criticisms I have offered. My main response is that adopting an organic, rather than mechanistic metaphor would entail re-ordering the importance of our guiding concepts. Once we no longer diagnose public problems as a violation of, e.g., competitive equilibrium, checks and balances, or "popular sovereignty" as control of the government, we no longer see the same kinds of 'solutions' to those problems. While populist and liberal ideologies do not logically exclude the organic metaphor, it should be clear that the way their concepts work to orient action can only be evoked by a mechanistic schema. Populism thinks of communities in terms of what it controls and how it will create prosperity, stability, rights, etc. while it presents the people under one name. For Right-wing populism, the

name is usually an ethnicity or nation, while Left-wing populism promotes a socio-economic class.[306] Laws are an instrument to achieve this end, and they can be used to punish the foes of the people. Liberalism thinks of communities as aggregates of individuals whose interests sometimes cause conflict. The hope of classical liberalism, articulated by Benjamin Constant, is that economics will replace war. The hope of Rawlsian liberalism is that we will, at best, somehow build our elections on top of an ideal procedure that replaces living citizens with mathematically constructed legislators. We might add that for liberalism, elections have replaced domestic strife. In both cases—war and domestic strife—all antagonism has been transformed into competition, mediated by independent laws. Liberalism, too, promotes thinking in terms of instrumentality—e.g., how to pursue one's interest and how to get others to behave—but with the caveat that all public power should be limited, regardless of its end. The implication, perhaps unconscious, is that a people is less responsible for its laws than the general mechanisms of civil society, and it is in reacting against this implication that populists can be said to be democratic at all. Nevertheless, I think my account preserves the best features of liberalism and populism, even as it resituates them in a more comprehensive theory.

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[306] For Mouffe and Laclau, the "yellow vest" protestors in France would be a good exemplar of populism. However, they do not fit perfectly with the definition offered earlier because they did give rise to a representative and participate in government. Much like the Left-oriented "the 99%," in the U.S., there was a demand for widespread institutional change from large groups, but no lasting institutional change in government. Thus, while there are populist elements to those movements, the fact that they were not headed by a leader makes them fall short of populism. To further clarify, it seems to me that Bernie Sanders is not an example of a populist leader in large part because (a) he seems largely uninterested in a singular name of the people that differentiates us from other groups, and (b) he does not suggest that he is the only person who can represent the people (as Hugo Chavez did and as Trump evidently does).

CHAPTER 6. CONCLUSION

My two primary goals in this dissertation were to show populism's essential continuity with liberalism and to show how the organic metaphor for political unity would offer a more stable conception of democracy. Animated by the same mechanistic metaphor and coupled with the idea of a self-interested individual as a metaphor, populism adopts many of the same concepts of liberalism, weaponizes them, and assaults the vital plurality of the body politic. While liberalism may seek to protect plurality by way of limiting power, its resources for recognizing the spontaneity of individuals and the need for collective action and belonging are impoverished. To be sure, there are liberal thinkers willing to concede this point.[307] My secondary point is that this impoverishment eliminates the 'properly political' in such a way that is bound to lead to disaster. When spontaneity and the urge to participate in politics is utterly suppressed, it returns in the guise of private, socio-economic concepts that are destructive to the public.

Populism can exploit liberal concepts because the mechanistic metaphor that they share offers a socio-economic framework for conceiving individuals and communities. Liberalism, at least in many of its formulations where it is critiquing power,[308] conceives of individuals as independent, capable of pursuing their self-interest in isolation, and deserving of negative liberties. The independent individual is an instrumental reasoner, formulating means to accomplish relatively set ends and establishing calcified patterns of behavior. Populism, when it takes the individual as a metaphor for the community, ascribes these attributes to the community and encourages the immediate identification of

[307] E.g., Galston, whose relevant passage was cited in chapter two.
[308] For instance, Constant and Berlin, as well as the contemporaries Galston, Abts and Rummens, Mueller, and Roberts, to name a few.

the members with the whole. For a populist, then, any apparent difference in self-interest, or potentially any difference in social identity, is grounds for expulsion from the community. Such 'others' are parasites, foreigners, outsiders, globalists, etc., and properly speaking, not members of the nation. And a populist leader should be able to pursue the self-interest of their constituency free from any obstacles or resistance. A healthy vision of democracy, I proposed, involves conceiving of the individual as capable of acting together with others in unexpected ways, and 'the people' of a democracy demarcates a group to which one belongs and in which one can continually begin anew.

Liberalism seeks to protect plurality by way of protecting individuals in a system of rights, i.e., negative liberties that limit the exercise of public power against them. John Stuart Mill offers one of the more influential arguments that neither the government nor the majority (or some other 'social,' i.e., non-governmental association) should be able to compel individuals into conformity unless that person is causing harm to other individuals.[309] Rights, and therefore the individual, can be most reliably protected when government power is limited by way of checks and balances: as long as relatively equal factions (or powers or branches, etc.) can limit each other, then no one part will become so powerful that it can trample over individuals. This vision of a checked and balanced government is a kind of mechanism, and that mechanism can be assumed to be effective for as long as its form holds up sufficiently well to push and pull, limit and check, and

[309] John Stuart Mill, *On Liberty*, (Indianapolis: Hackett Publishing Company 1978) 9. "The object of this essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties or the moral coercion of public opinion. That principle is that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection."

impact the calculations of subjects, effectively. However, in addition to its formal composition, a government is instituted for the sake of power, or in other words, government is instituted for the sake of establishing power, not dividing it. And the questions of what kind of power is instituted, who 'wields' it and for whom, are political questions that are not answered by simply insisting on division. Populism seeks to answer these questions, but its resources are again bound up with the independent, private individual.

If we attempt to answer the 'who' questions just mentioned in a democratic fashion, we might be rightfully inclined to answer "the people" wields government power. But 'the people' can be conceived in different ways, and both liberalism and populism take for granted some notion of 'the majority' as a mechanism for the operation of power. Moreover, populism attempts to further the 'who' question by offering some concrete social identity, like a nation or a race, as grounds for membership in the people. Any healthy political body, *contra* purity-seeking populism, must be open to multiple social identities (not necessarily all). No community can exist without internal differentiation. Moreover, that internal differentiation has to be self-articulated and (relatively) spontaneous; it cannot simply be functional, as it is with the specialization of labor. The democratic tradition, especially in one interpretation of Rousseau's thinking, offers a view for thinking of how different individuals can create a political community by way of their own activity. Rousseau calls this 'the general will,' which is a concept that currently finds itself maligned by liberal critics of populism (and liberal critics of fascism half a century earlier). I have sought to disentangle such a productive reading of Rousseau from the socio-economic readings that he certainly encourages at times.

While populism may be unconsciously guided by the democratic tradition, and especially Rousseau's 'general will' and his use of the individual as a metaphor for the community, I have made it clear that it is not Rousseau that is the problem with populism. Rather, it is how Rousseau and 'the individual' are understood. Community should not, *contra* populism, be understood as a naturally given identity or even a shared interest that automatically unfolds in practical life. Community *is* the laboring of making community, and such labors entail thinking about the general relationships that the specific community will have.

By drawing from the organic metaphor, I have shown how Rousseau's general will can be understood as this shared project of community, and I have further interpreted it as a project of belonging. This project is the basis of democratic community and is not fully captured, contained, or relegated to government. It is this project, carried out in a multitude of particular acts, that gives the community its unity, a unity that is a togetherness of different parts. Such a unity requires a shared will, which is a kind of homogeneity, but in principle it can be (and must be) forgiving for at least some imperfections. This community in difference is compatible with 'social change,' i.e., redressing inequality, but it encourages us to think not of abstract demands for equality, but of the demand and the need for different groups to belong. Of course, a community cannot be infinitely permissible; it must be able to expel or protect against (a) those who do not share a commitment to the basic political form of the community,[310] and (b) those who are staunchly opposed to the general principles of the community. So, while I think communities must be generally forgiving, I do not think that the United States should

[310] You cannot have a monarchist party in a democracy, for instance.

have any tolerance for—to give one example—white supremacist groups, since they violate not only our general view of human rights but also the federal principles of our specific republic.[311]

Freedom, then, in contrast to a set of negative liberties or rights, consists in participating in public power, and more specifically, in being responsible for the law. I have attempted to situate such a notion of democratic freedom in terms of establishing the forgivable and unforgivable through, for instance, jury duty rather than in voting. If a people, *qua* collective, can be responsible for its laws, it is not going to be in the mode of creating or controlling those laws. But interpreting how those laws apply to and maintain the community is a possible venue for shaping the public world, i.e., the interpretation of the law is a locus for political power even when creating and shaping the letter of the law is not an option. Engaging in acts of forgiveness, and seeking independence from those who perform the unforgivable, is not only an expression of collective freedom; it

[311] While my focus is on populism, I will offer a brief elaboration here on forgiveness. It seems revealing to me that a large portion of conservatives in this country want to hold the BLM protests accountable for their worst excesses, rather than their principles, but then have an attitude toward the police based on police principles rather than their worst excesses. It seems to me that a kind of community is emergent in this difference in attitude, and even if it is not as explicitly or fundamentally white-supremacist as, for instance, the Proud Boys—who are beyond redemption—it clearly shows an eagerness to expel black people from the wider 'commonwealth.' If proverbial push comes to shove, and it turns out that such conservatives are devoted to such race-thinking, then they too should be barred from participating in public power. They should not have their human rights—as the healthy community envisions them—violated, but politically speaking, they do not belong. Prior to the 'push comes to shove' moment, openness and forgiveness is preferred, and to paraphrase Nietzsche's claim *The Genealogy of Morals*, the measure of the strength of our community is by how much it can forgive, not how much it can punish. Friedrich Nietzsche, *On the Genealogy of Morals and Ecce Homo*, (New York: Vintage Books 1989) 72.

maintains the possibility of freedom for future acts, liberating a people from the chain of cause-and-effect.

Finally, I have offered an organically motivated notion of representative government as an orienting organ of the body politic, not a control center. This notion of orientation views elected office not as offering 'control' over the whole, but as completing and articulating what is already inchoately in the whole. Moreover, as a plural body of representatives, democratic officials model and express the different perspectives, stemming from different social groups, that people may have on the shared principles and laws.

From the considerations here, I wish to draw the conclusion that 'the problem' of populists, at least of the Trump variety, is not that they are criminals or sinners or 'deplorables.' They might be those things, but that is not something peculiar to populism. The tradition of liberalism, which has established much of our conceptual framework for 'politics,' has given us the familiar category of the criminal as one who violates the law, but when liberal theorists frame populists primarily as criminals, they are misrecognizing populists. Populists seek to create a new political form under 'principles' that are not shared. This makes them 'enemies.' The liberal critics Abts and Rummens are right to recognize this category as appropriately applied to populists, but that is only because Schmitt and Rousseau—and the democratic tradition more generally—open a robust political thinking that Abts and Rummens otherwise seek to deny by insisting on an impoverished representative liberalism.[312]

[312] "PvD" 422.

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