The SPIRIT of DEMOCRACY

/ *Corruption, Disintegration, Renewal* /

SOFIA NÄSSTRÖM

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To the memory of my brother Andreas

Preface

It is difficult to say what sparks someone to write a book. Academic work often begins in *medias res*, and insofar as it has a clear impetus in the form of a question, puzzle, or wonder this impetus has a tendency to change over time. If I were to try to identify what sparked me to write this book, I would today mention a lecture on freedom that I gave at Stockholm University back in 2010. This lecture was part of a general course in political theory. As I explained to the students, freedom has often been defined in opposition to what people perceive to be illegitimate forms of power. Throughout history, it has among others been defined in opposition to necessity, domination, interference, and heteronomy.

After having explained all this, and lectured on ancient, neo-republican, liberal, and republican conceptions of freedom, I asked the students to turn to their nearest neighbor to briefly discuss what they take to be the greatest limitation to their freedom. The pedagogical idea was to proceed by self-reflection. By having the students reflect upon their own experiences of unfreedom, we would perhaps be able to isolate different conceptions of freedom prevalent under contemporary political conditions. Are they similar to the ones we had discussed in the lecture, and if so, what does it tell us about the state of freedom today?

When the time for discussion was over, I asked the students to clarify how they had reasoned. One student eagerly raised her hand. She said that she experiences it as a major obstacle to her freedom that she is expected to go and vote every four years. Puzzled by her answer, I asked her to clarify what she means, upon which she became less self-assured. Yet she persisted, and explained that "voting is a burden that infringes on my freedom." It is not implausible to say that voting can be a limitation on individual freedom. From a strictly liberal perspective, it could be argued that universal suffrage interferes with the right of individuals to be free from politics. Still, this is not what the student said. She said that voting is a *burden*.

That remark stayed with me. It made me ask a whole new set of questions which slowly changed the direction of my inquiry into the foundations of modern democracy. The argument I make in this book is that democracy can be a burden. The student was right. Democracy is not merely a political regime, a set of ideals, or a procedure for collective self-government. It is a spirit that affects our lives in more profound ways. For those versed in the republican tradition of thought, the tension between private and public desires is as old as democracy itself, and so are the complaints about the burdens that public life attributes to citizens. Still, the burden of living in a republic is not the same as the burden of living in a democracy, or so I will argue in this book.

If the challenge of a republic is to make people ready to sacrifice their own private desires for the common or public good, the challenge of a democracy is to make them ready to carry the burden of their own freedom and responsibility. This is the price we have to pay for living in a democracy of the modern kind; with the removal of divine, natural, and historical sources of authority in political affairs there is no longer a given purpose and direction to society. Whatever the future holds in store, it hinges on our own actions and judgments.

This overwhelming sense of freedom and responsibility is rarely reflected upon in everyday political life. Surrounded by laws, institutions, and policies, we have little reason to call it out of the back of our minds into full consciousness. Still, when democracy is challenged in more profound ways it easily dawns upon us: the future hinges on what we do—or fail to do—here and now. This insight can be quite chilling. What is distinctive about modern democracy is that it does not shun the uncertainty unleashed by the removal of external authorities in political life. Instead of suppressing it, or bending it to support a supposedly strong leader or authority, it emancipates us from a state of self-incurred tutelage by sharing and dividing it equally.

The problem is that if that same uncertainty is shuffled onto the shoulders of private individuals, democracy becomes a burden, and this is what I fear that the student expressed in her remark. Her complaint about the burden of casting a vote every four years was neither the expression of a liberal spirit, in the sense that she saw herself as an individual wanting to be free from politics. Nor was it the expression of a republican spirit, in the sense that she refused to sacrifice her own private desires for the common and public good. The burden of voting rather expressed the fatigue that arises when individuals are forced to assume personal responsibility for publicly shared concerns. It makes them tired of politics. If the uncertainty by contrast is shared and divided equally, it has the capacity to expand and enhance their freedom. It makes for a strong democracy; strong both in the sense of being resilient against crisis, and being able to transform democratic discontent into a call for democratic renewal.

To write a book on the spirit of democracy may seem too ambitious. For how does one capture the spirit of something as complex as "modern democracy"? Needless to say, this book lays no claim to be exhaustive. It has only scratched the surface of what no doubt is a large and difficult theme: how to move from a sovereign- to a spirit-orientated understanding of democracy. Since many of our most familiar democratic ideas and intuitions have been developed with the existence of a sovereign people in mind, the work of disentangling democracy from the doctrine of popular sovereignty has not been easy. In the effort of moving the discussion forward, I have made a few strategic interventions to that end.

Sofia Näsström
Stockholm, 2020

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Introduction

How does one revitalize democracy in times of crisis? When asking this question it is essential to distinguish between two issues: the experience of democratic crisis, on the one hand, and the experience of democratic corruption, on the other.[1]

Democracy is in crisis. Rising inequality, climate change, and growing migration across borders are just some of the problems that put contemporary democracies under great pressure. They create a sense of emergency: Will democracy cope? But crisis is a recurrent theme in the history of democracy. Democracy, one could say, is always in crisis. It continuously fails. Since its birth in the American and the French revolutions, modern democracy has triggered ever new political struggles, and as a result, it has encompassed ever more claims (e.g. civil, political, social) and claimants (e.g. workers, women, black people). The disappointment with democratic practices and ideals, the way they seem unfit to cope with new political realities has in this way made modern democracy into an unfinished journey, constantly at work with revitalizing and reforming itself in response to new crises.[2]

Crisis, therefore, is not necessarily a problem for democracy. What is a problem is the corruption of democracy, for it entails the weakening of the capacity of democracy to *meet* new crises. In the last decades, many political theorists have lost faith in the political dynamic of change associated with modern democracy. They have started to doubt its potential to convert democratic discontent into a call for political reform. According to Robert Dahl, the gap between the rhetoric and reality of political equality is huge, and the fact that the gap may be increasing makes democracy "in danger of reaching the point of irrelevancy."[3] In a similar vein, Pierre Rosanvallon notes that equality "has become a remote deity, which is routinely worshipped but which has ceased to inspire any living faith," and Wendy Brown alerts us to the way neoliberal governing "subdues democratic desires and imperils democratic dreams."[4]

This book argues that while we have good reasons to worry about the corruption of democratic practices and ideals, these worries are often attributable to distorted beliefs about what democracy *is*. And as students of politics we need to worry about that too. Faced with waning confidence in elections, human rights, and the public sphere it is natural to revert to the foundations of democracy. The supposition is that in times of crisis, we need to begin democracy anew, and it falls on the sovereign people to do so. It is an authority of last resort, a "sleeping sovereign" who can be awakened to counter the corruption of democracy.[5] As this book demonstrates, however, appealing to the sovereign people only speeds up the

corruption that it seeks to redress. Instead of recalling us to our democratic senses, it drives us into a dangerous cul-de-sac—what I will refer to as Rousseau's people trap—that breeds pessimism about the ability of democracy to cope with new political challenges.

To avoid this trap it is necessary to reconceive the ways in which we understand and conceptualize modern democracy. It is the ambition of this book to contribute to that end. According to Montesquieu, different political lifeforms are animated and sustained by different "spirits"; a republic by virtue, a monarchy by honor, and a despotic form by fear. In the attempt to set democratic theory on the right track, this book examines the spirit of modern democracy. It makes two general claims, pertaining—as the title indicates—to the spirit of modern democracy, on the one hand, and its corruption, disintegration, and renewal, on the other. The claim is that modern democracy is a political lifeform animated and sustained by a spirit of emancipation, and emancipated lives are not merely created through elections, human rights, and a public sphere. They are created through social policies in areas more close to home, such as citizenship, education, and work. To understand the mechanisms at work in the corruption, disintegration, and renewal of democracy one ought therefore to pay critical attention to activities in these areas: Do they undermine or foster commitment to democratic practices and ideals?

To suggest that democracy can do without a sovereign people may seem unorthodox, even undemocratic. Let go of the sovereign people, it could be objected, and what you are left with is rule unchecked by those who are forced to abide by it. That could not possibly be democratic. The sovereign people may be a fiction, but it is a *useful* fiction. It gives the people the right to create its own laws.[6] In the course of this book, I hope to convince the reader that by replacing sovereignty with spirit we do not betray democracy, or give the lie to what reason or common sense demands of us. On the contrary, we enhance our understanding of what is distinctively democratic about the political lifeform that was born in the revolutions in the late eighteenth century, and how the radical spirit that animates it may be reinvigorated under contemporary conditions.

To recover this understanding of democracy, we need a new vocabulary suitable to the task. In this introductory chapter, I therefore begin by clarifying the key concept that will be used in the book, namely "the spirit." With this basic conceptual vocabulary in place, I describe the overall argument about the spirit of democracy, and spell out its significance for the corruption, disintegration, and renewal of democracy. The introduction ends with a note on the status of the argument, and a brief description of the individual chapters that follow.

The Spirit

The first and most general claim of the book is that democracy is a spirit of emancipation. The term "spirit" should not be confused with spirituality or with

theological transcendence. Nor does it denote the force symbolized by the class of soldiers in Plato's republic or the dialectic of reason that according to Hegel marches forward through history. Instead, it should be understood in the specific sense given to it by Montesquieu in his classical work *The Spirit of the Laws*.[7]

Montesquieu did not himself experience the birth of modern democracy in the revolutions in the late eighteenth century. If he had lived to see it, it is also doubtful whether he would have liked it. Montesquieu was an early proponent of the Enlightenment, but also an aristocrat by heart. Precisely because of his sensitivity to differences in social lifeforms, however, he formulated a question that has granted him the epithet of being founder of both sociology and political science.[8] The question he raises is not the one that preoccupied earlier thinkers, namely what makes up the best or most ideal form of government.[9] Nor does he wonder, with Rousseau, what would make it legitimate for free and equal human beings to subject themselves to a common law.[10] The question he raises is a different one: What sustains different forms of government, even when they are patently illegitimate and unjust?[11]

This question sparked Montesquieu to examine the spirits of laws, or what we in this book will call the difference between political forms or lifeforms. According to Montesquieu, there are three political forms, and each has its own nature and principle which together make up its distinct spirit: the republican, the monarchical, and the despotic one.[12] The "nature" of a political form refers to its constitutional makeup. It answers the question "Who governs, and how is that governing exercised?"[13] In a republic, it is the body of the people who governs. The people so conceived have the sovereign power to govern everything within their reach, and they choose ministers to conduct the tasks for them. The nature of a monarchy, by contrast, consists in the fact that one person alone governs. The person who governs does so by means of fixed and established laws, and with the intermediate powers of the nobility. The nature of a despotic political lifeform, finally, is one in which a single person governs without laws, rules, or intermediaries. This person directs everything by his or her own caprice, and does so by nominating a vizier to execute his or her will.

Still, these political forms would not exist without someone giving life to them by adhering to and enacting their respective power. The "principle" therefore refers to the condition of possibility of a particular form, or to "that which makes it act."[14] It answers the question "What public commitment is needed to set and keep it in motion?" The commitment that sets a republic in motion is virtue, or "love of the laws and the homeland."[15] The republic requires a disposition of the people to love their laws and their country, and to sacrifice their own private will to the common or public good. In a monarchy, it is honor and distinction that give life to politics. Accordingly, if a republic requires that we stand up for country and law out of regard to the community itself, a monarchical form is by contrast animated and sustained by a commitment to distinction. It is nourished by the idea of each having to differentiate oneself from the rest, of reaching superiority

and promoting one's own interests without regard to the community as a whole.[16] Finally, it is fear that keeps a despotic political form alive, for by fearing the despot the subjects do not rise up against his or her whims and impulses. On the contrary, they are themselves slaves to the same passions as the despot in the form of instinct, compliance, and punishment.[17]

Understood in this way, the spirit of a political form consists in the combination of its *nature* (who governs, and how) and *principle* (the public commitment needed to set it in motion). As Montesquieu stresses, the principle has "a supreme influence" on politics.[18] It is the spring of a political form. Fear in a despotic form is not only the subjects' fear of the despot, but the despot's fear of his or her subjects.[19] Likewise, in monarchical and republican forms honor and virtue guide both governors and governed. Given the importance of the principle in the maintenance of a political lifeform, this book will from time to time use the principle as shorthand for its entire spirit, so that virtue signifies the spirit of a republic, honor the spirit of a monarchy, fear the spirit of despotism, and eventually, emancipation the spirit of democracy (see Table I.1). It quickly captures what is distinct about each form.

Today, few scholars associate Montesquieu with this idea of the spirit. In legal and political theory, Montesquieu is best known for his constitutional thinking, and more specifically, for his thesis on the separation between legislative, judiciary, and executive powers. As many scholars point out, however, politics for Montesquieu cannot be limited to the constitutional domain. It refers to a political form "engaged in its own life, in its own conditions of existence and survival."[20] To understand how politics works it is therefore not enough to focus on legal or constitutional matters. One has to go beneath the formal level of politics, and listen to its inner heartbeat. Is the political form in question kicking, or has it lost its capability of breathing new life into politics?

When Montesquieu reflects on the spirit of laws he ties into a long tradition of thinking on the difference between political forms, one that begins with Plato and Aristotle and later was to be picked up by Machiavelli. For Plato and Aristotle, political regimes are differentiated on the basis of their distribution of power— basically, whether power belongs to one, few, or many—and each form can degenerate into another according to a fixed and predetermined logic.[21] The typology introduced by Montesquieu differs in important respects from the one developed by Plato and Aristotle, notably with regard to its refusal to make politics

Table I.1 The spirit of different political lifeforms

		Monarchical	Despotic	Republican	Democratic
Spirit	Principle	Honor	Fear	Virtue	Emancipation
	Nature	The monarch	The despot	The people	Nobody

subject to morality and its attempt to reconstruct monarchy (or one-person rule) in terms of rule of law.[22] Most importantly, Montesquieu differs in the emphasis he puts on the principle as a source of judgment and critique, and the dynamic it creates in the understanding of politics and law.[23] This aspect of Montesquieu's work is what sets him apart from his predecessors, and it is also of particular relevance for understanding modern democracy. What emerges out of Montesquieu's reflections on the spirit of laws is a unique framework of thinking, a framework that provides us with a fresh new vocabulary with which to understand and conceptualize modern democracy; as immanent, plural, and social.[24]

First of all, the vocabulary provided by Montesquieu is *immanent* in the sense that there is no transcendental principle that can tell us what is legitimate or just in a particular form. In contrast to natural law or social contract theory, Montesquieu renounces the idea of there being an overarching moral law or foundation of politics.[25] Republics, monarchies, and despotic political forms are all guided by their own immanent principles, and one cannot have the one without the other: "Just as some motors only 'go' on petrol, different forms of government have different drives that set them into motion."[26] What is important to notice is that virtue, honor, and fear are both principles of action and principles of judgment. Apart from setting a political form in motion, they provide immanent "standards of right and wrong."[27] In a republic, for example, actions and institutions are to be evaluated on the basis of how well they protect public virtue against private desire, and in a monarchy they are to be evaluated on the basis of how well they guard the hierarchy of rank and distinction against baseness and equality. The central thrust is that a republic and a monarchy "ought" to be directed by these principles, otherwise they are "imperfect," that is they will cease to exist as distinct political lifeforms.[28]

Secondly, the vocabulary put forward by Montesquieu is *plural*. It is plural not only in the trivial sense that Montesquieu works with a plurality of political lifeforms, each guided by its own nature and principle. It is plural since these political lifeforms limit each other, and in this manner refuse to add up into a single or more encompassing whole. The task for Montesquieu is not how to create a good power, but "how to limit power, whatever its coloration."[29] The framework he provides has power checking power, which means that no political form is animated by a single principle.[30] On the contrary, each political form is animated and sustained by a mixture of principles that always coexist and compete with each other. In short, there is no republic without honor, no monarchy without fear, and no despotism without virtue. The central tenet is that every political form carries the building blocks of all other forms within itself.[31]

This is not to say that all principles are equally important. The critical point made by Montesquieu is that there is always one dominant principle that spurs the others in its direction, and gives a political lifeform its unique spirit. It is this principle that allows us to say that the political form in question is "republican,"

"monarchical," or "despotic."[32] For example, when the principle of virtue complements a given body of people, and citizens take great care to nurture their common public life, the existence of the republic is assured. The body of the people is able to reinforce its power to govern. If the monarchical principle of honor and distinction takes precedence over public virtue in the actions and judgments of citizens, the body of the people is by contrast met with resistance, and the republic is threatened with corruption. It is limited by another political lifeform that inhibits its ability to sustain and renew itself over time.[33]

Finally, the vocabulary offered by Montesquieu is *social*. The social dimension is vital to the present study. Whenever a democracy faces a severe crisis, it is common to redirect attention from the political to the social realm. Instead of asking what makes laws and institutions just or legitimate, we tend to look to society for an answer: What kind of social bond is needed to uphold democracy among human beings living together as strangers? Montesquieu has not only been credited with discovering the social as a realm separate from the political.[34] By introducing the principle as the spring of a political lifeform, he offers a theoretical framework that integrates the social with the political. Virtue, honor, and fear do not merely foster commitment to the power of the people, the king, and the despot; they extend into more ordinary areas of life, including education, luxury, taxation, defense, religion, commerce, and the condition of women. It is in these areas that a political lifeform becomes a "life" in the more material and concrete sense of the term. Accordingly, the central teaching of Montesquieu is that laws, institutions, and policies do not merely set limits on human action. They carry certain principles, and their presence or absence has the capacity to reinforce or to undermine the commitment needed for a political form to sustain over time.

This is a book about democracy, a political form that many deem both legitimate and just and therefore wish to reinforce. But what is its spirit? Who governs in a democracy, and by what principle?[35]

The Spirit of Democracy

It is often argued that Montesquieu's study of the difference between political lifeforms anticipated the conflicts that were to follow between republicans and liberals on the spirit of modern democracy.[36] Modern democracy inherited the spirit of virtue and distinction conducive to republics and monarchies, spirits which many thinkers today consider essential to the maintenance of democracy, albeit in new and more modernized forms. Instead of demanding unconditional love of country and law political theorists speak of "liberal nationalism" and "constitutional patriotism," and instead of basing distinction on inheritance or natural lineage they emphasize distinction based on individual merits.[37] Historically speaking, there is much to be said for these interpretations of modern

democracy. The revolutionaries in America and France were indeed influenced by republican and monarchical political thought. They took over and modified their ideas, concepts, and institutions to fashion a new society which some called a democracy, others a republic.[38]

Today republicanism and liberalism are also considered key paradigms in discussions on modern democracy. Operating along different axes, they are well familiar to students in political theory. Whereas one axis is identified by duties, patriotism, and the primacy of collective and public life, the other is identified with rights, individualism, and the primacy of private over public life.[39] Exactly how the two paradigms relate is a source of continuous debate. To some scholars, they are "incommensurate," and as such difficult to combine into a single theory.[40] To others, they are "co-original" and mutually dependent.[41] For yet another group of scholars the republican and liberal paradigms were never separated. What we today recognize as liberal democracy "was born from the spirit of republicanism."[42]

The working assumption of this book is that modern democracy cannot be properly understood through the prism of republicanism and liberalism. Historically speaking, modern democracy has no doubt inherited many constitutional features from republics and monarchies, including popular sovereignty, rule of law, parliament, and the role of the executive, and the difference between virtue and distinction continues to shape many debates on the spirit of modern democracy. Moreover, the conflict between republicans and liberals on the nature of modern democracy—who governs, and how—is an important line of stratification in political theory. Still, while these features and debates all coexist with democracy, they do not in themselves define what democracy *is*. They do not capture its spirit. Modern democracy is a sui generis political form animated and sustained by a spirit of emancipation, and as we shall see, this interpretation has significant implications for the ways in which we conceive and conceptualize democracy. Among others, it means that democracy has its own conception of freedom that goes beyond republican and liberal readings thereof (Chapter 3), and this conception of freedom in turn invites us to reconsider the democratic significance of some of our most familiar political institutions (Chapter 4) and policies (Chapters 5 and 6).

To unpack the spirit of democracy and arrive at a proper definition of the concept, we shall begin with its nature. Who governs in a democracy? In political theory, the answer to this question normally goes without saying. In a democracy, it is the people who govern. "We, the people" are sovereign with regard to our own political affairs. This is the persistent theme of democracy ever since its birth in the revolutions in the late eighteenth century, and it continues to influence contemporary debates on modern democracy.[43] As the Founding Fathers put it in the American Declaration of Independence, power vests ultimately in the people, and "whenever any form of government becomes destructive to these ends, it is the

right of the people to alter or to abolish it, and institute a new government."[44] In a similar vein, Emmanuel Sieyès declares during the French Revolution that the nation is the source of all legitimate law: "It exists prior to everything; it is the origin of everything. Its will is always legal. It is the law itself."[45]

Still, if much attention since the American and French revolutions has been devoted to conflicts between republicans and liberals on what it means for a sovereign people to govern itself—such as whether the people should be understood as a constituent or constituted power, and whether its power should be exercised directly or indirectly—less attention has been given to the significance of the people itself. While central to the modern revolutionary imaginary, it has somehow escaped the attention of the canon. As Robert Dahl remarks, "[h]ow to decide who legitimately make up 'the people' and hence are entitled to govern themselves is a problem almost totally neglected by all the great philosophers who write about democracy."[46] In the last decades, however, the situation has changed dramatically, and the question of who legitimately make up the people has turned into a salient issue among scholars writing on democracy. Rather than serving as a "shadow theory" of democracy, it has moved into the center of theoretical and empirical concerns.[47]

Populism is a case in point. Populists often invoke the power of the people against the corrupt elites. At the same time, there is little agreement on how to characterize the people, such as whether it refers to the population as a whole, the majority, the common people, or the nation. Or consider migration. At issue in debates on migration is not merely who ought to be included in the people, but who has the right to *decide* that question: Should it be a national prerogative or decided multilaterally through European or global law? Or take secession, which is becoming a contentious topic, as seen in referendums on Brexit and on Scottish and Catalonian independence. The will of the sovereign people often boils down to majority rule. The trouble is that in case of secession the majority of the seceding unit often stands against the majority of the larger unit. Granted that both units profess to have democracy on their side, it is not clear how to democratically arbitrate between them.

So, who governs in a democracy? It is in their attempt to find a democratic answer to this question that many political theorists run into Rousseau's people trap. Reverting to the foundations of modern democracy, and arguing that the sovereign people should have the power to decide who legitimately make up the people in debates on populism, migration, and secession they run into a fundamental paradox. The paradox is that while the sovereign people is the only and ultimate source of all democratic law, it cannot lend itself the democratic legitimacy it needs to *qualify* as such. It cannot account for its own composition without falling prey to a vicious circle or infinite regress. Any attempt to settle conflicts on who "we, the people" are can thus always be questioned anew: the people must be constituted by the people, who are undemocratic at the moment of

foundation, and therefore must be constituted by a new people, and so on. The conclusion many political theorists draw is that democracy suffers from a major weakness. Confronted with competing claims on its own source of authorization, democracy is at a loss. It has, as Wendy Brown puts it, "no intrinsic mechanism for renewing itself."[48]

But this conclusion is unwarranted. Like republican, monarchical, and despotic political forms, democracy has an immanent mechanism for renewing its own source of authorization: the principle of emancipation. To reconstruct the principle of emancipation that sets and keeps a democracy in motion, this book inquires into the significance of the democratic revolution. The "democratic revolution" here refers to the symbolic shift of power associated with the American and French revolutions, not to its actual course of events. This point is worth emphasizing. It means that while the intention of the book is to make use of Montesquieu's concept of the spirit as a foil for analyzing modern democracy, the approach itself will not be Montesquieuan in kind. Instead of undertaking a historical or sociological study of the American and French revolutions, or engaging in the vivid debate on how to understand Montesquieu himself, this book will carve out the spirit of democracy by undertaking a theoretical reconstruction of the symbolic significance of the democratic revolution.

In line with scholars who argue that the democratic revolution is a relative rather than absolute new beginning—it does not begin in a *tabula rasa*, but in *medias res*—I will show that while the democratic revolution nullifies the divine right of kings, it does not remain unaffected by its removal.[49] By seizing the divine right of the king, people have to relate to the gap opened up in its wake. In the conflict on who should have the right to govern, they cannot appeal to a higher law. Gone is the external limitation on human power in the form of divine right. What is left is "the place" once occupied by God. The question is what it means to reoccupy it. Is it possible for human beings to reoccupy this place and become their own givers and guarantors of right? It is against the background of this question that one ought to understand the democratic meaning of emancipation. It dramatically reconfigures the purpose and direction of society.

To argue that democracy is a political form marked by emancipation is not unique to this book. Modern democracy has since its inception been described as an unfinished journey, or a way of "setting the people free."[50] It has sparked different groups in society—slaves, workers, women, black people, and migrants—to emancipate themselves from the powers that be, and by demanding greater inclusion and extension of rights they have changed the meaning of democracy thereafter. As many scholars argue, this openness of modern democracy is a considerable strength. It means that the conditions of living together are not determined beforehand. On the contrary, they are open to contestation, critique, and change.[51] In *The Democratic Horizon*, Alessandro Ferrara draws out the implications of this argument for modern democracy. Inspired by Montesquieu,

he argues that the unfinished nature of modern democracy does not automatically reproduce itself over time. It requires an "ethos of openness."[52] I quote a passage from the book at length since it well captures what is *difficult* with accepting the uncertainty unleashed by the democratic revolution. According to Ferrara, people are animated by an ethos of openness when

> they are willing to consider alternatives, cognitive or practical, different from the ones they are used to, when they possess the emotional security to try out as yet partially explored paths, when they are willing to venture into the unknown, when they are open to accept the unexpected as a potential carrier of goodness yet to be decoded, when they are emotionally ready to accept change, when they do not feel oppressed by the responsibility to choose, but rather see that responsibility as freedom ... when they see plurality – cultural, political, religious and economic – as an opportunity for the enrichment of the core of an identity and not as a threat to its stability, when they cherish reversibility of decisions, structures, patterns as one of their virtues, when they prefer open contexts, as ones that embed a potential for better responsiveness to changing life needs, over entrenched patterns.[53]

As this passage reveals, the democratic revolution is not only liberating. It is also highly demanding, and this aspect has received less attention in political theory. The problem is that while the democratic revolution releases people from the weight of a divinely instituted right, they now have to assume the task that comes with its overthrow, namely that of being the ultimate giver and guarantor of right. This position has hitherto been reserved for an immortal and infallible authority, and reoccupying its place means that human beings not only are exposed to what Arendt calls the "abyss of freedom": the abyss that opens up between past and future when history no longer can be trusted as a legitimate source of authority.[54] "As the past has ceased to throw its light upon the future," Tocqueville famously notes "the mind of man wanders in obscurity."[55] They are exposed to an "abyss of responsibility" in the sense that the future now hinges entirely on their own actions and judgments in the present. There is no one else out there to praise or blame.

The attempt to respond to this abyssal experience of freedom and responsibility—or this summoning of humanity unto itself—marks the momentum of the democratic revolution. If monarchy rests upon the existence of a divine giver and guarantor of law, the removal of divine right unleashes a fundamental uncertainty about the purpose and direction of society. No one can foretell its course. It can be difficult to live with such uncertainty, and the temptation to escape it haunts modern democracy.[56] What is distinctive for a democratic political lifeform is that it acknowledges this difficulty. Instead of suppressing the condition, it tames the uncertainty by sharing and dividing it equally. This

move is what sets and keeps a democracy in motion. If a republic calls for virtue to sustain over time, a monarchy for honor, and despotism for fear, a democracy calls for emancipation. By equitably dividing up the essential uncertainties of the future, it emancipates us from a state of self-incurred tutelage. More precisely, it emancipates us from having the basic purpose and direction of society decided *for* us.

The principle of emancipation, so understood, suggests that while democracy removes all external authorities in political affairs—be they historical, natural, or divine—it does not shy away from the uncertainty that this removal generates in the exercise of politics. Instead of bending it to support a strong leader or authority, it accommodates the uncertainty that it itself unleashes. The result is a unique combination of reassurance and freedom. *Reassurance* since the burden of living in a democracy—the fact that we must be ready to assume responsibility for political affairs—becomes endurable. By sharing the burden of judgment and decision-making under conditions of uncertainty, each of us has the freedom to fail in our judgments and decisions without such failure marking the end of our history. *Freedom* since the experience of uncertainty thereby turns from a burden into a horizon of expectation. We can afford to experiment with new ways of being and acting, and in revolutionary fashion, begin the world anew.

What emancipation means is a major theme in this book, and more will be said about the principle of emancipation and the meaning of democratic freedom as the capacity to begin anew in due course. For now, it suffices to notice that the principle of emancipation has two important implications for how we conceptualize the nature of democracy. Recall that the nature of a political form refers to *who* governs, and *how* that government in turn is exercised. Regarding the first, and as the word emancipation itself suggests, democracy means exit from ownership (*mancipum*). Rather than being the property of a particular people, democracy is an inherently classless political lifeform. The term "classless" may lead the associations of the reader to Marx's and Engels's idea of the classless society, a harmonious and apolitical condition that arises after the revolution. But democracy is not a harmonious end-state, nor is it based on a primordial strife between friend and enemy, as Carl Schmitt claims. Democracy is an open-ended struggle for change. The reason is that once divinity is dethroned as ultimate giver and guarantor of what is right, the division of society into a hierarchy of different classes or groups is destabilized. No one in society has the final say.

In the words of Brian Singer, we could therefore say that democracy "is not so much a struggle between classes *within* society as a struggle *over* society, over the definitions of what society is and should be."[57] Or in the words of Claude Lefort, it is a political form guided by the insight that

power does not belong to anyone, that those who exercise it do not incarnate it, that they are only the temporary trustees of public authority, that the law of God

or nature is not vested in them, that they do not hold the final knowledge of the world and social orders, and that they are not capable of deciding what everyone has the right to do, think, say and understand.[58]

But how, it might be objected, does one create a stable and enduring democracy under such malleable political conditions? How is it possible for "nobody" to govern? This brings us to the second element that is unique for modern democracy: as a classless political lifeform it cannot be exercised directly or immediately. In contrast to republican, monarchical, and despotic political forms, which are sourced in the physical body of the people, the king, and the despot respectively, democracy does not have a natural source of authority to fall back upon. It hinges entirely on *intermediary bodies*; laws, institutions, and policies.[59] Instead of making reference to a natural source of authority in the form of a particular class of people, democracy falls back on the principle of emancipation as a source of mediation, and it is this principle that is operative in such familiar political institutions as universal suffrage, human rights, and the public sphere. What these institutions have in common is that they give institutional "body" to the principle of emancipation. By equitably dividing up the uncertainty that comes with the removal of extra-political authorities, they make sure that while everyone has an equal say on the purpose and direction of society, no one has the *final* say.

Universal suffrage does so by making political conflicts subject to a process of recurrent redistributions of power.[60] Recurrent elections give everyone equal time to reflect on the purpose and direction of society, and by the same token, they prevent specific individuals or groups from monopolizing the place of power or wielding it to further their own particular ends. The public sphere does so by providing the time and space needed for human beings to judge and decide the purpose and direction of society; time to take a step back and assess whether society is moving in the right direction, and spaces to meet across difference in word (e.g. deliberations) and deed (e.g. demonstrations). Human rights do so by making sure that no one in society be the supreme judge on who "we, the people" are. Instead, it guarantees that democracy is "founded upon the legitimacy of a *debate* as to what is legitimate and what is illegitimate—a debate which is necessarily without any guarantor and without any end."[61]

Democracy is a classless political form animated and sustained by a principle of emancipation. Or in brief: it is a spirit of emancipation. This is the overall thesis that will be defended in this book (see Table I.1). In recent years, however, familiar political institutions like universal suffrage, the public sphere and human rights have apparently lost some of their emancipatory force. Both theoretical and empirical scholars call our attention to their distortions.[62] They argue that the institutional apparatus that was supposed to guarantee civic, political, and social equality, and provide human beings with the freedom to move across classes has lost its credibility as a distinctively democratic way of organizing political life. It

has been hollowed out and turned into a "formal shell" without any real political substance.[63] It has either become a platform for political and economic elites to enrich themselves at the expense of ordinary people, or succumbed to populist and authoritarian forces that exploit the freedoms built into democracy to undermine it in the name of a more "true," "authentic," or "real" people.[64]

The rise of populism and elitism is today at the center of academic and public debates. Political elites in many countries are accused of favoring technocracy at the expense of democracy. Trying to keep people out of politics, they are losing touch with the concerns of ordinary people. Ordinary people are in turn reproached for being too uninformed to be entrusted with any real influence in political affairs. They are deemed ignorant and unable to resist the populist lure.[65] While this debate on populism and elitism can be seen as an important step in the forging of a new democratic revolution, it is too parochial to make sense of the sea-change that inflicts contemporary political life. Asking who best defends democracy in times of crisis—the people in the streets, the politicians in parliament, the judges in the court, or the executives of the state?—it blinds us to a different and more profound conflict, namely the one between democracy and *other* political forms; republican, monarchic, and despotic ones.

This point is particularly salient when there is waning confidence in the legitimacy and efficacy of democratic decision-making. What happens is that the uncertainty tamed by democratic institutions then resurfaces in society, and this uncertainty can easily be abused by actors seeking to undo democracy from within. It can be exploited and mobilized *against* democracy. Such mobilization can take different forms. The uncertainty can, for example, be exploited to prioritize love of homeland over love of democracy. Or the uncertainty can be exploited to pit individuals against individuals in a competition for distinction, supremacy, and status. The uncertainty can also be transformed into fear, which in the long run could lead to a new form of despotism.[66] To prevent such degeneration of democracy it is necessary to shift register. Instead of limiting the debate on the crisis of democracy to a debate on populism and elitism, we need to go back to the forming principles of democracy itself.

Still, this is the point where we risk going astray. Faced with conflicts on the value of democracy itself, many scholars revert to the foundations of democracy. They evoke the sovereign people as a kind of last resort. But this resort is a trap, and a dangerous one at that. Rather than revitalizing democracy, it encourages us to move beyond democracy to protect it, and so only inflates the crisis that it seeks to remedy. To avoid this trap, I suggest that we take a different tack and invoke the principle of emancipation as our preferred source of judgment and critique. Moreover, instead of merely focusing on universal suffrage, human rights, and the public sphere, I suggest that we direct our attention to the field of policy-making. Close to home, day-to-day, and material, policy-making has often fallen under the radar of political theorists. It has been deemed "social" rather than

"political," and as such, beyond the scope of democratic theory. But policies are integral to the maintenance and revitalization of democratic life. By addressing them we are not only in a better position to understand the mechanisms at work in the corruption and disintegration of democracy. We stand a better chance of identifying what it takes to counter them, and begin democracy anew.

Democratic Corruption

If the term corruption commonly is associated with the work of Machiavelli and Rousseau, it is the merit of Montesquieu to expand its horizon of applicability beyond republican political thought. What Montesquieu demonstrates is that corruption can mean very different things, depending on the principle that animates and sustains a political lifeform. What then is meant by corruption in a democracy?

In recent years, the corruption of democracy has become a central topic in political theory. While not always using that word, political theorists have done important work to trace the corrosion of democratic practices and ideals in relation to media and opinion-making,[67] elections,[68] human rights,[69] party politics,[70] the public,[71] as well as in relation to the ideal and desire of political equality.[72] The dividing line in the literature goes between those who conceive of corruption as a force extraneous to democracy, and those who conceive of it as inherent in the logic or structure of democracy itself. In the former account, the predicament of democracy is sought in forces that are seen to escape the control of single democracies, such as globalization, digitalization, or migration. In the latter account, by contrast, democracy's corruption raises more troubling questions about the meaning of democracy itself. What, one asks here, is it about the current incarnation of democracy that paves the way for—or even allows for—its corruption?[73]

In this book, I adopt the latter outlook. To unpack the meaning of democratic corruption, it is pertinent to distinguish between two issues; the mechanisms that pave the way for democratic corruption, on the one hand, and their implication in the form of democratic disintegration, on the other. Starting with the former, we need to be attentive to three questions: what corruption *is*, how it *begins*, and *where* in society it takes place.

Recall that the term spirit is a combination of two elements: the nature of a political lifeform (who governs, and how) and its animating principle (the public commitment needed to sustain this way of governing). Corruption is a drifting apart of these two elements. It is a loss of spirit in the sense that a particular lifeform no longer is able to sustain itself over time. Unless people in a republican political form are animated by commitment to country and law, for example, they will have difficulties in governing themselves as a unified and sovereign body. The

body of the people will break down into separate factions, which in turn affects the ability of the republic to muster support for the common good.[74] Or unless people in a monarchy are animated by commitment to honor and distinction, the king will have difficulties in sustaining his supreme position in the hierarchy of order and rank. He will lose his position as God's lieutenant on earth, which in turn breaks the natural chain of distinctions and privileges upon which his governing relies.

In a similar way, corruption in a democratic political form means that its principle and nature are parting company. Unless people are animated by a commitment to emancipation, they will have difficulties in upholding such class-less political institutions as universal suffrage, human rights, and the public sphere. Serving to guarantee everyone equal time and space to judge and decide the purpose and direction of society they will soon come across as hollow and weak: Who is responsible for these institutions? Who is actually in charge? Since no one in particular can be said to govern these institutions—they are precisely the intermediaries through which we debate and decide who "we, the people" are—they will lose their capacity to create reassurance against uncertainty, which in turn stifles the emancipatory disposition needed to set and keep them in motion.

How does such a process of corruption begin? According to Montesquieu, the corruption of a political form typically begins with its principle. The reason is that once the principle is corrupted, "it pulls everything along."[75] In a monarchy, for example, corruption begins when the king no longer is guided by the principle of honor and distinction, as when he disgracefully directs "everything to himself exclusively" or deprives established bodies and cities of their privileges.[76] In a despotic form, it begins when the mechanism of fear is devalued and replaced by public disdain, or worse, public ridicule.[77] In a republic, corruption begins when public virtue is replaced by an excess of private over public life, or when citizens by contrast become too publicly spirited and "want to do everything themselves: to deliberate for the senate, to execute for the magistrates, and to cast aside all judges."[78] In a democracy, corruption begins with the principle of emancipation. More specifically, it begins when the principle of emancipation either is *negated* or *exaggerated*, and both scenarios are detrimental to the endurance of democracy.[79]

If the principle of emancipation is negated, it risks unraveling the spirit needed for democracy to sustain. When a democracy weakens the principle of emancipation—for example, by shuffling onto individuals an uncertainty that ought to be publicly shared and divided between equals—it obstructs the realiza-tion of democracy. Instead of fostering political institutions that equitably divide up the burden of judgment and decision-making, such privatization of uncertainty invites people to search for "biographical solutions to systemic contradictions."[80] We are encouraged to search inwards in our quest for political reassurance, and to assume personal responsibility for problems that are politically and collectively generated. Unless people unmask this negation of emancipation as a corruption of

democracy, and create laws, institutions, and policies that channel and process the essential uncertainties of the future in an equitable way, these uncertainties will soon become a liability to democracy. They will invite people to look for reassurance in another political form, like a republican, monarchical, or worse, despotic one. Instead of expanding the quest for emancipation we are incited to close ranks and unite around the symbolic power of the flag, the leader, and the enemy respectively.

When the principle of emancipation by contrast is exaggerated, it breeds over-confidence in democracy as a political form able to survive anything, including appeals to the flag, the leader, and the enemy. In contrast to other political forms, democracy is born out of an exceptionally bold and self-confident act. It evacuates the place of divine right as giver and guarantor of politics, and tames the uncertainty it generates by sharing and dividing it equally. While this act makes democracy amenable to contestation, critique, and change, it also entails the risk of desensitizing rather than emancipating those who enact it. In a democratic political lifeform we may become *too secure*, and thereby turn a blind eye to the uncertainties that underpin core political institutions such as universal suffrage, human rights, and the public sphere. This can lead to something akin to what David Runciman calls "the confidence trap."[81] We may start to think of democracy's historical record in overcoming crisis as somehow innate to a particular class of people—the French, the American, or the English people—rather than as an achievement dependent on the commitment that animates their actions and institutions.

The third point, finally, concerns where in society corruption sets in. Montesquieu is certainly not the first to point this out, namely that the corruption of a political form usually is related to the social realm, notably that of education.[82] Corruption is a slow and protracted process, and it typically occurs through policies related to citizenship, education, and work, but also housing, taxation, communication, health, ownership, and gender. When the principle of emancipation no longer animates policies undertaken in these areas, democracy runs the risk of being evacuated from within. If this happens, political institutions such as universal suffrage, human rights, and the public sphere may serve as the main pillars of democracy, and even be publicly proclaimed by politicians and citizens. Nevertheless, the democracy may still be well on the way to a loss of its raison d'être. The reason is that policies on citizenship, education, and work are nurturing action-orientations that contravene the spirit of democracy. They are silently working in favor of a different political lifeform.

A central aim of this book is therefore to draw attention to the social dimension of democracy. It is by focusing on the action-orientations fostered by institutions and policies in *these* areas that one can begin to understand how a democracy gets corrupted—even against the will of a putatively sovereign people. This is perhaps the most important lesson that we learn from Montesquieu. Laws, institutions,

and policies are not merely formal guidelines serving to uphold procedures and ensure the wellbeing of people; they carry certain principles that have the capacity to reinforce or to undermine the democratic political form in which they operate. Unless the principle of emancipation is enacted by human beings in their everyday cooperations and conflicts with one another, and unless laws, institutions, and policies support them in their efforts by encouraging action-orientations in favor of emancipation it will in the long run be difficult to uphold democratic practices and ideals.

Democratic Disintegration

So far we have addressed the mechanisms of democratic corruption; what corruption is, how it begins, and where it takes place. We have established that democratic corruption is a loss of spirit that begins with the principle of emancipation, and that transpires in the social realm, notably in areas of citizenship, education, and work. The next question concerns the implications of this process of corruption. When can we say that a democracy has disintegrated, and as a result, has forfeited the name it claims for itself?

In line with the plural framework of politics described earlier, democracy cannot be understood as an isolated political system. On the contrary, democracy is a political lifeform that carries the building blocks of all the other political forms within itself; the republican, the monarchical, and even the despotic. There is no "pure" democracy, one which operates without virtue, honor, or fear. These principles always coexist and compete with the principle of emancipation. Another way to put this is to say that the limits of democracy only can be understood in relation to another political lifeform, and this form—the republican, monarchical, or despotic—is *internal* to democracy. This point is essential for two reasons.

It implies, first, that the debate on populism and elitism does not take place in a political vacuum. It is bound up with a more enduring conflict between political lifeforms. When, for example, does the pursuit of elitism in the shape of a striving for distinction and superiority subdue the commitment to emancipation needed for democracy to sustain over time? Or when does the populist creed shut down the debate on who "we, the people" are in favor of a republican body claiming to *be* the people? Second, it implies that while democracy coexists with other political forms, and sometimes can draw on the principle of virtue, honor, and fear to uphold its own integrity—virtue, for example, can create common ground for carrying out difficult political reforms and fear can be an important corrective to public naivety—the balance can be tipped to its disadvantage. This is what we ought to worry about, and in this book I refer to it as democratic disintegration.

Democratic disintegration means that the principle of virtue, honor, or fear *trumps* the principle of emancipation in a sustained or structured way. When this

happens, virtue, honor, or fear takes precedence over emancipation both as a source of action and judgment, with the result that the democratic political lifeform disintegrates. It may be objected that the principles described by Montesquieu are too old-fashioned to make sense to us today. Not only do virtue, honor, and fear have an old ring to them.[83] Being only three they are, as Arendt complains, "pitifully inadequate to the rich diversity of human beings living together on earth."[84] This book does not rule out that there are other principles worthy of attention. Like Arendt, I believe that one can find a rich diversity of principles operating in politics.[85] Still, and this point needs to be pressed; virtue, honor, fear, and emancipation are *meta-principles*, and in this capacity they should not be discarded as a thing of the past. On the contrary, in a time marked by the emergence of new and hybrid political forms—such as illiberal democracies, electoral autocracies, and authoritarian populism—virtue, honor, fear, and emancipation can assist in analyzing the spirits behind them.

Much has been written on fear. If we listen to Montesquieu, fear is not a natural condition of politics, as in Hobbes's idea of man as a wolf to man. It is but one of many different principles that can be enacted by human beings and sustained by institutions. Still, it is the most primitive one insofar as it does not need to be taught in the same way as virtue and honor, or emancipation. Fear is self-corruptive. Once it takes hold of our imagination, it quickly escalates into a state of despotism. Political theorists have paid much attention to the role of fear in the degeneration of democracy. Arendt's work on totalitarianism is a case in point. Far less attention has been paid to virtue and honor. In this book I therefore give more attention to these two principles, and show how they—if enacted and cultivated in a sustained or structured way—may lead to the disintegration of democracy.

To that end, Chapter 4 examines a familiar democratic institution, namely election. As demonstrated, the institution of election is not democratic per se. It all depends on the principle that animates it. Animated by a principle of distinction, election becomes aristocratic. It selects the better ones into office, and the point of having recurrent elections is to create the time span needed for evaluating their performance, and holding them to account. Animated by a principle of virtue, election becomes patriotic. It serves to achieve collective self-government, and the point of having regular election is to remind us of our foremost commitment to the sovereign people, which in this sense comes alive with each new election. As familiar as these interpretations are, they are not democratic, at least not in the revolutionary sense of the term. Only when election is animated by a principle of emancipation does it become democratic.

Democracy pivots on uncertainty, and so do elections. The point of election is not to select leaders for office or to achieve collective self-government. The point is to shape an uncertain future in an equitable way. By institutionalizing the idea of "one person, one vote," election gives equal weight to a plurality of experiences

and expectations about what society is, and could be. Furthermore, by taking place at regular intervals it gives human beings the freedom to fail in their judgments and decisions, and begin anew. This difference in outlook will be developed in more detail in the book. At this point it suffices to notice that the argument has important implications for how we understand the corruption—and resulting disintegration—of democracy. The problem is that when elections are guided by a principle of distinction or virtue *at the expense* of emancipation, it may frustrate our capacity to tame and shape the essential uncertainties of the future in a democratic way. Instead of creating a combination of reassurance and freedom, it risks reducing elections to a sport between "winners" and "losers" or an instrument to defend "our" democracy against "yours."[86]

To demonstrate the continuing relevance of distinction and virtue in the disintegration of democracy, the last two chapters focus on citizenship; social rights and citizenship status. Citizenship is not the only policy area of significance today. So are education and work, for example. A proper study of the spirit of democracy would therefore have to investigate how these and other policy areas cohere into a distinct political form, and evaluate them both empirically and theoretically. This is not within the scope of this book. Accordingly, the chapters on citizenship make no claim to generality. They cannot tell whether a democracy is in a good or bad condition. The purpose of discussing citizenship is more limited: to give an example of how democratic corruption *can* be studied. The aim is to show that if we wish to halt a process of democratic corruption, and prevent the disintegration of democracy we ought to pay critical attention to policies on citizenship. What kind of commitment do they encourage respectively discourage? Do they cultivate distinction, virtue, and/or emancipation?

In the chapter on social rights, I demonstrate how a negation of the principle of emancipation may result in a process of democratic disintegration. Since the 1980s, myriad policy steps have been taken towards a privatization of choice and responsibility in social and public services, including welfare, healthcare, elderly care, schools, and infrastructure. In political theory, the privatization of responsibility accompanied by freedom of choice has typically been discussed as a matter of social justice.[87] The result is that less attention has been paid to its *democratic* significance, let alone to its bearing on the commitment needed to foster democratic practices and ideals. As a closer inspection reveals, however, the action-orientations created by this privatization of responsibility have more in common with the principle needed to sustain a monarchy than a democracy.

The principle of monarchy is honor, or the aspiration for "preferences and distinctions."[88] The problem is that when market-based solutions are allowed to dominate social and public services, and the benefits and risks of common political life itself are privatized, the striving for preferences and distinctions may take precedence over emancipation in the enactment and judgment of politics. In order to survive the "rat race," we are encouraged to cultivate certain

manners and attitudes that might give us an advantage over others in the competition for security, status, and positions, such as ambition, attitude, and self-promotion. Moreover, we are taught to evaluate the actions of ourselves and others on this same basis. This means that once we have received a particular rank, it becomes important to "do or suffer nothing that might show that we consider ourselves inferior to the rank itself."[89] Doing so could make us look weak, and on the losing side in the competition for security, status, and positions.

In a classic monarchical form, the principle of distinction is hereditary. In contemporary democracies, the principle of distinction is by contrast associated with individual merit, social status, and wealth.[90] Does this make the reference to monarchy obsolete? To think so ignores that the principle of distinction always competes with the principle of emancipation, and in the long run—and without due attention—may trump it. Contemporary democracies may already be witnessing something of this kind. People with merits, social status, and wealth have in the last decades exploited their intellectual, cultural, and economic advantage to create a hereditary elite which lives more and more isolated from the rest of society.[91] The problem is not merely that this advantage can be exploited for political purposes in the form of influence, access, and gerrymandering. If distinction becomes a general spirit in society, it may in the long run nurture a "market for monarchy"; commitment to a strong leader backed up by (quasi) religious, natural, and/or historical guarantees.[92] By rationalizing the competition for status and positions in society, and at the same time offering human consolation in the case of misfortune such a monarchistic combination could prove custom-designed for a society divided into winners and losers.

In the chapter on citizenship status, I show how an exaggeration of the principle of emancipation—understood as over-confidence in the ability of particular peoples to overcome various crises related to migration—may result in a process of democratic disintegration. Citizenship is often described as a membership-based concept. It distinguishes insiders from outsiders, or those who belong to "we, the people" from those who do not.[93] With growing migration across borders, however, political membership has turned into a contentious issue. Assuming that democracy is in the possession of a sovereign people, policy-makers have sharpened the admission criteria of political membership. The rationale is that respecting the human rights of migrants may come at the expense of domestic democratic stability. It may break the fragile social bond that exists within the citizenry, and obstruct integration. In response to this worry, many countries have decided to raise the bar for political membership, either by requiring certain merits, qualifications and resources, or by demanding unconditional loyalty to the country and its laws, or both.

But as demonstrated in the chapter, this attempt to defend democracy against the challenges posed by migration is counterproductive. There is no sovereign people behind democratic politics, only a number of intermediary laws,

institutions, and policies through which "we, the people" debate and decide the purpose and direction of society. This means that there are not *two* questions of integration, one for citizens and the other for newcomers. If citizens decide to raise the bar for political membership—for example by demanding outstanding individual achievements or unconditional loyalty to the nation—it binds them to each other as well as to newcomers. This is the paradox of democratic self-defense: defending the integrity of democracy through appeal to distinction or virtue reinforces the importance of class status—social and cultural—over citizenship status. It undermines the democratic meaning of citizenship.

Democratic Renewal

Corruption and disintegration of democracy is one thing, renewal another. What does it take to revitalize democracy anew? When political theorists discuss the possibility of democratic renewal, they often do so by making reference to a sovereign people. This is particularly evident in debates on how to renew democracy in response to challenges raised by migration and globalization. In this context, we are often presented with a number of "hard choices," choices that involve difficult tradeoffs between core values like democracy and human rights, or between legitimacy and efficacy. The supposition is that there is an unavoidable tension between the rights we possess in our capacity as citizens, and those we possess in our capacity as human beings. Or, between giving everyone affected an equal say in political affairs, and actually getting things done. Sometimes, the argument goes, we therefore have to choose: Democracy or human rights? Legitimacy or efficacy?

   In debates on migration, the tradeoff is usually perceived to be one between a sovereign people's right to self-determination and its duty to respect the human rights of others. The argument is that taking in a large number of migrants and refugees may threaten the stability of democracy, and this is what creates the democratic dilemma in question: Does a sovereign people have the right to defend its own democracy and welfare at the expense of human rights? In debates on globalization, the tradeoff is usually between legitimacy and efficacy. It revolves around "the system dilemma" between citizen participation and system effectiveness.[94] The assumption is that while many peoples today are sovereign with regard to their own political affairs, they lack the capacity to effectively resolve global problems like migration, global injustice, or climate change. A democratic dilemma thus arises: Must we surrender our democratic aspirations and ideals in order to solve such urgent political problems?

   These two dilemmas often come across as highly imperative and realistic. Still, one needs to proceed carefully here. The fact is that these dilemmas only become intelligible if one assumes that democracy is a political form based on a sovereign

people. Remove this assumption, and the tradeoff between democracy and human rights, or between legitimacy and efficacy, looks less convincing. It rather raises new and more difficult questions: Does defending the integrity of the sovereign people against newcomers mean that one *also* defends the integrity of democratic practices and ideals? Or does it rather boost a national allegiance to country and law—or even an existential conflict between friend and enemy—at the expense of democracy? Is the impatience with democracy in debates on migration, global injustice, and climate change a reason for us to surrender our democratic ideals and "get real"? Or is this disillusionment with democracy itself the result of a democratic delusion: no sovereign people, no democracy?

Once we let go of the sovereign people as the normative benchmark of democracy, our basic democratic outlook changes. The reconfiguration of democracy can no longer be democratically legitimated by tracing popular power back to the sovereign people. The reason is that who this people are now is the very question of democracy.[95] This indeterminacy separates a democratic from a republican political form. If a republic is based on a virtuous and sovereign people, a democracy is emancipatory and classless. It hinges on intermediary bodies able to negotiate conflicting claims on who ought to govern. Accordingly, to lament the absence of a common good in world politics is to subscribe to a republican problem, not a democratic one.[96] In contrast to a republic, a democracy is not anchored in a unified and sovereign people. In a democracy, we dispute who governs. That is precisely why we *have* institutions like universal suffrage, human rights and a public sphere: to regularly debate and decide who "we, the people" are.

The question is what happens when these intermediary bodies lose their emancipatory spirit. Given that there is no sovereign people to fall back upon in times of crisis, how does one begin democracy anew? This is where the principle of emancipation comes in. As a standpoint of judgment and critique immanent to a political lifeform—rather than to a particular people—the principle of emancipation has both a critical and constructive role to play. Not only does it allow us to take a step back, and assess whether existing laws, institutions, and policies enable or obstruct commitment to democratic practices and ideals. As an immanent standard of right and wrong, it serves as an important yardstick in the work towards democratic renewal. It allows us to ask which of the many new claims to represent the people in contemporary politics—be they invoked by people on the street, politicians in parliament, judges in the court, or executives in the state—are conducive to the renewal of democracy, and which are not. Let me unpack this point.

In the previous sections we established that democratic corruption is a loss of spirit that begins with the principle of emancipation and spreads from the social to the institutional and legal dimensions of politics. A process of democratic renewal operates through the same mechanisms, yet in reverse. Accordingly, the first step

in a process of democratic renewal consists in acknowledging that a loss of spirit—or drifting apart of the principle and nature of democracy—unleashes a fundamental uncertainty in society. When laws, institutions, and policies no longer tame and shape the essential uncertainties of the future in an equitable way, the abyssal experience of freedom and responsibility *resurfaces* in society. Not only do our minds wander in obscurity; the responsibility for what comes next now falls on our shoulders alone. In the words of Timothy Snyder, this is a condition in which "life is political, not because the world cares about how you feel, but because the world reacts to what you do," or indeed fail to do.[97] The bottom line is that inaction becomes as significant for politics as action.

This abyssal experience of freedom and responsibility is Janus-faced. On the one hand, the temptation to escape our own freedom and responsibility is a persistent element in modern democracies. It can be mobilized by democracy's critics to undermine its legitimacy, or worse, be exploited by democracy's enemies to "release" us from the uncertainty that haunts modern democracy. On the other hand, it is possible to channel the uncertainties unleashed by the corruption of democracy in a way that reinforces its power. They can be tapped to rejuvenate the spirit of emancipation, and adjust democracy to new political conditions, including those of migration, global injustice, and climate change. The reason is that in times of crisis, it is *more* burdensome to leave existing uncertainties intact than to foster intermediary bodies able to tame and share them across national classes of peoples. With such intermediary bodies in place, we do not have to carry the weight of the world ourselves. This insight is the first and most important step towards democratic renewal.

How does such a process of democratic renewal begin? The process begins with the principle of democracy, not its nature. Once the principle of emancipation is revitalized, it pulls everything along. Accordingly, when trying to tame the uncertainties evoked by the corruption of democracy it is not enough to focus on who governs and how. Instead one must go back to the principle *behind* democratic laws, institutions, and policies, and ask how claims to represent the people fare in relation to it. Do they foster commitment to emancipation?

Today a number of actors and institutions profess to step in and do what democratically elected representatives no longer seem prepared or able to do, namely to "make present" the people they claim to represent. Protesters, populists, celebrities, influencers, presidents, CEOs, and NGOs all claim to speak on behalf of the people. The principle of emancipation offers an immanent democratic standpoint from which to discriminate between such representative claims. It alerts us to the difference between political reforms undertaken in a democratic as opposed to a liberal or republican spirit. The difference is that reforms undertaken in a democratic spirit acknowledge the uncertainty that arises in the absence of democratic institutions, and instead of putting their trust in specific leaders or

peoples they support laws, institutions, and policies that tame uncertainty by sharing and dividing it equally.

This difference becomes particularly acute under conditions of migration, economic inequality, and climate change. What these processes have in common is that they transcend existing boundaries between peoples. They affect us in different ways in different places, yet the uncertainties they create are such that they spread beyond those directly affected. In today's globally connected economy and media saturated political landscape it is difficult *not* to be affected by what happens elsewhere in the world. One rumor in social media is enough to set a chain of political reactions into motion, and the effects of climate change are by definition boundless; thunderstorms, droughts, and melting ice do not respect the political distinction between sovereign peoples. Confronted with the unpredictability that such processes create in our lives—in Chapter 2 I refer to them as instances of human and cosmic uncertainty—it is tempting to conclude that democracy is at a loss.

This brings us to the final step in the process towards democratic renewal. Recall the distinction made in the beginning of this Introduction between crisis and corruption. Crisis is not necessarily a problem for democracy. What is a problem is the corruption of democracy, for it weakens our capacity to respond constructively to it. When democratic institutions fail to address global and structural problems like the ones just mentioned, attentiveness to the commitment that guides policy-making in areas of citizenship, education, and work—but also housing, taxation, communication, health, ownership, and gender—is imperative. Just like the corruption of a democracy takes place in the social realm, so does its renewal. What many social policies have in common is that they are close to home, day-to-day, and material. In this capacity, they can create political resilience against crisis and simultaneously serve as a springboard for political reform. They can strengthen democracy from the bottom up.

One of the main tasks of this book is therefore to call attention to the often overlooked *place* of the political; how it operates at the most mundane and intimate level of our lives. Political institutions and laws are vital to the rejuvenation of democracy. They create stability in the midst of uncertainty, which is a key ingredient in a well-functioning democratic society. Still, the real drama in the conflict between democracy and other political forms does not play out in parliaments and courts. It plays out in the social realm. Policy-making has a long-term effect that either can strengthen or weaken commitment to democracy. By privileging social policies based on the principle of emancipation, it is possible to yield the combination of reassurance and freedom needed to turn the present crisis of democracy into a call for democratic renewal. Instead of pitting individuals against individuals in a competition for security and status, or inciting us to remain loyal to our own people, it encourages us to reach out for solutions across such class divisions.

The Status of the Argument

This is a book in political theory. Broadly understood, political theory analyzes the concepts and principles that people use to describe, explain, and evaluate actions and institutions. The concept under consideration here is democracy. The central tenet is that modern democracy is a spirit of emancipation, and as such, a political lifeform that can be practiced across given classes of people. The question to be addressed in this section is the status of this argument. Is it historical, normative, and/or conceptual?

The ambition of this book is neither to prove the historicity of the spirit of emancipation, nor to offer a normative justification in its defense. I do not, for example, claim that the American and French revolutionaries themselves imagined democracy as a spirit of emancipation, or that citizens of contemporary democracies do so. It would require a very different study than the one undertaken in this book, one pertaining to the world of history and empirics rather than theory. Nor do I give an independent normative argument for why we ought to embrace the spirit of emancipation. It would require far more in terms of normative justification than I wish or do provide. Instead, the status of the argument is conceptual. It pertains to the meaning of democracy, not to its historicity or normativity. The intention is to show that democracy "ought" to be guided by the spirit of emancipation, otherwise it will be "imperfect," that is it will cease to exist as a distinct political lifeform.[98]

This argument raises a number of thorny questions, some of which cannot be answered within the scope of this book (see Conclusion). To prevent some initial misunderstandings, however, I would like to end by considering three possible objections to it; that it is *unrealistic*, *essentialist*, and *relativistic*. These are broad families of objections, yet what they have in common is that they cast doubt on the spirit of emancipation as a convincing way of conceptualizing democracy.

The first objection holds that while this book challenges the sovereign people as a normative benchmark of democracy, it neglects that this people already exists in practice. What most countries on earth have in common is that they declare the people sovereign over political affairs. With this in mind, it may seem imprudent to claim that political theorists have misunderstood what democracy is. Not only does the sovereign people exist in practice; it proliferates and thrives. Many people across the globe take it to be a trivial fact about their lives that they belong to sovereign peoples, like the Swedish, the South African, or the American people, and that they have the prerogative to authorize the laws of their country precisely because of their membership in that people. To suggest otherwise, it seems, one would have to deny the lived reality of human beings.

This objection misunderstands the argument pursued in the book. To begin with, the spirit of emancipation is not detached from our lived reality. Rather than idealizing democracy, it enhances our understanding of *what is already there*,

partly materialized in institutions like universal suffrage and policies on social rights and citizenship status. What these have in common is that they divide up the essential uncertainties of the future equally, and in case we fail in our judgments and decisions, they allow us to begin anew. Instead of being projected onto existing democracies from above, one could therefore say that the spirit of emancipation is present but overlooked: precisely because it is inscribed in some of our most familiar institutions and policies it falls under the radar of democratic theory. Furthermore, we should not deny that there are nationally and constitutionally defined peoples out there, the large majority of whom also go and vote in regular elections. That would be a tall order. Rather, the claim is that these peoples do not in themselves *hold* or *own* democracy. Democracy is a spirit of emancipation, and as such it cannot be monopolized by a particular class of people. To object to this thesis, and insist that it can is not to be "realistic" in the vocabulary used here. It is to mistake a republican spirit for a democratic one.

The second objection asserts that while this book purports to open up the purpose and direction of society to change, it is at bottom essentialist in its craving for a new conception of democracy. It is coded to favor *one* specific version of democracy, namely one which defines democracy as a political form animated and sustained by a spirit of emancipation. But what if you disagree to this thesis? Are you then wrong about democracy? This objection touches upon a central and controversial issue, namely whether democracy is essentially contested, or whether it has a core definition. Is the meaning of democracy amenable to change, or is there a threshold beyond which it cannot go without losing its essence? The objection is that by defining democracy as a spirit of emancipation, this book falls under the latter category. It forecloses a critical debate on the meaning of democracy itself.

One way to test the plausibility of this objection is to ask how the spirit of emancipation affects the possibility of human beings to define what democracy is. Does it preclude conflicts on the meaning of democracy itself? This is where the conceptualization of democracy as a spirit reveals its relative strength. By demonstrating that the fabric of democracy consists in uncertainty, it makes judgment and critique integral to the meaning of democracy itself. Not only does it make room for human beings to disagree about the basic *telos* of democracy. The fact that democracy is open-ended—there is no fixed answer to what it aims for—calls for debate and judgment, and an eye towards the long term. Disagreement on the meaning of democracy is therefore not ruled out in a democracy. On the contrary, it is when the spirit of emancipation *ceases* to animate our actions and judgments that such disagreement becomes superfluous. The purpose and direction of society is then taken to be given beforehand, and as such defined independently of all those who debate it.

The third objection, finally, asserts that the perspective offered in this book is relativistic. In the end, it does not tell us why we ought to *prefer democracy* to

other political forms. In the conceptual vocabulary of spirit adopted from Montesquieu, every political lifeform has its own immanent standard of right and wrong, and there is no Archimedean standpoint from which to compare and judge in a conflict between them. If people start to act and judge on the basis of a different spirit than emancipation, for example by judging themselves and others on the basis of their superiority or inferiority, so be it. Behind politics stands only more politics, not a supreme judge able to recall us to our democratic senses. Being in this way attuned to what "works," the argument presented in this book is vulnerable to the charge of sacrificing right to might. For what, it could be asked with Rousseau, "is a right that perishes when force ceases?"[99]

This objection takes us straight to the heart of this book, which is about emancipation. The thesis is that while the vocabulary of the spirit is plural—it divides power against power—it is not thereby relativistic, or indifferent to the difference between political lifeforms. The spirit of emancipation goes all the way down in the sense that nobody except human beings themselves can judge and decide the purpose and direction of society. This is the core meaning of emancipation: there is no divine, natural, or historical authority able to correct us in our choices. Fallible as we are, we make mistakes. We may come to realize that we have voted for the wrong party, or taken the wrong kinds of actions in response to a political problem. And so we change our minds. The point is that whether democracy will continue to exist or give way to another political lifeform hinges entirely on our own actions and judgments. There is no other guarantee. This insight may be difficult to stomach. What if we fail? What if people prefer to escape from their own freedom and responsibility? What if they vote a crazy person into power?

What makes democracy into a strong political lifeform is that while it acknowledges that politics carries with it an element of uncertainty—we can never guarantee that human beings will choose what is "right"—it does not hand over the power of judgment and decision to an external legislator, be it in the form of Rousseau's "extraordinary man in the state" or Plato's "philosopher king." On the contrary, it creates laws, institutions, and policies that cultivate our ability to judge in the midst of uncertainty. Accordingly, while this book argues that democracy is one political form among others—it competes with republics, monarchies, and despotic forms—it does not wish to convey that anything goes. By elucidating the spirit of democracy, and the mechanisms that pave the way for its corruption, disintegration, and renewal, it seeks to provide the reader with conceptual resources to distinguish the one from the other. It is a prerequisite for supporting democracy.

Outline

The book is divided into two parts. The first part works out the main theoretical elements of the spirit of democracy, whereas the second part spells out its

significance for the corruption, disintegration, and renewal of democracy in three central and contested areas of democratic life: election, social rights, and citizenship status. While all chapters cohere into a distinct and unified argument, they are free-standing enough to be read independently of each other.

Chapter 1—"Rousseau's People Trap"—opens with a critical examination of the sovereign people as the foundation of modern democracy. More specifically, it asks what allegiance to the sovereign people entails for how one addresses conflicts on who ought to govern in a democracy, or what we in this book call the nature of democracy. It shows that it leads to a trap: it spurs disillusionment with democracy's capacity to adjudicate conflicting claims on who "we, the people" are in the midst of growing globalization, migration, and secession. By letting go of Rousseau's legacy and introducing the work of Montesquieu, this chapter initiates the reorientation of democracy from sovereignty to spirit.

Chapter 2—"The Principle of Emancipation"—inquires into the spirit of the democratic revolution. Instead of focusing on its nature—the symbolic shift from the sovereign king to the sovereign people—it concentrates on its principle: How could the monarchical principle of honor, and its designation of society into a hierarchy of social classes give way to a revolutionary quest for equality? Assuming that part of the answer lies in the overwhelming experience of uncertainty that accompanied the democratic revolution, the chapter distinguishes between three different meanings of uncertainty—cosmic, human, and political—and reconstructs the democratic meaning of emancipation.

Chapter 3—"Democratic Freedom"—continues on this same theme by asking what the principle of emancipation implies for the concept of freedom. Building on the work of Hannah Arendt, it demonstrates that there is a unique conception of democratic freedom built into the democratic revolution, defined as the capacity to begin anew. The chapter clarifies what is democratic about this conception, and how it differs from positive freedom conventionally understood. It shows that democratic freedom, defined as the capacity to begin anew offers a much-needed alternative to the many liberal and republican conceptions of freedom that dominate contemporary political theory, including freedom as non-interference, non-domination and self-determination.

Chapter 4—"Election"—examines the corruption, disintegration, and renewal of democracy in relation to election. Taking issue with two canonized views on election, it shows that neither the liberal nor the republican version captures its emancipatory spirit; how it tames and shapes the essential uncertainties of the future equally, and in case of miscalculation, allows us to begin the world anew. The chapter examines the corruption of election by distinguishing between three democratic "tyrannies" based on distinction, virtue, and emancipation respectively; the tyranny of the majority, the tyranny of the minority, and the tyranny of novelty. The chapter ends by discussing the future role of election as a path to democratic disintegration, on the one hand, and emancipation, on the other.

Chapter 5—"Social Rights"—examines the corruption, disintegration, and renewal of democracy in relation to social rights, with particular attention given to the choice revolution in social and public services. It shows that reforms undertaken to empower citizens by making them personally responsible for private and public life paves the way for a corruption of democracy that risks ending in democratic disintegration. The chapter argues that in order to turn the corruption of democracy into a call for democratic renewal it is not more "responsibility talk" that is called for, a common response in liberal and republican thought. On the contrary, the task is to release citizens from the burden engendered by the choice revolution, and render them free to begin anew.

Chapter 6—"Citizenship Status"—examines the corruption, disintegration, and renewal of democracy in relation to citizenship status. It demonstrates that the prerogative of sovereign peoples to control their own membership criteria undermines the commitment needed for democracy to sustain over time. Instead of alerting us to the way uncertainty travels across borders, and the need for reaching outside existing class affiliations to tame it, it spurs over-confidence in the ability of particular peoples to cope with migration. The chapter refutes the idea of citizenship as a membership-based concept, and shows how a redefinition of citizenship status based on the principle of emancipation can rejuvenate democracy across existing classes of people.

One can only do so many things in a book, and this one is no exception. It concentrates on some aspects of the spirit of democracy, while leaving out others. The final chapter—"Conclusion"—therefore aims to take stock: What can one see or do with this new conception of democracy as a spirit that one could not see or do before? Conversely, what issues have been framed out of vision? Three major issues fall beyond the scope of this book, and they relate to the state, the nation, and the market respectively. The hope is that these concluding reflections on the strengths and limits of the book will spark further questions on the political, cultural, and economic conditions conducive to the regeneration of democratic practices and ideals.

PART I
THE SPIRIT OF DEMOCRACY

1

Rousseau's People Trap

> For a nascent people to be capable of appreciating sound maxims of politics and of following the fundamental rules of reason of State, the effect would have to become the cause, the social spirit which is to be the work of the institution would have to preside over the institution itself, and men would have to be prior to laws what they ought to become by means of them.
>
> Rousseau, The *Social Contract*

In contemporary democracies, the people is generally seen as the ultimate source of authority behind democratic law. The supposition is that the sovereign people makes up the nature of democracy. We take decisions based on its will, and we speak in its name.[1]

In the wake of new developments in world politics, however, including growing globalization, migration, and claims to secession this familiar view of democracy no longer goes without saying. Rather than serving as the self-evident source of democratic authority, the sovereign people has turned into an object of democratic politics. It has become a contentious issue in its own right. Not only is there disagreement on the proper character of the people, such as whether it is unitary or plural, fictional or real, active or passive.[2] The fact that decisions and judgments can travel across borders has triggered a debate on the appropriate scope of the people, such as whether it ought to be understood in local, national, regional, or global terms.[3] In addition, migration has prompted intense debates on how to distinguish citizens from aliens, migrants, stateless, and refugees.[4] At issue in these different debates is nothing less than the basis of democracy itself: Who are "we, the people," and more important still, how is this question to be decided?

In political theory, disagreement usually signals the need for adjudication. It calls for a principle by which to judge and evaluate competing claims. Still, to the large majority of political theorists who write on democracy this is precisely what is lacking in the case of people-making. The trouble, they argue, is that there is no way to democratically adjudicate conflicts on the proper makeup of the people. "The people cannot decide until someone decides who are the people," writes Ivor Jennings.[5] In a similar vein, Robert Dahl argues that "we cannot solve the problem of the proper scope and domain of democratic units from within democratic theory," and Seyla Benhabib asserts that "democracies cannot choose the boundaries of their own membership democratically."[6] The conclusion is that as

defenders of democracy, we have no choice but to admit that *who* governs in a democracy cannot be settled in democratic terms. Confronted with conflicts on its own source of authorization, democracy is at a loss.

This conclusion is odd. By accepting it, we must accept that democracy is a political form unable to reproduce itself. Instead of providing us with mechanisms to renew its source of authorization, it disintegrates at the very moment when its own continuity is at stake. How did this strange idea manage to take hold of our collective democratic imagination? The purpose of this chapter is to show that the sustained difficulty of coming to terms with who governs in democracy stems from a major misunderstanding, namely that modern democracy is based on a sovereign people. It is allegiance to this idea that breeds pessimism about the ability of democracy to sort out conflicts on who "we, the people" are. Unable to envision a democratic resolution to such conflicts, many political theorists—even those of a more radical inclination—are prone to conclude that Rousseau was right after all. In order to reproduce itself, democracy must be backed up by an external legislator. It must give in to practices of "nondemocratic stewardship."[7] This is what I call Rousseau's people trap: the erroneous belief that the only way for a democracy to regenerate itself is to undo itself.

This argument should not be confused with the idea that the sovereign people is democratically ambiguous. The effort of making the people sovereign, at once authors and addressees of law requires some form of mediation, and for many scholars this is where ambiguity sets in. The fact that the people has to be constructed, represented, or claimed into being means that it cannot be reduced to a philosophical concept. The people is rather a fiction, or in Jason Frank's terms, a "living image" enacted by citizens, leaders, and parties on an everyday basis.[8] It is this dynamic between fiction and action that accounts for the divided history of modern democracy. On the one hand, the fiction of the sovereign people is politically productive. It opens up democracy to radical moments of self-critique, struggle, and change. On the other hand, it opens the door to authoritarianism. It makes it possible for actors to challenge democracy with reference to the "true," "real," or "authentic" people. The contention is that the fiction of the sovereign people is Janus-faced; it can be invoked to make democracy better—more legitimate, inclusive, or true to the will of the people—but it can also be exploited to mobilize people against it.[9]

When I refer to Rousseau's people trap, I do not have this ambiguity in mind. The point of this chapter is not to call attention to the divided nature of the sovereign people. The critique undertaken here is of a more fundamental kind. The aim is to show that the fiction of the sovereign people is democratically averse *all the way down*. Precisely at the moment when it should assist in the critique and renewal of democracy, namely when there are fierce conflicts on who "we, the people" are—which happens in times of political resurgence, upheaval, and change—it asks us to have trust in authorities beyond ourselves. Gone is the

radical idea of people being able to judge and decide the purpose and direction of society for themselves. In this first chapter of the book I will therefore begin the reorientation of democracy from sovereignty to spirit by critically assessing the democratic nature of the sovereign people. The argument proceeds in four steps.

The first section begins by briefly introducing the difference between law-making and people-making, and the paradox associated with the latter: the impossibility to democratically adjudicate conflicts on who "we, the people" are. I argue that this paradox, often attributed to Rousseau, induces us to support two central dogmas: that people-making has a *destabilizing* impact on democratic politics, and that it is determined by factors *extraneous* to democracy. In the second section, I go on to examine this problem of democratic adjudication in more depth. The point is to show that Rousseau's paradox only commands us if we commit to the idea of sovereign peoplehood. The third section demonstrates how this commitment leads to disillusionment with the ability of democracy to accommodate conflicts on its own source of authorization. It invites us to shore up democracy against its own presumed deficiencies by resorting to a pre-political people defined by history, morality, or the one who is sovereign. Instead of democratic renewal, we get democracy in reverse in the form of an invocation of external authorities.

Having laid out the reasoning that leads to Rousseau's people trap, the fourth section takes a step back and probes its hold on our contemporary democratic imagination. It asks what happens if we were to let go of the legacy of Rousseau, and instead approach conflicts on peoplehood with Montesquieu's notion of spirit in mind. How does it change our outlook? If Rousseau was inspired by Montesquieu's work on the spirit of the republic, he radically modified it by turning the republican idea of the sovereign people into a universal logic. Ever since, the image of the sovereign people has held us "captive," to borrow Jonathan Haverford's terms.[10] Tracing the sovereign people in Rousseau back to Montesquieu's analysis of the difference between political forms is a way to step out of this logical impasse. It allows us to question the two aforementioned dogmas, and approach the problem of democratic adjudication in a new key: through the conceptual vocabulary of spirit rather than sovereignty. The chapter concludes by summing up the main argument.

Two Dogmas of People-Making

Who governs in a democracy, and how is that power exercised? The received view is that in modern democracies, it is the people who govern. Moreover, they do so in a way that respects rule of law. Modern democracy is in this way often understood as a constitutional form of government. In the words of Carl Friedrich, it is "built on the simple proposition that the government is a set of

activities organized by and on behalf of the people, but subject to a series of restraints which attempt to ensure that the power which is needed for such governance is not abused by those who are called upon to do the governing."[11] If this seems like a straightforward description of the nature of modern democracy, the historical marriage between popular rule and rule of law is fraught with tension. It combines two ideas that on closer inspection seem difficult to reconcile, and which lie at the core of numerous debates between republicans and liberals: popular sovereignty and liberal constitutionalism.[12]

On the one hand, modern democracy makes the people into the supreme authority in political affairs. As Martin Loughlin writes, modern democracy rests on two pillars: that the ultimate source of political authority vests in "the people," and that it is the people who create and authorize the constitution.[13] This is the basic idea of any genuine form of self-government, namely that the people are "to decide for themselves the type of ordering under which they might live."[14] On the other hand, modern democracy simultaneously acknowledges that the supreme authority of the people must be constrained. There must be limits on what laws can be made, by whom, and how, or a democratic majority could violate the rights of a minority, or vote itself out of office. To be sustained and effective, the constitution must therefore be respected as a law that lies beyond the will of the people. The supposition is that "if ordinary political majorities could fiddle with it, it wouldn't be doing its job of containment."[15]

Against this background, it is no wonder that the relationship between popular sovereignty and liberal constitutionalism has been labeled "one of the most intricate problems of political philosophy."[16] How to square republican and liberal ideals of democratic governing has been subjected to intense debates in legal and political theory. At issue is how to democratically account for the presence of the constitution, or what Frank Michelman calls "the law of law-making."[17] From whence does it derive its democratic legitimacy? In recent years, this debate has become a salient reference point in literature on the crisis of democracy. The main controversy concerns whom to entrust with the task of protecting constitutional democracy against authoritarian populism and elite usurpation: the people in the streets, the politicians in parliament, the judges in the court, or the executives of the state?

In many democratic countries, and in particular due to growing populism, we currently witness a constitutional drama in which the idea of popular sovereignty stands against the central tenets of liberal constitutionalism. What is worth noting, however, is that today we do not only disagree on how to account for the democratic legitimacy of the constitution. We also disagree on the democratic legitimacy of the people itself. How, in Robert Dahl's terms, do we decide "who legitimately make up the people in a democracy, and hence are entitled to govern themselves"?[18] Interestingly enough, the reception of this problem has been very different. The predominant view in legal and political theory is that while

disagreement on law-making requires democratic adjudication—it calls for a more basic constitution or "law of law-making"—disagreement on people-making presents us with a different case: it cannot be democratically adjudicated. The claim is that while the people is the ultimate source of authority behind democratic law, it cannot lend itself the democratic legitimacy it needs to *qualify* as such. It leads to an infinite regress or vicious circle. In order for a democratic people to be its own source of authorization, it would paradoxically have to be prior to itself.[19]

This paradox has recently moved into the center of political theoretical concerns. Introducing an element of arbitrariness that cannot be eliminated, it has given rise to intense discussions on how to democratically constitute the people. Rousseau is often credited with offering the most seminal account of the paradox, and his work is frequently cited in the literature on democracy.[20] In order for a people to become its own source of authority, he writes, "the effect would have to become the cause, the social spirit which is to be the work of the institution would have to preside over the institution itself, and men would have to be prior to laws what they ought to become by means of them."[21] Let me illustrate the paradox by way of two practical examples, which here will be simplified for analytical purposes: the Catalan claim for secession and the process towards European unification.

Some (not all) people in Catalonia aspire to become a people in their own right. To make this possible they organized a referendum in 2017 on Catalan independence. The referendum led to political turmoil. It was declared unlawful by the Spanish authorities, and the organizers were later charged with rebellion. Taking our cue from the paradox of politics, this conflict does not merely evoke moral and pragmatic considerations, such as whether secession is justified or called for given existing political circumstances.[22] It reflects a deeper dilemma at the heart of modern democracy, namely how to democratically adjudicate conflicts on who "we, the people" are.[23] The dilemma is that by organizing a referendum on independence the Catalans have not only answered the question they asked in the referendum in advance: for the referendum tacitly presupposes that *the Catalans* have the right to decide who "we, the people" are. They simultaneously draw attention to the contingent foundations of Spanish democracy itself. For who brought this democracy into being, and by what authority did they do so? Since the Spanish people has not been founded in a democratic way—it is a democratically unauthorized collection of people—why should Catalans be obliged to obey it?

Or take European unification. In 1986 Spain joined the European Union, and in 1992 they ratified the Maastricht Treaty which laid the foundation of a common European constitution. But as in the previous case, it could be argued that this treaty articulates rather than resolves conflicts on people-making. One interpretation would be to say that the moment the Spanish people ratified the treaty they

gave up their own sovereignty. The conscious act of creating a common constitution for Europe was the moment when Spain and other countries took the leap: a common European people was born. But it could also be argued that this interpretation, typically favored by federalists, misses what actually took place during the ratifications. When the Spanish people signed the treaty, they did not surrender their own sovereignty. They actually confirmed it. What they told themselves and others is that the Spanish people have the prerogative to decide who "we, the people" are. On this reading, the European Union never received the prerogative to govern itself through the Maastricht Treaty. It *still* belongs to the Spanish people who ratified the treaty.

What these two examples illustrate is that once we disagree about who holds the prerogative to decide who "we, the people" are, there is no democratic stopping point to the conflict. Every attempt to find the original "people" of people-making can always be challenged and questioned anew. It can degenerate into a vicious circle of ever new democratic beginnings. With this paradox in mind, many political theorists are prone to draw two general but faulty conclusions. I will refer to them as dogmas of people-making. The first dogma says that people-making has an inherently *destabilizing* impact on politics. Hegel is among the first to draw this conclusion. To ask "who is to draw up the constitution," he writes, is "nonsensical."[24] It "presupposes that no constitution as yet exists," and as such, it gives the impression that one can invent a constitution from scratch.[25] This is revolutionary nonsense. All it does is to undermine respect for the actually existing constitution.

The same point has been repeated in different variants ever since.[26] The conviction is that since there is no way to democratically constitute the people, the very insistence that one *could* or *should* do so is bound to be destructive. It degenerates into a vicious circle of permanent revolutions: the people must be authorized by the people, who are undemocratic at the moment of foundation, and therefore must be authorized by a new people, and so on. As Bruce Ackerman argues, this arbitrariness at the bottom of democracy is troublesome. It implies that "where law ends . . . pure politics (or war) begins."[27] The central tenet is that if we care for democracy, we had better leave the question of democratic founda-tions behind. Or else, we risk playing into the hands of democracy's critics by confirming to them what they claim to have known all along: that democracy leads to political instability.[28]

The second dogma draws the necessary conclusions of this insight. It says that people-making is a question that falls *beyond* the scope of democratic theory. The rationale behind this argument is not only pragmatic, in the sense that it seeks to secure stability and avoid political turmoil. It is shored up by logic. According to Jürgen Habermas, a constitutional assembly "cannot itself vouch for the

legitimacy of the rules according to which it was constituted."²⁹ Similarly, Frederick Whelan writes that "democracy, which is a method of group decision-making or self-governance, cannot be brought to bear on the logically prior matter of the constitution of the group itself, the existence of which it presupposes," and Frank Michelman declares that "[i]t absolutely is not possible to appoint democracy to decide what democracy is."³⁰ The conclusion is that as defenders of democracy, we should not overstate what democracy can do. There is no "people" of people-making who can step in and democratically adjudicate conflicts on the proper foundation of democracy, such as that between the Catalonians and the Spaniards. Who legitimately make up the people is ultimately determined by factors extraneous to democracy itself. It is settled by recourse to a people defined by history, morality, or the one who is sovereign.

Do we jeopardize the stability of democracy by asking who "we, the people" are? Do competing claims on people-making elude demands for democratic adjudication? If these political theorists are right, we must certainly live in paradoxical times, for how to properly make up the people now dominates both the theory and practice of democratic politics. It preoccupies the minds of citizens, politicians, and migrants alike. Given the political urgency of the question, it would be a mistake to follow Hegel and dismiss the problem as nonsensical. Rather, we ought to do the opposite and critically reflect upon the limits of our own democratic imagination. Have we perhaps misunderstood something about the nature of modern democracy? As I will argue in the rest of this chapter, the sustained difficulty of coming to terms with who governs in democracy is not coincidental. It stems from the assumption that the people in a democracy is a *sovereign* people. It is this assumption that makes us prone to conclude that democracy lacks mechanisms to reproduce its own source of authorization, or that it must be backed up by practices of nondemocratic stewardship.

To understand how the assumption of sovereign peoplehood leads to such conclusions, we shall retrace the steps that lead up to the two aforementioned dogmas. We begin by looking into the problem of democratic adjudication: What must be presupposed about the people in order for the aforementioned paradox to command our thinking? In the subsequent section, we shall ask what happens if we accept the pedigree of this paradox. The aim is to show that it draws us into a dangerous cul-de-sac. We are given the impression that the only way for a democracy to regenerate itself is to surrender to precisely those forces that the democratic revolution once was supposed to overcome. It is either settled by "historical chance and the actual course of events—normally, by the arbitrary outcomes of wars and civil wars," by moral norms that exist independently of the democratic process, or by the discretionary power of the one who is sovereign.³¹

The Problem of Democratic Adjudication

The concept of the people is central to democracy, both in a historical and contemporary perspective. The people has it in its power to confer legitimacy upon laws, institutions, and policies, a fact which makes it one of the more used and abused concepts in the history of politics. To speak in the name of the people is to speak the language of power. It can be employed for a variety of purposes, as a bolster for kingship, as a justification for revolution, as a rationale for populist leadership, or as a call for both nationalists and cosmopolitans to reclaim power to the people in the face of migration and globalization.[32] Still, drawing attention to the people as a source of democratic legitimacy is one thing, and asking for its own democratic legitimacy another.[33] Granted that there are conflicting claims on who "we, the people" are, how are we to adjudicate between them?

The traditional way to answer this question is to say that it falls on the people itself to resolve conflicts on its proper constitution. We must simply "leave it to every populus to define itself."[34] The Swedish people has the right to decide who they want to include among themselves, and so has the German, Chilean, South African, and American people. In case of conflict, one cannot appeal to a higher authority than the people itself. The people is sovereign, which means that it has the final say. According to this reading—which in effect codifies existing political practice—the relevant question is not *who* has the prerogative to define who "we, the people" are, but *how* the people in question do so: Do they follow rule of law, and respect the human rights of others? In recent years, however, there is growing impatience with this answer among political theorists.

First, it is no longer uncontroversial to refer to existing delineations of the people—peoples as "they are" or are "given to us"—as the self-evident starting point of politics.[35] To many scholars, this argument reifies what is a human, and therefore also a disputable political construct. "The political operation *par excellence*," writes Ernesto Laclau "is always going to be the construction of a 'people'."[36] Second, it is no longer the case that one can dismiss people-making as transient or exceptional. We do not *first* resolve conflicts on peoplehood, so that we can *then* go on doing democracy as usual. Conflicts on people-making recur on a regular and daily basis. They surface in debates on secession, but also in disputes between indigenous and settler societies and in discussions on what growing migration means for migrants and natives. Rather than only taking place at specific dramatic moments of rebellion or upheaval, people-making is an everyday and ordinary aspect of democratic politics:

> Every day, after all, new citizens are born, and still others immigrate into established regimes. Every day, already socialized citizens mistake, depart from, or simply differ about the commitments of democratic citizenship. Every day, democracies resocialize, recapture or reinterpellate citizens into their political institutions and culture in ways those citizens do not freely will, nor could they.[37]

It stands to reason that if people-making is a distinctively political undertaking, and a regular rather than exceptional feature of contemporary political life, the question of democratic adjudication becomes pressing. Is there a democratic way to adjudicate conflicting claims on who "we, the people" are? This is the point where many political theorists run into Rousseau's paradox. Rousseau's paradox has been described in different ways in the literature.[38] To Bonnie Honig, it accentuates a general "paradox of politics" that takes the shape of a chicken-and-egg problem: "You need good men to make good law, but you need good law to make good men."[39] But where is good law to come from "absent an already well-formed, virtuous people?"[40]

This paradox is today a standing reference in debates on the foundations of democracy. To many scholars, it attests to the continuing relevance of Rousseau's legacy for democratic politics. Still, while much scholarly attention has been devoted to the meaning of the paradox (whether it is irresolvable or resolvable), and what kind of work it does for democratic theory (whether it has a destructive or productive role to play), less attention has been given to its *presuppositions*.[41] It is to this question that we shall now turn. The question we shall ask is whether there is a common ground among those who adhere to Rousseau's paradox. What must be presupposed in order for this paradox to command our thinking? As I shall argue, three assumptions stand out: one must presuppose that the people is sovereign, that there are conflicting claims to the title, and that the solution is a matter of right, not might.

The first assumption is perhaps the most obvious one. In order for Rousseau's paradox to take hold of our imagination, we must assume that the people is the ultimate source of authority in political affairs. It is sovereign in the sense of being *one and supreme*. If one could reduce the sovereign people to one of its parts, or if one at the last minute could hand over authority to an external instance—God, the king, or the wise—the chicken-and-egg problem described above would not arise. One could in effect have one person deciding for the rest. But sovereignty, as Rousseau writes, is undivided and inalienable. It can neither be shared nor given away. For either sovereignty "is the will of the body of the people, or that of only a part, which is merely a particular will, or an act of magistracy."[42] For the same reason, sovereignty cannot be alienated. The sovereign people can transfer its power to a magistrate, but never its will. By doing so, "it loses its quality of being a people."[43]

To admit that the people in a democracy is sovereign is not merely to say that it possesses ultimate authority over political affairs. It is to say that it does so in full awareness of itself as a distinct and unified political body. This is an important yet often overseen feature of the doctrine of sovereign peoplehood. The sovereign people is not merely an ascriptive identification. As Martin Loughlin points out, the sovereign people refers to "a collective body, conscious of its political existence and with the capacity for action."[44] When Rousseau argues that one needs to go back to "the act by which a people is a people" to find the true foundation of

society, he gives expression to this idea.[45] Carl Schmitt is perhaps the one who articulates it most clearly. In his *Constitutional Theory* he writes that the sovereign people "is a unity capable of political action, with the consciousness of its political distinctiveness and with the will to political existence."[46]

If this dimension of collective self-identification and reflexivity originates in medieval political thought, it reaches its peak in modernity, and especially in the historical and constitutional thinking of Hegel.[47] In *Introduction to the Philosophy of History*, Hegel argues that we must distinguish between "the prehistory" of peoples, on the one hand, and what we could call their regular history, or history informed by consciousness and reason on the other.[48] Before a people is a people in the proper sense of the term, which to Hegel implies a state of reason, it is prehistorical or savage. As he argues, "the time periods that have elapsed for peoples before the writing of history may have been filled with revolutions, migrations, the wildest changes." Still, since these savage peoples are unaware of themselves as peoples having the capacity for collective action, they have not yet entered the political scene: "the dispersion of peoples, their separation from one another, their intermingling and wanderings – all of it remains wrapped in the obscurity of the past."

The central point made by Hegel is that these reflections on the prehistory of the people is one thing, how the people continues to develop after it has become conscious of itself another. It is our task as students of politics to care for the latter process. Still, it is not easy to tell when a people becomes conscious of itself *as* a people. Is it when it acts as a common unity, ascribes laws to itself, or claims sovereignty over a specific territory? Is it bound up with the language people speak or their traditions? The question becomes particularly acute when there are competing claims to the title of the sovereign people. The Catalans claim to be a distinct people with a protracted history, and so do the Spanish people. Both fulfill the criteria of being "a unity capable of political action, with the consciousness of its political distinctiveness and with the will to political existence."[49]

This brings us to the second assumption needed for Rousseau's paradox to take hold of our democratic imagination. It consists in the acknowledgment of *conflict*. Without the assumption of a plurality of conflicting claims on who "we, the people" are, the question of democratic adjudication would not arise. People would be able to live peacefully side by side without ever having to bother about other human beings' claims to peoplehood. The definition of the people would form part of what philosophers and sociologists call the life-world. It would not need to be raised to the level of conscious validity claims. The dispersion of peoples, their separation from one another, their intermingling and wanderings would all happen naturally without any need for regulation and democratic legitimation.

Note that by adding the assumption of conflict, we bring a new dimension of contestation to political consciousness. At issue is no longer merely the process

that occurs after a people has become aware of itself, as if the body of the people existed as a "thing in itself" prior to its consciousness.[50] Instead it is the awareness that any reference to a pre-political people *itself* is a human construct that makes people-making controversial. Bodies of peoples as they exist today or tomorrow—such as the Spanish people or the European people—are not simply there. They are human constructs, or "imagined communities" that always can be contested and challenged anew.[51] As Bernard Yack remarks, it is not coincidental that the denial of this fact "almost invariably comes from people who are quite comfortable and unexposed within the given boundaries of states, people who, in effect, are happy with the partners they were given when the music stopped playing at the dance of history."[52]

Still, to acknowledge the existence of conflict is not enough for us to be captivated by Rousseau's paradox. This is clear once we consider the option of force. It could be objected that instead of trying to resolve conflicts on people-making in a democratic way, we should accept that might rather than right settles the question: the strongest decides who "we, the people" are. This brings us to the third and final assumption. In order for the paradox to command our thinking, we must assume that this is the wrong way to go. With Rousseau, we must acknowledge that the relevant question is not who has the force to decide the question, but who has *the right* to do so.[53] The Spanish people in our example may have the capacity to force the Catalans into line. But while this is a realistic option, it does not solve the conflict in a democratic way. It substitutes right with might.

The upshot is that as long as we equate the people with a sovereign people—and in addition acknowledge the existence of conflicting claims to this title and the need for conflicts to be resolved in a rightful way—we are caught up in a fundamental paradox. The paradox is that those who take it upon themselves to adjudicate such conflicts are not themselves democratically authorized to do so. At no point in their democratic unfolding can they redeem their own claim to authority. The trouble is that if this awareness is disseminated in society—recall that self-reflexivity is a distinctive feature of the sovereign people—any given makeup of the people or attempt to reconfigure its boundaries can always be challenged anew. It can be questioned in the name of a more "authentic," "true," or "real" people, an insight that renders democracy antithetical to stability. It sharpens the conflict, either by steering the situation towards confrontation (civil war), or towards the domination of one people over the other (coercion).[54]

In what follows, we shall not ask whether defenders of the sovereign people succeed in resolving this predicament. Instead we shall ask what happens if we follow their lead, and accept it *as* a problem. Where does it take us? The point with this exercise is twofold. First, it allows us to narrow down the threat of instability. Rather than being a universally valid point, it stems from a particular *interpretation* of democracy, one that equates the people with a sovereign people. Second, we are able to see how this interpretation makes democratic theorists susceptible

to Rousseau's trap. To secure the stability of democracy, they exempt conflicts on people-making from democratic theory. They argue that who governs in a democracy is decided by factors extraneous to it: by a historically given people, a moral people, or by decision of the one who is sovereign.[55]

Invoking External Authorities

According to Robert Dahl, critics of democracy often prefer to focus on problems that "advocates of democracy tend to neglect, or worse, conceal."[56] Indeed, the most cunning criticism lies in paying more homage to democracy than democracy itself; to be concerned with precisely those problems to which no solutions exist. A brief glance at the history of modern democracy reveals that its alleged instability has served as an effective breeding ground for political reaction. It has been used as a pretext for subduing what one regards as the unruly and dangerous logic of self-authorization associated with modern democracy. Burke, Sieyès, and de Maistre belong to those who have pursued this line of thought. In different ways, they seek to halt the regressive logic of self-authorization by anchoring the people in an authority prior or external to itself. The irony is that their arguments now echo in the work of many contemporary advocates of democracy. Let us begin with the most common response, the turn to a historically given people.[57]

According to Burke, the idea of a self-authorizing people is but an abstraction of the social contract tradition. The people are not free to write their own history. They are the unwilled *products* of history, subordinated to an authority they have not chosen themselves. To think otherwise is not only deceiving, but dangerous. The reason is that it will destroy the bonds that already exist between people in society. It will strip human beings of everything that makes them human and decent, and so degenerate into a savage or despotic regime. To Burke, the entity we call the people is the result of a concrete historical partnership, and "as the ends of such a partnership cannot be obtained in many generations," it binds subsequent genera-tions.[58] The steps taken by one people always build on those taken by previous ones:

> By a slow but well-sustained progress, the effect of each step is watched; the good
> or ill success of the first, gives light to us in the second; and so, from light to light,
> we are conducted with safety through the whole series.[59]

Many contemporary advocates of democracy concur. Instead of engaging in a debate on how to democratically adjudicate conflicting claims on who "we, the people" are, they urge us to "take up where history leaves off."[60] In a language reminiscent of Burke, Habermas insists that "one cannot explain in purely nor-mative terms how the universe of those who come together to regulate their common life by means of positive law should be composed."[61] To believe that a people can authorize itself from scratch is "a fiction of the contractualist tradition."[62]

In a similar vein, Martin Loughlin and Neil Walker contend that peoples come into being through a real act or "historical event," and that "rather than some fictive social contract, therefore, it is that act, and the social meanings it is capable of generating, which must provide the starting point for the investigation of the significance of 'the people' in constitutional theory."[63] Burke's position is perhaps most clearly echoed in the work of Rawls:

> Not every generation is called upon to carry through to a reasonable conclusion all the essential discourses of legitimation and then successfully to give itself a new and just constitution. Whether a generation can do this is determined not by itself alone but by a society's history: that the founders of 1787–91 could be the founders was not determined solely by them but by the course of history up until that time. In this sense, those already living in a just constitutional regime cannot found a just constitution, but they can fully reflect on it, endorse it, and so freely execute it in all ways necessary.[64]

What does it mean to resort to a historically existent people as the basis for democratic people-making? What Habermas, Walker, and Rawls have in common is that they seek to halt what they regard as the regressive logic of self-authorization inherent in modern democracy. To prevent democracy from degenerating into a state of war, they anchor its authority in an already constituted people. In that way, the regress of self-authorization does not compromise the authority of democracy all the way down. Instead, Habermas argues, the regress now "resolves itself in the dimension of time."[65] Democracy becomes "a tradition-building project with a clearly marked beginning in time." It arises out of "the decision of the founding fathers to order their life together legitimately by means of positive law," and it is the task of their descendants to "tap the system of rights ever more fully." In a similar vein, Walker insists that by turning to history, "infinite progression succeeds infinite regression as the key foundational difficulty."[66] We redirect our democratic energies, and admit that "we can never warrant the democratic credentials of any decisive act, including a decisive act of institution (why *these* people using *this* process?), except in terms of an already constituted system that purports to specify both the people and the processes through which their collective will is represented."

The argument that democratic adjudication can be resolved by appeal to an already given people serves to make democracy into a forward looking project.[67] The task is no longer to adjudicate conflicting claims on who "we, the people" are, but to account for how already existent peoples come to be "reshaped by the formal constitution itself" or are remolded over time through what Seyla Benhabib calls "democratic iterations."[68] Still, this approach has not gone uncontested. It has been argued that conceiving of the people as the outcome of history has the inevitable effect of drawing our attention backwards in time. We are constantly provoked to ask for the democratic legitimacy of this purportedly democratic

origin itself. For who are actually the persons who get together to found the people, and who gave them the authority to do so? The objection is that rather than putting an end to the conflict on who "we, the people" are, the turn to history perpetuates it.[69] History stands against history, fact against fact, and since the historical approach denies the existence of a final source of appeal beyond these historical claims themselves, there is no way to adjudicate conflicts between them.[70]

This dilemma has led some theorists to adopt another, moral approach. During the French Revolution, this approach was introduced by Emmanuel Sieyès as a way to mediate between different estates in the consolidation of the nation, and today it has come back in a new guise to defend a cosmopolitan democratic project. According to Sieyès, it is fruitless to resort to history as a way of resolving conflicts on who "we, the people" are. It means that the authorization of the people "remains at the mercy of events and of those *factitious* resources which always lead to having to start again and again, but without getting any further."[71] For Sieyès, who was active at the time of the revolution, the main dilemma is how to settle disputes among the three estates of the French state, the nobility, the clergy, and the third estate. Since these estates are unequal in power and strength, he cannot resort to the estates themselves to settle the conflict between them. An agreement achieved on such conditions would count as null. It would be dismissed as illegitimate by the less privileged groups. Instead of achieving peace it would lead to "a petition of principle," that is, to an infinite regress.[72]

With this in mind, Sieyès argues that it cannot be up to the already constituted people to decide a dispute on its own constitution. In order to settle the dispute between the three estates, it is necessary to appeal to "a supreme judge."[73] But herein resides the dilemma. If the various estates are not in agreement, "who then is entitled to decide?"[74] Sieyès answers that it falls on *the nation* to decide. The nation is not identical to the existing body of the people, composed as it is of three different estates. Instead, the nation is "an isolated individual outside of all social ties, or as it is said, in a state of nature."[75] By placing the nation in the state of nature, Sieyès does not wish to forsake the moral status of individuals. He insists that while individuals are the sole moral entities in politics—on this point he agrees with other social contract theorists, such as Hobbes and Locke—the very fact of them *seeking* to unite in the state of nature makes them into a nation.[76]

By this argument, Sieyès seeks to halt the regress of self-authorization inherent in the revolution.[77] He does so in two ways. First, he changes the burden of justification. Instead of each particular estate having to agree to unite into a common people, they are now *already* united as a nation. The result is that it becomes the task of those who wish to disintegrate to prove their case. They have to show why they ought to be an exception to the will of the nation as a whole, and this is a difficult task. In effect, they ask for a privilege, and it is precisely to forestall a society of privileges that individuals are supposed to reject the *ancien*

régime and unite into the nation.[78] Second, he argues that the nation is independent of any particular constitution. For who, Sieyès asks rhetorically, could have given the nation a positive form? Unless one wants to resort to force, there is no antecedent authority able to tell a multitude of individuals seeking to unite that they constitute a common body. It is only these individuals themselves, in their capacity as a nation that can do so. The nation is in this way a moral entity that *precedes* positive law. It "exists prior to everything; it is the origin of everything. Its will is always legal. It is the law itself."[79]

Interestingly enough, Sieyès's approach has recently come back in a new cosmopolitan guise. The most likely reason for this revival is that Sieyès's resort to the nation answers to the same underlying difficulty that troubles many contemporary scholars, namely how to muster support for unification in a context of plurality and inequality. If Sieyès seeks to unite the three estates of the French state into the nation, the task for contemporary scholars is to unite nation-states (as well as powerful global actors like multinational companies, international organizations, and NGOs) into a global democratic form. The trouble is that the conditions for such unification are tainted by severe inequalities among the parties. As long as these inequalities prevail, no proposal, however cleverly formulated, will do. It will always be biased in favor of the most powerful parties, and therefore be dismissed as illegitimate by the other ones. Again, agreement will be followed by agreement without end.

This is where the turn to a morally defined people becomes attractive. Instead of trying to show how existing peoples can agree to unite into a cosmopolitan order, some scholars seek to change the burden of justification. They argue that despite its historically consolidating force, the nation actually lacks the democratic legitimacy it claims for itself. For why should the regress of self-authorization halt at the level of the nation, as Sieyès claims? The most natural stopping point would of course be humanity itself. This argument guides Jens Bartelson's notion of "world community," and James Bohman's idea of "the republic of humanity."[80] What both have in common is that they seek to challenge the privileges that history has accorded to certain strata of society, and they do so by asserting the existence of a moral community from which to adjudicate competing claims on who "we, the people" are.

To Bartelson, cosmopolitan thinking is today haunted by Rousseau's paradox. The paradox is that global democracy "cannot be justified with recourse to principles of democratic theory, since these principles presuppose that the political unit in question is already legitimate."[81] Still, to Bartelson this paradox only becomes a problem if we assume the existence of bounded communities. If we want to eschew the paradox we must therefore scrutinize this assumption. From where does it spring? The point he makes is that this assumption has its roots in a more primordial moral community in the form of humanity. Indeed, it is only by way of a "successful *nationalization* of the concept of community itself . . . [that]

the nation became the paradigmatic form of human association."[82] Prior to this particularist hijacking of the concept of community, mankind was the natural reference point in human affairs.

According to Bartelson, mankind is thus the proper source of adjudication in conflicts on who "we, the people" are. As he argues, "the seeds of human community are sown the moment human beings enter into intercourse with each other," and it is this experience of trying to make sense of the world and achieve mutual understanding that "turns a mere multitude into a community."[83] The point is that the world community is not an entity that we need to construct or entertain through political agreement. It is an integral part of what it means to be human, "already immanent by virtue of the shared capacities for intercourse."[84] By holding on to this distinctively human capacity for intercourse, Bartelson maintains that it is possible to resolve Rousseau's paradox. Contrary to those who seek to justify a leap from national to global democracy, he insists that we do not start out from already existing peoples in the justification of global democracy. We start out from an independent moral community, and it is from *this* position that particular claims to peoplehood have to be constructed and judged.

Like Bartelson, Bohman defends the community of humanity as a supreme judge in conflicts on who "we, the people" are. The starting point of his theoretical project is the recognition of peoples suffering under global legal domination, and the challenge is to get them out of this predicament in a democratically sound way. The dilemma is that if existent peoples were to create a unity of *demoi* to counteract domination, they would become caught up in an infinite regress. Since neither of these different *demoi* has the authority to legitimize such a move, "the regress of demos ... has no non-arbitrary, *democratic*, stopping point."[85] Instead of trying to halt the regress by having recourse to already existing peoples, Bohman therefore suggests that we organize the relations among a plurality of *demoi* on the basis of a republican community of humanity. By anchoring democracy in the republic of humanity, Bohman strikes at the foundations of the moral position of those who still remain captured by a national frame of mind. It now becomes the task of those who want to split this larger human community into separate peoples to justify *their* claims: What reasons do they have for claiming a national privilege?

By turning to the community of humanity, Bartelson and Bohman seek to overcome the stalemate that haunts democratic politics under conditions of globalization and migration. In contrast to other political communities, they argue, the community of humanity has no significant "other," and herein resides its moral force. It has the capacity to act as a supreme judge in democratic conflicts on who "we, the people" are. But who decides that the community of humanity is the supreme judge? Why should this view have priority over those who follow Sieyès, and conceive of the nation as the supreme judge? While it is tempting to regard humanity as the utmost stopping point in a process of democratic

authorization, it does not resolve Rousseau's paradox. Rather than being a supreme judge, it could be argued that the community of humanity is but one claim among others in the conflict on who "we, the people" are. "We, the Nation," "We, Europe," or "We, Humanity"—these are all political claims in need of democratic adjudication.[86]

This objection brings us to the third and final response to the problem of democratic adjudication: decisionism. On this view, the resort to morality—whether in the form of a pre-political nation or a republic of humanity—underestimates the capacity of the modern state to decide its own mode of political existence. Given that a democratic people cannot decide on its own composition, the argument goes, why pretend that it *can*? Better then to be realistic and acknowledge that who makes up the people in a democracy cannot be democratically adjudicated. It results from a sovereign decision over which there is no democratic say. An early defender of this position is offered by Joseph de Maistre. "The people," he writes, "is a sovereign that cannot exercise sovereignty."[87] Still, the most famous version of the argument is offered by Carl Schmitt. In his view, democracy requires "identification between governed and governing." But since such identification by necessity builds on a prior demarcation, a "distance" always remains between the people and their identification. This distance cannot be bridged by morality. In politics, "everything depends on how the will of the people is formed," that is, on the decision of the one who is sovereign.[88]

Schmitt's contempt for moral reasoning runs deep. The problem, as he sees it, lies in its refusal to acknowledge the need for decision-making, and its insistence on answering the question "Christ or Barabbas?" with "a proposal to adjourn or appoint a commission of investigation."[89] No matter how much we deliberate about what is right and true, we cannot do away with the moment of decision. The need for decision-making is particularly acute when there are conflicts of a more fundamental kind, like those associated with cases of secession or unification. To prevent such conflicts from degenerating into a state of war, a final decision has to be made about who "we, the people" are. According to Schmitt, this is the moment when the state—understood as the political unity of the people—appears from behind the scenes, and discloses "the superiority of the existential over mere normativity."[90] It reveals that the continuity of democracy cannot be secured by means of law. It depends on a decision, and this is "a pure decision not based on reason and discussion and not justifying itself."[91]

Today few political theorists support an unreconstructed version of decisionism. Even those who are sympathetic to Schmitt's analysis prefer to rework his ideas on behalf of democracy by redefining the sovereign and constituent power of the people in relational or co-constitutive terms.[92] Still, this wariness does not prevent Schmitt's critique of moral reasoning from attracting new audiences. Over and against the cosmopolitan insistence on people-making as an activity to be

judged by humanity itself, one can today witness a revival of a new kind of soft decisionism. The decisionism is soft, for while it emphasizes the state as the political unity of the people, it would not go so far as to say that the decision-making power of the state is one of *pure* decision-making. The decision-making must be made in a democratically sound way. Nevertheless, the principal point made by Schmitt remains: in case of severe political conflict on who properly make up the people in a democracy, it is the state that makes the final decision.

This argument is evident in debates on how to decide the boundaries of democracy. If we listen to Sarah Song, for example, cosmopolitans have paid too little attention to the factual conditions under which the boundary problem is raised. In particular, they have ignored "the state's role in securing the constitutive conditions of democracy."[93] Like others in the debate, Song is influenced by the paradox attributed to Rousseau, and asks what guidance democratic theory could offer on people-making: "How is the demos constituted and by what authority?" She admits that by asking this question we are inevitably caught up "in a vicious circle." Yet, she adds that this problem only occurs if we assume that democracy is "procedural."[94] And it is this procedural definition of democracy that worries her the most. The problem is that since the procedural view refuses a final decision on who make up the people in democracy, "the lion's share of democratic contestation would likely be devoted to determine who ought to have a say rather than to the policy issues at hand." To Song, this regress of self-authorization leads to "a problem of stability."[95] It causes "a serious problem of indeterminacy."[96]

To avoid this problem, Song turns to the state as the ultimate guardian of democracy. As she argues, the vicious circle associated with the boundary problem only gets activated if we equate democracy with a set of procedures. But democracy is more than that. It also has a substantial existence. Apart from being procedural, democracy is "a set of values underlying those procedures," such as political equality and solidarity. Moreover, underneath these democratic values lies the decision-making capacity of the modern state. Accordingly, the vicious circle of democratic self-authorization does not continue *in infinitum*. It is halted by the state. The state has the final authority to adjudicate conflicting claims on peoplehood. For if "political equality is a constitutive condition of democracy, and a stable, bounded demos is necessary for its realization," it is the modern state that "demarcates such a stable demos."[97] It "secures the substantive conditions of democracy," and it also has "the coercive means to enforce" its view.[98]

A similar kind of soft decisionism can be found among political theorists concerned with the no-demos thesis, or the democratic deficit in global politics. Instead of appealing to a pre-political people like the nation or a republic of humanity, they urge us to pay attention to the concrete conditions behind people-making. Like Schmitt, who presupposes that the state is factually given, they start with the state itself.[99] According to Philip Pettit, for example, we ought to take "states as they are," and only *then* "ask about the international order—the

world—as it might be."[100] Robert Goodin makes a similar argument. By way of a historical parallel with how national democracy once came into being, he stresses that we cannot expect democracy to be created out of democracy. First there was a sovereign state, and only then was it democratized. What we need to do, therefore, is to "first find a state" or some equivalent to it, and only then to strengthen and democratize its authority.[101] In a similar vein, Thomas Nagel insists that "illegitimate regimes are the necessary precursors of the progress toward legitimacy and democracy":[102]

> First there is the concentration of power; then gradually, there grows a demand for consideration of the interests of the governed, and for giving them a greater voice in the exercise of power. The demand may be reformist, or it may be revolutionary, or it may be a demand for reform made credible by the threat of revolution, but it is the existence of concentrated sovereign power that prompts the demand, and makes legitimacy an issue.[103]

Do we safeguard democracy—including the values associated with it, such as political equality and solidarity—by hailing the state as final arbiter in conflicts on who "we, the people" are? Do we have to await a sovereign before we can democratize global politics?

From Sovereignty to Spirit

The irony is that in the absence of a democratic resolution to conflicts on peoplehood, many defenders of democracy have contributed to a new wave of political reaction. In the attempt to safeguard democracy against its critics, they have come to reiterate the same critique that conservative thinkers once raised against democracy, albeit for diametrically opposed reasons. If Burke, Sieyès, and Schmitt sought to tame the unruly logic of democracy for authoritarian reasons, contemporary advocates of democracy try to rescue democracy from its own regressive logic of self-authorization by cutting democratic theory off at its root. How the people comes into being, they argue, is one thing, how it progresses after that another. But as we have seen in this chapter, this move only lands them in the very company they wish to eschew. Assuming that there is no way to democratically adjudicate conflicts on who "we, the people" are, they urge us to take up where history, morality, or decisionism leaves off.

Is there a way out of Rousseau's trap? In this final section, we shall ask what it would mean to sever the link between democracy and sovereign peoplehood. As we have seen, it is this link that breeds pessimism about the capacity of democracy to accommodate conflicts on its own source of authorization. Instead of revitalizing commitment to democracy, it makes us succumb to nondemocratic forms of

stewardship. But what if we replace Rousseau's idea of sovereignty with Montesquieu's idea of spirit? How does it change our outlook? The point I will make is that this shift allows us to challenge the two dogmas brought up in the beginning of this chapter. There is no paradox at the bottom of democracy, only a plurality of competing principles embodied in our actions and judgments, on the one hand, and in our laws, institutions, and policies, on the other. To see this, let us go over the two dogmas again, this time with the conceptual vocabulary of spirit in mind.

The first dogma says that conflicts on people-making have a destabilizing impact on politics. The rationale behind this view is that while the sovereign people is the only legitimate source of law, it cannot redeem its own claim to democratic legitimacy. It leads to a vicious circle or infinite regress: "we, the people" must be authorized by the people, who are undemocratic at the time of its inception, and therefore must be authorized by an antecedent people, and so on. The worry is that by activating this paradox at the bottom of democracy, we do not cultivate democratic practices and ideals. On the contrary, we jeopardize the stability and continuity of democracy. Since there is no way to democratically adjudicate conflicting claims on peoplehood, the very demand that one could or should do so leads to a vicious circle of ever new "democratizations" of the people. At times when citizens are deeply divided over such contentious issues as migration, secession, and globalization, this demand for democratization is particularly hazardous. It risks undermining the ability of democracy to secure order in society. Instead of fostering political stability, it sharpens conflict into war. It escalates into "the blood and mud of battles."[104]

This dogma of instability is widely accepted in contemporary political theory. Still, a closer inspection reveals that the problem of instability only applies if we equate the people in a democracy with a *sovereign* people. If we let go of this doctrine of sovereignty, Rousseau's "paradox" takes on a new significance. Recall how Rousseau describes the problem: in order for a people to become its own source of authorization, "the social spirit which is to be the work of the institution would have to preside over the institution itself, and men would have to be prior to laws what they ought to become by means of them." By interpreting this quote through Montesquieu's language of spirit, the craving for an antecedent and supreme "people" of people-making loses its meaning. There is no longer a sovereign people behind law, only people in the plural acting and judging on the basis of different principles, which in turn are materialized in their laws and institutions. The message of the quote is that in order for a political form to sustain over time—and the one that Rousseau has in mind is a republic—people must commit to the principle that sets and keeps it in motion, and laws and institutions must in turn foster action-orientations in its support. The one cannot exist without the other.

Accordingly, by approaching the problem of people-making through Montesquieu's conceptual language of spirit, it is possible to read Rousseau against the grain. Instead of testifying to the destabilizing nature of the process of people-making, the quote by Rousseau calls our attention to *the terms of its stability*. The point Rousseau makes is that in order for a republican people to become its own source of authorization, the nature and principle of a republic must mutually support each other. Failing to do so, the republic will be "imperfect," that is, it will cease to exist as a distinct political lifeform. The difficulty that Rousseau struggles with is therefore how to make the laws and institutions of the republic supportive of a virtuous people, and vice versa. He understands that you need virtuous laws to make a virtuous people and conversely, you need virtuous people to make virtuous laws. Together they make up the pillars of a stable and well-functioning republic.

The first aspect of the problem—the need for virtuous laws—is tellingly formulated in Rousseau's *Confessions*:

> I had seen that everything is rooted in politics, and that, whatever the circumstances, *a people will never be other than the nature of its government makes it*. In other words, that great question, as to which is the best possible form of government, seemed to me to come down in the end to this one: what is the nature of the government needed to produce the most virtuous, the most enlightened, the wisest, and in short, taking this word in its widest sense, the best people?[105]

When Rousseau asks for "the nature" of the government needed to produce a virtuous people, he is clearly influenced by Montesquieu. He understands that laws and institutions are not merely there to put limits on human interactions. They are *productive* insofar as they have the capacity to instill and sustain a republican commitment among the people. Still, how to make republican institutions produce a virtuous people is only one side of the equation. The other side is how to get ordinary people to support those same republican institutions, that is, how to create a virtuous people. This is equally, if not more demanding. As Montesquieu notes in his work, virtue does not come natural for human beings in the way that fear does, for example. Virtue must be taught. It calls for "self-renunciation," which "is always a very painful thing."[106]

Rousseau appears inclined to agree. As he argues, "each individual, appreciating no other scheme of government than that which bears directly on his particular interest, has difficulty perceiving the advantages he is supposed to derive from the constant privations required by good laws."[107] How to make people ready to sacrifice their own private desires for the common and public good is not a minor problem. It haunts Rousseau on every page of *The Social Contract*. "How," he famously complains, "will a blind multitude, which often does not

know what it wills because it rarely knows what is good for it, carry out an undertaking as great, as difficult as a system of legislation?"[108]

This brings us to the second dogma. It says that people-making is an undertaking that falls beyond the scope of democratic theory. This is by far one of the most widespread and entrenched assumptions of contemporary democratic theory. The assumption is that since a people cannot account for its own source of authorization without falling prey to an infinite regress or vicious circle, its authorization must spring from a source extraneous to democracy itself. But again, this supposedly "logical" conclusion only carries force if we stick to Rousseau's vocabulary of sovereignty, which encourages us to look for the one and supreme authority behind law. Shifting focus to Montesquieu's vocabulary of spirit, it is clear that all political lifeforms have their own immanent principles from which to adjudicate conflicting claims on who "we, the people" are. When Rousseau argues that "the social spirit which is to be the work of the institution would have to preside over the institution itself, and men would have to be prior to laws what they ought to become by means of them" he is not calling our attention to an insoluble paradox. He is appealing to virtue as the *immanent republican principle* that links the people to its laws.

Rousseau is a republican thinker. He is concerned with the maintenance of a republican political form, and more precisely, with a republic conducive to a small-scale context like his own hometown Geneva.[109] But Rousseau is also a citizen among others. Seeking to defend the republic—which, in his view, produces "the best people"—he knows that his fellow citizens must judge and evaluate the actions of themselves and others with reference to the principle of virtue. Furthermore, he knows that laws and institutions in turn must nourish this same commitment. The moment citizens start to prioritize their own private interests over the common interest without being tried in public for doing something *wrong*, the republic has lost its spring. It is on the verge of corruption. This is why Rousseau not only concentrates on laws and institutions, but on education and civil religion. The task of these policies and practices is to pre-empt factions, or in our terminology, to pre-empt conflicting claims on who "we, the people" are. In order for the republic to sustain, Rousseau insists, it is important that "there be no partial society in the state."[110] It destroys the fabric of the republic.

This degeneration of the republic into factions is what Rousseau fears, and in the end, cannot accept. To pre-empt the corruption of the republic, he therefore abandons his own citizen perspective. Instead of starting out in *medias res*—which is a political context where other principles like fear and honor coexist and compete with virtue for attention—he detaches himself from the republic and assumes the role of its external protector. This move changes his outlook on what is right and wrong. Instead of arguing that citizens who fail to act virtuously are doing something wrong seen from the perspective of the republic, he now considers it a wrong in all possible forms. It is *universally* wrong not to support the

common good. As Rousseau argues, a people is either sovereign, "or it is not."[111] It is either governed by the general will, or liable to "err."[112] This assumption not only makes him impatient with his fellow citizens, who seem ignorant of what the republic requires from them. It means that when they act and judge differently than the republic prescribes, he feels obliged to correct them: "By itself the people always wills the good, but by itself it does not always see it. The general will is always upright, but the judgment which guides it is not always enlightened."[113]

This is the point when Rousseau turns to "the legislator." Rousseau is not only a republican. He is a *disappointed* republican. Disturbed by the lack of self-renunciation among his fellow citizens, he formulates the need for an "extraordinary man in the state" who can recall them to their republican senses.[114] By this move, Rousseau in fact weakens the republican spirit that he seeks to defend. In order for a republic to endure, people have to forsake their own private interests in favor of the common good, and laws and institutions must in turn assist them in this endeavor. There is no other way. An external legislator cannot do the job for them. In Rousseau's own words, "a people will never be other than the nature of its government makes it." Accordingly, by having recourse to a strong man in the state, Rousseau in effect undermines the spirit of the republic. He lures subsequent generations to debate whether it is possible for a democracy to reproduce itself by means of law, or whether it rather needs an external legislator with the capacity to make of people what they ought to be.

The implications of this line of reasoning are well familiar to students of political theory. They echo in numerous debates on reason versus persuasion in the sustenance of democracy, and whether it is right to "force" someone to be free. For our purposes, it suffices to notice that with this line of reasoning, Rousseau invents the trap that political theorists later are to fall into. He does so in two ways. To begin with, he turns an immanent problem of republics into a logical problem for all political lifeforms. No republic is free from the corruptive force of private vice. This is a constant challenge in republics: to make people prioritize the common good above their private interests, and avoid the proliferation of factions. By universalizing what in effect is a particular problem for republics, namely how to make the people sovereign—one and supreme—Rousseau wires subsequent generations of political theorists around a seemingly logical paradox: how to make the people into its own source of authority. They become "captives" of a republican mindset.[115] By replacing the vocabulary of sovereignty with that of spirit, however, we understand that the paradox attributed to Rousseau is a trap. There is no sovereign people behind law, only people in the plural who act and judge on the basis of different principles; virtue, honor, and fear. Borrowing the words of David Owen, we could say that with Montesquieu's language of spirit in mind:

we confront not a *paradox* of politics [in Rousseau] but the *predicament* of politics, the problem that a people never free from sources of corruption must

themselves seek to act in ways that limit corruption – or, in a different formu-
lation, that a people who are composed of virtue and vice must seek to improve
the former and weaken the latter. It is, of course, true that such a people may go
wrong, even disastrously so – but there is nothing paradoxical about this.[116]

Furthermore, by universalizing an immanent problem of republics, Rousseau has
invited subsequent generations of political theorists—even those professing to
adopt a more radical outlook—to assume that democracy is a political lifeform
that builds on *virtue*. As Honig notes, you need good law to make good men, and
vice versa, but where is good law to come from "absent an already well-formed,
virtuous people?"[117] It is not surprising that the revolutionaries in the late
eighteenth century would refer back to republican ideas to counter the injustices
of the monarchical regime. Rousseau's idea of virtue and Machiavelli's idea of
virtu were both taken up and reformulated during the revolutionary years to
fashion a new society built on equality and freedom rather than honor and
distinction. Where else would the revolutionaries look for inspiration at that
point, if not in the more radical republican traditions of thought that preceded
the monarchical regime?

What is more surprising is that political theorists on this side of the revolutions
should hang on to these same ideas. The critical point I have made in this chapter
is that insofar as they do, they may have been trapped by Rousseau. His attempt to
universalize the concerns of the republic has drawn numerous political theorists
into a protracted discussion on the paradox of politics—and the foundations of
democracy more generally—without asking for the presuppositions under which
it holds.

Conclusion

In this chapter, I have argued that the sustained difficulty of coming to terms with
the nature of modern democracy, that is, who legitimately make up the people in a
democracy, and hence are entitled to govern themselves stems from a major
misunderstanding, namely that modern democracy is based on a sovereign
people. It is the result of a trap, one that Rousseau due to his impatience with a
reluctant republican people invented. Who "we, the people" are—both in terms of
its scope and character—is not a question that can be answered with reference to
the sovereign people. It hinges on the principles that animate our actions and
judgments, as well as our laws, institutions, and policies (more on this in
Chapter 4, 5 and 6).

Ever since Rousseau formulated his theory of the sovereign people, it has been
common to assume that democracy is a political form animated by virtue. Still, a
republic is not the same thing as a democracy.[118] The democratic political form

that we are familiar with today was not born prior to, but *in* the revolutions in the late eighteenth century. While drawing on republican ideas and institutions, these revolutions also engendered something entirely new. They brought with them the kernels of new political institutions in the form of universal suffrage, human rights, and a public sphere, as well as a new political dynamic of ever more inclusion; of claimants (workers, women, black people, migrants) and claims (civil, political, social rights). What is the principle needed to set and keep these political institutions in motion? By what standards are we to judge the claims of ourselves and others to prevent them from being corrupted? These are the questions that will be addressed and answered in the rest of this book. The aim is to show that like a republic, a democracy has its own immanent principle by which to adjudicate conflicting claims on who "we, the people" are: the principle of emancipation.

2

The Principle of Emancipation

> Democracy is instituted and sustained by the dissolution of the markers of certainty.
>
> Claude Lefort, *Democracy and Political Theory*

In the previous chapter I argued that appealing to the sovereign people in debates on "the nature" of modern democracy—that is, on who legitimately make up the people, and hence are entitled to govern themselves—leads to a trap. Rather than resolving such conflicts in a democratically sustainable way, it makes democratic theorists resort back to a pre-political people defined by history, morality, or the one who is sovereign. Still, ever since the revolutions in the late eighteenth century, democracy has been associated with the very opposite, namely with faith in democracy as an open and unfinished project. It has prompted people from different walks of life to emancipate themselves from the powers that be, and demand increasing equality in the governing of society. New groups have been included, and they have in turn demanded new rights; civil, political, social, and cultural.[1]

To better understand this feature of modern democracy, this chapter inquires into the spirit of the democratic revolution. The argument it makes is that a revolution is not an ordinary act of change, one which follows a certain staked out course. It is bound up with the experience that the course of history is radically open, or in the words of Hannah Arendt, "that an entirely new story, a story never known or told before, is about to unfold."[2] To retrieve the spirit of emancipation, we cannot overlook this experience of uncertainty. Something dramatic happens in the shift from monarchy to democracy that alters the fabric of society itself, from one which is given and guaranteed by God to one which by contrast is animated and sustained by a fundamental uncertainty about the purpose and direction of society.

A scholar who has done much to bring out the significance of uncertainty for modern democracy is Claude Lefort.[3] According to Lefort, the shift from monarchy to democracy leads to a symbolic mutation in the representation of society. The sovereign king was the unifying center in monarchy. Ruling by divine right, his body gave to society a specific form, an understanding "both of the ultimate ends of society and of the behavior of the people it assigned to specific stations and functions."[4] In the democratic revolution this symbolic power of the king disappears. Unlike the sovereign king, the sovereign people does not have a physical

body—we cannot see, hear, or touch it—and as soon as we ask it to tell us what is right, it disintegrates into numerous opinions.[5] The point made by Lefort is that this disincorporation of power is what sets the democratic revolution in motion. It transforms the locus of power into an "empty place" in the sense that nobody can appropriate popular power to further their own particular ends.[6] In a democracy, no one—no matter how noble, rich, or privileged—has the last word on who "we, the people" are.

Lefort has become an important reference point among political theorists trying to understand the open and unfinished nature of modern democracy, including its capacity to transform democratic discontent into struggles for political inclusion and extension of rights.[7] The importance of Lefort's work notwithstanding, it does not tell us the whole story of the democratic revolution. If the monarchical regime defined both the ultimate ends of society and the behavior of those who inhabited it—it created an awareness of "what one meant to the other"—the democratic revolution unleashes uncertainty on both ends.[8] Not only are people now "doomed to be tormented by a secret uncertainty" as to the purpose and direction of society.[9] The individual is "disposed of his assurance to his identity—of the assurance which he once appeared to derive from his station, from his social condition."[10] What is left after the revolution, in other words, is a democracy that refuses to tell us who governs, and an individual struggling to find its place in society. Where is the attraction in that?

Drawing on the conceptual vocabulary of the spirit, this chapter will show that while Lefort has elucidated the open-ended nature of modern democracy, he has little to say on the principle behind it.[11] On what condition can there be a democracy that gives power to the people, yet simultaneously refuses to give it a substantial and positive form? Why accept the uncertainty it yields in the governing of society? Why not take a safe bet and submit to an authority that promises relief from doubt and confusion? This is the missing piece in Lefort's theory of democracy, and it echoes in the work of many scholars inspired by him. Stressing the at once liberating and demanding aspect of the democratic revolution, the aim of this chapter is to show that the openness of modern democracy can be accepted on the condition that *the uncertainty it yields is shared and divided equally*. This is what emancipation—in the democratic sense of the term—means. It emancipates us from having the basic purpose and direction of society decided for us.

The significance of this point cannot be overestimated, especially not in times of democratic crisis. As Montesquieu remarks, all political lifeforms have their own challenges. In a republic, the challenge is how to make people prioritize the common good over their own private interests. Virtue calls for self-sacrifice, and as Rousseau well understood, this is trying.[12] The task for people who wish to sustain the spirit of the republic is therefore to continuously encourage identification with the common good, and limit the proliferation of factions. In a democratic political form, the challenge is different. The difficulty does not consist

in forsaking one's own private interests, but in carrying the burden of one's own freedom and responsibility. One must be able to live with the absence of external guarantees in political affairs. The task for people who wish to sustain the spirit of democracy is therefore to be attentive to the uncertainties that democracy unleashes, and work in favor of laws, institutions, and policies that share and divide them equally. Only in that way can the burden of living in a democracy be endured.

To unpack this argument, the first section introduces the discussion on the democratic revolution. It argues that while Lefort addresses the democratic revolution as a shift in the nature of democracy, i.e. who governs and how, he does not inquire into its principle. What public commitment is needed to support this shift? The second section recapitulates the conceptual vocabulary of the spirit, and clarifies how a focus on the principle changes our inquiry into the democratic revolution. To make sense of the principle of emancipation, the third section distinguishes between different meanings of uncertainty, with particular attention given to the revolutionary understanding of it. The fourth section then extrapolates from this discussion to examine the shift in principle in more depth: How could the monarchical principle of honor give way to the democratic principle of emancipation? The fifth section examines the democratic meaning of emancipation, and how it conditions the open and unfinished nature of modern democracy. The conclusion sums up the main argument.

The Democratic Revolution

The American and French revolutions, while often spoken of in the same breath, differ on crucial points. If the French Revolution was directed against absolute monarchy, the American Revolution was from the beginning a more divided affair. Not only was America split into different states at the time of the revolution, but the imperial power that it fought against was itself divided between parliament and king. The fact that the two revolutions emanated out of such different contexts, and eventually were to take such different historical courses suggests that they were not twins. Still, on one point they were certainly "sisters": they both made the quest for equality into their mainspring.[13] This insight drives the discussion on the democratic revolution.

In the late eighteenth century, the monarchical society was divided into different social classes where everyone knew their place in the pecking order. Distinctions between people were based on natural lineage, which means that nobles took it for granted that their children were innately equipped to lead.[14] Still, the American and French revolutions shattered the fabric of the monarchical society. As Robert Palmer writes in *The Age of the Democratic Revolution*, there arose across the Atlantic "a new feeling for a kind of equality, or at least discomfort

with older forms of social stratification and formal rank."[15] It is this quest for equality that encourages Tocqueville to speak of "a great democratic revolution." What he discovers in his travel to America is how the quest for equality of conditions takes hold of the entire society. It

> gives a peculiar direction to public opinion, and a peculiar tenor to the laws, it imparts new maxims to the governing authorities and peculiar habits to the governed. I soon perceived that the influence of this fact extends far beyond the political character and the laws of the country, and that it has no less effect on civil society than on the government; it creates opinions, gives birth to new sentiments, founds novel customs, and modifies whatever it does not produce.[16]

Where does this quest for equality come from? The standard reading of the democratic revolution presumes that the quest for equality results from a change in *who* governs. The story goes something like this: in the democratic revolution the people seize the supreme prerogative of the king. They mobilize against the privileges of the king and his courts, and render the people sovereign over political affairs. They become at once authors and addressees of law.[17] Ever since, modern democracy has been associated with a dynamic of change, one which triggers ever new demands for inclusion and rights.

This interpretation lies behind the long-standing conflict between republicans and liberals on the nature of modern democracy. Republicans and liberals disagree on many things. What they share, however, is the conviction that the democratic revolution begins the moment people declare themselves sovereign over political affairs. Assuming that democracy falls back on a sovereign people, the debate concerns who best instantiates or represents its authority: whether it is the people in the streets, the politicians in parliament, the judges in the court, or the experts in the state. Furthermore, it concerns how people should govern themselves, whether it should be direct or indirect, i.e. through direct participation or representation. Still, what is puzzling about the democratic revolution is not that it replaces the sovereign king with the sovereign people, or that it substitutes representation for participation.[18] What is most puzzling about the democratic revolution is that it *puts society itself in motion*. It has, as Tocqueville puts it, "no less effect on civil society than on the government."[19]

No one has reflected more on this dimension than Lefort. It is the societal dimension of the democratic revolution that prompts him to leave the question of political regimes behind, and take on the more classical question of the difference between forms of society. Following in the footsteps of Tocqueville, he wants to understand why the democratic revolution can expand in every direction, even into the very "flesh of the social," affecting sentiments, knowledge, religion, and language.[20] In contrast to Tocqueville, however, Lefort wants to delve deeper into the *symbolic* significance of the democratic revolution. He is skeptical of

Tocqueville's reluctance "to confront the unknown element of democracy," arguing that it prevents him from understanding the attraction of totalitarianism.[21] What is new about modern democracy is that it "welcomes and preserves indeterminacy."[22] Failing to understand this dimension, Lefort insists, one will inevitably fail to understand how modern democracy can pave the way for totalitarian ideas of the People-as-One.

With this assumption in mind, Lefort sets out to trace the symbolic significance of the democratic revolution. As he argues, the novelty of modern democracy "only becomes apparent if we recall the nature of the monarchical system of the *Ancien regime*."[23] The monarchical system was determined by a political-theological logic. Power was vested in the body of the king, who was seen as the representative of God on earth. The democratic revolution puts an end to this symbolic representation of society. The shift from the sovereign king to the sovereign people leads to a mutation in the representation of society. With the removal of the king as a natural and divinely instituted authority, there arises a fundamental indeterminacy as to the ultimate grounds of society. Instead of pointing out the purpose and direction of society, the democratic revolution "inaugurates the experience of an ungraspable, uncontrollable society in which the people will be said to be sovereign, of course, but whose identity will constantly be open to question, whose identity will remain latent."[24]

According to Lefort, this lack of a natural power-holder is a decisive factor behind the many political struggles associated with modern democracy. It means that it "combines two contradictory principles: on the one hand, power emanates from the people; on the other, it is the power of nobody," and instead of creating political stalemate, "democracy thrives on this contradiction."[25] The reason is that with this form of popular power no one can claim to fully instantiate its authority, or possess the prerogative to establish its boundaries. This is the meaning of democracy as an "empty place." The seat of power is there, but who occupies it remains an open question. In effect, this is what the birth of modern democracy—including familiar political institutions such as universal suffrage, human rights, and the public sphere—reveals: in a democracy nobody can be consubstantial with the people. Who governs is a matter of political contestation, and as such subject to recurrent procedures of decision-making and debate.

It is against this background that Lefort seeks to understand the promises and perils of modern democracy. The point he makes is that the absence of a natural power-holder creates ambiguity. On the one hand, it means that modern democracy carries a promise of change. Not being anchored in a specific body, it may adapt and remold to fit new political realities. New voices, interests, and claims can enter the political scene. The reason is that no one in society has the final say on who "we, the people" are. On the other hand, the uncertainty about who governs can be destructive for democracy. If the empty place of power opens up democracy to change, it also harbors a risk of degenerating into nondemocratic

forms. The discovery that power belongs to no one can be disconcerting. It may prompt a desire to "banish the indetermination that haunts the democratic experience," and restore the sense of certainty associated with monarchical rule.[26]

Still, if the corruption of democracy springs from a desire to restore certainty, Lefort is careful to point out that this restoration is quite different from what was once torn apart.[27] The sovereign power exercised by kings, however tyrannical and unfair, was still limited. In the theological political logic of the *ancien régime*, the king was supposed to obey a superior power. He was expected to comply with a higher and divine law, which served as the guarantor of what is right and true. With the overthrow of the sovereign king, this restriction on power disappears. In modern democratic societies, there are no transcendental limits to the will of the people. The whole point is that there should *be* no higher authority in political affairs than the people itself. In the democratic revolution, a new form of despotism is thus born: totalitarianism. The term "People-as-One" signifies that the seeds of a totalitarian society are not primarily exposed in the brutality of its regime. They are revealed in the scope of its claims. Totalitarianism arises when political conflicts and divisions in society are suppressed, and "all signs of differences of opinion, belief or mores are condemned."[28]

Lefort's analysis of democracy as a disincorporation of popular power has attracted much attention in political theory. Among others, it has served to elucidate radical or agonistic democracy, the nature of the political, the democratic revolution, political representation and the rise of democracy as a regime of rights.[29] The merit of the analysis notwithstanding, it only tells us half the story. For, while demonstrating that modern democracy yields a fundamental uncertainty about who governs, it does not tell us how this uncertainty results in a quest for equality.[30] What does it take to channel indeterminacy in a democratic direction? How to avoid the lure of the destructive image of the People-as-One? This is the point where we reach the limits of Lefort's analysis. To borrow Hans Lindahl's term, the positive meaning of democracy's logic of negation—the disincorporation of a natural power-holder—is not elaborated on.[31] What makes the fact that *nobody* governs into a political form characterized by *equal* governing?

The lack of a convincing answer to this question is surprising given Lefort's preoccupation with equality. Apart from Machiavelli, Tocqueville is one of his closest companions.[32] As he explains in a late interview, there is this one question that has been intriguing him for a while: "where does t[he] equality of conditions come from?"[33] The lack of a convincing answer is also surprising given that the institutions that Lefort takes to symbolize the disincorporation of popular power—universal suffrage, human rights, and the public sphere—all build on the idea of equality: in decision-making power, rights, and opinion.[34] So why does he not elaborate more on the symbolic link between uncertainty and equality? One answer could be that Lefort takes the notion of equality to be a self-evident starting point, and as such, in no need of theoretical elaboration. Another

answer could be that his analysis is more geared towards understanding the degeneration of democracy than its regeneration. It is not meant to show how a democracy can channel the experience of uncertainty in a democratic direction.[35]

Whatever one takes the answer to be, it is clear that Lefort pays no sustained attention to the symbolic link between uncertainty and equality. To make sense of it, we must therefore move beyond Lefort's analysis of the nature of modern democracy. As Lefort points out, it can be tormenting to realize that the purpose and direction of society—as well as our own identities and positions—are subject to an endless process of contestation and critique. So why would we be willing to accept it? The suggestion I will make is that the spirit of modern democracy cannot be adequately understood without specifying the experience of uncertainty that arises in the shift from divine to popular right. To that end, the task of this chapter is to complement Lefort's analysis, and show that the democratic revolution is a revolution in principle rather than in the nature of politics (who governs, and how).

The Principle: A New Theoretical Category

What is the principle, and how does it change our inquiry into the democratic revolution? In the last chapter, we saw that while Rousseau admires Montesquieu, he also criticizes him for making a science out of politics. He who wishes to judge wisely in matters of politics, he retorts, must turn to reason rather than history. He "must know what ought to be in order to judge what is."[36] Rousseau was never in doubt about what ought to be. In fact, he was so sure that he generalized the republican mode of reason to cover *all* legitimate law. Later generations of thinkers followed suit. To think that one can go beyond the sovereign people to judge it, they tell us, is impossible. It goes against reason. But what counts as reason in one political form may be discarded as unreason in another, and vice versa. As Montesquieu argues, the world consists of a plurality of human laws, and "the sublimity of human reason consists in knowing well to which of these [laws] principally relate the things on which one should enact and in not putting confusion into the principles that should govern men."[37]

When Montesquieu embarks on his study on the spirit of laws he returns to a question that has inspired political theorists ever since antiquity, namely, how to categorize the difference between political forms. Plato and Aristotle are famous for creating typologies based on the distinction between classes, or who governs, like the aristocracy and the poor.[38] Both conceive of the constitution or the *politeia* as a concrete form of life. For Plato, for example, each political form is matched by a certain psychological disposition among the persons who inhabit it, such as the "democratic man" who refuses to accept hierarchies. Similarly, Aristotle is not content with categorizing political forms. He studies the empirical conditions

which make them flourish on the assumption that each political form ought to fulfill its proper end or *telos*. The constitution is not seen as a product of the drawing board, but "the way of life" of the citizens.[39]

If Montesquieu revitalizes the classical study of the difference between political forms, his analysis still differs in important ways from the ones carried out by Plato and Aristotle. First of all, Montesquieu's famous notion of the separation of powers must be distinguished from the ancient idea of mixed government. The "mix" in mixed governments referred to a mix of classes, such as the one, the few, and the many.[40] Accordingly, "the major concern of ancient theorists of constitutionalism was to attain a balance between the various classes of society and so to emphasize that the different interests in the community, reflected in the organs of the government, should each have a part to play in the exercise of the deliberative, magisterial, and judicial functions alike."[41] This is very different from the way in which Montesquieu understands the separation of powers. Unlike his predecessors, Montesquieu does not start out from the premise that society can achieve harmony through negotiation between classes. What he fears and tries to restrict is unlimited power. As Brian Singer writes, the separation of powers "is not a question of either separating or combining powers, but of dividing power against power."[42]

Moreover, it is doubtful whether Montesquieu sought to come up with a recommendation about the best way of organizing politics, at least explicitly. Prior to Montesquieu, this had always been the motivation among those who compared political forms, namely "to decide whether there was one absolutely best form."[43] The whole idea of creating typologies was to create a hierarchy between political forms. While Montesquieu certainly has opinions about what is a good and desirable way of organizing politics (despotism being excluded from it), he takes up a more detached stance vis-à-vis the political forms that he studies than his predecessors. As the first modern political "scientist" at work, he constructs his typology on republics, monarchies, and despotism without making explicit moral recommendations about how to rank them. This apparently neutral stance is one of the many points that divide scholars studying Montesquieu: Is *The Spirit of Laws* an apology for a constitutional monarchy, or is it not?

Finally, Montesquieu does not follow Plato and Aristotle in their conviction that all political forms unfold according to a fixed and predetermined course. In ancient Greece, politics was seen as a concrete way of life, and like life itself, it was taken to be bound by a timeless and circular logic of growth and decline. To Plato, as we know, there are five regimes—aristocracy, timocracy, oligarchy, democracy, and tyranny—each of which naturally degenerates into the other. To Aristotle, there are monarchies, aristocracies, and polities—or rule of the one, the few, and the many—and each form can slide into its own distorted variant in the form of tyranny, oligarchy, and democracy. By contrast, Montesquieu does not think that there is a timeless and fixed logic behind the rise and fall of political forms. Unlike

his predecessors, he is a child of a burgeoning historical consciousness, and this makes him more sensitive to the contingency of history. As Paul Rahe argues, he understands that some changes in political life can lead to the emergence of political forms "not just unprecedented but hitherto unimagined as well."[44]

Arendt belongs to those who pick up on this point (more on this in Chapter 3). By introducing "history and historical process into the structures of government," she argues, Montesquieu strikes a unique balance between the Greek concern with the difference between political forms, on the one hand, and the modern concern with history as a process of contingent change, on the other.[45] Before Montesquieu, the structures of government were thought of as "unmoved and unmovable," and "the only principle of change connected with forms of government was change for the worse," as when an aristocracy degenerates into a timocracy, which degenerates into oligarchy, and so forth.[46] For Montesquieu, by contrast, political forms are closely tied to historical experience, and more important still, they are set in motion by history. They do not persist unless people continue to breathe life into them by acting and judging in their favor.

Taken together, this attentiveness to the scientific and historical aspect of politics makes Montesquieu into an astute observer of change in the perception of politics and law. What people think and believe now becomes of relevance in the analysis of political forms, and by assuming the stance of a scientist he seeks to be unbiased when studying them. But this new outlook on society also confronts him with a new problem, namely "to determine by what standards laws ought to be judged."[47] If political forms cannot be evaluated with reference to a teleological idea about the best way of organizing political life—and there is no given logic behind the way they progress over time—then how *should* they be evaluated? This question takes Montesquieu from the realm of politics and law into that of society itself, a move which eventually makes him discover "a new theoretical category": the principle.[48] As Peter Gay argues, Montesquieu is not original in his study of political forms. His innovation lies elsewhere: "What is essentially new about Montesquieu's classification is his introduction of the principles that underlie these forms."[49] What then is the principle?

Recall that the spirit of a political form consists of two elements. The nature of a political form refers to who governs, and how, whereas the principle refers to its condition of possibility. It is "that which makes it act," and thereby makes a political form into "what it is"; republican, monarchical, and despotic.[50] Understood in this way, the principle is best described as a border concept. On the one hand, the principle allows Montesquieu to lay out the autonomy of the political vis-à-vis the realm of morality and theology.[51] Each political form now has its own spring which allows it to thrive and prosper. It does not need to be anchored in a higher authority. On the other hand, the invocation of the principle as a condition of possibility for republican, monarchical, and despotic forms reveals that the political realm cannot stand on its own feet. It needs societal

backup. People must commit to it in some way or other. In the words of Brian Singer, we could thus say that the principle makes "the political aware of the limits on which it depends," namely society itself.[52]

The term "principle" invites us to think of virtue, honor, and fear as normative principles. While this description is correct, it must be qualified on two points. First, while virtue, honor, and fear are normative in the sense that they tell us what ought to be, they are not desirable in all possible forms. Every political form has its own immanent principle that sets and keeps it in motion. It is therefore more accurate to say that the principle captures what ought to be, *given* that we value the persistence of a distinct political lifeform. Just like a citizen who loves the country and its laws ought not to fall prey to his or her own private desires, a subject who wishes to uphold a monarchy should take care to guard the distinction between classes.[53] This is not to say that there is only one way to act and judge, or that these principles cannot coexist. All societies are home to a plurality of principles, and people adhere to them at different times and in different places. Sometimes it is sensible to be guided by fear rather than virtue, and vice versa. Still, to Montesquieu there is always one dominating principle that spurs the others in its direction. It is this meta-principle that allows us to say that the political form in question is "republican," "monarchical," or "despotic."[54]

Second, while virtue, honor, and fear are normative in the sense of being action-guiding—they provide the possibility for undertaking immanent critique—there is nothing inherently moral about them. They do not aspire to tell us what the morally right thing to do is. This is perhaps most evident in the case of fear, but it goes for virtue and honor as well. To argue that people ought to fear the despot, love their country and law, or aspire for supremacy can be considered right in many cases. But Montesquieu is not concerned with this question. His primary task is to understand what makes people commit to despotism, republicanism, and monarchy, not whether doing so is morally good or bad. For the same reason, Montesquieu cautions against mixing up the republican principle of virtue with a moral or Christian ethic.[55] Politics is one thing, morality another. The task of the political scientist is to understand what makes political forms sustain over time, even if they are immoral or unjust.[56]

The principle is not only a new theoretical category; it provides us with a fresh new outlook on the difference between political forms. It implies that to understand the trajectory of a political form it is not sufficient to study changes in who governs. Concrete and visible, this is what usually attracts the attention of political scientists. It presents us with a constitutional drama: the beheading of the king in the French Revolution, the government changing hands after an election, or the trial of strength that goes on between people, parliament, and incumbents during a constitutional crisis. But no matter how dramatic, these are marginal phenomena in a wider process of political change. To understand this process one has to look into the principle that guides the parties involved, as well as the laws,

institutions, and policies through which they operate: Do the parties act and judge on the basis of virtue, honor, or fear? What incentives do laws, institutions, and policies in turn create and sustain? As Montesquieu argues, the principle has "a supreme influence on the laws."[57] Once the principle is corrupted, "the best laws become bad."[58] If this happens it does not matter how well the laws are formulated or how clever those who govern. The political form has lost its animating spring. If the principle by contrast is sound, "bad laws have the effect of good ones."[59] The reason is that people continue to breathe new life into politics. They uphold the force of the law against the letter of the law.

As a new theoretical category, the principle changes our inquiry into the democratic revolution. Instead of examining the shift from the king to the people, it invites us to pay attention to its condition of possibility. Prior to the democratic revolution, the monarchical society was guided by honor and distinction. Morality and religion certainly proclaimed all humans equal in dignity and respect, but this insight had no bearing on the governing of society. On the contrary, inequality between classes was considered a natural aspect of life. The democratic revolution breaks with this idea, and herein resides the puzzle that prompts this chapter. Where does this quest for equality come from? What is it about the democratic revolution that gives ordinary people the nerve—or from the perspective of the king and his court, the audacity—to compare themselves with those of higher rank? And what could trigger those higher up in the hierarchy to proclaim themselves politically equal to those beneath them?[60] The answer, I suggest, must be sought in a new experience of uncertainty.

Uncertainty

Some issues fall under the radar of political theory, not because they are deemed irrelevant to the study of politics, but because they are too familiar to motivate anyone giving it serious thought. They hide in plain sight. One such issue is uncertainty. It is remarkable how much of our lives in democracies hinges on uncertainty, and yet how little this fact has been reflected upon in contemporary political thought.

Follow any election in any country in the world, and what you will come across are numerous attempts to predict its outcome. In the run-up to the election, everything in society seems to circulate around this one single question: Who will take office after the election? Or take a look at what economists do, and you soon realize that every model they bring to the table is but an attempt to predict markets and human behavior: Will they react as we expect them to do? Or indeed, look at domestic and international law and the many negotiations between countries and you will discover that beneath all these laws, conventions, and treaties lies the hope that promises will be kept: Will the laws succeed in binding actors to the

future? Is it possible for actors to commit themselves to abide by law today as a way of foregrounding unexpected incentives to break it tomorrow?

Given that uncertainty is so central to our understanding of politics in contemporary democracies, one would have expected political theorists to address it. One would expect there to be different political "theories" of uncertainty, and suggestions on how it shapes democracies, including such core democratic concepts as equality and freedom. Still, apart from a few notable exceptions— including Lefort and Arendt—this is not the case.[61] Most political theorists are preoccupied with studying *reactions* to uncertainty—in the form of fear and demands for stability—rather than the significance of uncertainty itself.[62] This is not only true of thinkers as Hobbes and Schmitt. Plato is among the first to assume this path of negligence. His concern with creating stability and harmony in society makes him ignorant of the experience of uncertainty. This is evident if we look at a crucial passage in *The Republic* where Plato tells us about the barking dog.

In *The Republic*, as we know, Plato proceeds at length to describe a good, stable, and harmonious society as one in which different classes of people work for the common good in different ways. Farmers should farm, doctors should heal, and shoemakers should make walkable shoes. One group that is of particular importance in a republic are the soldiers, who through their supreme physical strength are to enforce the laws and guard against enemies. The question that Plato raises is what kind of spirit one should require from this class of soldiers. Somehow, he writes, the soldiers must be gentle to their own people, and harsh to the enemy. If they do not possess this double spiritedness of both gentleness and strength, "they won't wait around for others to destroy the city but will do it themselves first."[63] But is it possible to combine these two characteristics? Does not the one rule out the other?

This is where Plato reminds us that there are creatures that possess this double spiritedness, namely dogs. Their nature is such that they are gentle to those they know, and harsh to those they do not know:

> When a dog sees someone it doesn't know, it gets angry before anything bad happens to it. But when it knows someone, it welcomes him, even if it has never received anything good from him. Haven't you ever wondered at that?[64]

To Plato, this passage serves to convince the reader that a good guardian of society is someone who like the dog is able to distinguish a friend from an enemy "on no other basis than that it knows the one and doesn't know the other."[65] Like a pedigree dog, it is the supreme "wisdom" of soldiers that they bark at strangers, and remain gentle to those of their own kind.[66] But a dog is a dog. Many of us would probably argue that to distinguish friends from enemies on the sole basis that we know the former and not the latter is more foolish than wise. It means that loyalty to those who are familiar to us makes us blind to their abuses, and

harshness to unknown others makes us incapable of perceiving their friendliness. Still, this is not what is most intriguing about Plato's story. What is most intriguing is the fact that while the dog barks at the unknown, the experience of uncertainty that causes the dog to bark is passed over in silence by Plato.

Uncertainty can be understood in different ways, and scholars disagree on how to define it.[67] Whatever definition one gives, uncertainty is often taken to be the exception rather than the rule. The reason is that in our everyday life we are surrounded by what appear to be self-generated or "automatic" processes.[68] Cosmic and natural laws have been described differently in different historical epochs—in terms of cycles or rectilinear development—yet no one doubts that they follow certain laws that can be anticipated. If I drop a pen on the ground we can with confidence predict that it will fall downwards. Furthermore, as human beings we are ourselves part of nature, which means that we are driven by similar processes. We can with relative safety assume that each of us was born, that our lives on earth are time-bound, and that our inner organs will decay over time. Not only nature, but history itself appears to follow certain laws. Human initiatives—it can be anything from building a house to starting a war—do not proceed randomly. They usually follow a certain predictable course.

The bottom line is that uncertainty is not something that we expect from life. On the contrary, we expect that things will go on as usual, and we do so for good reasons. The chances that tomorrow will be like yesterday are odds on.[69] Just like yesterday, the sun will rise today, rain will fall downwards rather than upwards, the neighbor will take out his dog in the morning, and there will be news about the state of the world. But then something unexpected happens, and it shakes our world to its core. We are taken by surprise precisely because we proceed on the assumption that the world is law-bound. We call the unexpected "a miracle" if the change is perceived as good and in no need of intervention on our part, and "a crisis" if it is perceived as bad and in need of action and judgment.[70] For the sake of providing a common basis for the rest of this chapter, we shall analytically distinguish between three ways that human beings may experience uncertainty in their lives. Let us call them cosmic, human, and political uncertainty.

Cosmic uncertainty refers to unexpected natural changes, like earthquakes, tsunamis, thunderbolts, pandemics, and cosmic upheavals, but also death and the emergence of cancer and other diseases. These changes are natural in the sense that they are not (directly) the result of human hands.[71] While we can expect them to happen, we cannot foresee with certainty when or where they will occur. Moreover, while we can try to improve our knowledge of prediction and foresight, we cannot do so by negotiations or promises. Nature is not a partner that we can reason with. It strikes irrespective of our wishes, pleas, or beliefs. As human beings we are part of nature, which means that we cannot ignore the uncertainties that fact creates. We have to deal with them in some way or other. Cosmic uncertainty can spur wonder and awe in us, which means that we respond to it with curiosity

and hunger for knowledge: How did this natural event come about? Is there a supreme creature behind nature? But cosmic uncertainty can also create what Mikhail Bakhtin calls "cosmic fear": fear of the sheer mass and silence of nature itself—earth, heaven, mountains, and seas—and a sense of complete helplessness when confronted with a nature beyond our control.[72]

Human uncertainty, by contrast, refers to unexpected changes in the relationship between human beings. It is a new turn of events initiated by human beings, like an unforeseen break-up of a long friendship, a sudden outburst by someone on the bus, or a spontaneous demonstration that no one saw coming. Human uncertainty can result from limited knowledge of a particular state or condition, or from the unpredictability that arises out of human togetherness itself. An example of the former is given by Bertrand Russell, and it has been popularized by Nassim Nicholas Taleb in his bestseller *The Black Swan*. To illustrate how limited knowledge of a particular state of affairs may lead to surprises in our relationship with others Taleb draws on Russell's example of the chicken that every day throughout its life is fed by a farmer, only one day to discover that something has changed.[73] The example Taleb uses in his revised version is that of a turkey:

> Consider a turkey that is fed every day. Every single feeding will firm up the bird's belief that it is the general rule of life to be fed every day by friendly members of the human race "looking out for its best interests," as a politician would say. On the afternoon of the Wednesday before Thanksgiving, something *unexpected* will happen to the turkey. It will incur a revision of belief.[74]

This example problematizes the belief that historical knowledge can serve as a proxy for the future. The point is that *we do not know* what will happen: "the same hand that feeds you can be the one that wrings your neck."[75] The growth in confidence and trust between human beings does not always accurately reflect the situation at hand. This is the hard lesson of the turkey story: "Its confidence increased as the number of friendly feelings grew, and it felt increasingly safe even though the slaughter was more and more imminent. Consider that the feeling of safety reached its maximum when the risk was at its highest!"[76] The general point is that we cannot use history as a predictor of the future. While something has worked in the past, this is no evidence that it will continue to do so. In some situations, experience or familiarity with a situation can be irrelevant, or as in the case with the turkey, grossly misleading.

But unexpected changes in the relationship between human beings do not necessarily come from limited knowledge of the situation at hand, or the intention of others. They can also arise out of human togetherness itself. As Arendt notes, the human world is not static. It is constantly being refilled by new people. Newborns, but also newcomers and outsiders come into our world, and they act and react in ways that cannot be foreseen. This means that in a society we cannot

wholly predict what happens when human beings come together in word and deed. The unpredictability of human togetherness arises both out of the "darkness of the human heart," the fact that human beings cannot guarantee today who they will be tomorrow (we may promise, but cannot guarantee), and the fact that it is impossible to foretell the consequences of human interactions.[77] Every human act inserts itself into a "web of relationships" that lies beyond the control of single human beings.[78] In a web of relationships, one deed, and sometimes even one single word can be enough set a new chain of events in motion.[79] It can snowball, and lead to an unexpected course of events that not even the involved actors themselves could foresee. At the most intimate level, we may think of a quarrel between lovers that escalates into a fight that neither had foreseen, or conversely, brings them closer to one another in a way that they had not expected. At a more general level, we may think of a rumor in social media that spreads and develops into a severe political conflict between two countries.

Political uncertainty, finally, refers to unexpected changes in political affairs. What counts as unexpected in politics depends on the prevailing view of what is considered right. Let me illustrate with a famous example. When the American citizen Rosa Parks in the 1950s refused to sit at the back of a public bus, which was designated for black citizens like herself, her behavior was unexpected to those who saw her. Her act of disobedience created uncertainty, to which people could respond differently. For example, they could follow Plato's dog and bark at the unexpectedness of the event, they could blame Parks for disturbing public peace, they could wonder at what happens, they could fall silent in hesitation of what to do next, and/or they could start talking about the widespread racism in society. Similarly, when a group of people occupy private but unused land to grow food for their families with the motivation that they belong to a group working for "food justice" it creates uncertainty, or what Hans Lindahl calls a situation of "a-legality" as opposed to legality or illegality.[80] In this situation, one could respond in much the same way; one could respond by barking, blaming, wondering, hesitating, and/or talking about what existing property rights do to society.

These two examples illustrate that political forms create different kinds of expectations, which in turn determine what *counts* as a situation of uncertainty. In a monarchical political form, for example, which designates everyone to a specific place in the natural hierarchy of order and rank, it would be wholly unexpected for a nobleman to treat a peasant as an equal, and vice versa. It would create uncertainty on both sides: What do I do next? In a tyrannical political form, by contrast, unexpectedness is precisely what to expect. A tyrant governs by decree, and the unpredictability of his will is what sustains fear in society. A bad day for the tyrant may result in the imprisonment of a large number of subjects, and no one knows who may be next in line. In this case, uncertainty is not likely to go away even if the spokespersons of the regime declare that a new era of law and order is about to begin. In a tyranny which thrives on the unpredictable

behavior of the tyrant, this declaration is likely to be interpreted as yet another strategy of creating disorientation and keeping the population on its toes.

So far we have distinguished between three ways that human beings may experience uncertainty in their lives; in relation to cosmic, human, and political events. We have done so without asking how they relate. At its most general level, a political lifeform can be understood as a way of coping with cosmic and human uncertainty.[81] Through forecasts and predictions, promises and negotiations political forms limit the unpredictability that arises in relation to the cosmic and human world. In Arendt's terms, "all political business is, and has always been, transacted within an elaborate framework of ties and bonds for the future."[82] Monarchical forms create ties and bonds for the future by laws, institutions, and policies that reflect a divinely instituted society in which everyone knows their own place in the hierarchy, and behaves accordingly. Republican forms tame uncertainty by laws, institutions, and policies that make everyone work for the common or public good. In a tyranny, by contrast, it is precisely the lack of predictable laws, institutions, and policies that makes it possible for the tyrant to gain control over society.

Still, while political lifeforms in this way have the capacity to tame and shape cosmic and human uncertainty—they create what Arendt calls "islands of certainty in an ocean of uncertainty"—they are not *isolated* islands.[83] Recall that political lifeforms are plural and contingent. Not only do they interrelate and limit the scope of one another. There is no predetermined logic behind the way they develop and progress over time. A new turn of events may give rise to something hitherto unimagined. This point is vital. It means that the relationship between the cosmic, the human, and the political world is not static. The dynamic between them can always generate a new set of uncertainties to which human beings must respond politically. It is to such a politically contingent situation that we should now turn, namely the shift from monarchy to democracy. The hypothesis is that the democratic revolution unleashes a new experience of uncertainty, and it is only by retrieving this experience that we are in a position to understand the principle behind modern democracy.

What is this new experience? The revolutionary experience of uncertainty is best understood by reflecting on the concept of revolution itself. Arendt and Koselleck belong to those who have explored its meaning. What both observe is that prior to the revolutions in the late eighteenth century, the term revolution signified a process of circulation, or a return to the same. It had nothing in common with the experience of novelty and radical political change with which it is associated today. As Arendt notes, revolution was originally an astronomical term, "designating the regular, lawfully revolving motion of the stars."[84] Applied to politics, it referred to a cyclical movement where various forms of government were expected to return as the stars "follow their preordained paths in the skies."[85] Polybius's cycle of revolution is one example, Aristotle's idea of constitutional change another. In a similar vein, Koselleck notes how the natural idea of

revolution was transferred to the realm of politics, where it took on the meaning of "a model course of political constitutional struggle which remained entirely predetermined."[86]

According to Koselleck, this pre-modern concept of revolution had two significant implications for politics, pertaining to the past and the future respectively. First, with this circular concept of revolution in mind, history became a space of experience that one could *learn* from. If everything circulates, the past becomes a source of wisdom and education. It conveys that one can "learn lessons for the future."[87] Second, and accordingly, with a circular concept of revolution the future is not wholly uncertain: "Knowledge of what had been and foreknowledge of what was yet to come remained connected through a quasi-natural horizon of experience, within which nothing essentially new could occur."[88] The fact that political life was seen as having a circular logic to it does not mean that unexpected events could not occur. They could, but the conviction at the time is that all change is predetermined by a divine and naturally conditioned regularity.[89] It cannot "bring something altogether new."[90]

This pre-modern concept of revolution did not survive the revolutionary upheavals in the late eighteenth century. Prognoses were certainly made to cover the events, but as Arendt and Koselleck argue, they were soon to break down: "Nothing could be farther removed from the original meaning of the word 'revolution' than the idea of which all revolutionary actors have been possessed and obsessed, namely, that they are the agents in a process which spells the definite end of an old order and brings about the birth of a new world."[91] What happens is that the concept of revolution takes on a new meaning. The revolution is no longer seen as circular or predetermined, nor is history a source of knowledge that one can learn from. On the contrary, revolution now comes to be associated with a radical "break up [of] all established experience."[92] The whole point of the revolution is to *break free* from the continuity of the past, and its illegitimate distinctions based on natural linearity. The result of this break is not only that the past becomes irrelevant as a source of political authority. The future cannot be predicted in the same way as before.[93]

Taking this into account, it is clear that the uncertainty that arises in the democratic revolution is profound. Not only does the democratic revolution abandon history as a legitimate source of authority in the shaping of human affairs. The future is henceforth radically open. No one can foretell it. In order to answer our initial question, namely where the revolutionary quest for equality comes from we need to look more closely into this experience. What new uncertainties arise in the democratic revolution, and how is it possible for the revolutionaries to tame them? The argument I will make is that the experience of uncertainty that arises in the shift from divine to popular right stands in direct proportion to the radical quest for equality associated with the democratic revolution.

Taming Uncertainty: From Honor to Emancipation

According to Lefort, the novelty of modern democracy only comes to the fore if we recall the political-theological logic of the monarchical regime that preceded it. Let me therefore begin this section by briefly recapitulating the meaning of the divine right of kings, only then to ask what uncertainties arise in its evacuation. Divine right refers to the idea that whereas the king is sovereign, his right to govern springs from a divine source of authority beyond himself.[94] The significance of this idea is twofold. It means, firstly, that the king does not give himself the right to govern. The prerogative to govern springs neither from himself nor from the consent of his subjects. It springs from God. Second, and accordingly, while the king is God's "lieutenant on earth," he does not serve as the ultimate guarantor of right. The monarchical political lifeform—including its ranks and hierarchies—rests upon an unconditional basis that provides it with its "its form, finality and meaning."[95] God, not the king, upholds the moral fabric of the monarchical society, and vouches for its righteousness.

Understood in this way, the doctrine of divine right gives the king a considerable amount of power insofar as he now manifests, in his own person, a higher and more perfect order on earth. Whoever defies the king rebels against God himself. But the doctrine of divine right also limits his power.[96] It signals that although the king stands above positive law—he is elevated to a stature high above any ordinary individual—his power is not unlimited. He has to adhere to a higher law which is not of his own making. Since nothing could be more improper than "to do wrong in the name of him who could do no wrong," the doctrine of divine right puts limitations on what the king can say and do. As Edmund Morgan writes, it raises the king to a height where he can "scarcely move without fracturing his divinity."[97] If he would fail to conform to the word of God, he would "betray his claim to be God's lieutenant," and society would lose its link to an unconditional pole of divine perfection.[98]

Still, the divine right of kings does not merely affect the nature of the monarchical form, i.e. who governs and how. It also affects its principle. As God's lieutenant on earth, Lefort notes, the king "condensed within his body . . . the principle that generated the order of the kingdom."[99] What is this principle? Although Lefort frequently refers to the principle that regenerates the power of the king, he does not elaborate on this point. Following the conceptual vocabulary of the spirit, however, we know that the principle that is condensed in the body of the king is *honor*. To commit to honor is to "demand preferences and distinctions," and it is this demand for supremacy that sets and keeps the monarchical political form in motion.[100] It makes the kingdom into what it is, namely a political form in which "the distinction between ranks and orders appeared to rest upon an unconditional basis."[101]

The principle of honor is a source of both action and judgment, and in this capacity it "condenses" the spirit of monarchy.[102] As a source of action, the principle of honor directs the relationships between humans in such a way that they regenerate support for the king. It makes people act and behave in different ways, such as bowing for the king or kicking down to protect social privileges. Honor is not an individual intention, psychological disposition, or simple act of passion. It is a public commitment that steers human interactions in society, and as such it has to be *taught*. This aspect distinguishes the principle of honor from that of fear, which stands in need of no elaborate education.[103] In a monarchy, people learn to distinguish themselves. Indeed, "everyone aims for superiority."[104] This goes for the noble class, but also for those who belong to the lower classes. They do not care much about equality, and if they do, it is merely as a means for achieving superiority: "The people of the lowest conditions desire to quit those conditions only in order to be masters of the others."[105] This is not to say that people cannot refuse to go along. People can always act otherwise than what the principle of honor encourages them to do. But to do so is to act in an unexpected way, and since the monarchical society rewards compliance and punishes defiance, it will be costly for the one who does.

As a source of judgment, the principle of honor is an immanent standard of right and wrong. It creates what Lefort calls "a latent but effective knowledge of what *one* meant to the *other*."[106] Not only does it make human beings aware of their own rank and status. It encourages them to judge the acts of themselves and others on this same basis. For the king, the principle of honor means that he is aware of his supreme status among people, and how humiliating it would be for everyone if he degraded his position as God's lieutenant on earth. For nobles, it means that they are aware of their superiority vis-à-vis common people, and the importance of sustaining and cherishing this distinction. They can do or suffer nothing that might show that they regard themselves inferior to the rank they hold.[107] For common people, finally, the principle of honor means that they know how outrageous it would be if they were to compare themselves with the higher classes. It would be seen as a vulgar and offensive act, and testify to the fact that they somehow have "misunderstood their own condition."[108]

Honor sounds like a virtue. Still, it should be distinguished from the kind of virtue that we find in republics, which requires self-effacement. The virtues that we find in monarchies are "always less what one owes others than what one owes oneself; they are not so much what calls us to our fellow citizens as what distinguishes us from them."[109] Accordingly, honor requires that one distinguishes oneself from others, not so much in the sense of being different but in being superior to them. It also requires that one speaks the truth, and is polite. Still, speaking the truth is not done for the love of truth, but for the impression it gives, namely of someone who is daring and free. Similarly, politeness is not done out of respect for others. It arises out of "arrogance," and the desire not "to be

common."[110] Honor in a monarchy could thus be described as a false honor, limited to what Althusser calls "the vanity" of the noble class.[111] True or false, however, it works. It gives life and direction to the monarchical form: "Honour makes all the parts of the body politic move; its very action binds them, and each person works for the common good, believing he works for his individual interests."[112]

Still, at some point during the democratic revolution the principle of honor stops working. When this happens, the demand for preferences and distinctions no longer passes as a noble thing. It is disclosed as "unjust" and "absurd."[113] Emmanuel Sieyès well articulates this shift of attitude. In *An Essay on Privileges*, he warns "against the seductive grimaces" of noble men who appear to treat others equally, but in fact scorn their baseness: "The privileged Frenchman does not treat them [the non-privileged] with politeness because he thinks it is *due* to them, but because he believes it is *due* to himself. It is not the rights of others that he respects, but his own dignity."[114] This is why, Sieyès concludes, we need to "draw the veil aside," for underneath the talk of equal rights and dignity lie "those same privileges that we ought to detest."[115] This is a radical shift of attitude. To understand what could prompt it, we need to take a closer look at the uncertainty unleashed by the democratic revolution.[116]

Recall that the democratic revolution creates a unique kind of uncertainty. History is no longer a trustworthy source of political authority, and the future is radically open. In this situation of extreme present-centeredness, uncertainty takes two forms. First, by dispensing with divinity as the ultimate giver of human law, the revolution removes the reference to an external and a-temporal source of authority. In the monarchical society, Brian Singer writes, "the divinity appears at the origin of society, and His presence is manifest in the continued, orderly existence of that society."[117] Since it is God who gives the king the right to govern, the survival of the monarchical society does not hinge on specific historical events. It is "removed from the temporal flux and mortal threat that that flux represents."[118] By evacuating this immortal basis of the monarchical society, the democratic revolution creates a hiatus or gap in history itself, insofar as the time "before" and "after" the democratic revolution is divested of its inner compass. Whatever happened before the revolution, it can no longer serve as a guide to what comes next. This is precisely what many scholars consider "revolutionary" about the democratic revolution: its attempt to break free from history and its entrenched injustices.[119]

Still, while this break suggests that the revolutionaries now are free to begin something new—they can unchain themselves from the ballast of history—this freedom does not come with a given sense of meaning attached to it. Instead, the revolution engenders what Arendt calls "an abyss of freedom"; the abyss of having to think and act without banisters.[120] Henceforth the revolutionaries cannot fall back upon history as a meaningful source of authority for predicting the future.

This insight is a recurrent theme in revolutionary thinking. The most significant result of the democratic revolution, writes Tocqueville, is that "the past has ceased to throw its light upon the future."[121] Henceforth the shape of the new society hinges entirely on the revolutionaries' own actions and decisions in the present, and this insight is abyssal. It suggests that there is no given course to history. As Arendt puts it, "whatever would be done now could just as well have been left undone."[122]

Second, by evacuating God as the ultimate guarantor of human law, the democratic revolution unravels the moral fabric of the monarchical society. Absent a divine guarantor, there is no longer anyone in charge, someone who can hold the king accountable for his acts. More important still, there is no one that guarantees the righteousness of the revolution itself. There is no infallible authority that tells the revolutionaries that what they set out to do—namely to bring down the divinely sanctioned monarchical regime—is *right*. The abyss of freedom is in this way accompanied by what we could call an "abyss of responsibility." By disposing of divinity as the ultimate guarantor of human law, the revolutionaries can no longer fall back upon a divine decree to justify their deeds. Whatever the revolutionaries do—or do not do—now falls on *them*, and no one else. If there is a meaning to the revolution, it lies in this daunting insight, namely that the revolution has no other guarantee than the one provided by the revolutionaries themselves. Whatever judgments they make in the present, the judgments are theirs. There is no one else out there to praise or blame.

Taking this abyss of freedom and responsibility into account, it is clear that the democratic revolution is not an ordinary act of change. It carries with it an element of uncertainty that is at once liberating and demanding. The democratic revolution is liberating since it releases people from divine right, and its division of society into ranks and orders. It is demanding since they now have to assume the task that comes with its overthrow, namely that of being their own givers and guarantors of right. Absent a divine giver and guarantor of human law, the revolutionaries must carry the weight of the world on their own shoulders. But how are the revolutionaries, who are finite and fallible, to carry out this task? Analytically, we should distinguish between three possible ways to tame the uncertainty that arises in the evacuation of divine right. Those who take it upon themselves to create a new society—the revolutionaries—could incorporate, escape, or reoccupy the vacancy of divine right.

By *incorporating* the evacuated position of divine right, the revolutionaries would usurp its power. They would undertake a "democratization of heaven," as a theater production put it at the time, and elevate themselves to ultimate givers and guarantors of human law.[123] This option means that the revolutionaries would engage in what Ernesto Laclau calls simulation. They would try to impersonate God. To impersonate God is to acknowledge that "one does not have the means of being God, and one has, however, to proceed *as if* one were Him."[124]

Unlike the simulation carried out by the king, however, who as God's lieutenant on earth has to conform to a higher law, the simulation would in this case be unconstrained. In the monarchical form, Tocqueville notes, "the monarch, who felt the almost divine character which he enjoyed in the eyes of the multitude, derived a motive for the just use of his power from the respect which he inspired."[125] The same is not true of the simulation carried out by the revolutionaries. Absent a higher law in politics, there is no incentive for the revolutionaries to act godly. In contrast to the king, they are not bound by any authority beyond themselves.[126]

Another option would be to *escape* the abyss of freedom and responsibility that arises in the evacuation of divine right. This means that instead of usurping the place of divine right, the revolutionaries would refuse to take on the freedom and responsibility that arises in its wake. In line with Erich Fromm, we may distinguish between three such mechanisms of escape, or ways to get rid of the burden of freedom and responsibility that arises in the democratic revolution.[127] The first is to succumb to an authority beyond oneself. It can be historical, natural, or divine. The point is that by becoming part of an "unshakably strong, eternal and glamorous" authority, it is possible to release oneself from "the torture of doubt."[128] The second mechanism is to destroy the world that creates uncertainty. It means that one transforms uncertainty into "hostility against others or against oneself."[129] The third mechanism of escape is to render oneself invisible. One becomes what Fromm calls an "automaton." Like animals changing color to protect themselves against external threats, automatons "look so similar to their surroundings that they are hardly distinguishable from them."[130] In this way, they reduce their own burden of freedom and responsibility.

What these two options—incorporation and escape—have in common is that they suppress the uncertainty that opens up in the evacuation of divine right. Whether the revolutionaries do so by idolizing themselves, or by refusing to acknowledge their own freedom and responsibility, the problem is the same: instead of confronting the abyss of freedom and responsibility that opens up in the democratic revolution they block its bearing on political affairs. To understand what is emancipatory about the democratic political lifeform, and what makes it malleable and strong, we should therefore proceed to the third option above, that of reoccupation. By *reoccupying* the vacancy of divine right, the revolutionaries would neither incorporate the power that arises in the democratic revolution nor escape it. Instead, they would approach the abyss of freedom and responsibility as an evacuated "answer position" whose original question now must be answered anew.[131]

Reoccupation is a term borrowed by Hans Blumenberg, who uses it to capture what happens in a period of epochal change. When older configurations of action and thought no longer appear meaningful, human beings must find new guidance on how to relate to each other. Setting out to do so, they do not proceed from a

tabula rasa. They always inherit "answer positions" from previous generations that they must relate to in some way or other. In our case, divine right can be looked upon as an answer position to a previously raised question, namely, how to cope with cosmic and human uncertainty. The divine right of kings had the advantage of creating predictability in the midst of uncertainty. It upheld the idea that everyone is equal under God, but simultaneously made sure that everyone knew their place in the distinction between classes. In the democratic revolution, however, this answer position is evacuated. This means that when the revolutionaries set out to search for new guidance on how to govern society, they ask the same question as their predecessors: how to cope with cosmic and human uncertainty. Still, they do so under historical circumstances that differ radically from those of their predecessors, namely under the spell of an abyssal freedom and responsibility.

The upshot is that when trying to tame cosmic and human uncertainty, the revolutionaries do not stand entirely empty-handed. The evacuated position of divine right leaves behind one important trace, and it contains the kernel of a symbolic reconfiguration of society: equality. Given that all human beings are considered equal under God—they are equally finite and fallible—the monarchical division of society into ranks and orders no longer works as a valid marker in the reshaping of society.[132] What the evacuated position of divine right signals is that all human beings are equally situated in relation to the abyss of freedom and responsibility that opens up by the revolutionary act. Rather than suppressing the uncertainty that arises in the democratic revolution—by incorporating popular power or escaping it—the revolutionaries thus have yet another option: they can tame the uncertainty by sharing and dividing it equally.

The Principle of Emancipation

Emancipation often refers to the act of setting someone free, be it from slavery, subjection, dependence, authority, exploitation, or control. Traditionally, emancipation means that someone is set free from a condition of ownership (*mancipum*), or detached from someone's hand (*ex manus capere*). We may think of the slave-owner who releases his slaves, or the father who sets his son free from parental authority. What is characteristic for the emancipatory move described in the section above, however, is that it departs from these conventional readings. The difference pertains both to the agent of the emancipatory act, and the kind of authority that it emancipates itself from.

First, in our case it is not the king who releases his subjects, but the revolutionaries who *set themselves* free. The idea that human beings can make their own history—and not merely propel or impede its course—is significant for the democratic revolution.[133] It indicates that human beings have the power to

shape their own future. No longer suffering under the ballast of history, they can open up society itself to change. As Koselleck explains, this idea of self-emancipation was inconceivable in the Roman tradition, which associated emancipation with a young man coming of age.[134] Accordingly, "the introduction of the reflexive verb 'to emancipate oneself' [points to] a profound shift of mentality."[135] It is this new mentality of self-emancipation that lies behind the movement to abolish slavery and to emancipate workers and women. It is perhaps most famously articulated by Marx when he asserts that "the emancipation of the working classes must be conquered by the working classes themselves."[136] In each case, emancipation means exit from ownership (slave-owners, the bourgeois class, and husbands), and the exit is initiated by the subordinated groups themselves.

Second, the revolutionaries in our discussion do not merely emancipate themselves from the king, who in subjecting them to his will is the most immediate source of their state of unfreedom. They take the emancipatory struggle one step further by releasing themselves from the timeless authorities that enabled his governing, namely those of divinity, nature, and history. This summoning of humanity onto itself—or exit from what Kant calls the "self-imposed immaturity" of human beings—separates the revolutionary act of emancipation from anything preceding it.[137] The Roman idea of emancipation as a ritual where a young man reaches maturity is one thing, the modern idea of emancipation as an act of reaching maturity another. If the former creates maturity out of respect for tradition, the latter consists precisely in leaving tradition behind. It requires that human beings trust their own judgment in matters of right and wrong, which is far more demanding.

According to Montesquieu, different political lifeforms struggle with different challenges. A republic, for example, is more difficult to uphold than a despotic and monarchical form. The reason is that while fear is a natural response to the unpredictable behavior of the despot, and honor is favored by the passions—it is triggered by the human inclination to shine and achieve public esteem—public virtue is "a renunciation of oneself, which is always a very painful thing."[138] This is why republics stand in need of patriotic laws. It requires "the full power of education" to make citizens prioritize the common good over their private interests.[139] In the same way, a democratic political form is difficult to uphold. It demands more of its partakers than a despotic or monarchical form. Still, in this case the difficulty is not how to make human beings commit to the common good, but how to make them "pleased" with their own freedom and responsibility.[140] The challenge is not how to make them stand up for country and law, but how to make them stand up for their own judgments and decisions in the midst of uncertainty about what is the right thing to do.[141]

Taking this into consideration, the democratic revolution is not only a blessing. It is difficult to live with uncertainty, and as Lefort argues, the temptation to

suppress it haunts the modern democratic experience. The immediate impulse in times of crisis is to restore the sense of certainty that preceded the democratic revolution, either by concentrating all power into a single corporate body, or by handing over one's own freedom and responsibility to an authority beyond oneself. What is emancipatory about the democratic revolution is not merely that it resists this impulse. It tames the uncertainty in such a way that it becomes possible for human beings to embrace their own freedom and responsibility. This, I contend, is the missing piece in Lefort's interpretation of modern democracy. The democratic revolution does not merely make popular power into a negative force, "a power which men are forbidden to appropriate."[142] It signals that this political form only can be accepted on the condition that the uncertainty it unleashes in society is shared and divided equally.

The democratic principle of emancipation must be distinguished from the more classical idea of emancipation associated with the work of Kant, and which resides in the human capacity for reason. If Kant famously defined Enlightenment as "man's emergence from his self-imposed immaturity," democracy can be described as a political form that makes us able to *bear* that burden. It shows that human beings can do without an external giver and guarantor of human law as long as the uncertainty that results is shared and divided equally. It emancipates us from our self-incurred tutelage, or more specifically, it emancipates us from having the purpose and direction of society decided for us. What then does the principle of emancipation, so understood, imply for the nature of modern democracy? What does it mean to share and divide uncertainty equally? By equitably dividing up the burden of judgment and decision-making, the uncertainty about what comes next is no longer debilitating. It can be channeled into laws, institutions, and policies that give human beings equal time and space to judge and decide the purpose and direction of society. Let me unpack this point.

The working assumption of this chapter is that all political lifeforms—even the most despotic ones—seek to tame the unforeseen and unpredictable. The monarchical lifeform does so by invoking a timeless authority behind human law. The divine right of kings gives a slow pace to life in monarchies. Since the monarchical society has its origin in a divine authority beyond the temporal flux of everyday events, it is not seen as chaotic or unpredictable. On the contrary, it comes across as durable, orderly, and meaningful. The temporal duration of the monarchical society creates predictability, and an eye towards the long-term. Both the king and his subjects know what to expect from each other, and they behave accordingly.[143] The king, as the saying goes, never dies, and precisely because he never dies, he "will learn the slowness of the very world he governs."[144] The subjects in turn have their futures staked out for them based on their social status. They cannot expect any more from life than what their station permits them.

The democratic revolution puts an end to this sense of durability. No longer is there a timeless source of authority to fall back on in anticipating the future. With

the displacement of history as a source of political authority, time itself seems to be moving faster. The eyes of the revolutionaries are centered on the present, which seems to be disappearing beneath their feet. For whatever they bring to the table, new events risk making it obsolete: "The woof of time is every instant broken and the track of generations effaced."[145] Moreover, the sense of history as a guide for the future disappears. No one knows what to expect from the future, not even the revolutionaries themselves. Whatever the future holds in store, it depends on what they say and do—or refrain from saying and doing—in the present. According to Koselleck, this "present-centeredness" is central to the modern experience of revolution.[146] The revolutionaries are torn between a vanishing space of experience, on the one hand, and an unknown future, on the other. They are squeezed into the present moment, which becomes the only source of authority for mediating between past and future.

This aspect of the democratic revolution does not go well with the task that it sets for itself, which is to replace divine with popular right. If God can act on will—he is infinite and infallible—humans cannot. As finite and fallible beings, we need time to take a step back from the immediate present to ponder what is right, and we need spaces to meet in word and deed to process our judgments and decisions. This suggests that the present-centeredness of the democratic revolution must be relaxed. To create time and space for judgment and decision-making, the present must be extended backwards and forwards. By letting go of divinity as a timeless source of authority and replacing it with a public space where human beings can exchange experiences, one creates a new source of reassurance against uncertainty. In the same way, the future is unknown, yet the horizon of expectation that each human being envisages can be extended into the future. It can be cultivated into hopes that give new meaning and direction to society. In short, by giving everyone equal time and space for judgment and decision-making it is possible to create the breathing space needed for people to become their own givers and guarantors of law.

We are now in a position to return to the question raised in the beginning of this chapter. Where does the revolutionary quest for equality come from? According to the interpretation made in this chapter, the quest for equality comes from a new experience of uncertainty. The uncertainty unleashed by the democratic revolution—the fact that no one knows what is going to happen next—is trying. It strikes people from different walks of life, and it travels across classes. By sharing and dividing it equally, the principle of emancipation transforms the indeterminacy of the present into a constructive question about the future: What should the purpose and direction of society be? Furthermore, it makes sure that human beings have equal time and space to ponder what is right. Instead of falling victim to "the unreflective mood of the moment," they can take a step back, and begin the world anew.[147]

In coming chapters, I will work out a democratic conception of freedom defined as the capacity to begin anew, and clarify how the principle of emancipation and

democratic freedom manifest themselves in elections, social rights, and citizenship status. For now, it suffices to notice that the principle of emancipation is a source of both action and judgment, and in this capacity, it gives life and direction to the modern democratic lifeform. As a source of action, the principle of emancipation regenerates support for the disincorporation of popular power. The fact that modern democracy is bodiless—it does not fall back upon a natural source of authority, but relies entirely on intermediary bodies—prevents particular individuals and groups from appropriating power to further their own particular ends. No one can take the seat of power, or make it one's own. Needless to say, this disincorporation of power does not work without people enacting and supporting it. Why should we support it? Why commit to a political lifeform that refuses to tell us who governs?

The short answer is that doing so emancipates us from having the basic purpose and direction of society decided for us. It creates a combination of reassurance and freedom: reassurance against failure and miscalculation, and freedom to begin anew. The hypothesis is that the more we experience the combination of reassurance and freedom generated by the institutionalization of conflict, the more disposed we are to accept the uncertainty that democracy creates in our lives. Note, however, that there is no progressive logic to this process. Democracy is not teleological, or meant to be. The democratic political lifeform is sustained by actions and institutions, and as such, it does not run by itself. People must commit to the principle of emancipation in their everyday actions and judgments, and there must be laws, institutions, and policies that support them in this endeavor. If the commitment is not there, or if institutions foster a different principle, democracy may peter out. Corruption will set it, as will be evident in the second part of the book when we address the topics of election, social right, and citizenship status.

As a source of judgment, the principle of emancipation provides an immanent standard of right and wrong. If the monarchical principle of honor divides society into distinct social classes, and prescribes what one class means to the other, such judgments come across as prejudiced from the standpoint of the principle of emancipation. By committing to the principle of emancipation, it is not evident what one means to the other.[148] It has to be discovered by the actors themselves. Not only does the principle of emancipation make human beings aware of their freedom to reshape human relationships as well as the meaning of the world they inhabit according to their own light. It encourages them to judge the acts of themselves and others—as well as their laws, institutions, and policies—on this same basis. It gives them the possibility to engage in immanent critique by asking how far the democratic form in which they live conforms to the principle of emancipation: Does it give everyone equal time and space to judge and decide the purpose and direction of society?

So far we have extrapolated from the monarchical political form to trace the shift from the principle of honor to the principle of emancipation. The purpose

has not been sociological or historiographic, but theoretical: to examine the condition of possibility behind democracy as a political form marked by openness, conflict, and change. The central thrust is that democracy can do without appeals to extra-political authorities like God, nature, and history as long as the uncertainty it yields in society is shared and divided equally. Still, it could be objected that while this interpretation professes to move beyond the political-theological logic of the monarchical form, *it is not emancipated enough*. It draws on a strong theological-political logic that covertly structures the entire argument. This is the basis of Schmitt's thesis about political theology. As he argues, all modern secular concepts are at bottom theological ones. They are transferred from the realm of theology to the realm of politics, where they continue to give life and direction to human affairs.[149] The omnipotent and sovereign lawgiver, for example, is but a secularized version of the omnipotent God.[150]

In the same way, it could be argued that the principle of emancipation laid out in this chapter is but a secularized version of the divine spirit that it seeks to overcome. It bears the imprint of a theological-political logic that continues to operate in democracy under a different guise. For whence springs "the force" of the principle of emancipation, if not from the Christian idea of everyone being equal under God? What is the quest for equality, but a continuation of religion in political terms? What this objection overlooks is the contingency of the democratic revolution. In line with the idea of reoccupation, there is no simple transferal from the theological to the political realm. While the evacuation of divine right partly conditions the questions that can be raised in the democratic revolution—it leaves behind a symbolic trace of equality—this condition is not theological in nature. Divine right is *itself* an answer position to a previously raised question, namely, how to cope with cosmic and human uncertainty. It is a historically immanent answer to a historically immanent question.[151]

This contingency of the monarchical political lifeform is what Schmitt overlooks, and what makes him liable to underestimating the strength of the democratic political lifeform. For Schmitt, democracy is a degenerated form of indecision where no one dares to take responsibility for political affairs. It is idle talk, and no decision, and this is what makes it weak and inconclusive. A real democracy incorporates power into the one who is sovereign, who guarantees its survival by deciding who is friend and who is enemy. This attempt to resurrect the sovereign decision-maker in democratic politics is not done out of nostalgia for monarchy. For Schmitt, the personal element in politics is vital in the preservation of the modern constitutional state. It is the only thing that can ensure stability in times of democratic crisis. When people disagree about the basic purpose and direction of society, someone must dare to put the foot down.[152] As we have seen in this chapter, however, the stability created by a sovereign decision-maker is something qualitatively different from the one created by a democracy.

The difference is that whereas Schmitt's appeal to the sovereign suppresses the uncertainty that opens up in the evacuation of divine right—it incorporates all power into one person or group of persons—a democracy creates laws, institutions, and policies which allow people to share and divide it equally. This disincorporation of power is not a weakness of democracy. It makes it malleable and strong, not merely in the sense that it is able to provide more realistic judgments and decisions on the purpose and direction of society than a democracy that insists on uniting all power into a single person or group of persons, whose insight and foresight is bound to be severely limited (more on this in Chapter 3). It becomes more resilient against corruption. Instead of following the example of Schmitt, who—not unlike Plato's barking dog—shuns uncertainty and quickly transforms it into a decision of friend and enemy, a democracy channels and transforms the experience of uncertainty in an emancipatory direction.

Conclusion

In *The Age of the Democratic Revolution*, Robert Palmer gives the following definition of "a revolutionary situation." A revolutionary situation is one

> in which confidence in the justice or reasonableness of existing authority is undermined; where old loyalties fade, obligations are felt as impositions, law seems arbitrary, and respect for superiors is felt as a form of humiliation; where existing sources of prestige seem undeserved, hitherto accepted forms of wealth and income seem ill-gained, and government is sensed as distant, apart from the governed, and not really "representing" them.[153]

According to Palmer, a revolutionary situation cannot continue for long. No society can flourish under these conditions: "Something must happen, if continuing deterioration is to be avoided."[154] If this passage is intended to describe the sentiments in circulation at the time of the American and French revolutions, it could just as well serve as a description of the sentiments expressed in many contemporary democracies. There is today decreasing confidence in the legitimacy of existing authorities, including institutions like elections, human rights, and the public sphere; current sources of prestige are portrayed as undeserved, and many people doubt whether those they have elected into power are really representing them. The general opinion in scholarly as well as in public debates is that democracy is losing ground. In the words of Pierre Rosanvallon, "equality has become a sort of remote deity, which is routinely worshipped but has ceased to inspire any living faith."[155] To Colin Crouch we are slowly moving towards a new condition, which he calls "post-democracy":

> A post-democratic society is one that continues to have and to use all the institutions of democracy, but in which they increasingly become a formal shell. The energy and innovative drive pass away from the democratic arena and into small circles of a political-economic elite.[156]

It is not evident what to make of these judgments. On the one hand, the realistic tone of these theorists is warranted. For while the demand for inclusion and extension of rights has marked the development of modern democracy, many elected politicians are today preoccupied with justifying exclusion rather than inclusion, and instead of a steady progression of rights we witness their rolling back in many established democracies. Any naïve belief in the progress of democracy is therefore misplaced.

On the other hand, to think that the struggle for democracy will stop short before this political reality seems unrealistic as well. If there is one thing that characterizes modern democracy it is precisely its ability to convert democratic discontent into a call for democratic renewal. In the democratic revolution, democracy changes from a form of government into a movement for change. As John Dunn argues, it turns into a noun of agency (a *democrat*), an adjective (*democratic*), and a verb (to *democratize*). Ever since, human beings have associated democracy with the activity of democratizing the societies in which they live. It has become synonymous with "the effort to raise distinct aspects of political, social and economic arrangements to the exacting standards which democracy implies."[157] Taking this into consideration, the suggestion that democracy is losing ground looks more doubtful. Are we to believe that the political struggles that took off during the revolutions in the late eighteenth century, and which have led to what Tocqueville calls an ever renewed quest for equality of conditions now have come to an end?

The argument I have made in this chapter is that in order to *tell* whether democracy is losing ground we need first of all to identify a position from which to judge it. All political lifeforms have their own immanent principles which we can fall back upon to evaluate whether actions and institutions are moving in the right or wrong direction. The principle that makes a democracy tick is emancipation. By sharing and dividing the essential uncertainties of the future equally, it creates the combination of reassurance and freedom needed for human beings to sustain the open and unfinished nature of democracy. This means that if we wish to diagnose the ills of the present, and learn what it takes to revitalize democracy anew it is this principle that we need to consult. Has democracy ceased to create reassurance and freedom in society? Has the struggle for emancipation ossified, and made people too confident in the ability of democracy to overcome crisis? Or is the problem that we have established laws, institutions, and policies that make it *difficult* for people to be democrats?

This is the missing piece in the work of Lefort, as well as in political theory at large. Preoccupied with the nature of modern democracy—who governs and how—he omits to ask for the public disposition needed to sustain and uphold it. Instead of asking what is needed for people to support a democracy characterized by openness, conflict, and change, many scholars inspired by Lefort have pushed the debate on the political back into the familiar opposition between popular sovereignty and liberal constitutionalism (see Chapter 1). They have mobilized popular sovereignty against liberal democracy in its call "for a left populism," or abandoned the idea of popular sovereignty in favor of "good government" and "the individualization of rights."[158] The result is that democratic theory has become "socially weightless."[159] It has paid little or no attention to the societal mechanisms behind the corruption and renewal of democracy. The problem is that unless the essential uncertainties of the future are shared and divided equally, the freedom people gain through democracy does not compensate for its burdens. Instead, freedom

> becomes identical with doubt, with a kind of life which lacks meaning and direction. Powerful tendencies arise to escape from this kind of freedom into submission or some kind of relationship to man and the world which promises relief from uncertainty, even if it deprives the individual of his freedom.[160]

3

Democratic Freedom

> Crucial to any understanding of revolutions in the modern age is that
> the idea of freedom and the experience of a new beginning should
> coincide.
>
> Hannah Arendt, *On Revolution*

Freedom or liberty is one of the oldest and most central of political ideas.[1] Exactly
what it means, however, and why it is important is a matter of intense dispute.
Freedom has often been defined in opposition to what people perceive to be
illegitimate forms of power. The conception of what it means to be free and
unfree has as a result shifted throughout history depending on the power in
question. Freedom has among others been defined in opposition to necessity
(ancient republicanism), domination (neo-republicanism), interference (liberal-
ism), and heteronomy (modern republicanism).[2] Given that the meaning of
freedom often has been worked out from a point of opposition it is pertinent to
ask what revolutionary freedom means. What form of power does it oppose, and
what conception of freedom arises in its wake?

In Chapter 2, we saw that the revolution against monarchy does not merely
oppose the sovereign king. It also evacuates the notion of divine right that stands
behind him. This dethroning of God as giver and guarantor of human law
unleashes a fundamental uncertainty about the purpose and direction of society.
By sharing and dividing this uncertainty equally, it is possible for human beings to
emancipate themselves from a state of self-incurred tutelage. In this chapter, I will
ask what the principle of emancipation implies for the concept of freedom. The
aim is to show that the long-standing debate between liberalism and republican-
ism does not exhaust the meaning of freedom. There is a third conception of
democratic freedom built into the democratic revolution, and it offers an alterna-
tive to the many liberal and republican conceptions of freedom that dominate
political theory.[3]

Political theorists concerned with the meaning of freedom often concentrate on
certain thinkers to give analytical and historical traction to their arguments.
Accordingly, it is common for liberals to refer back to Hobbes, republicans to
Rousseau, and neo-republicans to Machiavelli. In this chapter, I will engage with
the work of Hannah Arendt. In reflecting on the meaning of freedom, Arendt is
inspired by Montesquieu. Like Montesquieu, she argues that freedom springs
neither from reason nor from will, but from commitment to certain principles

that give meaning and direction to politics. Freedom is relational since it only appears when human beings come together in word and deed, and it is regenerative since it breathes new life into law. For this same reason, Arendt is skeptical of the liberal idea of freedom as non-interference. In her view, freedom is not guaranteed by ensuring everyone a private sphere where they can act and choose unobstructed by others. Freedom exists in the space that opens up between people, and as such it depends on us caring for the world, and not merely for our own private happiness or material interests.[4]

Arendt's critique of liberal freedom constitutes an essential part of her legacy. This critique has led numerous political theorists to associate her thinking with the republican tradition. Arendt is often seen as attempting to mobilize an ancient or Roman form of republicanism against the freedoms of the moderns. This is how her work is received and described in most scholarly works and textbooks.[5] At the same time, Arendt's understanding of freedom encompasses a political-existential element that is difficult to square with these republican traditions.[6] For Arendt, freedom is not merely a matter of citizens speaking and acting within the enclosed space of a preconceived *polis*, or of citizens rising up against the domination exercised by the upper classes. The central thrust of her argument is that the act of freedom surpasses existing power relations. When human beings come together in speech and action, they have the capacity to begin something new "which cannot be expected from whatever may have happened before."[7]

Seen against the backdrop of the debate between liberalism and republicanism, this understanding of freedom easily comes across as idiosyncratic. The fact that it is political yet existential, in favor of stability and law yet amenable to human novelty and change, often makes it appear as an anomaly in need of explication. It has been difficult to fit into conventional categories of freedom. But the question is whether the effort to fit Arendt's thinking into liberal-republican debates is the right way to go. What if we instead were to give up this attempt, and look at her understanding of freedom with eyes unclouded by this oppositional figure? By putting Arendt's work on freedom in relation to the principle of emancipation, this chapter seeks to open up new conceptual possibilities for analyzing the freedoms and unfreedoms of modern democracies. More specifically, it will show that Arendt's understanding of freedom carries elements of a democratic conception of freedom that goes beyond liberal and republican paradigms.

These elements come to the fore in Arendt's treatment of revolution. *On Revolution* is not merely a book about the role that speech and action play in founding a new space for freedom: it offers one of the most acute analyses on the revolutionary birth of modern democracy, and of the challenges it has encountered due to the loss of religious sanction in political affairs. Arendt herself does not describe revolution in democratic terms. She associates democracy with a distorted form of law based on sovereign rule.[8] Nevertheless, this chapter will argue that her analysis of revolutionary freedom offers invaluable resources for

grasping a distinctively democratic conception of freedom, defined as *the capacity to begin anew*. The key idea is that by equitably dividing up the uncertainty that arises in the removal of divine, natural, and historical authorities in political affairs, each of us has the freedom to fail in our judgments and decisions without such failure compromising our future. We can afford to experiment with new ways of being and acting, and in revolutionary fashion, begin the world anew.[9]

This argument will be developed in five steps. The first section introduces Arendt's analysis of freedom in *On Revolution*. It shows that while Arendt's endorsement of civic political action and critique of privatism is textually associated with a republican tradition dating back to Athens and Rome, it cannot be reduced to either. The second section puts Arendt's understanding of revolutionary freedom in relation to the principle of emancipation. It does so by unpacking the link Arendt makes between the act of liberation, on the one hand, and the founding of freedom, on the other. The purpose is to draw attention to the difference between two meanings of stability, a sovereign- and spirit-orientated version, and to show that Arendt offers invaluable clues on how to understand the latter. The third section inquires into the nature of democratic law. It shows how the alleged tradeoff between novelty and stability in Arendt's work is resolved in a spirit-orientated interpretation of democratic law. The fourth section fleshes out the democratic conception of freedom as the capacity to begin anew, and contrasts it with positive freedom conventionally understood. The conclusion sums up the main argument.

A Republican Conception of Revolutionary Freedom?

The American and French revolutions marked the birth pangs of modern democracy. This was the moment when the shackles of the monarchical regime were thrown off, and "we, the people" became the ultimate foundation of all legitimate law.[10] However, if these revolutions marked the beginning of a new political era, political theorists differ in their judgments of what made this so. In engaging with this question in *On Revolution*, Hannah Arendt sets out to grasp what she calls "the plot" of the revolution.[11] In Arendt's view, the revolution was a plot, not because someone secretly orchestrated it, but because no one—not even the Founding Fathers themselves—saw it coming. As the term "revolution" itself suggests, the American and French revolutions were originally intended to be restorations. Their role was to restore ancient and Roman freedoms against the spell of monarchy. But the revolution turned out to engender something entirely *new*, and it was precisely this experience of the new that both inspired and haunted the revolutionaries. In creating a new beginning they "had nothing whatsoever to hold on to."[12] No earlier state of affairs could give meaning to the revolutionary act. Whatever meaning it possessed had to be enacted by the revolutionaries themselves.

According to Arendt, the plot of the revolution is freedom, and freedom must be distinguished from liberation.[13] When we think of liberation we often think of people throwing off the yoke of some oppressive force: Spartacus leading the slave revolt against the armies of Rome, French and American revolutionaries liberating people from monarchy, or more recently, Chinese students challenging the communist regime in Tiananmen Square, the fight for liberation against apartheid in South Africa, and the liberation movements during the Arab Spring. In each case, it is a lot easier to see what people are against than what they are *for*. To Arendt, this lack of clarity is not a predicament that can be eliminated. Liberating oneself from an illegitimate power is one thing, establishing an enduring space for freedom is another. The foundation of freedom differs from the act of liberation in that it opens up a plurality of opinions about the purpose and direction of society. It creates a space for speech, thought, association, and assembly where previous disagreements—held in check by the common goal of liberation—can now be legitimately played out.

It is difficult to tell exactly where the desire for liberation ends and the desire for freedom begins.[14] Analytically, however, they are distinct. Liberation is a goal that can be achieved through instrumental means. In the ancient context, for example, the means by which citizens liberated themselves from a life of subsistence was slavery, "the brute force by which one man compelled others to relieve him of the cares of daily life."[15] In the modern context, the means of liberation have taken other forms, such as civil disobedience or even more violent forms, as when freedom-fighters take up arms as a way of setting people free. Freedom, by contrast, is not a goal that can be achieved through such instrumental means. It does not have a determinate end. In Arendt's reading, freedom emerges only when human beings act in common, and as such, its outcomes are impossible to predict, even for the actors themselves.[16] Freedom calls something into being "which did not exist before, which was not given, not even as an object of cognition and imagination, and which therefore, strictly speaking, could not be known."[17]

In Arendt's view, it was a virtue of the American Revolution to acknowledge this distinction between liberation and freedom. In the course of events, its Founding Fathers discovered that while "the end of rebellion is liberation . . . the end of a revolution is the foundation of freedom."[18] They realized that the main question "was not how to limit power but how to establish it, not how to limit government but how to found a new one."[19] If a revolution is to succeed it must secure the freedom it claims for itself. If it does not, the process of liberation will frustrate all attempts at founding a space for freedom, and be caught up in a vicious circle of rebellions without end. The central point made by Arendt is that by coming together in speech and action, the Founding Fathers were able to avoid this fate of a permanent revolution.[20] They demonstrated that a plurality of human beings can preserve the freedom inherent in revolution by relying on

nothing more than their own power of "mutual promise and common deliberation."[21]

How should one characterize this conception of freedom? In political theory, it is common to place Arendt's thinking on freedom in the republican tradition. Her emphasis on the role of speech and action coupled with her critique of privatism does suggest that her conception of freedom is republican in nature. It charges the modern liberal tradition with having forgotten the importance of political action for the maintenance of a common world. Arendt worries that the liberal focus on private happiness and material satisfaction has caused citizens to forget their political freedom. By reclaiming the lost treasure of political freedom, as exemplified by the American Revolution, she seeks to oppose this move. Freedom, she insists, is not "an inner realm into which men might escape at will from the pressures of the world," nor "the *liberum arbitrium* which makes the will choose between alternatives."[22] It exists in the intermediary space that opens up between people when they act and speak: "Wherever people come together, the world thrusts itself between them, and it is in this in-between space that all human affairs are conducted."[23]

Arendt offers two interpretations of this political or worldly aspect of freedom, one taking its cue from Athens and the other from Rome. Since they offer slightly different pictures of what renders privatism inimical to the pursuit of public freedom, we shall set them apart. What the two interpretations have in common is that they reinforce the impression that Arendt seeks to mobilize the freedom of the ancients against that of the moderns. They support the common view that when Arendt reflects on the political significance of the modern revolution, she does so either as an "Aristotelian" who "offers a defense of the ancient ideal of liberty," or as a Machiavellian seeking to preserve the idea of conflict inherent in Roman legislation.[24] As we shall see, neither interpretation fully captures her understanding of freedom.

According to the first interpretation, freedom is connected with *isonomia*, or a free constitution. It means neither to rule nor to be ruled, but to move among equals in the public space.[25] In order to become a free citizen in Athens, one had first to be liberated from a life of subsistence. To the Greeks, the private life of the household was "idiotic" (from Greek *idion* for private or of one's own) since it lacked the diversity of opinions needed to make sense of the world. It was completely taken up by the activities necessary for human survival, such as labor, production, and reproduction. In the Athenian conception, such a life was by definition unfree.[26] It was unable to break out of the cycle of rise and decay characteristic of human life on earth. A citizen by contrast was someone who had liberated himself from the necessities of life. Citizenship was equal to a free man's status, and freedom in Athens consisted in performing great deeds. The *polis* was a realm intended "to multiply the occasions to win 'immortal fame'" and to serve as "a kind of organized remembrance" for its citizens' great deeds.[27] To

live a whole life in the realm of the household—like slaves, women, and *metics* did—was to be deprived of this world of freedom. It was privatized, or idiotic.

In this interpretation, revolutionary freedom is primarily defined in opposition to *necessity*. Arendt's controversial argument about the social question—that is, the question of how poverty should be managed through politics—can be seen in this light.[28] While Arendt celebrates the American revolutionaries for establishing a space for freedom, she faults the French revolutionaries for failing to grasp the difference between liberation and freedom. As she argues, the French Revolution was driven by necessity—a quest for bread rather than a quest for freedom—and since human necessities always remain the same, they require no deliberative space between equals: "Insofar as we all need bread, we are indeed all the same, and may as well unite into one body."[29]

The central message conveyed by Arendt here to the modern political tradition is this: by reducing freedom to non-interference, citizens are made idiotic in the sense that they become concerned only with their own individual lives and survival.[30] This risks making the unfreedom of the ancients a model for contemporary politics. It relegates the citizen into the role of a laborer, consumer, or producer, whose sole focus is on securing and maintaining the necessities of life. The result is at best a loss of public freedom, at worst a reduction of politics to "bare life" and the kind of survival thinking that paved the way for the totalitarian movements of the twentieth century.[31]

According to Arendt's other interpretation, freedom stems from Rome rather than Athens. Freedom, in this view, is not connected with the equality of *isonomia*. Instead, it draws on the Roman understanding of law as foundation, and legislation as a covenant "located in the intermediary space between the two factions which formerly were foes," the factions being patricians and plebeians.[32] If law is perceived as a relationship between those who rule and those who are ruled, and "all legislation favorable to liberty is brought about by the clash between them," as Machiavelli writes, it follows that citizens must constantly act to reconquer their own freedom.[33] The ruling classes seek to dominate, and the only way for citizens to protect their own freedom and security is therefore to step out of their private lives and actively engage in public affairs. As in the Greek interpretation, political action is essential to the Roman understanding of freedom. In this case, however, freedom does not consist in liberating oneself from necessity by performing great or immortal deeds. Instead freedom "was tied to the beginning their forefathers had established by founding the city."[34] To guarantee their own freedom, citizens had to augment this act of foundation. By relating back to the founding of Rome the citizens reminded themselves that the city was *theirs*, and that those who tried to usurp their power were violating the aim for which it was born.

In this interpretation, revolutionary freedom is primarily defined in opposition to *domination*. As such, it chimes with Arendt's depiction of the American

Revolution as a matter of foundation and augmentation, and her insistence that action is needed to prevent the usurpation of popular power.[35] It also makes sense of her critique of the modern institution of election. Like Jefferson, Arendt argues that political freedom means "the right to be a participator in government, or it means nothing."[36] The mortal danger to the republic was that with the introduction of the ballot box "all power had been given to the people in their private capacity," with the result that "there was no space established for them in their capacity of being citizens."[37] The result is that citizens must either sink into "lethargy," or publicly resist those who seek to dominate them.[38]

Here Arendt's central message to the modern tradition is this: by reducing freedom to non-interference, citizens are made docilely obedient to the ruling classes. This care for one's own individual desires risks undermining the action and resistance needed to keep power-wielders at bay. The result is a loss of public freedom, or worse a depoliticized self-interestedness that makes citizens submissive and weak, and eventually results in the corruption of the republic.[39]

The textual evidence for these two interpretations is immense, and it makes it natural to conclude that Arendt's understanding of freedom belongs firmly in the Greek or Roman tradition. Still, this conclusion is premature. Arendt's emphasis on individual judgment, human plurality, and diversity of opinions not only strikes a discordant note in relation to the republican endorsement of virtue, commonality, and "like-minded" patriotism,[40] but complicating matters further is her constant return to the revolution as the enactment of "an entirely new story."[41] This notion of a story "never known or told before" is difficult to reconcile with reading Arendt as a thinker concerned with mobilizing republican freedoms against the freedom of the moderns. The discrepancy becomes particularly glaring in light of Arendt's criticism of the Founding Fathers for doubting their ability to establish something new and unprecedented.[42] Arendt notes with regret that even they could not conceive of a beginning "expect as something which must have occurred in a distant past."[43] At the very moment of foundation they turned back to Rome for spiritual and institutional guidance.

But if Arendt's conception of revolutionary freedom is not republican either in the Greek or Roman sense of the term, then how should it be characterized? To make sense of what Arendt calls "the revolutionary spirit" we need to look more closely into the shift from liberation to freedom. The revolution is not merely a means of liberating people from the oppression of the *ancien régime*. The revolutionary spirit "consists in the eagerness to liberate *and* to build a new house where freedom can dwell."[44] This means that unless we understand what liberation means in the revolutionary context—how it differs from Greek and from Roman ideas of liberation (i.e. from necessity and domination respectively)—we cannot understand what freedom means either. What has to be taken into account is that while the modern revolutionaries were faced with the difficult task of substituting the divinely instituted right of the monarchical regime with one

based on popular right, "neither the Greeks nor the Romans knew anything of a Creator-God whose unrelated One-ness could serve as the paradigmatic emblem for an absolute beginning."[45]

In what follows we will explore the significance of this difference, starting with the act of liberation from the monarchical political form. What, exactly, did this act liberate human beings *from*? By identifying the kind of power that the American and French revolutions were up against—and here we will return to the meaning of emancipation worked out in Chapter 2—we will be in a better position to retrieve the *sui generis* notion of freedom coeval with it. We will see that beneath Arendt's relentless critique of the modern political tradition there lies the kernel not only of a republican, but also of a democratic conception of freedom.

From the Act of Liberation to the Founding of Freedom

Although Arendt refers to the revolution as the birth of an entirely new story, she does not think of it as a story created *ex nihilo*. Arendt is a theorist of "relative new beginnings."[46] This means that every new beginning for Arendt is relative to what comes before it. No revolution is carried out in a political vacuum. It is "predetermined by the type of government it overthrows."[47] Or in Hans Blumenberg's terms (see Chapter 2), it is a reoccupation of a previous answer position that now has been vacated.[48] Following this line of reasoning, it is no wonder that France went through the violent experience of an "absolute revolution" while America was able to settle for constitutionalism early on. In both cases, the revolutionary experience was "channelled into concepts which had just been vacated": absolute monarchy in the case of France and limited monarchy in the case of America.[49]

Still, to grasp what liberation means in the revolutionary context, one cannot focus on the institutional aspect of the monarchical regime alone. As we learned in Chapter 2, one must also look into the role that divine right played as a sanction for political coexistence, and here the differences between the two revolutions become less evident. For despite the good fortune of the American Revolution, Arendt writes, it was not "spared the most troublesome of all problems in revolutionary government, the problem of an absolute."[50] What the American and French revolutionaries had in common was that they sought to replace the divine right of kings with popular right, and by doing so, liberate themselves from the need of a higher law in politics. This was not an easy task. The divine authority attached to the monarch was omnipotent and infallible. By overthrowing the monarchical regime, the revolutionaries therefore had to reoccupy the position of an authority "whose ultimate sanction had been the commands of an omnip-otent God and whose final source of legitimacy had been the notion of an

incarnation of God on earth."[51] But how are humans, who are fallible and finite beings, to accomplish such a task?

Arendt is at her strongest when addressing the troubles that beset the revolutionaries in their attempt to found a new space for freedom. On the one hand, the revolutionaries are convinced that human beings are unfit to be trusted with the unlimited freedom unleashed by the act of liberation. Unlike God, humans are morally fallible, and there is no guarantee that those who wield power will not turn into "ravenous beasts of prey."[52] The newly won freedom must therefore be limited and circumscribed by a constitution, or else the revolution may degenerate into rebellion.[53] On the other hand, the constitution will from that moment on always be haunted by a fundamental question: Is it legitimate? If the act of liberation is seen as having made human beings absolutely free, the terms under which the binding of freedom takes place can now always be questioned anew.[54] It can degenerate into a vicious circle of ever new beginnings, each of which claims to have legitimacy on its side.

Taking this into consideration, the problem that haunted the revolutionaries was both philosophically delicate and politically demanding. In order to avoid a relapse into violence, the revolutionaries had to bind the unlimited freedom unleashed by the act of liberation. Yet, in doing so they could not go beyond the authority of the very people whose freedom they wished to bind, people who now had legitimate but divergent opinions about the purpose and direction of society. Arendt claims that what ultimately saved the American Revolution from degenerating into a rebellion was its "consistent abolition of sovereignty."[55] What constituted a true advance by the Founding Fathers was their insight that freedom does not come into being by force or command, but rather through mutual agreements.[56]

This argument has been dismissed as a romanticized myth. It is criticized for offering a fable, and as such masking both the actual realities, and the use of absolutes in the American Revolution.[57] But the problem goes deeper still. For even if one accepts Arendt's reading of the revolution, there is still something missing from her account. Despite her often repeated claim that every new beginning entails an "abyss of freedom" that can be bridged neither by absolutes, historical facts, nor human fabrication, Arendt does not confront the problem head on.[58] She declares that the revolution is historically unprecedented due to its eagerness to both liberate people from the ballast with which the monarchical regime burdened them, and to build a stable house for freedom. But nowhere does she offer a satisfactory account of the link between the two moments of the revolution. How, it must be asked, is it possible for the revolutionaries to bridge the gap between the act of liberation and the founding of freedom without resorting to a sovereign?

To be able to answer this question, it is not enough to offer a historiography of the revolution. Since Arendt's hypothesis is that the revolution brought something

entirely new into being—even the Founding Fathers were taken by surprise—it will not do to examine their intentions. What is called for is a more theoretical approach able to distinguish between two meanings of stability, which I will call a sovereign- and spirit-orientated version of political stability. To see the difference, we need to look more closely at the link between the act of liberation and the founding of freedom. First, we need to address the basic human experience that is able to draw human beings, suddenly possessing unlimited freedom, into founding freedom; and second, the kind of agreement needed to secure this foundation. More specifically, we need to be attentive to the distinction between fear and uncertainty, on the one hand, and the distinction between contract and promise, on the other. The aim is to show that if we follow up on Arendt's own reflections on the spirit of the revolution we are able to release ourselves from the problem of sovereignty that presumably haunts all democratic law.

Starting with the first point, it is vital to distinguish between the experience of fear and uncertainty. In the sovereign mindset, "the condition of all liberty is freedom from fear."[59] The role of fear is most prominent in the work of Hobbes. As he writes in his autobiography, his mother was so frightened by the threat of the Spanish inquisition that she gave birth to twins—himself and fear.[60] In Hobbes's reading, the natural condition of men is one of unlimited freedom. Just like a river, freedom consists in being able to move without "external impediments of motion."[61] The problem is that when freedom is wholly unlimited, my freedom will inevitably clash with your freedom. Being equal by strength and wit, everyone will be able to interfere with everyone else, which would lead to a war of all against all.[62] It is fear of such an anarchical war, and the desire for peace that make men "drawn to agreement."[63] They realize that they are better off by giving up their natural freedom to a sovereign who can secure public peace. It will guarantee them a space where they can move freely without having to worry about intrusion from others.

Arendt questions this familiar story of freedom. Following Montesquieu, she argues that fear is not a natural condition of men. It is the "self-corrupting" principle of despotic political lifeforms.[64] As Montesquieu writes in his critique of the social contract tradition, Hobbes's attempt to make fear into a natural principle of mankind attributes to mankind "what can happen to men only after the establishment of society."[65] In a similar vein, Arendt argues that fear is politically constructed. It is a response to a yet more primordial experience of uncertainty. It is the experience of uncertainty—and not fear—that draws men to agreement. It makes human beings look for ways to create stability through predictability: "All political business is, and always has been, transacted within an elaborate framework of ties and bonds for the future—such as laws and constitutions, treaties and alliances—all of which derive in the last instance from the faculty to promise and to keep promises in the face of the essential uncertainties of the future."[66]

This leads us to the second point, namely the difference between agreement as contract and as promise. The social contract—in Hobbes's reading at least—responds to an experience of fear. It is this experience that makes human beings ready to leave the sovereign outside of the contract. For in Hobbes's understanding, Leviathan is not himself part of the agreement. With the purpose of protecting human beings from each other, he is elevated to a position above everyone else. Unlike the social contract, however, a promise is not aimed at the dark side of human nature. Human beings may indeed become "ravenous beasts of prey" under conditions of unlimited freedom, as the Founding Fathers anticipated. But they are not predestined to become so. In contrast to the social contract, promises respond to an experience of human uncertainty, the fact that we *do not know* how people will act or react. Human interactions, Arendt writes, are boundless, which means that "one deed, and sometimes one word, suffices to change every constellation."[67] This experience of uncertainty is what promises alleviate. Promises create predictability and security by binding human beings to the future.[68]

In this chapter, we are concerned with a specific promise, namely the one that arises in response to the act of liberation from the monarchical regime. This promise must be distinguished from another promise discussed by Arendt, namely the one governing the Mayflower Compact. Fearing the wilderness of the American continent, and above all, what that "brutal" state of nature would *make of them*, the pilgrims traveling in the *Mayflower* drew up a compact among themselves. In "the presence of God and one another" they promised to unite into a civil political body.[69] To Arendt, this promise would become the precedent for a political freedom based on mutual bonds rather than sovereign commands. It demonstrated to subsequent generations that no sovereign was needed for promises to be kept over time. Still, there is a difference between this promise and the revolutionary one. The difference is that while the threat of religious sanction had an essential role to play in the making and keeping of the Mayflower Compact—it was, after all, undertaken by pious believers in the presence of God—the promise undertaken by the Founding Fathers was "in principle independent of religious sanction."[70]

The Declaration of Independence does make religious references, appealing to "the supreme judge of the world" and to "the protection of divine providence." Still, to Arendt specific historical questions must always receive specific historical answers, and the Founding Fathers were therefore confronted with a very different question than the one facing the pilgrims.[71] The whole point of the revolution was to create a mutual bond in the *absence* of God as ultimate guarantor of right.[72] Instead of making a promise in the presence of a higher law, people were now to become their own lawgivers. They were to make a promise that would render them at once givers and guarantors of law. The lingering question of the revolution was how binding this promise could be, given that both sovereign and divine powers had been forsaken as legitimate ways of sanctioning political coexistence.

At this juncture, we need to pay attention to an important yet neglected problem in Arendt's discussion on revolution. The problem is that the dethroning of a divine guarantor renders human beings absolutely free, but by the same token it also renders them absolutely responsible. The revolution opens what Arendt calls "the abyss of freedom," but also—as we saw in Chapter 2—an abyss of responsibility. Arendt is not unaware of this problem. She explicitly notes the "awesome responsibility" that accompanies the act of liberation, and the burden that it creates for human beings who henceforth have to live without external guarantees in political affairs.[73] Still, Arendt does not draw out the full implications of this point. The problem is that by reoccupying the vacated position of divine right, human beings suddenly find themselves in a condition of unlimited or "lawless" responsibility. Whatever comes to pass in matters of right and wrong now falls squarely on their shoulders.

If the abyss of freedom opened up by the act of liberation creates unpredictability, the abyss of responsibility adds an overwhelming burden to the equation. For without a divinely sanctioned right, there is no end to what humans have to answer for. They are placed in a position where they in effect "have to answer for everything and for everyone," including the discrepancy between the intentions of actions and their outcomes.[74] Accordingly, while the act of liberation releases human beings from an external authority in political affairs, it simultaneously *arrests* them. It overtaxes them with a responsibility better suited to a divine than a human form of power. This point is crucial for understanding the link between the act of liberation and the founding of freedom. To Arendt, the role of promises is to carve out a space for freedom, or to guarantee what she more broadly calls "freedom of movement." Freedom of movement is "the freedom to depart and begin something new and unheard of" and "the freedom to interact in speech with many others and experience the diversity that the world always is in its totality."[75]

The trouble is that the vacated position of divine right, when reoccupied by humans, limits this freedom. It inhibits the ability to begin something new and unheard of. When human beings have to answer for everything they say and do, it becomes difficult to *move*. Every decision and judgment becomes loaded with a responsibility more suited to an omnipotent and infallible power than to finite human beings.[76] In order to attain freedom of movement it is thus necessary for the revolutionaries to limit the paralyzing effects that the abyss of responsibility imparts on human action. According to Arendt, the securing of such an enduring space for freedom is the critical moment in any establishment of law, and it is also what distinguishes legitimate laws from the inexorable laws of nature and history claimed by totalitarian movements. The difference is that whereas legitimate laws create a stable framework that enables "men to move within them" laws under totalitarian conditions seek "to stabilize men, to make *them* static, in order to prevent the unforeseen, free or spontaneous acts that might hinder freely racing terror."[77]

To secure freedom of movement, in other words, the Founding Fathers had to formulate an agreement that helped rather than hindered free and spontaneous action between humans. More specifically, they had to constrain the abyss of responsibility that opened up by the act of liberation in such a way that it would not obstruct the possibility for human beings to move freely. Since appealing to an external law-maker no longer was a valid option in the founding of freedom, there was in principle only one legitimate way for the revolutionaries to tame the abyss of responsibility that opened up: to share and divide it equally. Since all human beings were perceived to be equal under God, the monarchical division of society into orders and ranks no longer counted as a valid basis for the promise. The promise had instead to be formulated in such a way that it did not favor some human beings at the expense of others.[78]

In this interpretation, Arendt has good reason to distinguish between liberation and freedom, for the act of securing freedom through law is essential for the success of a revolution. What is missing from her analysis, however, is a convincing account of the link between the two. It is unclear from Arendt's analysis why human beings situated in a condition of unlimited freedom should ever have supported a binding of their freedom in the first place. For if, as Arendt writes, human beings have troubles in being "pleased" with freedom, they would certainly take every opportunity to undermine the attempts to secure freedom through law.[79] In line with the argument made in the previous chapter, they would seek to suppress the uncertainty opened up by the act of liberation by resorting to absolutes, either by stepping into the shoes of God and elevating themselves above other human beings (incorporation) or by succumbing to an authority beyond themselves (escape).

We are now in a position to retrieve the missing link in Arendt's analysis of the revolution: the abyss of responsibility that accompanies the act of liberation. To be pleased with freedom, and be able to live with the removal of a divine giver and guarantor of human law, the burden of responsibility that arises in the evacuation of divine right cannot be shouldered by individual actors alone. God may be alone on the throne, but for humans such a condition is unbearable, for it "means to be without equals."[80] By dividing this burden equally, the Founding Fathers not only created reassurance against the uncertainties unleashed by the act of liberation from the monarchical regime. They created a new freedom that is "unprecedented and unequalled in all prior history."[81] The promise they made goes something like this: since we are all finite and fallible human beings, and so may fail in our judgments and decisions about what is right and wrong we hereby promise to bind ourselves to a constitution that makes it possible for human beings to begin the world anew.

The upshot is that the plot of the revolution—the event that could not be foreseen even by the Founding Fathers themselves—resides in the emergence of democratic freedom. Beginning as a restoration of republican freedoms against

the monarchical regime, the revolution turns out to be something very different. It engendered an entirely new story of what it means to be free, one that could not be foreseen even by the revolutionaries themselves. If the republican conceptions of freedom going back to Athens and Rome are defined in opposition to necessity and domination, the democratic conception is not in the same way predetermined by the power it opposes. Defined in relation to the uncertainty that opens up in the evacuation of divine right, it does not have a distinct purpose or direction. In a democratic political lifeform, no divine, natural, or historical authority can be invoked to foretell what is possible to achieve when human beings come together in word and deed. Through mutual promises and common deliberation, human beings can take equal responsibility for political affairs, and thereby also become equally free to begin something new and unheard of.[82]

The Meaning of Democratic Law: *Nomos, Lex*, Spirit

So far we have described the rudiments of a democratic conception of freedom. We have done so by distinguishing between two meanings of stability. The sovereign-orientated understanding of freedom is built on an experience of fear, and understands agreement in terms of a contract between individuals that binds them to the sovereign. The spirit-orientated understanding of freedom, by contrast, is based on an experience of uncertainty, and it understands agreement in terms of a mutual promise between individuals that binds them to the future. In this section we shall continue our analysis of the latter by examining the relationship between freedom and law. What is the meaning of democratic law, and how can it preserve the freedom to begin something new and unheard of?

To get a more precise understanding of democratic freedom we need to recall how scholars traditionally have understood the relationship between freedom and law. In political theory, freedom of movement has commonly been understood in one of two ways: as freedom *from* the law or freedom *through* the law. Freedom from the law, or what Benjamin Constant called the freedom of the moderns is distinctive for the liberal political tradition. Isaiah Berlin's famous description of negative freedom as "the area in which man can act unobstructed by others" is here the prime example.[83] The contention is that the larger the space in which someone can move about freely without interference—either from other human beings or from the state itself—the freer this person is. This negative view of freedom—freedom as non-interference—originally goes back to Hobbes. As he writes, "a free man is he that in those things which by his *strength and wit* he is able to do is not *hindered to do* what he has *a will to do*."[84]

Three aspects of this classical definition are essential to the liberal conception of freedom. The first aspect is that mere incapacity to move does not infringe on our

freedom. A person who is tied to a bed by sickness is not unfree. This person has simply lost his or her strength and wit, and is therefore unable to move. If the person by contrast were chained to the bed the situation would be different. The reason is that this person now would not be able to do "what he could *otherwise* do." Furthermore, in the liberal tradition impediments to motion are perceived to be external to the individual, not internal. If fear of going outside the door ties a person to his or her bed this is tragic and unfortunate. But this does not mean that this person is unfree. As long as no one else prevents this person from getting out of bed, he or she is free to go. There is no interference. Finally, the liberal conception identifies freedom with will. According to this view, a locked door does not interfere with my freedom as long I do not want to enter through it. The fact that the door is locked only becomes an impediment to my freedom the moment I change my mind and want to pass through it.[85]

According to Arendt, this liberal conception of freedom arises for us in a Christian horizon, in particular, in Paul's discovery of the will as the central category of freedom. Instead of regarding freedom as something that occurs in the political realm, free will is seen as beginning when human beings leave this realm, and become aware of their inner freedom.[86] Freedom begins where politics ends, which means that it is the role of law to secure a space where individuals can move without interference from others. It guarantees "freedom *from* politics."[87] Prior to the liberal tradition, however, the relationship between freedom and law was understood very differently. In the republican tradition, freedom of movement was achieved *through* law, which means that the role of law was to enable a space for political action: "Before it became an attribute of thought or a quality of the will, freedom was understood to be the free man's status, which enabled him to move, to get away from home, to go out into the world and meet other people in deed and word."[88]

Like many republican thinkers, Arendt is skeptical of the liberal conception of freedom, and in her work she engages both with the Greek understanding of law as *nomos* and the Roman understanding of law as *lex*.[89] In the Greek tradition, *nomos* is associated with the drawing of boundaries. It is a way to close off or hedge a space in which human beings can dwell and move freely.[90] As Arendt points out, this idea of law has a unique connotation insofar as the law-maker is perceived to be pre-political. In the Greek tradition, the legislator "was like the builder of a city wall, someone who had to do and finish his work before political activity could begin."[91] As a maker of law, the legislator was not a political actor. Instead the legislator was "treated like any other craftsman or architect and could be called from abroad and commissioned without having to be a citizen."[92] The basic idea of *nomos* is that before citizens could act and speak freely, "a definite space had to be secured and a structure built where all subsequent actions could take place."[93] Building a house for freedom was one thing, filling this house with political life another.

Why did the Greeks need to demarcate a wall of law around the *polis*? The answer is that building a house for freedom was needed to secure a space where the natural cycle of rise and decay that determined all life on earth could not enter:

> The great advantage of the polis organization of public life was that the polis, because of the stabilizing force of its wall of law, could impart to human affairs a solidity that human action itself, in its intrinsic futility and dependence on the immortalizing praise of poets, can never possess. Because it surrounded itself with a permanent wall of law, the polis as a unity could claim to ensure that whatever happened or was done within it would not perish with the life of the doer or endurer, but live on in the memory of future generations.[94]

In the Roman tradition, law has a different connotation. It refers to *lex*, which is "a formal relationship between people rather than the wall that separates them from others."[95] The point of Roman law was to connect "two partners whom external circumstances have brought together."[96] It was needed to establish lasting ties with foreign countries and groups. In contrast to *nomos*, *lex* is therefore based on relations. It was seen as a "war-born partnership," one which made former enemies into allies.[97] The role of partnerships was to secure freedom of movement in a condition of war. According to Arendt, this understanding of law soon came to mean contract and alliance. Foremost of alliances was of course the one concluded between patricians and plebeians, which gave both groups a certain room for maneuver. This understanding of law as a guarantor of freedom is what Machiavelli codifies in his *Discourses on Livy*. He urges us to remember that "in every republic there are two different dispositions, that of the populace and that of the upper class and that all legislation favorable to liberty is brought about by the clash between them."[98]

Democratic law cannot be guaranteed either by *nomos* or by *lex*. The role of democratic law is neither to make room for immortal deeds over and against the recurrent necessities of life, nor to build alliances between former enemies in the attempt to avoid the domination of one over the other. The role of law is different: to tame the essential uncertainties of the future by sharing and dividing them equally. This means that in a democratic reading of law, one cannot follow the Greek solution and make appeal to an external law-maker who like an architect designs a house of freedom where political actors then are to dwell. As Jeremy Waldron points out, the reliance on an external legislator would undermine freedom "as an activity that arises among men acting and speaking together."[99] Nor can one follow the Roman example and set up an alliance between former enemies. The distinction between upper and lower classes has no legal traction in a democracy. The role of law is to guarantee everyone equal freedom irrespective of what particular class one belongs to.

But if the democratic conception of freedom can be guaranteed neither by *nomos* nor by *lex*, then how should it be guaranteed? Like all great thinkers, Arendt has been read and interpreted in many ways. There are several Arendts: one that lays emphasis on novelty and spontaneity, and one that emphasizes law and stability. Recently, the constitutional aspect of Arendt's work has gained new attention. At issue is what Christian Volk calls "the order of freedom," namely Arendt as a constitutional thinker concerned with squaring novelty—the freedom to begin something new and unheard of—with the stability of law.[100] Promising is key to this endeavor. What promises do is to remedy the unpredictability of political life. As Arendt writes, "binding oneself through promises, serves to set up in the ocean of uncertainty, which the future is by definition, islands of security without which not even continuity, let alone durability of any kind, would be possible in the relationships between men."[101] The question though is how this effort to create continuity is to be reconciled with Arendt's attempt to guarantee human beings the freedom to begin the world anew.

In political theory, it is often taken for granted that Arendt is a republican thinker whose understanding of law springs from the Greek notion of *nomos* or the Roman understanding of *lex*. With this assumption in mind, many political theorists complain that Arendt's account of freedom and law is incoherent. It suffers from an irresolvable tension between novelty and stability.[102] The trouble is that if one presumes that law is settled prior to politics by an original "maker" of law, as in the Greek case, or falls back on an original "foundation," as in the Roman case, there is no space for human beings to begin something entirely new. In each case, the freedom to begin anew unravels the stability achieved by law.[103] It follows that if we think of law in terms of *nomos* and *lex*, a loss of freedom is an inevitable feature of all human law. To many scholars, this is what Arendt refuses to admit, and what makes her naïve in her appreciation of the American over the French revolution. Law, insofar as it binds human beings to the future simply "cannot be purged of the appeal to absolutes."[104]

This objection overlooks the influence that Montesquieu exerts on Arendt's thinking. Apart from considering law as *nomos* and *lex*, Arendt also remains attentive to the *spirit* of law. What saves the act of beginning from absolutism, she argues, is that "beginning and principle... are coeval."[105] Montesquieu's account of despotism plays a key role in Arendt's description of modern totalitarianism as a political form animated by fear.[106] But Arendt's indebtedness to Montesquieu does not end there. As many scholars recently have noted, she also draws on Montesquieu in matters of freedom, right, and political action.[107] As she argues, it is one of the great innovations of Montesquieu that he "could describe 'the spirit of the laws' without ever posing the troublesome question of their absolute validity."[108] What Montesquieu understood, according to Arendt, is that while laws can limit and enable human actions, they cannot *inspire* them. Each political

lifeform requires a principle which sets and keeps it in motion, and in this way secures its continuity and durability. It is this principle that gives meaning and direction to law.[109]

What Arendt takes from Montesquieu is both his idea of law as guided by a specific spirit, and his conviction that freedom is the core principle of law. Let me discuss each point in turn. Conventionally understood, law does not tell us what to do. It tells us what we should *not* do, or it provides room for us to find out ourselves. Do not drink and drive is an example of the former. Freedom of thought is an example of the latter. But law cannot stand on its own feet. To be able to limit or enable political action, it requires the existence of people who breathe life into it. As we know, Montesquieu distinguishes between three activating principles: virtue in a republic, honor in a monarchy, and fear in a despotic political form. These principles are public, or in Arendt's words, "the guiding criteria by which all actions in the public realm are judged beyond the merely negative yardstick of lawfulness, and which inspire the actions of both rulers and ruled."[110] The point is that without continuous enactment of virtue, honor, and fear, republican, monarchical, and despotic laws (or decrees) will lose their spirit. They will become dead letters, no longer respected, obeyed, or enforced.[111]

Arendt regularly comes back to the principle as an immanent source of action and judgment. The principle, she writes, "map[s] out certain directions" in politics.[112] It upholds the letter of the law, and simultaneously regenerates support for the particular laws and institutions needed for a distinct political lifeform to endure over time: "Political institutions, no matter how well or how badly designed, depend for continued existence upon acting men; their conservation is achieved by the same means that brought them into being."[113] She is careful to point out that the principle is a public commitment, and as such it cannot be reduced to an individual goal or motive: "In distinction from its goal, the principle of an action can be repeated time and again, it is inexhaustible, and in distinction from its motive, the validity of a principle is universal, it is not bound to any particular person or to any particular group."[114]

Arendt mentions many principles in addition to virtue, honor, and fear.[115] Some principles are directly associated with the revolution, and among these freedom has a prominent standing.[116] As she argues, "the inspiring principle of action is love of freedom."[117] At the same time, it is not clear how a resort to the principle of freedom can square the tension between novelty and stability in her work. The reason is that while Montesquieu's notion of the principle is a regenerative power—it can be repeated time and again—Arendt's conception of freedom is more radical. It brings something entirely *new* into this world, and as such it cannot be a mere recreation of what came before it.[118] What is characteristic for the act of freedom, as Arendt writes, is that it surpasses existing power relations. It has the capacity to set a new turn of events into motion which cannot be anticipated from whatever may have happened before.[119] Considering this, we

seem to be back with our initial problem, namely, how to square the quest for novelty with the need for stability.

Still, at this point we need to recall the distinction between law as *nomos* and *lex*, on the one hand, and law as spirit, on the other. If we hold on to the idea of law as *nomos* and *lex*, every act of freedom understood as the beginning of something new will undermine its stability. Since law in both cases is instituted at a particular point in time—by a concrete law-maker (the constitutional architect) or foundational act (alliance between former enemies)—the act of beginning anew will by definition be antithethical to stability. In the former case, the city wall that imparts solidity to human affairs will be "endangered" by newcomers, and in the latter case, the pact will be broken.[120] If we by contrast shift our attention to the spirit of law, there is no "original" foundation in politics. We always start in *medias res*, which is a condition of uncertainty about the purpose and direction of society. This means that when we promise to tame uncertainty by binding ourselves to the future, we do not undermine the spirit of law. On the contrary, every new act of freedom on our part will now *be* the future. It will confirm our capacity to begin anew. Democratic law, understood through a spirit-orientated stability theorem, in this way sustains and amplifies the revolutionary spirit of emancipation.[121]

Freedom as the Capacity to Begin Anew

So far we have established that in contrast to republican conceptions of freedom, democratic freedom is not defined in opposition to necessity or domination. It is defined in relation to the essential uncertainties of the future, which democratic law tames into an equal freedom of all to begin something new. But why is it important to begin anew? Why all this stress on novelty? As Sharon Krause points out, freedom does not always consist in bringing something new into being. It would be foolish to think so. Sometimes "it involves doing what one has always done, or honoring an old tradition, or enacting an established norm."[122] To get a more precise understanding of democratic freedom, we should therefore start out by distinguishing between two dimensions of its novelty: a historical and a political one.

First, democratic freedom is novel in relation to what comes before it. This is what we, following Arendt, call the plot of the revolution. Historically speaking, the revolution brings a new conception of freedom into being that surpasses the expectations of the actors themselves, who thought they were restoring republican freedoms. The Founding Fathers could not foresee the revolutionary significance of their own actions, and in this respect, democratic freedom is novel. But democratic freedom is novel also in a second and more political sense. Recall from the previous chapter that what is considered novel or unexpected depends on the prevalence of the political form in question. In a monarchical political

form, it would be wholly unexpected for a nobleman and a peasant to treat each other as equals. We expect them to act and behave in the way that the code of honor and distinction prescribes. In a democratic form, by contrast, the purpose and direction of society—including what one person means to the other—is not fixed beforehand. It has to be explored by the actors themselves, which means that novelty is to be expected.

This aspect of novelty is characteristic for a democratic political lifeform. As we saw in Chapter 2, the break-up of history as a legitimate source of political authority squeezes human beings into the present. In judging and deciding what is right and wrong, they are torn between a vanishing space of experience, on the one hand, and an unknown future, on the other. The problem is that this present-centeredness creates a "tyranny of novelty" (more on this in Chapter 4). It does not give human beings the breathing space they need to become their own givers and guarantors of law. God may act on pure will. What he wills is considered good and right by definition. As finite and fallible human beings, however, we cannot act on will alone. We need time to take a step back and judge and decide for ourselves what is right and wrong, and we need spaces to meet in word and deed to process these judgments and decisions. If we think others are wrong, or if we regret our own judgments and decisions, we must be free to begin anew.

On a democratic reading, novelty is therefore not an end in itself. On the contrary, it is precisely to *stave off* the tyranny of novelty, and the call for immediacy that it creates in political affairs that democratic freedom is called for. Its role is to make politics hospitable to humans by expanding the time and space "between past and future," to use Arendt's terms. Exactly what people will make of that extended time and space cannot be determined beforehand. It may be that freedom sometimes involves doing what one has always done, or repeating established norms. To claim otherwise and demand "novelty at any price" would imply that freedom always is equivalent to acting in new and unheard of ways, dishonoring old traditions, and breaching norms.[123] This thoughtless embrace of novelty is not what Arendt means by insisting that freedom and beginning are coeval. The critical point she makes is that to judge and decide for ourselves, we must be able to move freely—in action as well as in thought—and be able to change our minds thereafter. We must, in short, have the capacity to begin anew.

Let me unpack this definition of democratic freedom by elucidating the meaning of its two key terms, namely "capacity" and "begin anew." To start with, the term capacity does not refer to a natural faculty innate to individuals or groups. Democratic freedom takes place *between* people. It is relational, and as such it requires intermediary powers that provide us with time and space to judge and decide the purpose and direction of society. To make up our own minds, we must be able to move back and forth between our own judgments and those made by others. Arendt calls this movement between self and world "representative thinking": the re-presentation or making present in my mind the standpoint of others

who are absent, and the correction achieved when my judgment is voiced and met by others in public.[124] In her work, Arendt often comes back to the importance of representative thinking for the maintenance of freedom. Freedom does not merely require public spaces where human beings can meet in word and deed; it also requires that they can take a step back. Indeed, it requires that human beings also have the right *not* to act. They must have time to stand by and judge.[125]

To Arendt, judgment is carried out in solitude, and solitude is an inner movement or "dialogue between me and myself."[126] Important to note, however, is that while such judgments can only be made when one is alone, this does not imply losing contact with the world. In solitude, one is a multiplicity in unity, a self who is thinking and engaging with a diversity of opinions.[127] Solitude can be likened to reading books, following the news, or coming home after a long day of discussions at work on the proper direction to take on a particular issue. Whilst reading, listening, or pondering the standpoints of others, we are not wholly by ourselves. We are accompanied by the voices of others, with whom we can wonder, think, and judge what is good or right. Solitude is therefore not equivalent to a loss of human contact. It hinges on the existence of other people to supply the opinions that are represented in the dialogue that we carry out within ourselves:

> The more people's standpoints I have present in my mind while I am pondering a given issue, and the better I can imagine how I would feel and think if I were in their place, the stronger will be my capacity for representative thinking and the more valid my final conclusions, my opinion.[128]

Representative thinking does not happen without the existence of free space and time. The reason is that without the freedom to interact in public, there would *be* no others represented in one's inner dialogue. To be free, we must be able to confront the perspective of others: How do they differ from the way I experience things? As Lisa Disch argues, this is the trick of judging: "to be able to step back from acting without becoming thoroughly self-absorbed."[129] To that end, inter-mediary powers are important. When the intermediary space between equals diminishes, people are "pressed against each other" in such a way that the inner dialogue needed for such judgment to take place breaks down.[130] This compression of the many into the one—in the form of an unmediated or immediate will—is detrimental to democratic freedom. It ignores that the whole point of having a public debate is to address matters which "we cannot figure out with certainty. Otherwise, if we can figure it out with certainty, why do we all need to get together?"[131] The conclusion is that the fewer perspectives we have while ponder-ing a certain course of direction, the more narrow our understanding of the world will be.

The same thing happens if we are in a hurry. Without adequate time to take a step back from the public realm and ponder what is right, we are forced into a

condition of presentism. And the less time we have for making judgments, the more we have to rely on prejudices. The difference is that while judgments are made under conditions of uncertainty—in the absence of a given standard of right and wrong—prejudices are shortcuts. Anchored in the past, they make us save time in the present.[132] We can respond quicker. Arendt admits that no society can work without prejudices. We need them to sort out new information under conditions of uncertainty. The trouble is that if we rely too much on prejudices, we risk becoming inattentive to the emergence of new experiences and expectations. Not only does it bring past judgments to bear on the present, making us vulnerable to the kind of prejudices that we have good reasons to reject. It hampers our understanding of the world *as it is*.[133]

So far we have established that the capacity to begin anew is not innate to human beings. To be free in the democratic sense of the term, we must have equal time and space to judge and decide the purpose and direction of society, and this is what intermediary bodies provide. Let us now move on to the second term in the definition of democratic freedom. The term "beginning anew" has two connotations. First, it means that we have the capacity to become new to ourselves.[134] By incorporating many different voices when pondering an issue, we magnify our own horizon of thinking and imagination. Instead of being thrown back upon ourselves, we train our imagination "to go visiting," that is, to discover new perspectives on ourselves and our place in the world.[135] Second, this transformation of self in turn has the capacity to revitalize the world that we share with others. The reason is that with each such new beginning the world looks a little different than before. It brings new experiences of what matters into politics, and new expectations of what the world could be like.

The author Zadie Smith illustrates the meaning of democratic freedom in a poignant way. As a child, she writes, she wanted to know what it was like being the Pakistani girl next door. What would she know, and how would she feel being her? This desire came out of the realization that everything about her seemed so accidental. Why would she, Zadie, turn out to live the way she does? Her birth was a 400 trillion to one accident. Ever since, her mind has "wandered" across people, continents, and ages, and she has been "both adult and child, male and female, black, brown, and white, gay and straight, funny and tragic, liberal and conservative, religious and godless, not to mention alive and dead."[136] Authors train their minds to go visiting, something which others rarely do. Still, the practice is familiar to most of us. We visit a place and wonder what it would be like living there. We see, hear, and read about other people, and they become internalized by us. Their lives and dramas become part of our world. And the more we see and experience, the larger we become.

The fact that democratic freedom opens up the minds and movements of people to new experiences and expectations is what critics of democracy often find threatening. Indeed, the most effective way of suppressing democratic

freedom is to undermine the time and space for people to go visiting. There are plenty of ways to do so. The most common way is to obstruct the flourishing of public spaces where human beings can meet and exchange opinions. Another way is to make sure that people are so anxious and busy with time-consuming questions of work, status, and social security in their private lives that they do not to have time to take in what happens in the world; they have to rely on prejudices (see Chapter 5). In both cases, the possibility to engage in representative thinking diminishes.

When this happens, the plurality of standpoints that we experience in solitude gives way to a different condition, which Arendt calls "loneliness." If solitude is a multiplicity in unity, loneliness means that we are reduced to being only one. We are deprived of the "trustworthy company" of our equals.[137] What makes this condition "unbearable" is not merely that it inhibits our capacity to begin anew. We lose our very sense of what is real.[138]

According to Arendt, loneliness is among the most desperate experiences of man. The reason is that in loneliness, we lack reality-check. A lonely man, Arendt writes quoting Luther, "always deduces one thing from another and carries everything to its worst conclusion."[139] To make realistic judgments and decisions, human beings therefore need the presence of others who can affirm or correct their experiences and expectations:

> [N]o one can adequately grasp the objective world in its full reality all on his own, because the world always shows and reveals itself to him from only one perspective, which corresponds to his standpoint in the world and is determined by it. If someone wants to see and experience the world as it "really" is, he can do so only by understanding it as something that is shared by many people, lies between them, separates and links them, showing itself differently to each and comprehensible only to the extent that many people can talk *about* it and exchange their opinions and perspectives with one another, over against one another.[140]

The critical point is that by giving everyone equal time and space to judge and decide the purpose and direction of society, the world becomes a far more realistic place than if one would incorporate all insight and foresight into the one who is sovereign, who then judges and decides for all. As Arendt notes, "history is full of examples of the impotence of the strong and superior man who does not know how to enlist the help, the co-acting of his fellow men."[141] The weakness of the sovereign lies in the loneliness that he experiences, and then projects onto others. Rather than having confidence in the capacity of himself and others to create stability in the midst of uncertainty, he instills fear in society by isolating people from each other, and himself from the rest. Isolated in his office, he carries everything to its worst conclusion and models political reality thereafter.

Democratic freedom has so far been defined as the capacity to begin anew. Still, exactly what is democratic about this definition of freedom needs to be fleshed out. Why reserve the term democratic for this conception? Could one not argue that liberal and republican conceptions of freedom are equally "democratic" as the one developed in this chapter? As for liberal freedom, the answer is usually no. The enduring attractiveness of freedom as non-interference in the work of Mill and Locke notwithstanding, there is no logical connection between the liberal idea of freedom as non-interference and democracy.[142] My freedom to move without being hindered to do so by the activities of others does not require that I govern myself. In Berlin's terms, the question "Who governs me?" is logically distinct from the one that guides many liberal thinkers, namely "How far does government interfere with me?"[143] This is also Hobbes's point in *Leviathan*, namely, to demonstrate that freedom of movement can exist in the absence of "the democratic gentlemen" in parliament.[144] In theory, freedom as non-interference can be guaranteed just as well by a monarchy as by a democracy.

The same is not true of republican freedom. The republican idea of freedom as self-determination is closely connected to democracy. According to many political theorists, and in particular those inspired by Rousseau, Kant, and Hegel, the opposite of democracy is not interference, but *heteronomy*; the subjection to a law or purpose external to self.[145] What else could democratic freedom mean then, but the freedom to be a law unto oneself or the freedom to realize one's own fundamental purposes? Like the republican idea of freedom, democratic freedom is not negative in the sense of being a freedom from politics. Still, it differs from republican freedom in important respects. Let me therefore conclude the chapter by briefly recapitulating the distinction between negative and positive freedom, only then to show how democratic freedom differs from positive freedom conventionally understood.

The distinction between negative and positive freedom structures many debates in political theory, including those between liberalism and republicanism. The distinction is most famously laid out by Isaiah Berlin in his text "Two Concepts of Liberty." By negative freedom, Berlin means absence of constraint or interference. Constraint or interference can spring both from other individuals who frustrate our wishes, and from the coercive powers of the state itself, against which individuals must be secured a space of non-interference. Negative freedom is thus a property of individuals rather than groups. Positive freedom, by contrast, consists in self-determination, or what Axel Honneth calls "reflexive freedom": autonomy and self-realization.[146] It means that our judgments and decisions should depend on ourselves rather than on some external authority. Defined in this way, positive freedom is a property of collectives, or individuals insofar as they are part of collectives.[147]

The main problem for Berlin, and what motivates him to introduce the distinction between negative and positive freedom in the first place, is that positive

freedom redirects our attention from external to internal impediments to motion. If a person only can be free when she is autonomous or follows her own authentic desires, freedom can fail for *internal* as well as for external reasons. This idea of a self-inflicted unfreedom or alienation from self is what Berlin finds worrying. Freedom as autonomy and self-realization are both premised on a division between our higher and lower selves. On the one hand, we have the "ideal" or "autonomous" self which reflects our better nature. On the other hand, we have the "empirical" or "heteronomous" self which stands for our lower nature, and which may come under the sway of all sorts of irrational impulses, pleasures, and fears. Positive freedom consists in taking control of our lower selves for the benefit of our higher selves.

But what if we fail to do so? What if we choose *not* to listen to our higher selves? Would it then be reasonable to conclude, as Rousseau once did, that if people do not want their own freedom we must be able to "force" freedom upon them? The trouble with positive freedom, Berlin concludes, is that it invites us to interfere in the lives of others on the pretext of protecting them against themselves. Positive freedom

> renders it easy for me to conceive of myself as coercing others for their own sake, in their, not my, interest. I am then claiming that I know what they truly need better than they know it themselves ... I may declare that they are actually aiming at what in their benighted state they consciously resist, because there exists within them an occult entity—their latent rational will, or their 'true' purpose—and that this entity, although it is belied by all that they overtly feel and do and say, is their 'real' self, of which the poor empirical self in space and time may know nothing or little; and that this inner spirit is the only self that deserves to have its wishes taken into account.[148]

Like Berlin, Arendt is skeptical of the modern republican idea of freedom as self-determination. She faults positive freedom—in particular the shape it takes in the work of Rousseau—for the many ills that have inflicted human beings under modern political conditions. By seeking to assimilate all human opinions into a singular general will, it violates the plurality of the human condition. Unlike Berlin, however, Arendt does not think that this critique of positive freedom speaks in favor of a negative conception of freedom. Instead she turns to Montesquieu, and redefines the meaning of positive freedom in relational terms. Freedom, she argues, is neither to be subjected to laws of one's own making nor to follow one's own rational desires. It springs up between human beings, and as such, it is established and sustained in our relationships with others.[149]

Taking its cue from this idea, the democratic conception of freedom worked out in this chapter differs from the republican idea of positive freedom in two senses. The first difference concerns how freedom relates to plurality. The central tenet of

freedom as self-determination is that in order to be free, we ought to ascribe laws to ourselves and follow our own authentic purposes. Republican freedom is in this respect a self-to-self relationship. Rousseau's distinction between the general will and the will of all proceeds on the assumption that a free people "moves as one body and acts as though possessed by one will."[150] In line with the principle of emancipation, this idea of freedom is anti-democratic. In a democratic political lifeform, there is always a plurality of opinions on the purpose and direction of society. To be free means to sustain the plurality of the world, and the greater capacity for judgment and decision-making that it creates in us. It is precisely because we address matters of uncertainty that we need to expand our own horizon of experiences and expectations. With Linda Zerilli, we could thus say that living in a democracy means to share "a 'common world', not to share a worldview."[151]

The difference can be illustrated by freedoms that we commonly describe as positive, namely freedom of speech, assembly, and thought. If we follow the republican idea of freedom as self-determination, these freedoms enable citizens to govern themselves, individually as well as collectively. Without the freedom of speech, assembly, and thought, the very idea of self-government would be violated. Instead of following their own reasons and desires, citizens would be subjected to the minds and moves of others. But do these freedoms establish a self-to-self relationship? Arendt offers a different rationale. Citing John Adams, she argues that the point of these freedoms is not to make individuals or collectives at one with themselves. On the contrary, they serve to secure the distinction *between* humans, and the plurality of the world that it creates: "Wherever men, women or children are to be found, whether they be old or young, rich or poor, high or low . . . ignorant or learned, every individual is seen to be strongly actuated by a desire to be seen, heard, talked of, approved and respected by the people about him and within his knowledge."[152]

What is essential to note is that when Arendt talks of distinction and the human "desire to excel another" she does not have the monarchical or meritocratic idea of distinction in mind (see Chapters 2 and 5).[153] It is not distinction in the form of "honor" or "desert" that freedom of speech, assembly, and thought cultivate. It is the freedom to interact with others in public, and having the courage to disclose to others *who* we are as opposed to *what* we are (man, woman, nurse, professor, president, poor). To find out what we are is not that difficult. We can Google it, or look it up in different registers. To find out who we are is more difficult. We must engage with others, talk to them, make our own judgments in light of what they say and do, and then to come back to ourselves again: What do *I* think? What distinguishes my experiences and expectations from those of others? The point is that freedom of speech, assembly, and thought enable a plurality of human beings to nurture the distinctions needed to make the world they inhabit common and meaningful.

The second difference concerns how freedom relates to human fallibility. The republican idea that freedom consists in ascribing laws to ourselves or realizing our own authentic purposes suggests that freedom can fail both for external and internal reasons. Others can step in and decide for us, which means that we are subjected to a heteronomous law or purpose. We are no longer free to judge and decide for ourselves. But we can also become subjected to the will of others due to self-alienation. Through ignorance, psychological blockages, false consciousness, or lack of insight we are no longer in control of ourselves. We have become alienated from our higher or authentic self. The key point is "that we are only free to the extent that we are capable of directing our actions towards aims that we have set *autonomously*, or toward desires that we have uncovered *authentically*."[154]

In Arendt's view, this analysis fails to target the proper source of our unfreedom in modern democracies. As she argues, "world-alienation, and not self-alienation has been the hallmark of the modern age."[155] Human beings are indeed fallible. They make decisions and judgments that they regret, and wish to be left undone. Still, in order to correct this condition we do not need to "work on ourselves." To gain a more realistic perspective on the world we need rather to work on our relationship with others. Unlike self-alienation, world-alienation is not resolved by nudging or forcing human beings to become more rational or true to whom they are. It is rectified by creating laws, institutions, and policies that give everyone equal time and space to judge and decide the purpose and direction of society. They should be able to meet in word and deed, take a step back to reflect on what they have heard and seen, and then come back in public again to voice their opinions. This is the whole point of democratic freedom, and what warrants it the prefix "democratic": if we think others are wrong, or if we regret our own judgments and decisions, we must have the capacity to begin anew.

Conclusion

Is freedom to be left alone and choose at will or is freedom to actively participate in the governing of common political affairs? Does it consist in being a law unto oneself and in following one's own rational desires, or does it rather consist in extricating oneself from the arbitrary domination of others? These conceptions of freedom all tell us something important about what it means to be free, and they are highly influential in scholarly as well as in public debates. In line with the overall premise of this book, however, I have argued that liberal and republican traditions do not capture what is novel about modern democracy, and this goes for its notion of freedom as well. The democratic political lifeform carries its own conception of freedom, which has been defined as the capacity to begin anew.

By way of concluding this chapter, and preparing for what comes next, I would like to end the discussion on democratic freedom by returning to Arendt's worry about the decline of public freedom in modern democracies. According to Arendt, the revolutionary spirit of freedom did not stand the test of time. The task of the revolutionaries was "to assure the survival of the spirit out of which the act of foundation sprang, to realize the principle which inspired it."[156] In Arendt's view, this is where the American Revolution ultimately faltered. Although it avoided the fate of a permanent revolution, which haunted the French Revolution, it never resulted in "a lasting institution" and "a new public space" within which subsequent generations could begin anew.[157] Moreover, and partly due to this lack of institutional materialization, there was "a failure of post-revolutionary thought to remember the revolutionary spirit and to understand it conceptually."[158]

According to Arendt, the lost treasure of public freedom made later generations substitute freedom for private happiness and material interests. By concentrating on general and free elections they reduced politics to a relationship between "seller and buyer," where "the voter can only consent or refuse to ratify a choice which . . . is made without him."[159] In addition, the emphasis on the social question rendered the quest for bread more important than the quest for freedom. Is Arendt right in her assessment? Has the spirit of freedom been lost to posterity? Based on the conception of democratic freedom worked out in this chapter, Arendt's analysis of the decline of the revolutionary spirit must be qualified on two points.

First, the revolutionary spirit was not forgotten. It *did* take on a lasting institution in the form of universal suffrage and a public sphere. The periodic redistribution of power through recurrent elections coupled with the organization of public debates on the purpose and direction of society both testify to the survival of democratic freedom. They signal that human beings have established lasting institutions that allow them to begin anew. This is not to say that these institutions function well, or that they are the only ones possible. Arendt herself regarded council democracy and other participatory forms of action more essential to the pursuit of public freedom.[160] The critical point is that when Arendt follows in the footsteps of Jefferson, and argues that election leaves citizens with no space to act themselves, except in their capacity of choosing leaders, she remains hostage to a liberal reading of election. Assuming that election is about selecting and holding political leaders to account, she overlooks the democratic significance of election, which is to sustain the capacity of citizens to begin anew. This difference will be fleshed out in more detail in Chapter 4.[161]

Second, Arendt is right in arguing that the revolution was conceptually misunderstood. Still, the misunderstanding does not merely consist in the way later generations substituted public freedom for private happiness and material interests. It also stems from a failure to understand how democratic freedom challenges the conventional distinction between the political and the social; understood as the distinction between the realm of freedom, on the one hand, and the realm of

necessity, on the other. Arendt herself bears witness to this oversight. Despite her appreciation of Montesquieu, she fails to notice that a revolution is not *either* political or social—or American or French. Whether a revolution succeeds in realizing the principle that inspires it cannot be answered merely by looking at the nature of politics. It requires that one pays close attention to the principles that are active in the social realm, including policies on citizenship, education, and work.[162]

The social question is a sour point in the reception of Arendt.[163] It is often argued that Arendt idealized the ancient conception of freedom. What she overlooked, or at least took too lightly, is that citizens in Athens required a subordinated class of people to do the dirty work for them. The freedom they enjoyed required that women, slaves, and servants took care of the necessities of life through reproduction, labor, and production. The freedom to actively engage in public affairs was therefore "possible only among an aristocratic leisure class undisturbed by compassion for their serfs."[164] This is a critique which has given Arendt the reputation of being elitist. She is accused of caring more for those few who have "the taste for freedom" than for all those who are too busy working and surviving the day to have time for politics.[165] When Arendt writes that "the political way of life has never been and will never be the way of life of the many" she seems to confirm the picture of someone who remains wholly insensitive to the demands of those who, deprived of social and material security, have no choice but to prioritize the quest for bread over the quest for freedom.[166]

If one holds on to a republican reading of Arendt, and interprets her as a thinker indebted to the ancient conception of freedom, this critique certainly has some bite. As long as freedom is defined in opposition to necessity it is difficult to see how freedom can ever be achieved without separating the social from the political. The distinction between the two realms is what renders political freedom possible in the first place. On the one hand, there are those who have to care for the necessities of life, and on the other, those who—due to the labor and work of others—enjoy "the freedom to be free," that is, to care for the public realm and the maintenance of the world.[167]

If we by contrast adopt a democratic reading of Arendt, and interpret her as a thinker indebted to Montesquieu this critique misses the mark. What Arendt misjudged is not the importance of the social. What she overlooked is how Montesquieuean principles connect the social with the political in the maintenance of a political lifeform. One cannot, for example, support virtue as the guiding principle in political affairs only then to have social policies on education, citizenship, and work animated by a principle of fear or honor. In the long run, it will tear down the fabric of the republic in favor of a different political form. Similarly, one cannot sustain a democratic political lifeform by limiting the principle of emancipation to the realm of political decision-making. If social

policies on education, citizenship, and work are governed by a different principle, like fear, virtue, or a striving for supremacy it will inhibit the spirit of democracy.

In the second part of the book, I will draw out the implications of this argument for certain key areas of democratic life: elections, social right, and citizenship status. The aim is to show that the principle of emancipation, and the attendant conception of democratic freedom worked out in this chapter have important implications for how we understand the corruption, disintegration, and renewal of democracy.

PART II
THREE CONTESTED ISSUES

4

Election

> *Reporter*: Who do you think will govern after the election on Sunday?
> *Voter*: I don't know. No one knows.

The aim of this book is to replace a sovereign- with a spirit-orientated understanding of modern democracy. To fulfill this task, this chapter will turn back to Chapter 1, and ask how the principle of emancipation—and conception of democratic freedom worked out in the previous chapter—affects the nature of democracy: Who governs in a democracy, and how?

The most immediate answer to this question is that "the people" does. In a democracy, the people are sovereign with regard to their own political affairs. This is not merely what textbooks on democracy teach us. Many democratic movements and constitutions around the world tell us the same thing: power vests ultimately in the people, and anyone who tries to usurp its power violates the key principle of democracy. Scholars, politicians, practitioners, and activists do not mean the same thing when they appeal to the people. They disagree whether the sovereign people is a constituent or constituted power, that is, whether it is an unruly or "wild" form of power that operates beyond law, or whether it by contrast is a contained form of power that only exists by means of law.[1] They also disagree on how the people should govern itself, whether it should be directly or indirectly. These disagreements aside, the general conviction is that democracy begins the moment people declare themselves sovereign, and become their own source of authority in political affairs. John Stuart Mill thus captures a widely held view when he asserts, in *Considerations on Representative Government*, that

> the ideally best form of government is that in which the sovereignty, or supreme controlling power in the last resort, is vested in the entire aggregate of the community.[2]

This defense of the sovereign people as the normative benchmark of democracy is what I have set out to challenge in this book. Drawing on Montesquieu's classical work on the difference between political lifeforms, previous chapters have inquired into the spirit of modern democracy. They have demonstrated that the democratic revolution unleashes a fundamental uncertainty about the purpose and direction of society. A democratic political lifeform tames this uncertainty by sharing and dividing it equally. Instead of resorting to the will of a sovereign

people, it falls back on intermediary bodies that give everyone equal time and space to judge and decide the purpose and direction of society.

Based on the principle of emancipation, I have made two claims about the nature of modern democracy. The first claim concerns who governs in a democracy. The answer proposed is quite simple: nobody does. Unlike monarchies, republics, and despotic political forms, which are sourced in the natural body of the king, the people, and the despot respectively, democracy lacks a natural source of authority. In a democratic political lifeform, no specific class of people—be it the upper, the middle, or the lower classes, or the more comprehensive class of the nation—can be said to embody popular power. Emancipation means exit from ownership, and it is commitment to this principle of emancipation that sets and keeps a democracy in motion. It prevents the appropriation of power by particular individuals and groups. In a democracy, power is disincorporated, or classless. It serves to make sure that while everyone has an equal say on the purpose and direction of society, no one has the *final* say. There is always room for yet another debate on who "we, the people" are.

The second claim is that as an inherently classless political lifeform, democracy cannot be exercised through discretionary political decisions. It hinges entirely on intermediary powers that give institutional "body" to the principle of emancipation. The central thrust is that in order to tame the uncertainty that democracy unleashes, and convert it from an experience of burden into an experience of freedom there must be laws, institutions, and policies ready to relieve actors in this endeavor. They must give everyone equal time and space to explore the diversity of experiences and expectations that make up their common world, in the political as well as in the social realm (see Chapter 5). If the essential uncertainties of the future are not tamed in this way, the temptation to surrender one's own freedom and responsibility to an allegedly "sovereign," "strong," or "all-seeing" leader backed up by a rhetoric of friend and enemy may become irresistible.

To give substance to these claims, this chapter will concentrate on a concrete political institution, namely universal suffrage, or more specifically, election. The reason for this choice is that while election is one of the most established political institutions of modern democracy, and consequently one that exists in many countries, it has become more controversial in recent years. There is growing disillusionment about election as the embodiment of popular power. Two critical positions have made a comeback. On the one hand, there are those who follow Rousseau, and argue that election reduces democracy to "fixed and rare intervals."[3] It is but a temporary form of power that allows elites to secure their power through collusion. The people thinks it is free, but it is free only at the time of electing governors; "as soon as they are elected, it is enslaved, it is nothing."[4] On the other hand, there are those—appalled by the ignorance of voters—who want to limit the franchise to the "knowledgeable," or follow Mill in his argument for plural voting.[5] The conviction in the latter case is that while everyone should have

the right to vote, the votes should not be weighted equally. The most educated should have two or more votes.

Accordingly, election, while for long regarded as something of a non-issue in political theory—especially when compared to deliberation—has now moved into its center. It has become subject to a heated debate on the future of democracy. This debate prompts us to assume a more philosophical view on the meaning of election. For while there is an abundance of studies on electoral systems, methods, and voting behavior across the board, less attention has been given to the significance of election itself. What, if anything, is *democratic* about election? In this chapter, I will challenge two conventional answers associated with the liberal and the republican tradition respectively. The aim is to show that while these traditions dominate discussions on election, they fail to capture its revolutionary significance. They overlook what is at once most obvious and least studied about elections: how they pivot on uncertainty. To understand the growing disillusionment with election, and how it can be channeled in an emancipatory direction one needs to pay critical attention to this aspect.

The first section introduces the topic of the chapter; the nature of democracy. It shows that when we interpret democracy through the prism of spirit rather than sovereignty, the issue of *who* "we, the people" are—both in terms of its scope and character—cannot be discussed separately from *how* we govern. They mutually reinforce each other. The second section illustrates this point by looking at two conventional readings of election based on distinction and virtue. The third section argues that what renders election democratic is that it gives institutional body to the principle of emancipation, and secures our freedom to begin anew. The fourth section asks what this argument implies for the corruption of election. It distinguishes between three kinds of democratic "tyrannies"; the tyranny of the majority, the tyranny of minority, and the tyranny of novelty.. The last section discusses the disintegration and renewal of democracy, including the role of election as a path to emancipation. The chapter ends by summing up the main argument.

"We, the People" in a New Key

Who governs in a democracy? In most constitutions around the world, "we, the people" is the ultimate source behind democratic law. The rationale is that in a democracy, power vests ultimately in the people, and any desire to prove otherwise is but an attempt to usurp the power of the people. But who are the people? And given that there are conflicting claims to the title, how do we, in Robert Dahl's terms, "decide who legitimately make up 'the people' and hence are entitled to govern themselves."[6] This question has recently moved into the center of political theoretical concerns. What we learned from Chapter 1 is that when political

theorists try to answer this question they run into a fundamental paradox. The paradox, often attributed to Rousseau, says that while the people is the only legitimate source of democratic law, it cannot lend itself the legitimacy it needs to qualify as such. It cannot account for its own composition without falling prey to a vicious circle or infinite regress.

The significance of this paradox can be illustrated with reference to election. In practice, it is through elections that we settle conflicts on peoplehood. Think, for example, of the many elections on membership in the European Union in the 1990s, or the referendums on Brexit and Scottish independence. While many people are prone to contest the outcomes of such referendums, or complain that they have divisive effects on the population, few challenge the right of the people to decide the question. "Let the people decide!" is considered a hallmark of democracy. Still, if we follow the logic of Rousseau's paradox, these elections do not democratically resolve the conflict under consideration. In each case, the election tacitly presupposes what should be determined by *means* of it; namely who legitimately make up the people in democracy.

To many scholars, Rousseau's paradox is deeply troubling. The reason is that if we abide by it, we would have to admit that whenever there is disagreement on who "we, the people" are, election is but an empty ritual of power. The people who participate in the elections—like the British people in the case of Brexit—"have no authority to do what they have set out to achieve."[7] More than that, since there will always be disagreement on who legitimately make up the people, it is in effect impossible to get democracy off the ground. At the bottom of all democracies stands a sovereign people who cannot itself be democratically legitimated. This paradox can be paralyzing. As I argued in the first chapter of the book, however, Rousseau's paradox is a trap. Conflicts on who legitimately make up the people in a democracy only become paradoxical if we hold on to certain assumptions, foremost of which is the assumption that the people in a democracy is sovereign. It is this assumption that *yields* the paradox in question. It induces many political theorists to draw two general but faulty conclusions. I called them dogmas of people-making.

The first dogma says that conflicts on who "we, the people" are have an inherently *destabilizing* impact on democratic politics. The lack of a principal answer to the question opens the door to a vicious circle of permanent revolutions: the people must be authorized by the people, who are undemocratic at the moment of foundation, and therefore must be authorized by a new people, and so on. With this in mind, many political theorists prefer to close the door to a "democratic" resolution to conflicts on people-making. In the worst case scenario, such conflicts could degenerate into fierce political conflicts, perhaps even war. The second dogma takes this insight to its logical conclusion. It says that since people-making cannot be answered in a democratic way, it cannot be part of democratic theory. It must fall beyond the scope of democratic theory. Who "we,

the people" are is determined by forces *external* to democracy, by a pre-political people defined by history, morality, or by the one who is sovereign.

This disillusionment with the prospects of finding a democratic resolution to conflicts on people-making builds on a category mistake. Let us recall how Rousseau describes the paradox that today haunts contemporary democratic theory:

> For a nascent people to be capable of appreciating sound maxims of politics and of following the fundamental rules of reason of State, the effect would have to become the cause, the social spirit which is to be the work of the institution would have to preside over the institution itself, and men would have to be prior to laws what they ought to become by means of them.[8]

The fact is that this passage can be interpreted quite differently, all depending on whether we assume a sovereign- or spirit-orientated outlook on people-making. If we hold on to the former, and presume that the people described in the passage above is sovereign, it is indeed difficult to see how a democracy can ever get off the ground. We encounter what Bonnie Honig calls "a chicken-and-egg problem."[9] The reason is that any attempt by a people to establish new democratic institutions always can be questioned anew; who authorized them to do so, and by what right? In order for a sovereign people to be democratically legitimated, it would thus paradoxically have to be *prior* to itself. Remove the assumption of the sovereign people, however, and there is no paradox at the bottom of democracy. When Rousseau writes that "men would have to be prior to laws what they ought to become by means of them" he is not calling our attention to a paradox. What the quote stresses is the inner dynamic of a political lifeform, the way in which peoples and laws must work in tandem in order for it to endure and sustain over time. In Rousseau's own terms, it captures *the spirit* of a political lifeform.

This reinterpretation gives us a new key to approach conflicting claims on who "we, the people" are. It has two significant implications for the nature of modern democracy, pertaining to the dogma of instability and externality respectively. The first implication is that without a sovereign people at the bottom of democracy, the dogma of instability loses its validity. With a spirit-orientated understanding of people-making, there is no "first" authority in political affairs. The idea that we can resolve democratic conflicts by turning back to an absolute beginning is a relic of the social contract tradition, and it has continued to haunt political theory ever since it was first formulated. Whenever there are conflicts on the foundation of democracy, the yearning for a clean slate, *tabula rasa*, or white paper kicks in. Taking our cue from a spirit-orientated understanding of people-making, however, there is no such first or absolute beginning in politics. We always start in *medias res*, or in the middle. We find ourselves within a legal, political, and

institutional context of some kind, and this is where the process of democratic legitimation begins.

What does it mean to start in *medias res*? One of the most important premises of this book is that we always find ourselves in the middle of a plurality of coexisting principles of action and judgment. In line with Montesquieu's thesis that "power must check power," there is no pure political lifeform guided by a single principle.[10] The principles that we act upon and which are embodied in laws, institutions, and policies—such as honor, virtue, fear, and emancipation—compete for our attention on a regular and continuous basis. In our everyday interactions with others, and in our judgments about what is right and wrong we often find ourselves committing to different principles. Sometimes we act out of fear, sometimes we strive for distinction and supremacy, sometimes we act out of love of country and law, and sometimes we act so as to expand our freedom. The same goes for laws, institutions, and policies. Depending on the incentives they create, they can encourage fear, virtue, distinction, and/or emancipation in us.

On this basis, the dogma of instability takes on a new meaning. In case of severe conflicts on the proper makeup of the people, stability is not achieved by resorting to the sovereign people as a final remedy. It only reinforces the search for an antecedent people prior to politics in the name of a more "true," "real," or "authentic" people. Rather, stability is achieved by making sure that the actions and institutions of a political lifeform mutually reinforce each other. They must commit to the same underlying principle in order for a political lifeform to endure and sustain over time. In a republic, for example, which is the political form that Rousseau seeks to defend, stability is achieved when people commit to the principle of virtue, and when laws, institutions, and policies in turn support them in this endeavor. They must encourage people to prioritize the general will over their individual wills, or else factions will arise. Without this mutual rein- forcement between actions and institutions, the stability of the republic will be jeopardized.

This takes us to the second implication of adopting a spirit-orientated under- standing of peoplehood: we do not need to go beyond democracy to decide who legitimately makes up the people. All political lifeforms have their own immanent principles of right and wrong, and it is by appealing to these principles that we are able to adjudicate conflicting claims on who "we, the people" are. If we follow Rousseau, for example, and appeal to virtue as the standard of right and wrong the task is to evaluate conflicting claims on peoplehood on this basis: Which parties in the conflict heed the general will, and which do not? What institutions are needed to make the parties in the conflict commit to country and law, and what institu- tions make the people split into separate factions? If we appeal to emancipation as our immanent standard of right and wrong, we are prone to ask different ques- tions, such as: Which parties in the conflict work in favor of institutions that divide up the essential uncertainties of the future equally among human beings,

and which do not? What political institutions have to be in place in order to nurture this same commitment among the parties?

This last point is of particular relevance to our discussion in this chapter on the nature of democracy. It suggests that any attempt to answer the question "Who governs in a democracy?" with "the people" is bound to be grossly underdetermined. There are peoples in all political lifeforms, yet *who* they are—both in terms of their scope and character—depends on the principle that is materialized in their actions and institutions.[11] In the rest of the chapter, I will elaborate on this argument in more detail. The purpose is to show that in order to sustain a democratic political lifeform, people must give precedence to emancipation in their actions and judgments, and core political institutions such as election must in turn cultivate this same commitment among the people. Otherwise, the spirit of democracy may be lost.

What Makes Election Democratic?

To illustrate how actions and institutions mutually reinforce each other and assist in shaping a democratic political lifeform, this chapter will focus on a particular institution, namely election. By election I mean the minimal idea of "one person, one vote." This idea is the hallmark of free and fair elections, and it is also an idea that finds resonance in many countries around the world. Needless to say, elections do not exist in isolation. They are part of a complex ecology of ideas and institutions, including ideologies, parties, deliberative procedures, parliaments, and presidentialism. Recent years have witnessed a renewed interest in these topics among political theorists. Scholars are preoccupied with examining their historical and conceptual lineages, as well as how they cohere into a distinct democratic system.[12] In this chapter, I will limit the discussion to the significance of election itself. This means that I will bracket issues related to ideology, parties, deliberation, parliament, and presidentialism, unless they are directly related to the question at hand.

Note also that by election I do not refer to those that happen once, as in the election of a political leader who sits for life. This idea of election guides the work of Hobbes, for whom consent by all at one point in time is enough to legitimize the sovereign. The argument Hobbes makes is that people can once and for all transfer their power to a person, who then acts in their name. This idea has sometimes been proposed as a way to create stability in democratic governing, as when Hamilton proposed that the election of a president should be made for life.[13] In recent years a similar and popularized idea can be found among those calling for the election of an "environmental dictator" able to save climate on earth.[14] Still, one election makes no democracy. I agree with Bernard Manin when he notes that "election cannot be understood without mentioning the role of time."[15]

A democracy requires *repeated* elections. The question is why. What makes repeated elections democratic?

In what follows I will distinguish between three answers to this question, guided by the principles of distinction, virtue, and emancipation respectively (see Table 4.1).[16] To get a better sense of the difference between them, they will be examined along the lines of different dimensions inherent in the process of election, namely voting, counting, and decision by majority rule.[17] In each case, I will thus ask what makes election democratic, and what this answer in turn means for who "we the people" are. Needless to say, the discussion in this chapter will be idealized. The three answers below—election as aristocratic, patriotic, and democratic—are separated for analytical reasons, yet in practice scholars often combine them. Nevertheless, the exercise is worthwhile. The intention of the comparison is not to give an exhaustive account of the various theories that exist on election, but to reduce and simplify as a way of getting at important contrasts vis-à-vis the principle of emancipation. The central thrust is that while the principles of distinction and virtue dominate contemporary democratic theories on election, they do not capture its revolutionary spirit.

In this section I will examine the principles of distinction and virtue, only in the subsequent section to move on to discuss emancipation. Before getting to the two principles, however, I would like to begin by making some initial remarks about the notion of equality inherent in election. In political theory, we often distinguish between numerical and proportional equality. This distinction goes back to

Table 4.1 Conflicting principles on the democratic nature of election

	Distinction	Virtue	Emancipation
Why vote?	To select the better ones into office	To achieve collective self-government	To shape an uncertain future
Why count?	To measure the success and failure of representatives	To summon the will of the sovereign people	To give equal weight to plural experiences and expectations
Why majority decision?	To secure civil peace and the obedience of people	To maximize collective self-government	To decode the purpose and direction of society
Why repeated elections?	To create a time span for evaluating the performance of representatives, and holding them to account	To recall the memory of the sovereign people at the bottom of democracy, and render it alive with each new election	To provide human beings with the freedom to fail in their judgments and decisions, and begin anew
Who are "we, the people"? (scope and character)	Few and distinguished	Many and virtuous	Classless and emancipated

Aristotle, who argues that while the first refers to "equality in number or size," the second refers to "equality of ratios."[18] The difference is that, while numerical equality treats human beings in an identical way independent of their merits or qualities, proportional equality treats them in relation to their due, or in relation to what they deserve. In contemporary democracies, election aspires to achieve numerical equality in the form of "one person, one vote." As citizens we may be unequal in virtue, wealth, power, and skills. However, when it comes to determining the destiny of our common political life, such statuses are irrelevant. In matters of politics we all have an equal say. Moreover, this equality is unconditional. It does not distinguish between humans. Human beings who choose representatives that they think offer the most convincing political program for the future have no privilege over those who vote "for the best-dressed candidates or for the policy with the silliest sounding name."[19] In an electoral system their votes carry equal weight.

This feature of election is a source of constant discomfort among those who value knowledge over opinion, and the most famous critic of numerical equality is Plato. Why, he repeatedly asks in *The Republic*, should numbers carry any weight at all? What matters in politics, as in all spheres of life, is not numbers, but skills. This goes as much for the shoemaker, the doctor, and the farmer, as for the ones who govern. Just as the best doctors should do the healing, the best rulers should do the ruling. They should be the guardians of the rest. This vision of society is what democrats reject, and as students of democracy we know why: it violates our freedom and equality. We consider numerical equality a superior and more legitimate way of distributing power in society. Still, we do so for different reasons, and as I shall demonstrate below, these reasons may in turn hinge on what we take to be the animating principle behind election.

What then makes election democratic? The first answer to this question, which is common in the field of liberal democratic theory, holds that election is democratic insofar as it is animated and sustained by *a principle of distinction*. Drawing on Manin's classical work, the principle of distinction refers to the idea that those elected should be "distinguished citizens, socially different from those who elected them."[20] At first glance, this proposition may come across as ridiculous. For who would consider the people we elect into office as "distinguished" citizens? Many of them are born into the political class, or ordinary people frustrated with the way things are, and intent on changing them. If they are distinguished, it is more due to them having the right political connections than the right social characteristics. Still, if we compare election with choosing by lot it is clear that there is something to elections that is missing from lot, namely discrimination. In contrast to lot, where pure chance decides who takes office, election builds on a deliberate choice. It means that we consciously distinguish whom among ourselves we consider most equipped to govern. Madison expresses this commitment to distinction well when he argues that the point of election is to "refine and enlarge the public views

by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country."[21]

As Manin and others point out, this way of understanding election—while originally introduced to replace the ranks and orders of the old regime—is at bottom aristocratic in nature. The basic tenet is that some people are ranked higher than others. They are "the better ones," and it is this principle of distinction that we acknowledge and encourage when we elect representatives into office.[22] Exactly who governs is not of primary importance on this account. What matters is that the ones who do are socially superior to those who elect them. In each case, "the elected should occupy a higher social rank than the electors."[23] Still, while the principle of distinction in this way follows the monarchical political lifeform in making distinctions between people, it differs from it in at least two respects.

First, if the monarchical principle of distinction is based on natural linearity, the principle of distinction addressed here is by contrast based on individual merit.[24] It signals that hierarchies are deserved, or with reference to our previous discussion on monarchy in Chapter 2, based on a *true* as opposed to a false honor. The contention is that some human beings are socially distinguished based on their wisdom, skills, wealth, industriousness, talent, virtue, ambition, or knowledge, and it is due to these merits that they deserve to govern. Distinction is thus no longer based on social rank. It hinges on merit alone.[25] Second, unlike the monarchical principle of distinction, merit is an underdetermined category: "There is no objective, fixed, universally accepted definition of what constitutes political value or merit."[26] The result is that what counts as a merit is open to change. It depends on what people consider important for politics at a particular point in time. It can be anything from wisdom, skills, wealth, and talent, to virtue, ambition, or knowledge, or as scholars of populism note, "bad manners" or an anti-elitist attitude.[27]

The principle of distinction legitimizes both the act of voting and counting. In brief, voting is democratic since it gives everyone an equal chance to select the better ones into office, and counting is democratic since it measures the success and failure of representatives.[28] By selecting who should govern we acknowledge that some people in society are more equipped to govern than others. The same goes for the act of counting. Counting heads in line with the principle of numerical equality—one person, one vote—reinforces the idea that election is a struggle for power, and that democracy is a matter of winning over others. Just as in sport, the purpose of counting heads is to distinguish winners from losers in a competition over power.[29] Counting heads is one thing, however, agreeing on a proper decision rule another. When all votes have been counted, a rule is needed to specify which alternative should be adopted. This rule must be *decisive*. It must show how people can reach a decision under conditions of disagreement.[30]

Majority decision is often considered the most democratic of rules. Although many scholars admit that majority rule must be tempered by law to protect

minorities, they still prefer majority rule over minority rule. The conviction is that once all the heads have been counted, the alternative that wins the *greatest number* should take office.[31] Why? If we hold on to the principle of distinction, majority rule secures the obedience of the people. By having the greatest number on one's side, there is less risk of discontent. Also, since those who lose the election know that they have a chance to win in the next round, majority rule prevents civil war. It upholds civil peace.[32] In line with this logic, repeated elections are democratic since they create the time span needed for people to evaluate the performance of representatives. The point is that "if governments are regularly subjected to election, they can be changed if their performance has not proved satisfactory to voters."[33] The elected, in turn, "have reason to take into consideration the wishes of the electorate in their decisions."[34] The threat of not being re-elected in the next round forces them to be responsive to voters.[35]

This idea of election is not merely "procedural," or an instrument for producing political leaders, as Joseph Schumpeter claims.[36] Election carries a political commitment, namely distinction. It fosters social cohesion by binding both representatives and represented. When people vote they pick out some persons as more worthy than others. These persons in turn consider themselves "chosen" to govern due to their merits.[37] As Manin argues, election means that people "select the persons who shall hold office, but at the same time they legitimate their power and create in voters a feeling of obligation and commitment towards those whom they have appointed."[38] In line with our previous argument on peoplehood, election thus fosters a specific *kind* of people when based on the principle of distinction. The nature of the people is such that it differentiates between human beings based on their merits, and this character of the people in turn influences who gets to govern in society, namely those few who are considered socially distinguished in one way or other.

If this understanding of election is the one that we often see reproduced in media, where journalists report on elections in a way that echoes much of how sports commentators behave, the second answer to our initial question—What makes election democratic?—is more common in academic circles. It holds that election is democratic insofar as it is animated and sustained by *a principle of virtue*. The republican principle of virtue owes much to the view of Rousseau.[39] The idea is that in order for the people to be collectively self-governing, they must commit to the common good and prioritize the general will over the will of all. Still, if Rousseau thinks that election is at odds with the idea of collective self-government, many contemporary theorists take a more moderate view. They argue that while direct democracy is the purest form of democracy, election may—if understood in the right way—work in favor of the common good. Understood as the medium through which citizens authorize the laws that they are obliged to obey, it fosters collective self-government.[40]

On this reading, election is not a matter of voting the better ones into power by means of numerical competition. Election is by contrast guided by a principle of virtue, and this public-spiritedness legitimizes both the act of voting and counting. Voting is democratic since it achieves collective self-government, and counting is democratic since it summons the will of the sovereign people.[41] The idea is that by voting in general elections we become collectively self-governing; at once authors and addressees of law. We obey no one but ourselves. In this manner, the principle of virtue sharply contrasts with the principle of distinction, which contends that election means that we obey the most merited amongst us. In a republican reading, this subjection to others is undemocratic. Election is about collective self-government. It means guaranteeing ourselves the freedom to live under laws of our own making. Moreover, guided by the principle of virtue, counting heads—one person, one vote—is not a means to distinguish winners from losers. By counting heads we unify the people, and it records how well society performs in cultivating and conforming to the common good.[42]

Election is not only a matter of counting heads. To become effective, elections must arrive at decisions that make it possible to resolve disagreement and move society forward. Once the heads are counted, it is therefore time to agree on a decision rule. Why should it be majority rule? In this case, majority rule is not preferred because it secures the obedience of the many to the few. If we hold on to the principle of virtue, the point is rather that majority rule maximizes the number of persons who can exercise collective self-determination. It "ensures that the greatest possible number of citizens will live under laws they have chosen themselves."[43] The larger the numerical majority, the better society reflects the will of the sovereign people. The ideal situation for the republic would be the "assimilation of the majority to the unanimous whole."[44] The reason is that unanimity implies that there are no factions in society. Everyone commits to the same common or public good.[45]

Repeated elections are essential to democracy. In this case, however, repeated elections are not democratic because they give citizens a time span to evaluate and hold representatives to account for their actions and decisions. Repeated elections are democratic since they reconstitute the people as a unified and sovereign body. They encourage citizens to recall the memory of the sovereign people at the bottom of democracy, and render it alive with each new election.[46] Accordingly, election is not reduced to "slavery punctuated by moments of liberty," as Rousseau and others contemporary critics of election would argue.[47] It casts a long shadow over politics by reminding citizens of their main political affiliation, which is to the republic itself. The constant repetition of election in this way fosters a republican people, both in character and scope. Citizens learn to be virtuous by prioritizing the public interest over their own private interests, and this commitment to virtue in turn defines who governs, namely the people in its capacity as "a sleeping sovereign."[48] Citizens may elect representatives into office, but in reality they are

not the ones who govern. Popular power belongs ultimately to the many, and not to the few.

In political theory, it is common to think of the republican principle of virtue as more "substantial" than the liberal principle of distinction. As Jürgen Habermas and Frank Michelman both stress, the republican tradition pays more attention to context than the liberal tradition. In the republican mind, election is therefore not merely a procedure. It reflects the substantive ethos of a particular community.[49] The conviction is that one cannot just impose election in a country, and think it somehow runs by itself. In order for election to work—and in particular decision by majority rule—the people must already be committed to certain values, such as equality and solidarity. Still, if we abide by the Montesquieuan logic of spirit, this contrast between procedure and substance is misleading. The principle of distinction is no less substantial than the principle of virtue. Both assist in creating social unity, yet the social unity they create is different. The principle of distinction makes election cohere around a competition for power whereas the principle of virtue makes it cohere around the common good. The former can be just as "thick" and pervasive as the latter.

The Emancipatory Nature of Election

So far we have examined how election assists in fostering different peoples: a liberal people animated by distinction, on the one hand, and a republican people animated by virtue, on the other. The point has been to show that who governs in a democracy cannot be asked independently of how it governs. In the language of spirit, political institutions carry certain principles, which assist in shaping who "we, the people" are. To ask "who governs in a democracy?" and respond "the people" is therefore unsatisfactory. It is not precise enough. We shall now leave the principle of distinction and virtue to the side, and bring a third perspective on election into play. According to this view, election is democratic insofar as it is animated and sustained by *a principle of emancipation*.

The principle of emancipation signals that while the future course of society is uncertain, this uncertainty can be tamed in a democratic way by securing everyone equal time and space to judge and decide the purpose and direction of society. Taking this principle into account, election is not a matter of voting the better ones into power by means of numerical competition, as suggested by the principle of distinction. Nor does it serve to achieve collective self-government by summoning the will of the sovereign people, as proposed by the principle of virtue. What makes election democratic is that it tames and shapes an uncertain future by giving equal weight to a plurality of human experiences and expectations (see Table 4.1). Let me unpack this argument by addressing a central aspect of election, namely uncertainty.

We all know how it works. A year before a general election, speculations about possible line-ups begin. Who will take office after the election? What will they do while in power? How will their decisions affect different groups in society, as well as society as a whole? While we can try to predict what politics will look like after the election we cannot tell for sure. The outcome is uncertain. Media companies, opinion institutes, betting firms, multinational corporations, and experts all try to foretell the wills, wishes, and worries of the people. Lately, these attempts to predict the outcomes of elections do not merely happen at the time of elections but, with more frequency, *between* them. It has become a business of its own. Some actors claim that they actually have a record of being right. What they offer, however, are speculations. The reason is that who will take office after the election depends on the judgments and decisions of a plurality of human beings whose woes and whereabouts cannot be controlled from above. They are in the hands of no one. Voters, as Rosanvallon puts it, are "speculators." They "wager on the future."[50] This indeterminacy explains why there are so many actors in a democracy trying to make a living out of anticipating how people will act and think, and why it is that they act and think as they do.

Uncertainty about the future is not reserved for election alone. Lottery also pivots on uncertainty, and today it is sometimes used to create representative samples of the population ready to deliberate on certain topics.[51] In ancient Greece, it was common to use lottery as a way of achieving rotation in office. It reflects Aristotle's idea that citizens should take turns in ruling and being ruled. In either case, chance creates uncertainty insofar as no one can control who will be deliberating or governing in the next round. It may be me, or it may be my neighbor. Chance will dictate. Still, the difference between lot and election is that while the outcome in a lottery is determined by chance, the outcome of election is determined by humans. Election signals that while no one can predict what comes next, the future is still in our hands. We can tame the uncertainty that democracy unleashes by giving everyone equal time and space to judge and decide the purpose and direction of society. "We, the people" can shape our own future, albeit in ways that none of us can predict with certainty.

To argue that election pivots on uncertainty may seem too general a fact to capture what is unique about the principle of emancipation. After all, both the principle of distinction and the principle of virtue recognize that election trades in an unknown future. This is evident by the questions they ask, such as "Who wins, and who loses?" or "Does the will of all tap into the general will?" Still, the difference is that while these principles consider uncertainty to be an essential aspect of election, they do not consider it integral to its *nature*. The fact that we have to live with uncertainty is distinct for the democratic political lifeform, and it creates its own unique difficulties. To sustain a republic it is essential that people identify with the common good and forsake their own private interests. Otherwise, the spirit of the republic is lost. In a democratic political lifeform,

by contrast, the difficulty does not consist in forsaking our own private interests, but in carrying the burden of our own freedom and responsibility. Absent extra-political authorities, we have to live with the fact that we cannot predict what the future holds in store. It depends entirely on the judgments and decisions that we make in the present.

Basing our analysis on the principle of emancipation, it is clear that voting is not democratic because it selects the better ones among us into power, or because it is the best way to realize collective self-government. Nor is counting democratic because it measures the success and failures of representatives, or awakens the sovereign people from its slumber. Voting is democratic since it shapes an uncertain future, and counting is democratic since it gives equal weight to a plurality of human experiences and expectations. Together, voting and counting reflect a deeper insight, namely that the end of democracy is open. It does not have a predetermined purpose or goal. What Arendt says about deliberation thus goes for election as well: the whole point of election is to address what "we cannot figure out with certainty." If we could figure it out with certainty, why count?[52]

Counting is one thing, reaching a decision another. At some point one must wrap up, and come to a decision about what to do, or how to go on under conditions of disagreement. Why make use of majority rule rather than minority rule? In this reading, majority rule is not invoked to secure the obedience of the many to the few, or to maximize the number of people who can exercise collective self-government. Majority rule is needed to figure out the purpose and direction of society. When we decide by majority rule we direct ourselves to the future. We try to work out what society will look like if we take everyone's experiences and expectations into account. Majority rule, we could say, is therefore not anchored in a pre-existing people. It is more accurate to say that it directs itself to a people who *does not yet* exist. It is this future-oriented aspect of majority rule that is so frustrating to those who want to control the minds and movements of people: who "we, the people" are cannot be wholly anticipated. When people interact, they create new experiences, which in turn give rise to new expectations. Ultimately, this is why majority rule is superior to minority rule. It better discloses what is to come.

According to this reading, repeated elections are essential to the regeneration of democracy. Still, the role of repeated elections is not to create a time span to evaluate and hold representatives to account, or to recall people to their common origins. Repeated elections are democratic since they provide human beings with the freedom to fail in their judgments and decisions, and begin anew. The idea that human beings have the "freedom to fail" chimes with the way many political theorists describe modern democracy. According to Albert Weale, for example, democracy builds on the insight that all human beings "are equals in conditions of fallibility."[53] The same insight lies behind the many references to democracy as an unfinished and unfulfilled journey. Like a ship rebuilt at sea, democracy corrects

and rebuilds itself as it goes along.[54] Nadia Urbinati offers a strong defense of human fallibility as the core principle of democratic institutions. Democracy, she writes,

> is not the best form of government for the outcomes it promises and delivers (sometimes its decisions are not that wise and are actually even unpleasant), but because its institutions and procedures are so conceived as to make decisions open to criticism and revision. One can say that democracy is a permanent process of emendation; which means that it presumes and assumes that error and imperfection belong to the individual, that fallibility pertains equally to all with no exception.[55]

This argument reminds us that Rousseau was off the mark when he invoked the legislator to recall citizens to their republican senses (see Chapter 1). There is no "strong man in the state" who can step in and correct people in their actions and thoughts in a democracy. As Urbinati writes, fallibility "pertains equally to all with no exception." At the same time, fallibility can be understood in two ways, and it is important to set them apart. It can stem from an error in reason, on the one hand, and an error in representation, on the other.[56]

Epistemic defenses of democracy assert that while all human beings are equally rational, they are also equally prone to err. By pooling everyone's judgments and decisions we may therefore arrive at more correct decisions than if relied on the judgment and decision of one person alone. The contention is that decisions taken by the many are more likely to be right than decisions taken by a few. What makes recurrent elections decided by majority rule democratic is that they "track the truth," and regularly make us challenge and revise our own beliefs.[57]

As noted in Chapter 3 on democratic freedom, fallibility has a different connotation in this book. As human beings we may be wrong in our judgments and decisions. Still, this is not because we are not rational enough, but because we do not have enough perspectives on the world that we share with others.[58] With the removal of divine, natural, and historical authorities in political affairs, there is no longer a given purpose and direction to society, and therefore no way to be "wrong" about what is right or good. It is this abyss of freedom and responsibility that we have to endure in a democracy. The freedom we gain through the revolution has a price: the responsibility for the world now falls on our own shoulders. By equitably dividing up the burden of judgment and decision-making, we can expand our own horizon of thinking and imagination, and arrive at more valid and realistic judgments and decisions than if we had to rely on one or a few perspectives alone.

The practice of having recurrent elections therefore provides something akin to what Arendt calls "representative thinking." By representative thinking, Arendt means the kind of enlarged mentality that comes from stepping into the shoes of

another person, and imagining what the world looks like from it. What do I perceive, experience, and expect if I have this particular outlook on the world? How does it differ from the way the same world comes across to me, from where I stand? There are many ways to engage in representative thinking, such as reading books, traveling, talking to others, listening, and/or engaging in a local, national, or global political initiative. What all these activities have in common is that they *take time*, and this is also what the election cycle provides. It gives us time to take a step back, and assume the perspectives of others who are absent when we judge and decide the purpose and direction of society. And it simultaneously gives us the opportunity to come back. If we think others are wrong, or if we regret our own judgments and decisions, we can always act differently next time.[59] In short, recurrent elections give us the freedom to fail in our judgments and decisions without such failure blocking our freedom to begin again in the future. In the words of Thomas Paine, it means that "we have it in our power to begin the world over again."[60]

We have now reached the core of our argument, namely, how to describe the nature of a democratic political lifeform: who "we, the people" are. Up till now we have seen that this question cannot be answered in isolation from how we govern. Election can foster different kinds of peoples, all depending on the principles that animate it.[61] If election is animated by distinction, people learn to differentiate themselves based on their merits and qualifications, and this character of the people in turn influences who gets to govern, namely, those few who are considered socially distinguished in one way or other. If election by contrast is animated by virtue, people learn to prioritize the public interest over their own private interests, and this commitment in turn defines who governs, namely, the many in their capacity as a virtuous and sovereign people. In the same way, we should now ask what happens to the character and scope of the people when election is based on emancipation. What specific character does it nurture, and how does it affect who governs?

If election is animated by a principle of emancipation, "we, the people" learn the following: we learn that while the future course of society is uncertain, the uncertainty about what comes next can be tamed in a democratic way by giving everyone equal time and space to judge and decide the purpose and direction of society. We understand that this is what election *does*: it shapes the future in an equitable way. Moreover, we learn that while we are free to shape our own future, we are not infallible. As human beings, we move and interact with one another, and this creates new experiences and expectations. Acknowledging that no one can encompass the world in its entirety, we deem it foolish to entrust any particular person or group with the right to govern. Instead we take institutional precautions to ensure that nobody does. Beginning anew at regular intervals, we expand our own horizon of thinking and imagination, and simultaneously make sure that nobody incorporates popular power to further its own particular ends.

In that way, the end of democracy is kept open, subject to a plurality of experiences and expectations about what the world is and could be.

In the beginning of this chapter, I argued that while the principles of distinction and virtue dominate contemporary research on election, they do not capture its revolutionary spirit. It is now time to come back to this argument, and specify what I mean by "revolutionary." Modern democracy has from its inception been associated with a quest for equality that cuts across established classes of people. In the revolution, the lower classes stood up and demanded to be equal to those in the higher classes. They ceased to bow. The higher classes followed suit. It became inappropriate for them to kick down. It is this quest for equality that encouraged Tocqueville to speak of a "great democratic revolution."[62] What he discovers is that the demand for equality spreads across social classes, and eventually puts society itself into motion. Recall what he writes, namely that equality of conditions "gives a peculiar direction to public opinion, and a peculiar tenor to the laws, it imparts new maxims to the governing authorities and peculiar habits to the governed."[63]

Today numerical equality in the form of "one person, one vote" is often seen as the main qualifier of a democratic society. The point of election is precisely to make social class redundant. What should matter when you cast your vote is not who you are, but what you wish for.[64] But granted that democracy means numerical equality, *equality of whom*?

Equality is a relational concept, which means that it involves an element of comparison. Human beings can consider themselves equal, and therefore also comparable along a number of different dimensions. The dimension may be something like tallness or wealth, in which case we say that two persons are equally tall, or equally well off. Or the dimension can be honor and virtue, as it is in a monarchy and a republic, in which case we say that two persons are equally distinguished or equally virtuous. As Isaiah Berlin points out, the significance of equality in this way hinges on what we take to be "like cases."[65] A rule which says that nobles should have the right to cast five times as many votes as ordinary people creates an obvious inequality from a democratic point of view. However, it is still a matter of equality. The reason is that it ensures equality *within* each class: all the nobles are treated equally, and so are the rest of us.

What is intriguing about the revolutionary quest for equality is that it directly targets such distinctions between people. Prior to the revolutions it was nearly impossible for people to compare themselves with those of higher rank. If they did, the acceptance lay with those above them in the pecking order. A bourgeois could challenge a noble to a duel, but the noble could refuse and insist on the social distinction between them.[66] As Tocqueville notes, these hierarchies were seen as legitimate: "Inequalities and wretchedness were then to be found in society, but the souls of neither rank of men were degraded."[67] Since the distinction between classes was perceived as legitimate, inequalities did not cause any

significant protests. They were considered a natural part of life under monarchy. Accordingly, "the noble man never suspected that anyone would attempt to deprive him of his privileges which he believed to be legitimate" and "the serf looked upon his own inferiority as a consequence of the immutable order of nature."[68] But something happened, for suddenly people "dared to compare themselves" with people of other estates.[69] They started to compare themselves across, and not merely within established social classes.

This is where we encounter the limits of the principles of distinction and virtue. While they both stress the democratic significance of numerical equality, they are not democratic in the revolutionary sense of the term. The principle of distinction does encourage us to travel across classes. Yet the point of this "class travel" is to prove ourselves better than others, not to prove that we are equal to them. Once we have moved up the social ladder by means of numerical equality, there is nothing in the principle of distinction that encourages us to stick to it. At issue is whether we succeed in distinguishing ourselves and showing others that we deserve to govern over them. The principle of virtue is more attuned to equality insofar as it seeks to include everyone into the same social class, namely the citizenry. It serves to make everyone equal under law. But while it favors numerical equality within a given citizenry, it ignores how this citizenry relates to other classes of people. This closure can lead to what Michael Walzer calls citizen-tyranny: meaning that while equality is the main virtue for that class of citizens, the rest, who are governed by them, are "subjects of a band of citizen-tyrants."[70] From a historical perspective, it is precisely by contesting the bounds of the existing class of the citizenry—and refusing to go along with what it deems reasonable, right, and good—that marginalized groups such as workers, women, and black people have been able to achieve equal standing in politics.

The upshot is that numerical equality—one person, one vote—is not democratic per se. It depends on how we classify people, or what we take to be like cases or classes.[71] What is distinct for the principle of emancipation is that it better matches the revolutionary quest for equality. Instead of limiting the quest for equality to a particular social class, it encourages us to extend the struggle for equality across any class distinction—including that of the national electorate itself—that limits our freedom to begin the world anew (more on this in Chapters 5 and 6).

Three Democratic Tyrannies

Election is a minimal requirement of democracy. In this capacity, it guides many discussions on democracy among scholars and practitioners, and it also lies behind various indexes measuring the status of democracy in the world, including Freedom House and Polity IV. What such indexes have in common is that they

evaluate the development of democracy based on figures related to the national electoral process. Still, the rise of new and hybrid political regimes such as electoral autocracies has recently thwarted the picture of elections as inherently democratic. What is significant for parties and leaders in these regimes is that while they embrace regular and multiparty elections, they use their electoral power to dismantle other aspects necessary for democracy to work, such as rule of law, human rights, freedom of speech, assembly, and an independent press. Voted into office by the electorate, they systematically hollow out the democratic basis of their own power.

Abuse of the electoral system can take many different forms depending on context, and it is difficult to say what causes some countries to be more receptive to it than others. What is clear, though, is that this development raises questions about the meaning of democratic corruption. Corruption is one of the oldest topics in political theory, yet it is only in the wake of growing elitism and populism that contemporary democratic theorists have started to display a sustained interest in it. It has been more prevalent among scholars active in the field of constitutionalism, history, and the history of ideas. In the conceptual framework laid out in this book, the corruption of a political lifeform typically begins with the corrosion of its principle. Considering this, this section will examine different paths to democratic corruption. Drawing on the principles of distinction, virtue, and emancipation, it will distinguish between three democratic "tyrannies": the tyranny of the majority, the tyranny of the minority, and the tyranny of novelty.[72]

If we assume that the animating principle behind election is distinction, democratic corruption is typically associated with *the tyranny of the majority*. The tyranny of the majority refers to an inherent weakness of democracies, according to which the majority of an electorate can favor their own interests at the expense of the minority, or worse, undermine its rights through oppression and censorship. The worry that democracy could result in a tyrannizing majority runs deep in the history of democracy.[73] But how does it begin? In line with the principle of distinction—which considers election to be about selecting the better ones into power—it is common to assume that democratic corruption stems from a failure of people to select "fit characters" into power.[74] This idea runs like a red thread from Madison's worry about democracy to present-day discussions on populism. To keep ignorant majorities in check, Madison argues, it is necessary to choose representatives "whose wisdom may best discern the true interests of the country."[75] If the will of the majority triumphs at the expense of the will of the minority, it risks bringing "unworthy candidates" into office.[76] Instead of selecting the most merited, people are likely to select those who are more skilled in "the vicious arts," such as bribery, self-glory, and demagoguery.[77] In a similar way, many scholars today worry that ignorant people may be seduced to vote demagogues into power.[78]

Under these circumstances Tocqueville argues, the corruption of democracy does not stem from its weakness, but from its *strength*.[79] The problem lies in the "omnipotence of the majority."[80] The majority has both a physical and moral power over the minority, and this power can be abused against weaker parties. It can foster a "debasement" of the characters of people, who prefer to take it to the streets rather than to parliament in the desire to change things.[81] If the majority in society becomes too strong in the moral and physical sense, moderate people may not dare to speak the truth, even if the law gives them the right to do so. They are silenced into obedience, which means that the kind of "distinguished characters" needed for democracy to win over tyranny will be in short supply.[82]

According to this reading, the corruption of democracy stems from an excess of popular involvement in electoral politics. The less distinguished among the citizens—and they make up the majority—are prone to vote the wrong kind of people into power, people who fail to act in a worthy and sensible manner. The success of a system of universal suffrage hinges on the commitment of the majority to preserving the rights of *all* citizens, of maintaining respect for their fellows, and not harming a minority.[83] In Nadia Urbinati's terms, it requires that one distinguishes between majority as a method of decision-making, and majority as the force of the most numerous part of society.[84] What is typical for a tyrannical majority is that it mistakes democracy for the latter. It votes candidates into office who mobilize the majority *against* the minority. Claiming to speak for "the people" rather than a temporary and commuted majority, it professes to act democratically when abusing minority rights.[85]

The problem of the tyrannical majority has recently gained new traction in political theory, especially with the global rise of populist parties and leaders. The worry is that people who are ignorant about who they vote into power can, in effect, elect democracy out of office. To some scholars, this situation calls for veto and supermajority rules, or even militant forms of democratic self-defense in the form of party bans, limitation of free speech, and revocation of parliamentary immunity.[86] The claim is that the global rise of populism has forced democracies to consider how best to protect democracy against its inner enemies. This problem is not new. Democratic self-defense was a recurrent topic in inter-war debates concerned with the dynamic between leaders and masses, and it has had a strong impact on post-war debates on democracy. Still, the political conditions under which this question is activated have changed. Not only have the democratization processes in the second half of the twentieth century created new experiences and expectations; the resurgence of authoritarianism in the twenty-first century has taken a more ambiguous form, with populist leaders often claiming to operate in the *name* of democracy rather than against it.[87]

Democratic corruption can mean different things, depending on what one takes to be the principle behind election. If we assume that election is guided by virtue rather than distinction, the global rise of populism is more likely to be associated

with a different problem, namely *the tyranny of the minority*. The tyranny of the minority refers to the idea that protected minorities can use their privileged position in society to inflict harm on the majority. Sometimes one distinguishes between strong and weak minorities in the form of richer classes protected by private ownership and more marginalized groups protected by veto rights, such as religious, cultural, and indigenous groups.[88] For those who draw attention to the tyranny of strong minorities, the global rise of populism is not so much a threat as a "corrective" for democracy.[89] It is a peaceful democratic revolution since it fights corruption through election rather than through force. Instead of creating civil war, it gives amnesty to those who have sought to insulate private property from the influence of elections.[90]

In line with the principle of virtue—which considers election to be about achieving collective self-government—democratic corruption typically stems from a failure of people to act in favor of the common good. Unless citizens and their representatives act in the public interest, the legitimacy of majority rule—which is central to a well-functioning democracy—will be undermined. Society will break down into factions that care more about their own vested interests than the public at large.[91] This point has been raised by anti-federalists, as in Brutus's critique of Madison. To Brutus, it is not the lack of distinction, but the lack of virtue that delegitimizes elections. It leads to the corrosion of public affairs.[92] The reason is that as soon as society is divided into separate factions, it will be difficult to see what makes the majority into a "majority" rather than a group of people arbitrarily imposing its will on others.[93] Instead of being guided by public-spiritedness, those who are elected into office now govern in their own rather than in the general interest. They promote a capsized democracy, one in which the many are governed by the few.

According to this reading, the corruption of democracy stems from a shortage of popular involvement in electoral politics, or from "the apathy of the citizenry."[94] By caring more about their own private affairs than the common good, apathetic citizens make it possible for intense and resourceful minorities to usurp popular power, and use it to further their own private interests at the expense of the whole. Constituting a minor faction in society, they turn into a self-serving elite governing in the name of democracy only. The result is that election loses its legitimacy as a distinctively democratic institution. It no longer serves its purpose, which is to realize collective self-government. The success of a system of universal suffrage hinges on the commitment of protected minorities *not* to abuse their power to veto majority decisions they dislike.[95] If they do so, they will frustrate the will of the majority, and in the worst case scenario, turn it against democracy itself.

To many scholars, this is precisely what we experience in contemporary politics. The lack of public virtue has led to accelerating economic inequalities, which in turn speeds up the division of society into separate factions, namely the rich and the poor. Aristotle termed democracy the rule of the poor. He pointed out

that while the poor are inferior in terms of wealth, they are superior in numbers, and this is their strength. In a democracy governed by majority rule they can always outnumber the wealthy few. Ever since the birth of modern democracy, wealthy elites have feared that increasing democratization would result in excessive demands for economic equality. But as scholars have shown, this has not happened. To the contrary, economic inequality has increased in many consolidated democracies, and produced ratios that resemble those that existed before the extension of universal suffrage. People with capital have used this economic advantage to create a hereditary elite that now lives isolated from the rest of society.[96] How, many people ask, is that possible? What kind of "democracy" is able to generate inequalities of this kind? The answer, writes Sheldon Wolin, is a managed democracy in which the people "is shepherded, not sovereign."[97]

The fact that people can succumb to a tyrannical majority or minority is a recurrent topic in the history of democracy. The point of the foregoing analysis was to identify the diagnosing principle behind such corruption. How do they begin? As we saw, it is common to argue that democratic corruption stems from a shortage of distinction and virtue in society. It is now time to introduce a third and less conventional way of understanding democratic corruption, namely as a *tyranny of novelty* (see also Chapter 3). The tyranny of novelty refers to the idea that democracy suffers from a destructive form of acceleration. Instead of giving people the breathing space they need to judge and decide the purpose and direction of society under conditions of uncertainty, the electoral process presses them into the present moment. Fixating their eyes on what is immediate, imminent, and ready at hand, every decision becomes novel by definition, which in turn reduces the attention span of people.

The fear that democracy may fall prey to a tyranny of novelty is not unfamiliar to students of democracy. Madison worried about the speed of public opinion, and Tocqueville is among the first to describe the acceleration created by elections, the way in which they make "new men rise to power in very rapid succession."[98] The problem is that once a decision has been made, "the immediate attention [is] directed to other objects," and so it continuous with each new election.[99] No one has an incentive to stop and reflect on the course of society as a whole: Is it moving in the right or wrong direction? Tocqueville's own example is an initiative to improve the condition of prisons. People were enthusiastic, and it was decided that one should build new prisons. But since it takes time to build prisons the old ones still had to be in operation during the project. These old prisons slowly decayed. The problem, writes Tocqueville, was that no one had the incentive to take responsibility for the whole. The majority "was so eagerly employed in founding the new prisons that those which already existed were forgotten, and as the general attention was diverted to a novel object, the care which had hitherto been bestowed upon the others ceased."[100]

For Tocqueville, the acceleration of decision-making is typical for modern democracy, and it sharply contrasts with the one that exists in monarchies: "When the members of an aristocratic community adopt a new opinion, or conceive a new sentiment, they give it a station, as it were, beside themselves, upon the lofty platform where they stand."[101] In a democratic system, by contrast, there are no fixed stations and platforms. Instead of cultivating a moral character that distinguishes between classes, and defends fixed interests, democracy fosters a perpetual "restlessness" in people.[102] The loss of history as a source of political guidance, and the flattening of society into an indistinguishable mass of equals means that everything in society can be changed at an instant. This goes for elected politicians as well as for everything else:

> A man builds a house to spend his later years in it, and he sells it before the roof is on: he plants a garden, and lets it just as the trees are coming into bearing: he brings a field into tillage, and leaves other men to gather the crops: he embraces a profession, and gives it up: he settles in a place, which he soon afterwards leaves, to carry his changeable longings elsewhere.[103]

The acceleration of politics is noted also in contemporary literature. In her work on representative democracy, Nadia Urbinati calls our attention to the corruptive force of "immediacy" in politics. When election is reduced to the instance of voting, she writes, democratic politics collapses into the immediacy of the will.[104] The *longue durée* created by electoral politics is replaced by "hastiness," which means that judgments and decisions lose their anchorage in a common narrative. Instead of judging and deciding in the long term, citizens are encouraged to give in to "the unreflective mood of the moment."[105]

To many scholars, this reduction of politics to what is immediately present is significant for the rhetoric of populist leaders.[106] When hastiness reigns, the call for speedy decisions can easily be mistaken for decisiveness and the taking of responsibility. A telling and often cited example is the Hungarian Prime Minister Viktor Orbán's assertion that the purpose of democracy is to solve problems, not debate them: "When a tree falls over a road, it is not theories that are needed but rather thirsty robust lads who start working to implement what we all know needs to be done."[107] In democracies trees fall over the road all the time, and they normally get picked up. But the point of Orbán's story is of course a different one. He wants to create impatience with democracy by stirring up what Benjamin Moffitt calls a "performance of crisis." The point he wishes to convey is that in a crisis, there is no time to dwell. We have to act now, or it may be too late.[108]

The observation that election prompts the need for new decisions with each new term, and so may succumb to forgetfulness, and in addition has a tendency to reduce our attention span to immediate problems and conflicts—such as the building of a new prison, a new road, or a new wall—rather than to problems

and conflicts that persist and shape politics in the long term is politically salient. It points to a latent drift in electoral democracies towards a tyranny of novelty. The "tyrannical" aspect of novelty is well captured by Heinrich Böll in his short novel *Action Will Be Taken*.

The narrator in this novel takes up the post as a clerk in Alfred Wunsiedel's factory. Wunsiedel greets his employees every morning with the words "Let's have some action!," and they answer back in one voice: "Action will be taken!" As a new employee, the narrator quickly understands what is expected from him. Every morning he picks up the phone and shouts into the mouth-piece: "Take immediate action!," or "Do something!" He keeps repeating to himself that something must happen. One day something does happen. Wunsiedel drops dead to the floor. In retrospect, the narrator wonders what they actually produced in the factory. Until that moment he had not had time to ask himself that question: "I expect it was soap."[109]

There are times when action must be taken, and problems must be solved. It can be in cases of war, natural disaster, or global pandemics. In such cases, it is common for democracies to temporarily consolidate, and speak with one voice. But a crisis can also be invented to thwart our capacity to "think what we are doing."[110] To shout "crisis" is to ask for a state of emergency: now we must act quickly. We do not have time for time-consuming political quarrels. "Do not obey in advance," writes Timothy Snyder. Beware of leaders who express impatience with democracy. Citizens who adapt and bow to power the moment someone shouts "crisis!" teaches power what it can do. It signals that no resistance is to be expected.[111]

The question is how to diagnose this tyranny of novelty. How does it begin? In line with the principle of emancipation—which considers election to be about shaping an uncertain future—the tyranny of novelty stems from a failure of people to grant each other equal time and space for judging and deciding the purpose and direction of society. Recall the present-centeredness of the democratic revolution described by Koselleck (Chapter 2). In democracies, we are torn between a vanishing space of experience, on the one hand, and an unknown future, on the other. The problem is that this present-centeredness does not give us the time and space we need to become our own givers and guarantors of law. We are squeezed into the present moment, which enhances the sense of acceleration in society. Carving out time for judgment and decision-making between past and future is therefore imperative to the working of democracy. In the absence of an external giver and guarantor of human law, we must have equal time to withdraw from politics and judge and decide for ourselves what is right and wrong. Moreover, we need public spaces to meet in word and deed in order to process these judgments and decisions.

Note that such "alone-time" and "together-time" is not primarily needed to evaluate and hold elected representatives to account for their actions and

decisions, or to remind people of their main political commitment, namely to that of the sovereign people itself.[112] It is needed to provide human beings with time to think and judge for themselves what the purpose of society should be. It is precisely because we do not *know* what the future holds in store that we need to think through and debate the proper course of society. If we knew what will come next, we would not need to judge and decide for ourselves. We could rely on historical experience, expert knowledge, and digital data. We could infer from what happened yesterday to foretell what will happen tomorrow. The critical point is that the less time we have for making judgments and decisions, the more we have to rely on prejudices, that is to say, repeated and pre-packed judgments made by others.

A prejudice can be seen as a crystallization of a previously made judgment, and as Arendt writes this is what makes it politically dangerous. Anchored in the past, it can block good judgment in the present. We utilize prejudices when we are in a hurry, and the result is that we do not confront new experiences and expectations with an open mind.[113] We have neither time nor patience for it. Instead we have to rely on the beliefs of others, or stick to the views of those whom we think know more about politics than we do. When elections are associated with acceleration it is therefore a clear sign of democratic corruption. In a democracy, we need alone-time to process the plurality of experiences and expectations that go into politics, and we need together-time to discuss and debate our views. Otherwise we are liable to make unrealistic assumptions about the world in which we live. Our attention span shrinks, and we become an easy target for populists and technocratic elites steering us towards what comes across as "sheer common sense" or "reasonable": if there is a tree on the road, we do not need to discuss or decide anything at all. We just need to pick it up.[114]

Two developments add to the acceleration associated with elections. The first has to do with the communication revolution, the shift from collective to "connective action."[115] As John Keane notes, this shift has led to political parties campaigning for voters all year round, which means that "free time between elections is a thing of the past; the pressure to 'win' the daily news cycle through headline grabbing, announcements and intensive continuous polling rains down hard on voters."[116] Add to this the propensity of politicians to use social media on a daily basis, and we realize that alone-time and together-time are in short supply for politicians and voters alike. The second dimension has to do with the frequent use of opinion polls to foretell the wishes and whereabouts of the people. Trying to limit the uncertainty of where society is heading, media institutes and polling organizations have started to follow every single step of how voters act and think, which only adds to the sense of hastiness. In effect, they ask voters to react on politicians' and other voters' immediate preferences.

According to this line of reasoning, the tyranny of novelty stems from a shortage of time.[117] The reduction of democratic elections to what is immediate,

imminent, and ready at hand at the expense of long-term struggles and expecta-
tions for the future undermines its emancipatory role. Why look ahead and
mobilize for the future when we can act right away? Why go through the whole
process of recurrent elections—and begin the world anew at regular intervals—
when we all know what needs to be done? When the tyranny of novelty takes over,
election easily comes across as superfluous. It turns into an empty spectacle, and
an impediment towards immediate political action. The result is that decision by
majority rule no longer fulfills its purpose of decoding the purpose and direction
of society under conditions of uncertainty. Democracy has become tyrannical in
the sense that it reduces decision-making to what can be spurted out in a moment.
Long-term considerations are replaced by short-term gratifications.

   This is the primary source of democratic corruption seen from the standpoint
of the principle of emancipation. What we witness in contemporary politics is not
only the emergence of populist leaders and technocratic elites trying to mobilize
the majority against the minority, and vice versa. What we witness is the emer-
gence of a new democratic discrepancy: between the present-centeredness fostered
by the electoral apparatus on the one hand, and the worries and wishes that people
who participate in elections have for the future, on the other. This discrepancy—
and the difficulties it creates for people to tame and shape the essential uncertain-
ties of the future in an equal way—has created what must be regarded as the most
severe problem of all: disbelief in the ability of democracy to steer society and
accomplish real political change. Many people are disillusioned about the ability of
democracy to cope with new uncertainties (cosmic, human, and political), and this
disillusionment is now exploited by actors and groups seeking its demise. They
try, once again, to mobilize democracy against itself.[118]

Emancipation beyond Election

Democracy counts, normatively as well as literally. Normatively, democracy
disregards the status of individuals. It does not matter who or what we are, if we
are rich or poor, schooled or unschooled, women or men, black or white, careless
or concerned. In a democracy, everyone's vote should count equal independent of
our particular status in society. Democracy is therefore, literally speaking, a matter
of numbers rather than substance. Still, there might come a point when election
due to its framing comes across as less equal than before. Instead of disregarding
our status, it "enacts and legitimizes profound exclusions."[119] Or instead of
making it possible for us to reflect on the purpose of society and begin anew, it
locks us into fixed social classes. When this happens, that is, when democracy
comes across as a democratic straitjacket that creates stalemate rather than
change, it is time to ask more critical questions about election as an embodiment
of emancipation.[120]

The critique of election has evolved in two waves. The first wave centers on the way in which elections, despite their focus on numerical equality, may end up reproducing inequalities between different groups in society. The worry here is that while election disregards our status, it is applied to a society that itself is unequal in terms of gender, race, class, religion, culture, and sexuality. The result is that while all citizens count equally in formal terms, election may in fact "deny some who are counted in principle as members the chance to participate fully, as peers."[121] This problem—which goes back to Marx's distinction between political and human emancipation—has provoked numerous debates in political theory.[122] The suspicion is that by merely focusing on the formal level one fails to see the way in which elections may be complicit in sustaining structural inequalities in society. In the words of Adam Przeworski: "The rules of the game treat everyone equally, but this only means that the outcome of the game depends on the resources that participants bring to it."[123]

The second wave concentrates on inequalities that travel across national constituencies. Due to growing interdependency between countries, many decisions that are taken by electoral majorities spill over onto other constituencies.[124] In addition, a number of important decisions that affect the lives of people are today taken in non-electoral fora. They include decisions by investors, politicians, celebrities, influencers, international organizations, global companies, NGOs, think tanks, lobby groups, and standardization institutes. These actors and institutions are not elected, yet the judgments and decisions they make are strongly felt across the globe. This asymmetry has shifted the debate on democracy from government to governance. Rather than focusing on misrepresentation within bounded national polities, it has called our attention to the kind of misrepresentation that "arises as a result of the division of political space *into* bounded polities."[125]

The observation that there are powerful actors and institutions that operate beyond the electoral system has not only given rise to a new research agenda on what should count as the proper unit of democracy. It has also led to a more profound critique of the electoral system itself. According to many scholars, it is important to understand that while national elections are vital in the rejuvenation of democracy, they are not the only place where representation takes place. Today there are urgent issues that span national electorates, including those related to climate change, migration, social media and global capital. These issues bind and divide people across existing constituencies. If one restricts democracy to elections, mobilizations around these issues do not have a common institutional uptake. For while "we can choose *particular* politicians," writes Michael Saward, "we cannot choose to have politicians who will not participate within the compromises and constraints of the electoral game."[126]

The fact that many important political issues today span national electoral constituencies has changed the terrain of democratic theory. In order to offset the

misframing of democracy that follows from existing delimitations of who "we, the people" are, scholars have engaged in a debate on non-electoral representation. The central thrust is that when non-elected actors and institutions speak in the name of "the nation," "the poor," "humanity," "environment," "stakeholders," or "future generations" they make what Michael Saward calls a "representative claim": they *render present* the very people, issues, or voices that they claim to represent.[127] Still, they do not have a mandate to represent them. They are not formally authorized to do so. This means that while a focus on non-electoral representation has the merit of calling our attention to the role of representation as a creative rather than merely responsive force in the enactment of popular power, it also raises a difficult question. For "without recourse to election as a source of legitimacy, how can we tell whether such representation is democratic?"[128]

One way to tell the difference between democratic and nondemocratic forms of representation in the absence of elections is to make use of criteria *external* to the democratic process, such as sociological and moral forms of legitimacy. The question one asks in the former case is whether people believe in the democratic legitimacy of certain actors and institutions. Are they trusted? This is a common approach among political scientists studying the democratization of global governance.[129] In the latter case, which is more common among political theorists, one asks for the normative legitimacy of certain actors and institutions. Are they justified? Still, trust is a poor measure of democracy. People may have trust in a strong leader refusing them the right to vote. Moreover, the fact that an actor or institution is morally justified does not make it democratic. The United Nations is often considered justified in its effort to support activities in favor of democratization, but this does not mean that the UN itself is democratically legitimated. Justification is one thing, democracy another.

Another way to tell the difference between democratic and nondemocratic forms of representation in the absence of elections is to make use of criteria *immanent* to the democratic process itself. This is where we come back to the principles discussed in this chapter. The three principles inherent in elections—distinction, virtue, and emancipation—are sources of both action and judgment. We can enact them in our everyday life, but we can also fall back on these principles to judge whether actors and institutions are moving in the right or wrong direction. Do they recreate commitment to democratic practices and ideals? In political contexts where elections are delegitimized or have been broken down, or alternatively have not yet been established—which is the case in many developing countries as well as in transnational and global contexts—the decisive point is whether commitment to these principles is able to live on or take hold in their absence, notably through institutional innovations, political struggles, and various forms of self-organization.

Note, however, that depending on our preferred principles we are likely to accentuate *different* paths to democratic renewal. If one adheres to the principle of distinction, the critical attention is usually on the executive branch; on economic, political, and cultural leaders. The claim is that absent elections—which serve to select the better ones into office, and holding them to account for their achievements—one must create new mechanisms for holding powerful leaders and actors to account. The assumption is that without a proper mechanism of accountability, there is no way to make sure that those who take the liberty to speak for others are the most distinguished and merited among us, not only in the sense of being fit for office but being able to withstand the temptation to abuse the power they hold. In debates on audience democracy, it is thus primarily by watching and observing the leading caste in society that people can exercise such control over their leaders.[130] As Jeffrey Green argues, it is "the eyes" of the people, and not their will or voice that matter in this context. What then do we see if we follow this advice, and direct our attention to the leading caste in society?

This is the question that the authors of the book *Discreet Power* asked themselves before they set out to do ethnographic fieldwork at the World Economic Forum in Davos.[131] The World Economic Forum is one of the most powerful agenda-setting organizations in the world. What the authors of the book discover—after some creative work of getting inside—is that the elites gathering in Davos are not united or equal among themselves. On the contrary, the whole culture in Davos builds on a system of status and rank *among* the elites. It is the grading of the badges that the participants wear, and the various meetings that they give access to that do the work of distinction. It both elevates and lowers the status of participants. The invited participants are told that they belong to the best and the brightest—"if you are not here, you do not exist," as one participant puts it—but since they may lose their status it simultaneously creates fear of exclusion.[132] In order to get inside, you must have made yourself a name. You must *be* someone. The shaming that sets in when you are not re-invited, have a lower rank than you expected, or are graded below your peers is humiliating. It is this seductive combination of supremacy and shame that pulls many actors into "the new global nobility."[133]

Naming and shaming is one way to make sure that those who choose to govern belong to the better ones, and can be held accountable for their decisions.[134] Another way is to create new mechanisms of public control. This is what Pierre Rosanvallon suggests in his book *Good Government*. According to Rosanvallon, recent years have witnessed a shift away from legislatures and parliaments towards the executive and presidential branches of governing, and this shift has rubbed off on elections which now are more associated with choosing "leaders" than representatives. Rather than lamenting this fact, Rosanvallon stresses that this development needs to be taken seriously, or else "we will be unable to understand the real reasons for the current mood of [democratic] disenchantment."[135] In order to

replace "bad government" with "good government," he therefore proposes that we leave the first democratic revolution dedicated to struggles for universal suffrage behind, and substitute it with "a second democratic revolution" dedicated to the development of "mechanisms of vigilance and oversight," including transparency, responsivity, and responsibility. Only in this way, he argues, is it possible to fulfill the revolutionary promise of "a society of equals."[136]

Holding leaders to account is one way to approach the issue of democratic renewal. If one adheres to the principle of virtue as the proper source of action and judgment, however, the path to democratic renewal does not go through mechanisms of public control. Instead, it urges us to retreat to the sovereign people, and restore its claim to collective self-government. Still, it is often complained that unifying the people around the common or public good is difficult. Today there is growing estrangement between urban elites and the surrounding countryside, between the haves and the have nots, between natives and newcomers, and between young and old. Such factions are even more accentuated in global politics. As Dahl argues, "[a]mong a large group of persons with varied and conflicting ends, goals, interests and purposes, unanimity is unattainable, disagreement on the best policy is to be expected, and civic virtue is too weak a force to override individual and group interests."[137]

How can democracy be revitalized under such conditions? From the standpoint of the principle of virtue, the realization of democracy is ultimately a matter of size. This is recognized by Rousseau, and it was also Brutus's argument against the Federalists. Today the same argument has come back in a new shape. The argument is that while there are powerful actors and institutions operating in global politics, there is not yet a consolidated people able to bestow upon them the authorization they need to be democratically legitimated. This asymmetry creates a tradeoff between legitimacy and efficacy: either one decentralizes political decision-making, which will enhance democratic legitimacy in world politics. Or one increases the size of democracy itself, which will enhance the efficacy of the system. The dilemma is that one cannot have it both ways. "Taken to an extreme, but not wholly fanciful limit," Dahl writes, the dilemma poses "a choice between a tiny unit in which citizens could exercise perfect democratic control over, say, the location and upkeep of footpaths; or a world government necessary for preserving life on the planet by preventing acute environmental degradation, but over which citizens had only symbolic democratic control."[138]

Following this line of reasoning, the most realistic way to achieve collective self-government is to work from the bottom up. Since civic virtue is less likely to exist between people across rather than within existing electoral constituencies, the most constructive path to democratic renewal goes through strengthening the common and public good at the level where it *currently exists*, namely at the local and national level. To Sheldon Wolin, people must rise up as a locally rooted "democratic counter-elite" against those who take the liberty to act and speak in

their name.[139] They should take charge of the public arena themselves. This means that "instead of *a* demos," we will have "democratic citizenries."[140] To David Miller, the path to democratic renewal goes through a revitalization of the national idea of self-determination, for only at this level do people have enough trust and confidence in one another to support the institutions needed for them to collectively govern themselves.[141]

These two outlooks are today predominant in debates on the future of democracy. Still, neither the principle of distinction nor the principle of virtue—in their extended and modern forms laid out here—captures the revolutionary spirit of the modern democratic lifeform: how it is able to animate struggles for equality within, across, and beyond established classes of peoples. Instead of creating democratic renewal, these principles risk adjusting democracy to a world of growing inequality between groups. The result is democratic disintegration. The principle of distinction allows the few to govern the many as long as the many have the possibility to control and check up on their conduct. As a strategy to combat the abuse of power, or to hold powerful leaders and institutions to account for their actions and decisions, this principle offers an important contribution to democratic theory. As a democratic principle, however, it suffers from a major weakness. A democratic form of representation does not merely require popular control over those who govern. It requires that this activity of popular control is conducted on equal terms.[142] Absent elections, which serve to guarantee such equality, there is nothing in the principle of distinction that works in favor of a society of equals.

If the principle of distinction achieves public vigilance and oversight at the cost of political equality, the principle of virtue achieves the very opposite: it can guarantee formal political equality by holding on to existing electoral constituencies, yet this equality only comes at the price of shielding global actors and institutions from critical scrutiny. The idea that one could rejuvenate democracy by increasing public virtue at local and national levels fails to see how an exclusive commitment to the local and the national contributes to, rather than challenges, existing economic and political privileges in world politics. Instead of calling attention to the way in which current delineations of who "we, the people" are gerrymanders political space in favor of the new nobility gathering in places like Davos, it "partitions political space in ways that block many who are poor and despised from challenging the forces that oppress them."[143]

To revitalize democracy under novel political conditions, it is therefore essential to invoke the principle of emancipation as our preferred source of action and judgment. What does it mean to do so? As I have demonstrated in this book, uncertainty is the key axis around which democracy pivots. What is revolutionary about the democratic political lifeform is that while it removes God, nature, and history as legitimate sources of political authority, it does not invoke a new extrapolitical authority to take their place. Instead, it encourages people to tame the

uncertainty that this removal unleashes by creating laws, institutions, and policies—including elections—that allow them to equitably divide up the burden of judgment and decision-making. It follows that when national elections no longer succeed in channeling uncertainty in an emancipatory direction, the world not only turns into a more unpredictable place; an abyss of freedom and responsibility opens up in the midst of democracy.

Let me illustrate this point by returning to the uncertainties discussed in Chapter 2: cosmic, human, and political uncertainty. Democracies, we could say with Arendt, are like "islands of certainty in an ocean of uncertainty."[144] They create a combination of reassurance and freedom; reassurance against failure and miscalculation and freedom to move in new and unheard of ways. The problem is that when democracies no longer tame the uncertainties that trouble people—and many contentious political issues are today global and unregulated—it increases our exposure to cosmic, human, and political uncertainty. Climate change is one example of a cosmic uncertainty. The fact that we cannot foresee how quickly the climate changes and how it will affect life on earth—such as how people will migrate—has created much anxiety. In addition, human uncertainty has increased due to digitalization. One single tweet can today set a global chain of events into motion that no one can foresee. These two phenomena have in turn created a new sense of political uncertainty, foremost of which is uncertainty about the future of democracy itself. Will it survive the present crisis?

The point is that absent adequate political institutions able to tame cosmic, human, and political uncertainty in global affairs, nothing stands between us and the unpredictability of the world that we inhabit. We are directly exposed to uncertainties that none of us can control on our own, let alone take political responsibility for through existing democratic institutions, confined as they are to separate and sovereign peoples. Confronted with this abyssal experience of freedom and responsibility—in the sense that the future shape of society hinges on what we do or refrain from doing in the here and now—it could be tempting to duck, and ask for a disclaimer. To escape the torture of doubt associated with present-day politics it could be tempting to put one's trust in a strong leader who promises to release us from our own freedom and responsibility, or to exit democratic politics altogether through some form of escapism. This temptation is a constant threat in democracies, and it can easily be exploited to support more authoritarian forms of governing.

Rightly understood, however, the same abyssal experience of freedom and responsibility that triggers demands for subjection and escape also entails a promise of emancipation. The awareness that we have it in our power to shape the purpose and direction of society, paired with the insight that the current framing of democracy prevents us from doing so—we are "stuck" in electoral constituencies that foster a destructive sense of unpredictability in world politics—opens up a window for change. It means that we can challenge the world as is, and

begin anew. But since political enthusiasm has short burn time, the emancipatory struggle cannot operate through action alone. It has to be channeled through intermediary bodies, and this is where the principle of emancipation becomes important as a source of guidance. It serves as a yardstick to evaluate the democratic credentials of non-electoral representatives: Do they seek to suppress uncertainty by incorporating popular power within themselves or do they, by contrast, work in favor of laws, institutions, and policies that share and divide it equally? The upshot is that we *do* have a standard to fall back upon to judge representative claims in the absence of election: the principle of emancipation.

This understanding of democratic renewal has two significant implications. It means, first, that we should not fall prey to the illusion—common in debates on populism and elitism—that one can revitalize democracy by dividing society into two groups, the people and the elite. In recent years, this idea has not only gained traction in politics. It has been accentuated by political theorists concerned with the rise of tyrannical minorities and majorities. The contention is that by creating a new balance of power between people and elites, it is possible to save democracy against its internal enemies. Still, this approach is too limited. Just as all those who "go first" and make claims on behalf of others cannot be dismissed as self-serving elites, all the people gathering on the street are not per se democratic. It depends on the principles that animate their judgments and decisions, that is, whether they seek to instill fear, gain superiority, foster virtue, or create emancipation.

Second, it means that we should not fall prey to the illusion that size matters for democracy. We do not have to await the consolidation of a global people prior to the democratization of global actors and institutions. This is a republican delusion that currently does great damage to democratic theory. It makes it difficult to imagine how democracy could ever catch up with global power structures or address issues that span existing electoral constituencies, let alone come to terms with global problems such as climate change, migration, and private accumulation of capital. Unlike a republic, a democracy does not require that we commit to country and law. It requires that we construct laws, institutions, and policies that give everyone equal time and space to tame and shape the essential uncertainties of the future. If this task involves tracking uncertainty across established classes of people, so be it. The central thrust is that if current framings of who "we, the people" are prevent us from shaping the purpose and direction of society in an equitable way, there is no democratic reason left to defend them. We can begin the world anew.[145]

Conclusion

In political theory, it is common to distinguish between the "who" and the "how" of democracy. To mix up these two questions, Robert Dahl argues in *Democracy*

and its Critics, is to confuse matters that need to be separated in order for democracy to get off the ground. First we must decide who make up the people in a democracy. Once this question has been settled, we can go on discussing the procedures through which the people govern themselves. The reason is that unless there is a fixed unit of people prior to the democratic process we cannot discuss issues relevant to the democratic process, such as what it means to be in majority or minority. It would not make sense: "a majority of what democratic unit?"[146] With this in mind, Dahl concludes that who make up the people must be separated from how the people govern themselves. If the latter is a matter of principle, the former is not. It "lies beyond the reach of the majority principle and, for that matter, mostly beyond the reach of democratic theory itself."[147]

In this chapter, I have refuted this argument. The central point I have made is that who "we, the people" are cannot be discussed separately from how we govern ourselves. These questions mutually reinforce each other, and together they make up what I, after Montesquieu, call the nature of democracy. To support this view, I have examined a distinct aspect of the democratic process, namely election. In the democratic repertoire, there is probably nothing as mundane as election. Having participated in it several times, most of us know it by heart. At the same time, there is nothing as undertheorized as election. Compared to the large bulk of books written on deliberation, the democratic significance of election has received scant attention among political theorists. This is surprising given that election often is understood as self-evidently democratic, and probing what is self-evident is what political theorists do.

Election is the democratic institution par excellence, or so it is often assumed. Counting each vote equal in line with the idea of numerical equality, and adding up the votes by means of majority rule is the most democratic way to arrive at political decisions under conditions of disagreement. As I have showed in this chapter, however, election is not democratic per se. Election can cultivate different kinds of peoples, all depending on the principles that animate it. It can foster a differentiated, virtuous, and/or emancipated people. The relationship also goes in the other direction. People can act and speak on the basis of different principles, which in turn foster different types of "elections"; those intent on selecting the better ones into power, achieving collective self-government, and shaping an uncertain future. Only the latter interpretation of election, I have argued, is democratic in the revolutionary sense of the term. It fosters equality across established classes of people.

At a time of widespread disillusionment about election as the embodiment of popular power, the democratic significance of elections becomes particularly salient. Should one understand present-day disillusionment about elections as a mark of democracy's corruption or renewal? The literature points in different directions. On the one hand, empirical studies have showed that while approval ratings for mature democracies are in decline, developing democracies do not

progress as they are expected to do. In both cases, the figures are disappointing. Citizens of mature democracies, particular younger cohorts, have become "more cynical about the value of democracy as a political system, less hopeful that anything they do might influence public policy, and more willing to express support for authoritarian alternatives."[148] Less developed democracies in turn get stuck halfway on the road to democratization, turning into electoral autocracies that hold general elections as a way to buttress power while simultaneously refusing to respect freedom of speech, rule of law, and the existence of a legitimate opposition.

On the other hand, the source of this predicament is far from clear. It is a received truth that modern democracy not only has survived many severe crises since its birth in the American and the French revolutions, including the industrial revolution, civil wars, and the great depression during the 1930s. It is a political form that often takes a progressive leap *through* crises.[149] Why, it could be asked, would this one be any different? The word crisis denotes the end of an epoch, and the beginning of a new one. Taking this into account, it may be premature to think that democracy is deconsolidating. As Nadia Urbinati argues, "dissatisfaction with democracy is part of the history of democracy," and disillusionment with elections is therefore not necessarily a sign of democratic corruption.[150] It could also be a way for democracy "to recreate itself and improve." It could be a call for *more* not less democracy![151] How can we tell?

The short answer is that we cannot tell, unless we nuance our discussion on the democratic significance of election. The hope is that the analysis undertaken in this chapter can contribute to a more advanced discussion on the corruption, disintegration, and renewal of democracy. If one wishes to understand the status and development of democracy, it is necessary to undertake a more fine-grained analysis of election based on the difference between political lifeforms. The questions cannot be limited to the ordinary ones that we see in empirical studies and various democracy indexes, namely whether people support free and general elections or whether their countries hold such elections on a regular basis. Important as they are, these questions are too crude to capture the status and development of democracy in the world. They make up only half the story. The question one must ask is what people commit to when they agree to hold general and free elections, and what these elections in turn seek to encourage in them. Is it distinction, virtue, and/or emancipation? More specifically, two lines of research seem particularly important to pursue.

To begin with, there is a need for empirical investigations into the principles that guide existing political institutions, as well as a closer study of their implications for democracy. The task is to undertake a more comprehensive investigation into the relationship between actors and institutions, and examine what holds them together with political coherency. What do people commit to when they support or criticize elections? What kind of action-orientation is in turn encouraged

by contemporary elections, and what kind is subject to discouragement? This investigation will have to be different from the many large-scale empirical studies that single out individuals and ask them about their values and opinions, and more akin to the character of Montesquieu's own investigations. It would concentrate on the principles that people fall back upon in their actions and judgments, and study how they correlate with the action-orientations encouraged by existing political institutions. In the spirit of Montesquieu, it would "go back from appearances to principles, from the diversity of empirical shapes to the forming forces."[152]

Second, there is a need for new thinking on how to reform local, national, regional, and international institutions in a way that spurs confidence in the legitimacy and efficacy of democracy. In this work, the principle of emancipation has a key role to play, for only this principle channels present-day uncertainties into a demand for equality within, across, and beyond existent classes of people. By taming and shaping the essential uncertainties of the future, it has the capacity to revitalize democracy in a way that takes a plurality of experiences and expectations into account. This call for democratic renewal cannot be backward looking. On the contrary, it will have to start out from the recognition that many democratic societies have undergone major political change in the last decades due to globalization, digitalization, and migration, among others. The key question is how to recreate commitment to democracy under these conditions, and channel the uncertainty it creates into laws, institutions, and policies that make it possible for people from different walks of life to shape their future in an equitable way, and in case of miscalculation, begin the world anew.

5

Social Rights

> The constant suspicion of having made the wrong networks or lacking sufficient initiative is an enormously heavy psychological burden.
>
> Member of the network *The Precariat*

The last decades have witnessed a "seismic shift" in the way government officials, journalists, scholars, and the general public understand the social question.[1] Under the aegis of freedom of choice, citizens are today obliged to make active choices in a number of social policy fields, including social security, health, primary school, insurance, pensions, childcare, and elderly care. By putting freedom of choice at the center of democratic politics, many democracies have in effect made citizens personally responsible for their actions and choices. The rationale is that privatizing decision-making in these areas is "a vital element in bringing power closer to the people."[2] It means that citizens are finally exhibiting in practice, and therefore also deserving of, the freedom they claim for themselves.

In this chapter, I will draw on the principle of emancipation—and democratic freedom defined as the capacity to begin anew—to examine the corruption, disintegration, and renewal of democracy in the area of social rights. At issue is how to conceptualize "the choice revolution," and its ensuing privatization of responsibility.[3] Is it compatible with democracy? To assert that policy-making on social rights is undergoing change is one thing, to assert that this change could be incompatible with democracy another. In making the latter claim one cannot refer to empirical changes alone. One has to show that the conception of freedom and responsibility immanent to the choice revolution violates a key principle of democracy.

The purpose of this chapter is to show that it does: the choice revolution negates the principle of emancipation. The social dimension of citizenship is not the only policy area of relevance in this regard. So are policies on education and work, as well as policies on housing, taxation, communication, gender, and ownership. Still, citizenship is a critical case, and in this chapter and the next, it will be used as an example of how one may study the corruption, disintegration, and renewal of democracy. Why is citizenship a critical case? Citizenship is a status of equality, and as such, it differs from status built on social class. Prior to the revolutions in the late eighteenth century, your status in society depended on your rank in the division between classes. Class was the hallmark of status in monarchies and feudal societies, and as T. H. Marshall points out, this means that "there was no

uniform collection of rights and duties with which all men – noble and common, free and serf – were endowed by virtue of their membership of the society. There was, in this sense, no principle of the equality of citizens to set against the principle of the inequality of classes."[4]

The democratic revolution—and the many struggles for equality it sets in motion—reverses the ideal. It renders citizenship into the hallmark of status, one that can be set against the inequality of all forms of social class divisions. The central tenet is that in modern democracies, it does not matter who or what we are; if we are poor or rich, women or men, black or white, ignorant or knowledgeable. To be a citizen means that we should be accorded equal rights and duties by virtue of our inclusion as members in a democratic society. In the last decades, however, two pillars of citizenship—rights and status—have undergone major transformations. Many democracies have started to roll back social rights, and citizenship status has become associated with justifications for exclusion rather than inclusion.[5] The overall argument I will make in this book is that to fully understand what is corruptive about this development, and how it may be channeled into a new democratic revolution we ought to invoke the principle of emancipation as our preferred source of judgment.

Recall the meaning of democratic corruption brought up in the introduction; what it is, how it begins, and where in society it plays out. Firstly, corruption is a loss of spirit, or a drifting apart of the principle and nature of democracy. It means that people no longer act and judge in the spirit of democracy, and core political institutions as universal suffrage, human rights, and the public sphere no longer foster action-orientations in its support. Secondly, this loss of spirit begins with the principle of democracy, not its nature (who governs and how). Once the principle of emancipation is corrupted, it drags everything along. Lastly, corruption is a slow process that takes place beneath high politics. Accordingly, when political institutions such as universal suffrage, human rights, or the public sphere lose their democratic legitimacy, this is the *last* step in a process of corruption. It means that things have been in decay for a long time already. The reason is that democracy is not merely a set of political institutions or processes through which people can voice their opinions and disagreements. It is a political lifeform that affects people's lives in more profound ways. Close to home, day-to-day, and material, social policies can either work to undermine or to reinforce the commitment needed for these institutions and processes to sustain over time.

With this in mind, I will make three arguments in this chapter pertaining to the corruption, disintegration, and renewal of democracy. First of all, I will argue that the choice revolution is adverse to the ways of life that must be regenerated in order for democracy to sustain itself over time. The fact that citizens are obliged to make active choices in matters of social right leads to a privatization of responsibility that undermines the commitment needed to create reassurance in the midst of uncertainty. Taking our cue from the principle of emancipation, the

choice revolution is democratically corruptive for three reasons; it privatizes uncertainty, it deprives citizens of the combination of alone-time and together-time they need to judge and decide the purpose and direction of society, and instead of fostering social mobility, it inhibits their freedom to begin anew.

But if the choice revolution is at odds with the principle of emancipation, then what political lifeform *does* it support? A core assumption of this book is that a democratic political lifeform is not guided by a single principle. It is set in motion by a plurality of coexistent principles, all of which integrate us in different ways; through distinction, virtue, fear, and emancipation. In order for a democracy to sustain over time, emancipation must trump these other principles in our laws, institutions, and policies, as well as in our own actions and judgments. Otherwise democracy may disintegrate and pave the way for another political form. This is the third argument. If the choice revolution continues to shape life in democracies, and social class becomes more decisive for our prospects in life than our status as citizens it may create "a market for monarchy."[6] In the effort to achieve social security and status, and not to lose out on already existing privileges, it pushes citizens into a competition for what Montesquieu calls "preferences and distinctions," or favoritism and titles.[7]

The third argument I will make is that to recreate commitment to democratic practices and ideals under these political conditions, it is essential to be attentive to the social question. Still, to integrate the precarious and the privileged in a time marked by obligatory choices it is not *more* responsibility that is called for; a common response among scholars guided by the republican spirit of virtue. On the contrary, the task is to *release* citizens from "the responsibility talk" engendered by the choice revolution. What makes democracy into a unique political lifeform is that it tames uncertainty by sharing and dividing it equally. It gives citizens the freedom to fail in their judgments and decisions without such failure determining who or what they are. It is this revolutionary idea of democratic freedom that has to be reclaimed and mobilized against the choice revolution. In order to recreate commitment to democracy, social policies should not encourage citizens to live "a responsible life," as Yasha Mounk puts it.[8] They should encourage citizens to emancipate themselves from social policies that seek to privatize uncertainty. It prevents them from living a life of freedom.

The chapter contains four sections. It begins with an examination of the choice revolution, and its adjacent privatization of responsibility. It then abstracts from existing policy initiatives to ask what is corruptive about this development. Here I clarify the three aforementioned steps to democratic corruption. The third section goes on to ask what the corruption of democracy means for the dynamic between citizenship and class. I show that it fosters a market for monarchy in which the competition for status and superiority risks taking precedence over the commitment to emancipation. The fourth section asks what it means to revitalize democracy under such conditions. Here I address a familiar response exemplified

by the work of Iris Marion Young and Yasha Mounk. What Young and Mounk have in common is that they take issue with the reduction of freedom to choice, and the privatization of responsibility that it engenders in matters of social right. Still, their analysis of why it corrupts democracy, and the way it should be mitigated takes its cue from a spirit of virtue rather than a spirit of emancipation. I clarify the difference, and spell out what it takes to channel the competition for status and superiority into a call for democratic freedom. The chapter concludes by summing up the main argument.

The Choice Revolution

A couple of years ago the Swedish news reported about a citizen in the small village of Hamre in the northern part of the country whose house by accident was put on fire. The fire department eventually arrived, and put it out. At that time, the house was burnt to the ground. Still, it was not the fire per se, but the aftermath of this life-changing event that turned out to be a nightmare for the owner of the house and his neighbors. The day after, when one of the neighbors turned on the kitchen tap he got a shock. The water foamed heavily in the sink, and smelled strongly of chemicals.[9]

It turned out that the so-called A-foam, which is used for house fires had run out that very day, and the fire brigade had to use the more toxic B-foam containing fluorine, a chemical used for petrol fires. The foam ran down through the foundations of the house, and polluted the fresh water of the entire village. The reasons why the story made it into the news is that when the fire brigade left, they handed over the responsibility of the fire to the owner of the house. In the eyes of the law, he was considered to be responsible, despite the fact that it was the fire fighters that had used the chemicals that polluted the ground water for the villagers. It was now up to the house owner to control the ground water and take samples, and if he refused, he could be fined. When confronting the municipality with this strange procedure, the spokesperson explained that it is the owner of the house who is in charge: "The responsibility after a rescue operation is much greater than many people think," implying that the owner should have looked into specifications of foams *before* calling the fire brigade.[10]

This story is not unique. In the last decades, many democratic countries have witnessed a privatization of public and social services. When the responsibility for policy initiatives is transferred from the public to the private realm, a new division of labor arises between citizens and the wider public. Instead of being able to trust in the provision of public and social services, the most precarious and marginalized groups in society often have to put up a fight for what they, in principle, are accorded by right.[11] Among the more privileged and well-to-do, the decay of public and social services in turn leads to a flight to privately financed options and

insurances, which further reinforces the corrosion of these services. To get a better sense of the mechanisms behind this development, we should take a step back and focus on two aspects of the story about the fire brigade in the Swedish village of Hamre. They concern the institutionalization of individual choice, on the one hand, and its concomitant privatization of responsibility, on the other.

Freedom of choice generally refers to the freedom of individuals to arbitrate and decide between a given set of alternatives without being forced to choose one or another option. Choice is a way of weighting between alternatives, and through the privatization of public and social services the alternatives on offer are usually many. This is why scholars often equate freedom of choice with consumer choice. The task is to find out what is the best option for me, given my needs, desires, and wallet.[12] As Hannah Arendt points out, freedom of choice originally arises for us in the Christian horizon, and more precisely, in Paul's discovery of the will as the central category of freedom. The will is perceived to be internal to individuals, and as such, it breaks with an older tradition that equated freedom with the status of the free citizen. Instead of regarding freedom as something that occurs in the public realm, free will is seen as beginning when human beings leave this realm and become aware of their inner strife between willing and nilling. It means "freedom *from* politics."[13]

Freedom of choice has played a key role in the development of modern democratic thought. Still, if freedom of choice traditionally has been associated with a liberal conception of freedom, the last decades have seen a radical shift in the way freedom of choice is understood. Rather than being associated with a negative ideal of freedom as non-interference—an ideal which says that individuals should be free to act and make choices unobstructed by the will of others—freedom of choice has come to be associated with a more positive ideal of citizen participation and empowerment. Many democratic countries have adopted a political approach that serves to recast citizens as individuals, fully equipped for self-directed activity and choice. The background to this shift is a new rationale of politics that, instead of governing through law, governs the population directly through the promotion of individual choice.[14] The conviction is that freedom of choice has the capacity to bring power closer to the people, though without expanding the domain of politics into society.

This is how the introduction of user choice was motivated in many countries in the 1980s, namely as a way to empower citizens. Social policy-making traditionally covers two areas: economic transfers and social services. User choice refers to the idea that citizens should be free to make individual choices in these two areas in order to better realize their social rights. Closely related to the introduction of user choice was the privatization of social services. Services that previously were offered by the public are henceforth increasingly performed by (publicly paid) private actors. The increasing privatization of social services does not mean that citizens have to pay for social services themselves. On the contrary, the idea of the choice

revolution is to offer freedom of choice and private services for everyone, even for those who cannot afford to pay for private options out of their own pocket. In that sense, one could say that the purpose of user choice was to give ordinary people the same freedom that the more well-to-do in society already enjoyed.[15]

The choice revolution, so understood, does not merely give individuals the freedom to choose options they think will best serve their interests. It *compels* them to do so. Freedom of choice is a form of "institutionalized individualization" in the sense that individuals are obliged to make active choices and decisions in an ever-increasing number of social fields.[16] This institutionalization of individual freedom is not a wholly new phenomenon. It was introduced through the growth of the welfare state from the mid-twentieth century onwards. By addressing citizens as individual bearers of welfare entitlements, it sought to free them from traditional class affiliations and dependencies.[17] In the last decades, however, this process of individualization has intensified. The introduction of user choice, paired with the gradual replacement of welfare protection with workfare obligations has given rise to a "fundamental institutional change" in which the benefits and risks of life have systematically been reassigned to individuals.[18]

In *The New Social Question*: *Rethinking the Welfare State*, Pierre Rosanvallon calls our attention to this institutional change. He argues that the growing individualization of society undermines the universal basis of social rights. In line with Rawls's idea of justice, the traditional model of welfare is an "insurance" model insofar as it assumes that risk factors in life are evenly distributed among the population.[19] We cannot foretell how life is going to turn out for us, and so we must ensure that if we are among the least privileged in society due to natural or social factors—if we are born into poverty, become ill, or stay unemployed—we should not suffer in life. The model presupposes that we do not know how life will turn out for us, and it is this "veil of ignorance," in Rawls's terms, that makes us prepared to contribute to an insurance scheme which anyone in society can benefit from. Still, to Rosanvallon this model is out of sync with the times. Through new data of risk factors, such as genetic diseases, and new knowledge of how social class predetermines one's status in society there is less willingness among the more privileged strata in society to contribute to a scheme where the recipients of welfare can be identified in advance.

The intellectual origins behind "the new social question" can be found in neoliberalism.[20] Neoliberalism has been described as a distinctively political project aiming to halt progressive democratic politics.[21] As a political project, neoliberalism marshaled ideological, economic, and cultural resources to fight struggles for welfare reforms, state intervention, and demands for labor rights. It was a counter-revolution in the way it eventually achieved hegemony in many countries, a hegemony that surprised many scholars given its intention to cut back on rights for marginalized groups.[22] Key among the ideological resources was the many new think tanks that spread the idea of the importance of deregulation,

privatization, and state withdrawal from society. The task was to empower individuals, but what actually took place, writes Albena Azmanova, was the rise of a new form of "precarity capitalism" consisting in the state sloughing off responsibility for the effects of capitalism.[23]

In Sweden, which has been a strong promoter of universal welfare, the choice revolution affected governments both on the left and the right side of the political spectrum.[24] Like many other countries, it introduced large reforms geared towards the institutionalization of choice in the 1990s.[25] The aim of the choice revolution was to prevent people from being drawn into what Bo Rothstein called "democracy's black hole."[26] For, while citizens increasingly depended on public services and welfare to get by, they had little opportunity to directly influence the design and outcome of those same services. According to Paula Blomqvist, it is possible to identify three main phases of the choice revolution in Sweden. In the first phase, running from the mid-1980s to 1990, deregulatory measures were undertaken to dismantle what many perceived as a too costly and bureaucratic welfare state. The second phase was characterized by "a general euphoria of market-enhancing mechanisms," such as quasi-markets and reforms to increase user choice. The last phase consisted in the contracting out of social service provisions to independent (public and private) actors.[27]

Today choice is an integral part of welfare in Sweden. As a citizen, you are expected to be able to choose your own pension funds, to know which of the many service providers offer the best elderly care for you and your family members, and as parents you should assist your children in finding the right schools with the right profile. In each case, you can choose between private and public options, a choice which is taken to boost individual freedom and enhance the efficiency of producers. Primary education is a case in point. The Swedish school system has changed from being virtually all-public, with little room for parental choice, to one of the world's most liberal public education systems. In 1992, it introduced the idea of a voucher system where private schools are allowed to compete for students with public schools based on the number of enlisted students. The number of private and profit-based schools has increased dramatically, and since the companies running the schools are allowed to make profits out of public funds, investing in schools has become a lucrative field.

Together these new regulations have drained public schools of financial resources, and started a competition among schools for enlisting higher-performing children. The reason is that they cost less than the more demanding ones. Parents thereby have strong incentives to transfer their children to private or high-profile public schools. Failing to do so will make their children lose out in the competition for good education and "the right" social networks:

> The competition for funds, in conjunction with free parental choice, has led
>   to a process of stratification within the public education sector in many

municipalities, whereby popular schools have experienced a sharp increase in applications whereas less popular schools have lost students (and thereby also part of their funding). The most important dynamic behind the patterns of educational stratification, where some schools become elitist in character and others develop an increasingly bad reputation, is the choices of parents.[28]

The purpose of the choice revolution was to enhance civic participation in areas close to home. Instead of society deciding what schools we should send our children to, what elderly home best suits our parents, and one could add, what train company to use on our way to work, or what kind of investments to prioritize in the placing of pension funds, we should have the freedom to choose this ourselves. The professed task is to make us free to pursue our own chosen ends, and make public and social services more aligned with our wishes and desires. What is essential to note, however, is that this is not *all* that freedom of choice accomplishes. If freedom of choice is institutionally imposed, so is responsibility in the case of failure. With the privatization of freedom comes a privatization of responsibility. The result is that if we fail in our individual choices, the responsibility falls squarely on *our* shoulders.

The term "privatization of responsibility" can be understood in two ways, and it is important to set them apart. One way of understanding the term would be to say that by limiting freedom to individual choice, citizens become solely responsible for their life situations. The contention is that citizens must take personal responsibility for their own life prospects and well-being. If their quality of life then suffers, they have to "blame themselves" for it.[29] This "personal responsibility crusade" today dominates public discourse of many democratic countries.[30] The redirection of social policies towards choice has radically changed the discourse on the social question. Instead of treating poverty or social inequalities as a political and structural problem, it has been reframed as a personal and individual problem. The personal responsibility crusade does not only affect the way people regard entitlements to social rights, in the sense that citizens to a larger extent than before have to "earn" social rights by acting responsibly.[31] It means that the primary cause of poverty or lack of social security is sought in the behavior and attitudes of poor people themselves. The official stance is that through bad choices, or lack of initiative, they have in effect brought poverty or misfortune upon themselves:

If they fall ill, it is because they were not resolute or industrious enough in following a health regime. If they stay unemployed, it is because they failed to learn the skills of wining an interview or because they did not try hard enough to find a job or because they are, purely and simply, work-shy. If they are not sure about their career prospects and agonize about their future, it is because they are

not good enough at winning friends and influencing people and have failed to learn as they should the arts of self-expression and impressing others.[32]

Privatization of responsibility could thus refer to a new regime in social policy-making which serves to make citizens personally responsible for their own well-being. It reinforces the idea that everyone should take responsibility for the choices they make in life. Still, there is another way of understanding the term "privatization of responsibility." In this reading, privatization of responsibility means that responsibility for political affairs is relocated from the public to the private realm. By limiting freedom to individual choice, citizens are obliged to search for "biographical solutions to systemic contradictions," meaning that the decay of public life is imputed to them as well.[33] Accordingly, the choice revolution does not merely make citizens personally responsible for the circumstances of their lives. In effect, they become *personally responsible for the maintenance of the public realm itself.* Important problems of common concern, such as how to uphold public service in the countryside, improve the quality of primary education, or combat climate change, are issues that individuals now are expected to resolve through private rather than public engagement. They are to be handled through individual choice, consumption, or charitable contributions.[34]

This last reading adds a new complexity to the choice revolution. It suggests that freedom of choice has created a *double burden* on the shoulders of citizens. On the one hand, citizens are expected to take personal responsibility for the choices they make in core areas of social life, including social security, health, infrastructure, education, insurance, pensions, childcare, and elder care. On the other hand, the public consequences of all these individual choices are theirs as well. It is this double burden that the villagers in Hamre and the parents of children in Swedish schools have to reckon with. The responsibility they are expected to assume for their private choices is only half the story. The quality of the fire-fighting service or public schools falls on them as well. This is the true dilemma of the choice revolution. As Zygmunt Bauman succinctly puts it, political problems "go on being socially produced: it is just the duty and the necessity to cope with them that is being individualized."[35]

What Is Corruptive about the Choice Revolution?

Like neoliberalism, the choice revolution is often understood in ideological terms. It is framed as a breakthrough of a neoliberal ideology in social policy-making, one which replaces welfare with workfare. As I will argue in this chapter, however, the choice revolution cannot be reduced to an ideological question. It is not only a matter of social justice, the right versus the left, or the future of the welfare state. The choice revolution has a more far-reaching significance insofar as it corrupts

the ways of life that must be regenerated in order for *democracy* to sustain over time. To put it a bit more dramatically, one could say that the choice revolution is a matter of democracy's own survival. To give substance to this claim, this section will examine the meaning of democratic corruption. On what grounds could one argue that the choice revolution, and the double burden that it generates, corrupt democracy?

To answer this question, we need to go beyond an analysis of how the choice revolution affects life in contemporary democracies, and start asking how it correlates with the principle needed to make a democratic political lifeform sustain over time. Different political lifeforms have different principles that set and keep them in motion, principles that must be enacted by citizens on an everyday basis and in turn encouraged by their laws, institutions, and policies. In this book, I have argued that emancipation is what makes democracy tick. On the basis of this principle of emancipation, I will argue that the choice revolution is corruptive of democracy in three senses: it privatizes uncertainty, pushes citizens into a struggle for saving time, and instead of encouraging them to begin anew, it inhibits their freedom to make a fresh start in life. Before unpacking the first point, let me briefly recapitulate the meaning of emancipation.

In Chapter 2, I argued that what makes democracy into a unique political lifeform is that while it displaces time-honored authorities like God, nature, and history as legitimate sources of political authority, it does not shy away from the overwhelming sense of uncertainty that this removal engenders in political life. Instead of suppressing it, for example by establishing a new corporeal authority in politics backed up by quasi-transcendental or natural guarantees, a democratic political lifeform tames the uncertainty by dividing it equally. This is, at bottom, what democratic emancipation means: emancipation from having the basic pur-pose and direction of society decided for us. The rationale is that since the ends of society are open—there is no longer a given purpose or direction to society—everyone must have equal time and space to judge and decide what the purpose and direction of society should be. Otherwise the burden of living in a democracy may be too taxing. To commit to democracy, in other words, is to commit to emancipation. It means to work in favor of laws, institutions, and policies that equitably divide up the uncertainty unleashed by the removal of extra-political guarantees in political affairs.

The choice revolution unravels this commitment. By holding that popular power is best exercised by those directly affected, namely citizens in their capacity as individual users of social services, it privatizes uncertainty. This privatization of uncertainty is democratically averse for two reasons: it displaces onto citizens an uncertainty that ought to be publicly shared and divided between equals, and it makes our civic social status more significant for our prospects in life than our status as citizens. Throughout this book, I have argued that the basic fabric of democracy consists in uncertainty, and that the attraction of living in a democracy

lies in its institutionalized capacity for sharing and dividing it equally. It is this capacity that the choice revolution undermines. By making citizens personally responsible for the choices they make in the area of security and subsistence, it shifts uncertainty onto the shoulders of individuals.

The problem is that individuals not only have to take personal responsibility for their own wellbeing, which can be hard enough. They have to take personal responsibility for the accumulate effects of this privatization of wellbeing as well. In a democratic political lifeform, there is no extra-political authority to fall back on in case of public distress. It is this insight that the choice revolution reactivates in the midst of democracy; there is no one else out there to praise or blame for the way democratic politics unfolds. It hinges on our own actions and judgments. In our capacity of individual choosers, however, we have little room for maneuver. Not only is it difficult to stop the draining of resources from public schools through freedom of choice, or redress the problem of climate change through consumption. In our capacity as citizens we are equal in status, whereas as individuals we are not. We come with different skills, experiences, capabilities, and resources. This means that the double burden created by the choice revolution strikes different groups in society differently, all depending on their civic social status.

According to Iris Marion Young and Yasha Mounk, this is one of the most severe consequences of the new social question. By privatizing responsibility, it reinforces structural inequalities between different groups in society. Young calls it "the absolving function" of the discourse of personal responsibility. The purpose is to "pin responsibility on one agent in order to absolve others" and in this way, bring a new standard of inequality back into democratic politics.[36] The point is that who you are, and the choices you make in life, will now have a direct effect on your entitlement to rights. Each individual has to monitor the consequences of his or her own choices to make sure that they do not wrong others, and if they do, they have to compensate.[37] This is what happened to the house owner in the village of Hamre. His "choice" to call the fire brigade had severe consequences for other citizens in the village, and for this he had to compensate with his own resources, time, and effort. The responsibility of the municipality itself, by contrast, was absolved.[38]

In political theory, it is common to frame welfare entitlements in terms of individual risks and benefits. Citizens pay individual premiums to cope with disability, unemployment, death of a spouse, retirement, childbirth, and poverty, and for this contribution they get social security back in return. This is how Pierre Rosanvallon describes the welfare state, namely as a system modeled on private insurance. The argument is that the more uncertain people are about their future, the more willing they are to pay for premiums which guarantee social security in case of misfortune. Conversely, the more convinced people are that they will cope without assistance from others, the less prepared they are to support a universal

scheme of social security. As a famous Swedish CEO bluntly put it in an interview, after it was disclosed that he had avoided paying taxes in Sweden: "What the hell do I get for the money?"[39] When these sentiments are widespread in society, writes Pierre Rosanvallon, insisting on a universal allowance of social security will only reinforce the crisis of the welfare state.

Still, it is important to distinguish between different vices in the field of social rights. The insurance model assumes that individuals enter into a social contract with others to secure themselves from natural and social misfortunes in the future. They pool individual risks and benefits. On this view, a corruption of social rights takes place when citizens, through access to new data and knowledge, realize that they could be better off individually by exiting the contract. From a democratic perspective, however, this description is too reductionist. Welfare is not only a matter of social insurance. It is a matter of *emancipation*. In the absence of external authorities in politics, social rights guarantee everyone equal time and space to judge and decide the purpose and direction of society. They make sure that we are not too caught up surviving in the immediate here and now, but have time to meet across difference and experiment with new ways of being and acting. When the benefits and risks of life are privatized, it is *this* aspect that is corrupted, namely the possibility to take a step back from one's immediate needs and assume a free stance vis-à-vis the world.

This takes us to the second problem with the choice revolution, the way in which it consumes our energy and time, and as a result, makes us into buyers and sellers of "free time." In a democratic political lifeform, the break-up of history as a legitimate source of political authority—in combination with the removal of a given end to society—generates what Reinhart Koselleck calls "present-centeredness."[40] As we learned in Chapters 2 and 3 of this book, citizens in a democratic political lifeform are torn between a vanishing space of experience, on the one hand, and an unknown future, on the other. They are squeezed into the present moment, which becomes the only source of authority for mediating between past and future. To create the breathing space they need to become their own givers and guarantors of law, citizens must find ways to increase the time and space available for judgment and decision-making. They do so by expanding the present backwards and forwards; backwards by activating the plural spaces of experiences that exist in society, and forwards by summoning the many expectations that they have for the future.

The choice revolution corrupts this move. Instead of carving out time and space between past and future, it triggers anxiety and a need for "saving" time. The many choices citizens are obligated to make, coupled with the demand that they take personal responsibility for their consequences means that they constantly have to be on their toes to satisfy basic social needs. They cannot rest assured that their standard of living will be secured without them continuously monitoring and checking up on it. The paradox is that the more precarious you are as a citizen, the

more energy and time you are expected to spend on securing your social rights. You must be healthy to afford to be sick (to navigate in the jungle of insurances and doctors), you must be juvenile to be old (to choose the right elderly homes), you must be resourceful to escape poverty (for you need to get a rental agreement to get a job, and vice versa), and you must work to get a job (do "work for work" by filling in forms, standing by and waiting).[41]

What does this constant preoccupation with "the social question" mean for the capacity of a democracy to sustain over time? How to cope with poverty and inequality is a recurrent theme in the history of political thought, and time figures prominently in this discussion. "What belongs to each one of us and what is irreducibly our own," Martin Hägglund writes, "is not property or goods but the time of our lives."[42] The fact that time is a scarce resource means that it becomes important to attend to discrepancies in the way our time is valued.[43] At the same time, many scholars worry that if the struggle for social rights—and equal time to life and leisure—takes precedence in politics, it may conflict with the freedom of citizens to determine their own political ends. This is why John Rawls gives lexical priority to the liberty principle over the difference principle in his theory of justice, why Hannah Arendt and Jürgen Habermas caution against the reduction of citizens to clients in welfare states, and why Mouffe and Laclau channel socialist demands through democracy. The worry is that if politics is reduced to solving the social question, the openness of democracy to a plurality of conflicting claims about the purpose and direction of society could be jeopardized.

This worry is justified, yet not for the reasons stated. Today, it is not policies designed to create social equality that threaten democracy; it is policies designed to create freedom. The choice revolution is at the heart of the problem. By making it obligatory for citizens to attend to their own welfare, freedom becomes synonymous with prioritizing one's own material needs. Still, it is important to be clear about what is democratically corruptive about this incentive. Taking our cue from the principle of emancipation, the choice revolution is not corruptive because it makes citizens idiotic, in the ancient sense of caring only for their own life and survival. Nor is it corruptive because it makes them submissive, in the Roman sense of becoming docilely obedient to the ruling classes in society (see Chapter 3). The choice revolution is corruptive because it makes citizens *fatigued*, overtaxed by an uncertainty they cannot assume alone, except by sharing and dividing it equally.

Time is of the essence in a democracy. Still, the more time citizens have to spend on worrying about and weighing between alternatives in areas fundamental to the subsistence of life, the less time they have to reflect on where this activity takes them in the long run. To cope with the demands of achieving social security, citizens are incited to close in on the immediate here and now, which only risks reinforcing the sense of fatigue when confronted with the many urgent political problems that simultaneously cry out for redress, including growing social

inequality, climate change, and migration. How then do you free yourself from the double burden of private and public responsibility generated by the choice revolution? The point is that growing responsibility in private and public life prompts a demand for free time, and today many democracies (including the Swedish one) do their best to satisfy this demand by subsidizing social services for CEOs, entrepreneurs, employees, and families. They allocate public tax resources to subsidize work in areas such as house cleaning, carpentry, window washing, repair, and renovations as well as private homework help for children.[44]

The buying of free time has become a whole industry for citizens struggling with work–care–leisure balance, ranging from the delivery of food to the picking up of children from day care. As a business entrepreneur and blogger in the Swedish network *A Richer Life* writes, she is convinced that "people would experience a much greater freedom in life if they bought more services to facilitate their everyday life."[45] But saving time implies that some citizens have to provide the necessary services by selling their (finite) time. This is what Marx early on defined as "the economy of time," and where the increasing precariatization of life and labor becomes visible.[46] Today it is not only CEOs, entrepreneurs, employees, and families who try to save time. So do many of those who work within the welfare sector, as well as other sectors providing basic social services. Employed in temporary and part-time contracts, and moving between jobs for shorter durations during the same day or night, they have constantly to "fight for time."[47]

Day jobs, short-term contracts, and internships do not only reduce the costs for work for the service providers (public and private). The fact that citizens employed under these precarious conditions have to stand by and wait for jobs *between* jobs is a way to save money. It means that the costs for social services are pressed downwards in the chain of service production. Accordingly, the attempt by some citizens to carve out time for family and friends as a way to achieve "a richer life" thereby requires a corresponding reduction of free time for others. For those who have precarious jobs, writes Paul Apostolidis, time has become a scarce resource in three senses. First, "they lack time to do much else apart from working or going to and from whatever jobs they have at the moment."[48] Second, since they do not have full-time employment, they "must continuously carve out time in the midst of their present work-lives to find and prepare for the next job they will need when the one at hand expires."[49] Third, since social life in modern democracies builds on the idea that you can buy time to do other things in life, "people whose work-life fails to correspond to these ideals end up feeling, and being viewed as, out of sync with 'normal' society."[50]

The experience of time as a scarce resource is not only predominant among those who work part-time or have temporary jobs. The saving of time has become paradigmatic for the public welfare sector as well, which means that those who work full-time in social services increasingly experience the same working conditions as more precarious groups. In Sweden, many of those who work in publicly

financed home care have contracts where they work mornings and nights, and then have a window during the day when they are "free," that is, when they are not salaried.[51] At the same time, they cannot do much else during this time than stand by and wait for the next shift, and so it continues week after week. In many municipalities, rolling schedules have been abandoned, which means that workers in social services only get to know when they are expected to work ten days or so in advance. This makes it almost impossible to plan ahead.

If this arrangement has been typical for low-skilled and precarious work in companies such as McDonald's and Walmart, or in various forms of telemarketing, it is now a reality also among more professional and established groups in society. As one nurse working with home care in a Swedish municipality explains in an interview, she loves her work as a nurse. Yet three years from retirement, she is not sure whether she will manage to continue until retirement under present working conditions. There is no time left, either for herself or for her patients, who with these schedules only get their most basic needs satisfied. There is no time for chatting, listening, or comforting. Another nurse explains in the same interview that with more and shorter shifts during the day, and no whole weekend off, she has to take sick-leave now and then in order to be able to carry out her work. Another nurse tells the reporter that with the existing contract, she has no time left over for herself and her family: "I eat, sleep and work. That is my life now. I have no private life."[52]

What is corruptive about this development is not the fact that citizens choose differently in life. Some choose to work as nurses and others as entrepreneurs. Some like to choose what elderly home to live at, while others are fine with the one close by. Some enjoy cleaning and cooking, while others are prepared to pay someone to do it for them. The corruption of democracy is not about the individual choices that we make. It is about the way our choices are *structured and systematized* through social policies. Social policies are not merely formal guidelines serving to ensure the wellbeing of people; by promoting and subsidizing some action-orientations rather than others they have the capacity to undermine or reinforce commitment to democratic practices and ideals. To understand the mechanism of democratic corruption we therefore need to shift focus from individual choices to the political conditions under which these choices are made. What incentives do social policies create in the area of social rights, and how do they affect the action-orientations that are open to us?

Asking this question, it is clear that the choice revolution makes it *difficult*— rather than easy—for citizens to commit to emancipation. To illustrate this point, let us elaborate on the opportunities open to the entrepreneur and the nurse in our previous discussion. Like all Swedish citizens, the entrepreneur is expected to take personal responsibility for her choices in core areas of private life, including social security, healthcare, pensions, insurance, primary schools, childcare, and elder care. She knows that the choices she makes in the present will have long-term

effects on herself and her family. Worried by her work–care–leisure balance, she decides to make her life easier by using government subsidies for social services, including cleaning and house renovation.[53] It saves time which she can spend on helping her parents with finding the right elderly home, assisting her children with their schoolwork, or employing someone, and engaging in politics by blogging about matters that she cares for. As social policies currently are designed, it would be costly for her—both personally and economically—to turn down the government's offer on tax subsidies on social services. They help her cope with everyday life, and make her a better mother than she would otherwise have been.

The nurse experiences the same thing as the entrepreneur: she has to take personal responsibility for her choices in core areas of private life. She too knows that the choices she makes in the present will have long-term effects on the life prospects of herself and her family. Like the entrepreneur, she is worried about her work–care–leisure balance, and that the future of her parents and children may suffer if she does not choose what is right for them here and now. Still, working mornings and nights leaves her with little time off to do so, and with her salary she cannot afford to have someone come and clean or do other services for her. This means that in contrast to the entrepreneur, the nurse has less time to help her elderly parents and children securing their rights and opportunities, let alone engaging in politics. As social policies are designed, it would be costly for her to do so.

The example is simplified. Still, it well illustrates the corruptive mechanism of the choice revolution. In order for citizens to be their own givers and guarantors of law, they must have enough alone-time and together-time to judge and decide the purpose and direction of society. The trouble is that when citizens are obliged to take personal responsibility for private and public affairs, time becomes a scarce resource. Citizens are pressed into a competition for time that not only creates fatigue; it reinforces existing social inequalities. Some citizens are given ample opportunity to secure their social rights and engage in political affairs, while others are not. They are forced into precarious conditions where they have to keep themselves afloat amidst growing social insecurity. What adds insult to injury is that the new social norm created by the choice revolution—namely that a good citizen takes personal responsibility for her own welfare and wellbeing—renders the nurse less "democratically mature" than the entrepreneur. Failing to "choose rightly," she has to rely on diminishing public resources to get by. She thereby comes across as less responsible, whereas the entrepreneur is absolved.[54]

The third source of corruption, finally, relates to the immobility created by the choice revolution. As we learned in previous chapters, a democratic political lifeform is not based on a natural body of people. It is classless in the sense that it hinges entirely on intermediary bodies—laws, institutions, and policies—that allow citizens to disagree about who "we, the people" are. This means that instead

of being tied to a specific social class, a democracy gives citizens the freedom to move, in action as well as in thought, in ways that defy pre-established standards of who counts. Since nobody controls the minds and movements of others in a democracy, the interactions between citizens always set new chains of events in motion that no one can foresee with certainty. If citizens think that society is moving in the wrong direction, they must have the capacity to break free from existing path-dependencies. They must have the freedom to fail in their judgments and decisions without such failure blocking their capacity to begin anew in the future.

The choice revolution undermines this freedom to begin anew, with respect to both the private and public lives of citizens. On the one hand, the privatization of freedom and responsibility obstructs the capacity of citizens to make a fresh start. Drawing on our earlier example, this is perhaps best illustrated by the segregation that follows from the flight from public to private schools in a system of user choice, or privately financed schools. Instead of increasing the possibility for children from different walks of life to get a sense of the many experiences and expectations that make up the world that they inhabit, they are from early on channeled into a hierarchy of social classes that risks becoming formative for their way of seeing and understanding the world. The choice revolution in this way makes it difficult for young people to assume a more detached perspective on themselves and their place in society. Lacking any real social mobility, they have difficulties in becoming "new" to themselves.

Furthermore, in such a system of choice, *who* citizens are becomes more important than what they wish for, both when it comes to what plans they can make for the future and how much they can afford to experiment in life. To some citizens, life gives them a second chance if they become seriously ill, drop out of school, fail at work, or just decide "to do something different." Admitting failure can even be presented as a virtue, giving the impression of someone as open-minded and ready to reconsider what is valuable in life. To others, the same condition "brings a sense of overwhelming responsibility into play, and this is bound up with a fear of failure, a feeling of guilt and an anxiety that regret will follow if we have made the wrong choice."[55] As many scholars argue, the internalization of failure correlates well with the action-orientations and norms created by the choice revolution. Being constantly asked to take personal responsibility for illness, bad luck, circumstances, and misfortune serves to internalize blame. As a member of the Swedish network *The Precariat* explains: "The constant suspicion of having made the wrong networks or lacking sufficient initiative is an enormously heavy psychological burden."[56]

On the other hand, the choice revolution makes it difficult for citizens to understand the plurality of experiences and expectations that make up their common world. Democratic freedom requires that we can move back and forth between the private and the public, and on this basis make up our own minds

about the purpose and direction of society. While it is impossible for citizens to grasp the world in its entirety—it would require something akin to a God's eye view—they can better grasp its complexity by enlarging their horizon of imagination through interchange, deliberation, travel, or through reading books. As Arendt writes, the more standpoints we have present in our minds when pondering an issue, the stronger will be our capacity for making sense of what is valid and real. Conversely, the less alone-time and together-time we have at our disposal, the less we understand of what happens around us. We become "lonely," in the sense that there is no resistance to what we happen to hold true or right. We are "pressed against each other" in such a way that the inner dialogue needed for making valid and realistic judgments and decisions breaks down.[57]

This is precisely what happens in a system that limits freedom to self-directed activity and choice. When citizens are obliged to look after themselves and secure their own social needs, there is less time "to go visiting," that is, to imagine what the world looks like from the perspective of others. Instead of creating incentives for citizens to take a step back and challenge their own worldviews, the choice revolution asks them to close in on themselves. It prompts a need for caution rather than courage, calculation rather than creativity. The fact that the movement between private and public is disrupted means that citizens have to rely more on prejudices, that is, repeated judgments made by others. The trouble is that when citizens have to rely too much on prejudices, they may lose sense of what is real. If someone questions their worldview, they are no longer seen as having a legitimate but different opinion about the purpose and direction of society. They have gotten "the facts" wrong.

A Market for Monarchy

Today one often hears that society is falling apart. In many democracies, polarization increases in both material and ideational terms. There is a growing disparity in living conditions between different groups in society; between the urban elites and the surrounding countryside, between the haves and the have nots, between whites and blacks, young and old, and between natives and newcomers. Still, to argue that society is "falling apart" presumes that society is either intact or it is broken, an idea which echoes Rousseau's claim that a people is either sovereign, or "it is not."[58] Replacing the idea of sovereignty with that of spirit, we realize that society is never in one piece nor is it fully wrecked. Even in the most anarchical and warlike conditions, people are integrated in *some* ways, notably through the principle of fear.[59] The relevant question, therefore, is not whether society is coming apart, but what kind of social integration the neoliberal privatization of freedom and responsibility fosters. What social bond does it nurture and sustain in society?

The material and social uncertainty unleashed by the choice revolution can be understood in different ways, and given the experiences of the twentieth century it could be tempting to interpret it as a breeding ground for a new form of despotism. Democracy risks being hijacked from within by forces that, in Claude Lefort's terms, seek to "banish the indetermination that haunts the democratic experience" by conjuring up antagonism between "us" and "them."[60] This is what many scholars worry about. But the question is whether this interpretation is the only one possible. In what follows, I will explore the hypothesis that the choice revolution resonates more closely with the monarchical principle of honor and distinction, and therefore exposes contemporary democracies to another scenario. It fosters a market for monarchy in the sense that competition for status and security becomes the dominant integrational bond in society.[61]

To unpack this argument, let me begin by recalling the difference between democratic corruption, on the one hand, and democratic disintegration, on the other. Democratic corruption refers to a loss of spirit, or a weakening of the principle of emancipation. It means that citizens no longer commit to emancipation as their preferred source of action and judgment, and laws, institutions, and policies no longer encourage them to support it. Democratic disintegration refers to the outcome of such a process of corruption. It means that commitment to emancipation is superseded by another principle, which alters the terms of social integration. Note, however, that no society is wholly unified in the sense that it is governed by one principle alone. All political lifeforms carry a plurality of coexisting principles around which political struggles are formed. What allows us to say that a distinct political lifeform is "despotic," "republican," "monarchical," or "democratic" is that the principle of fear, virtue, honor, or emancipation trumps the other ones in a sustained or structured way.

It is often argued that the choice revolution—and neoliberal social policies more generally—threatens to corrupt democracy from within.[62] As the historian Nancy MacLean puts it, "the single most powerful and least understood threat to democracy today [is] the attempt by the billionaire-backed radical right to undo democratic governance."[63] Still, one can interpret the threat to democracy by neoliberalism in different ways. To one group of scholars, neoliberal policies foster a politics of fear that stirs up antagonism between different groups in society, groups that have everything to win on understanding the source of their common predicament. To others, they replace equality with meritocracy, which makes strange bedfellows in a "progressive neoliberalism" shared by new social movements and corporate capitalist classes.[64] The claim is that it is this new alliance that provokes *ressentiment* and ethnonationalism. Neither interpretation, I will argue, fully captures the social bond created by the neoliberal choice revolution. Let me discuss each interpretation in turn.

The concept of precarity has emerged as an important stratification in the analysis of democratic societies. Precarity refers to the material and psychological

vulnerability arising from neoliberal economic reforms. In Judith Butler's terms, it denotes "a politically induced condition in which certain populations suffer from failing social and economic networks of support and become differentially exposed to injury, violence, and death."[65] If precarity is associated with the work of Butler, Bourdieu, and Bauman, it reached new audiences with Guy Standing's articulation of precarity as the basis of "a new dangerous class," the so-called precariat.[66] The precariat suffers from both economic and social uncertainty, and this uncertainty is often work-related. It is the result of policy changes undertaken since the 1970s to make labor more flexible. The fact that people at various stages of their lives are affected by economic or social uncertainty is not new. Still, the uncertainty can be more or less orchestrated, and it is the politically abetted precariatization of human life that Standing, like Butler, Bourdieu, and Bauman seeks to problematize.

If temporary work, consulting, and various forms of project appointments for long were regarded as a sign of advancement, Standing notes that they today signal a labor market-related insecurity. Since the 1970s, there has been a rise in part-time and temporary forms of employment. As a result, the precariat is a heterogeneous group. It does not only include those whom we might traditionally associate with the "underclass," such as industrial workers, urban poor, and undocumented migrant laborers. It also encompasses large portions of those who possess high cultural and educational capital, such as cultural workers and academics.[67] It includes young and old, women and men, citizens and migrants, educated and non-educated, low skilled and highly skilled. What this heterogeneous group has in common is that they lack the freedom that comes with permanent employment and professional security, such as the freedom to take a loan, or the freedom to put one's foot down when an employer violates existing legislation. If you do not have a permanent position, it may cost you your job.

It should not be denied that developments towards a more flexible labor market also have brought increased freedom to many citizens, and this freedom is especially appreciated by the younger cohorts of the population. Being able to work from home or from a café, enjoy flexible working hours, and having the freedom to break up from a job that one thinks is meaningless is regarded as desirable. Many young people pity their parents who had to stay in the same working place or with the same company for their whole life. But as Standing argues, something has changed in the last decade. What previously has been described as a condition of flexibility has gradually been transformed into a condition of anxiety, and it is this experience of anxiety that is characteristic for the precariat. As many sociologists explain, precarious living conditions do not only affect the material side of life; they also affect "the soul" and "character" of citizens, including one's sense of security, happiness, meaning, and ability to develop long-term relationships.[68]

What then makes the precariat into a "new" and "dangerous" class? As for the novelty of the precariat, Standing points to two aspects. The first is that social and economic uncertainty today is shared by groups that traditionally have been juxtaposed in socio-economic terms, such as workers, young people, migrants, and employees. What unites these groups is not their level of income, for it can vary a great deal. One can have a high salary and still belong to the precariat. The common denominator is the lack of a safety net to fall back on in times of economic or social crisis. The second aspect is deteriorating confidence in either the state or the capitalist system. In contrast to the unwritten social contract that formed the basis of welfare states in the second half of the twentieth century, a contract which gave various groups in society social security in exchange for political obedience, there is no such tacit agreement at work in neoliberal governing. The precariat is therefore more rootless, and volatile in their civic and political loyalties.

According to Standing, this is why the precariat is not only a new, but also a dangerous class; the precarious life situation that they experience may be channeled into fear. As he argues, "the precariatised mind is fed by fear and is motivated by fear."[69] Afraid of losing their jobs or social status, members of the precariat may become "prone to listen to ugly voices, and to use their votes and money to give those voices a platform."[70] The danger lies in the fact that if they do not unveil the forces that produce precarity they are at risk of "anger, anomie, anxiety and alienation."[71] This makes them easy prey for political demagogues who wish to undo democracy from within. They might be drawn to charismatic leaders who profit from their insecurity and latent anger, either by supporting xenophobic messages leading to a kind of "civil war" within the precariat—between workers and labor migrants, for example—or by supporting a more authoritarian political form. In either case, the new social question manifested in the shift from welfare to workfare is a Trojan horse. By fostering a politics of fear, it risks paving the way for the kind of despotism that emerged in Europe in the 1930s.[72]

According to this scenario, neoliberal policies foster a social bond based on fear. It reminds one of the atmosphere that Hans Fallada describes in his novel about a young struggling couple named the Pinnebergs in Berlin in the 1930s, and the hatred that slowly began to unfold around them.[73] Arendt recalls the same thing: hatred "began to play a central role in public affairs everywhere . . . this vague, pervasive hatred of everybody and everything . . . turned in all directions, haphazardly and unpredictably."[74] The contention is that the neoliberal stealth revolution nurtures a similar wave of ugly voices in politics, and as we know, the relief achieved by such voices is short-lived. Since fear is self-corrupting—it can grow to the point where it takes over completely—is soon escalates into a state of public fear. In the attempt to achieve safety and protection, one has to curb the

unforeseen and spontaneous by "freezing" human beings into silence and non-action. The result is not a state of security, but a state of terror.

This scenario cannot be ruled out. Still, to argue that neoliberal policies corrupt democracy by fostering a social bond based on fear is not entirely convincing. The reason is that while precarity may be *exploited* to create fear, fear does not seem to match the action-orientations incited by the neoliberal policies themselves. What is produced by the current privatization of freedom and responsibility—and more concretely, the shift from welfare to workfare—is not so much fear as anxiety and uncertainty about one's own status and position. When freedom and responsibility are privatized, it becomes necessary for citizens to cultivate certain human traits that might give them an advantage over others in the competition for status and jobs, such as a winning attitude, ambition, and self-promotion. Accordingly, neoliberal social policies seem to encourage a very different form of human conduct than the one characteristic for despotism. They do not produce silence and inaction, but on the contrary, incessant noise and activity. To secure their own wellbeing, citizens have to be "active, prudent, autonomous, responsible and entrepreneurial."[75]

This insight chimes with a second interpretation of the way neoliberal policies threaten to undo democracy. What neoliberalism fosters, according to Nancy Fraser, is not fear, but a profound shift in commitment from equality to meritocracy.[76] Under neoliberalism, equality has been reduced to a meritocratic question, namely how well people deserve their climbing up the career ladder. To suggest that neoliberalism fosters norms based on individual merits is not new. It is the main complaint among its critics: by privatizing freedom and responsibility it makes desert rather than fairness into the main stratification of welfare, which in effect punishes people for good and bad luck. Still, what Fraser discovers, after having asked herself where the resistance against the hegemonic neoliberal stealth plan could plausibly come from—and given the lack of any real indication that such a movement was brewing—is that neoliberalism has a capacity to co-opt various demands for recognition within itself; in particular, the kind of recognition voiced by new social movements.

The key point made by Fraser is that many democracies now witness a strange amalgamation between two political forces that, on the surface, seem to collide; on the one hand, "neoliberal forces aiming to financialise the capitalist economy, especially the most dynamic, forward-looking and globalized sectors of capital (such as Hollywood, IT and finance)," and on the other hand, "hegemonic currents of emancipatory movements (such as feminism, anti-racism, multiculturalism and LGBTQ rights)."[77] Rather than being at odds with each other, these forces share the conviction that merit is the basis of recognition in democracies. This fusion did not happen overnight. Due to the ignorance of structural political problems, many of the new social movements lost touch with their ideals of

equality, and "drifted to meritocratic and individualist ways of framing their agendas."[78]

This is why Fraser labels the new hegemony "progressive neoliberalism." The aim is to draw attention to the fact that the corporative capitalist class used the new social movements' struggle for recognition to give a patina of legitimacy to their own "regressive project of massive upward redistribution."[79] The reduction of equality to meritocracy was particularly beneficial to this project:

> The progressive-neoliberal program for a just status order did not aim to abolish social hierarchy but to "diversify" it, "empowering" "talented" women, people of color, and sexual minorities to rise to the top. And that ideal was inherently class specific: geared to ensuring that "deserving" individuals from "underrepresented groups" could attain positions and pay on a par with the straight white men of their own class. The feminist variant is telling but, sadly, not unique. Focused on "leaning in" and "cracking the glass ceiling," its principal beneficiaries could only be those already in possession of the requisite social, cultural, and economic capital. Everyone else would be stuck in the basement.[80]

This analysis allows Fraser to draw different conclusions about populism than the ones currently in vogue.[81] The first thing she notes is that the demonization of populism as a conspiratorial movement struggling to fight an "imagined" enemy in the form of progressive elites is not fully convincing. The situation is more complex. The reason is that the last decades' focus on progressive identity politics is complicit with neoliberal social policies. The populist charge against "multiculturalism," "gay-rights movements," and "feminists" is therefore not entirely unreasonable. These new social movements' drift from equality to meritocracy, coupled with the moralizing tone that comes from them being convinced that they have "democracy" on their side, has undermined the confidence in democracy as a project set on achieving good living conditions for all.[82] The second thing she notes is that it is this emancipatory vacuum at the heart of contemporary democracies that has paved the way for populists and demagogues. Exploiting the *ressentiment* that the absence of material political change has generated among different strata in society, they stir up antagonism in society by rallying against elitist progressives who, they argue, care little for ordinary people.

Fraser's interpretation of neoliberalism sheds new light on the contemporary crisis of democracy. The message is that by disclosing the new hegemony of progressive neoliberalism, and forging a separation between the neoliberal agenda, on the one hand, and new social movements, on the other, it is possible to recreate faith in democracy as a political form able to achieve real social progress. Still, the argument that progressive neoliberalism debases democracy by fostering meritocracy at the expense of equality is, for all its originality, still an understatement of the kind of democratic disintegration at work in the age of

neoliberalism. To guarantee themselves security and status, citizens are encouraged to distinguish themselves not only through their professional merits, but increasingly, through their social manners.

Citizens do compete for work and positions, and in this competition individual merits are important. As many sociologists stress, however, the neoliberal choice revolution does not only trigger a competition based on merit. It also has a more profound effect on the behavior of citizens. The reason is that when nothing in life is stable or certain, and one cannot trust in the existence of an adequate social security net in case of a life crisis, citizens have to develop certain manners and attitudes conducive to making the right choices in life. Choosing the right professional career is certainly important. You must have visited the right schools, and show that you have the necessary merits, skills, and qualifications to make it. Still, the world is full of educated people with ambitions to make it in life. To guarantee themselves acceptable living conditions, citizens must therefore do *more* than this. They need to work on their social life by cultivating the right manners and attitudes. Above all, they need to work on themselves by becoming "actors, builders, jugglers, stage managers of their own biographies and identities and also of their social links and networks."[83]

The point is that the principle of distinction set in motion by the choice revolution is *monarchical*, not meritocratic. It is more about manners than merits.[84] In the wake of the shift from welfare to workfare, it has become important for marginalized and poor people to cultivate certain personality traits to show themselves worthy of employment and social care. Not only do they have to act responsibly to get a job, but they must "*show themselves* to be responsible."[85] Moreover, the fact that they cannot trust in the existence of social rights without actively monitoring and checking up on it means that social and entrepreneurial skills have become decisive: "In order to survive the rat race, one has to become active, inventive and resourceful, to develop ideas of one's own, to be faster, nimbler more creative—not just on one occasion, but constantly, day after day."[86] What is encouraged and promoted by neoliberal social policies, in other words, are not only professional merits, but certain social manners in the form of attitude, ambition, and self-promotion.

The same personality traits are cultivated among more privileged groups. Today sociologists and anthropologists show how neoliberal policies are producing a new "nobility," or "consecrated" class at the top of democratic societies based on personality and charisma rather than professional merits. In his work on Swedish elites, for example, sociologist Mikael Holmqvist demonstrates how merits have become secondary to manners in the competition for privileges, positions, and reputation. What is essential is to make oneself a name, and this is not achieved by a formal education or intellectual training alone. It requires distinction in the form of social elevation.[87] In a similar vein, anthropological research on the elite culture developed at the World Economic Forum meetings in

Davos shows that while all leaders are well educated, it is not their professional merits that do the work of distinction. On the contrary, the whole culture builds on a system of hierarchy and rank based on "status," and since it is possible to be degraded, it is necessary to always aspire to be on top.[88]

What is striking is that the manners cultivated by the choice revolution—and neoliberalism more generally—almost are identical to those that Montesquieu described as necessary for a monarchy to prevail. Recall that by honor Montesquieu did not refer to meritocratic ideas of desert.[89] Honor refers to an aspiration for superiority through "preferences and distinction," and it is therefore "a false" honor. The attitudes taught in a monarchy are "less what one owes others than what one owes oneself; they are not so much what calls us to our fellow citizens, as what distinguishes us from them."[90] What matters in the competition for favoritism and titles is that the actions that we perform are judged not as professional, fair, and reasonable, but as "shining," "great," and "extraordinary."[91] Since appearance is everything, it is important to always aspire for the *appearance* of superiority. Accordingly, "when we have once been placed in a rank, we should do or suffer nothing that might show that we consider ourselves inferior to the rank itself."[92] The impression to be given, at all times, is that we hold a high position because we deserve it.

When we think of monarchies we often think of gold and glitter, of court jealousies and petty intrigues, of luxurious consumption and surreal inequality between social classes, of nobles kicking down on those inferior in status, and peasants bowing for those higher up in the hierarchy. Above all, we think of entrenched and inherited social class distinctions based on family blood and ownership of land, distinctions guaranteed by the king whose body counts as the guarantor of the unity and righteousness of the kingdom itself. All of this seems a far cry from the way we live and think in contemporary democracies. Whatever is left of monarchies in Europe, their aspiration for highness is often looked at with amusement and indulgence rather than reverence, and family blood and land are not decisive for the wellbeing and life prospects of contemporary citizens. Still, to understand how the neoliberal choice revolution may yield a market for monarchy, we need to be attentive to its animating *principle*, for it carries the seeds of a political lifeform which makes our status in society rest more on social class than on citizenship.[93]

Social class is a notoriously difficult concept, and this book lays no claim to say something substantial about it. Following T. H. Marshall, it makes a simple but—for the purpose of this book, useful—distinction between social class as a by-product of particular institutions, on the one hand, and social class as an institution in its own right, on the other. In the former case, we could think of how the working class and the capitalist class both are by-products of the institution of private ownership. In the latter case, by contrast, the idea of social class is understood as an institution that binds society as a whole. It divides society into

a hierarchy of social classes, and this division has "the quality of a plan, in the sense that it is endowed with meaning and purpose and accepted as a natural order."[94] To complain about "differences in standard of living" would not make sense in this case. The reason is that your status in society depends entirely on your rank in the division between social classes, and there is no common standard of equality to put against inequalities between them.

The democratic revolution in the late eighteenth century delegitimizes this class-based idea of social integration. The many struggles for democratization that followed in its wake—and their spread and deepening through growing inclusion and extension of rights during the twentieth century—resulted in the idea of citizenship as a universal status granted to everyone irrespective of social class. The fact that citizenship came to be seen as a universal status of equality does not mean that the struggles for equality always were successful, or that perfect equality (in all aspects of life) even would be desirable. What matters is that the normative standard in society changed in such a way that the burden of justification now is on those who wish to retain inequality and privilege, rather than the other way around. Isaiah Berlin reflects this mindset well when he asserts that in contemporary democracies, the value of equality "needs no reasons."[95] Only in an unequal society do people need to give reasons for it, for there equality is not taken as a self-evident starting point of politics.

So far we have established that the choice revolution sets a competition for status and security in motion. In this competition, it is not enough to be merited or qualified. In order to receive recognition and be a "winner," one must develop certain manners and attitudes. The trouble is that if the wellbeing and prospects of citizens come to depend less on their status as citizens and more on their civic social status, it risks creating a market for monarchy in three senses. First, it may reintroduce a combination of superiority and shaming traditionally conducive to life in monarchies. Since honor is the immanent standard of action and judgment in monarchy, writes Montesquieu, "disgrace is equivalent to a penalty."[96] The stories of young nobles in the courts trying to compete for preferments and titles by impressing others, and the disgrace that followed from failing to do so are well known. Having misjudged the social codes by aspiring for a higher position than others were prepared to grant them, they were soon corrected by (more or less) subtle mechanisms of shaming and humiliation. They were incited to feel shame, both in the eyes of themselves and of others.

In the same way, the privatization of freedom and responsibility under neoliberalism, and its expected internalization of blame in case of failure or misfortune may trigger a new combination of superiority and shaming in contemporary democracies. If you belong to the more privileged strata in society and fail to distinguish yourself in the competition for status, or if you belong among the precarious and fail to display the right social manners to count as employable, you are today expected to blame yourself. This is the whole idea of the choice

revolution: to decentralize decision-making and put the praise and blame of choices where it "rightly belongs," namely with the individual. This blame-game redirects public attention from structural inequalities to the moral character of individuals. What happens is that "[w]e lower our eyes in front of social injustice and feel ashamed for not making the right choices. Rather than seeing cracks in the social order, we see cracks in ourselves and see the limits of our enjoyment and fulfilment as our own great failure."[97]

Second, when our life prospects depend less on our status as citizens and more on our social status it becomes counterproductive to aspire for equality. To struggle for equality in a system which encourages people to compete against others for status and security makes you look like a "loser." Instead of struggling along in the competition, you choose to exit it, which means that you come across as weak, lacking in character, or unwilling to stand up for yourself. In this way, the incentive of the choice revolution is not unlike the one that guides life in monarchies. In a monarchy, writes Montesquieu, "no one aspires to equality."[98] Even people of the lowest conditions "desire to quit those conditions only in order to be masters of others."[99] Similarly, what matters in the neoliberal age is to achieve superiority, not equality. The lesson is not to look down once you've moved up the social ladder. Since the inferiority of those left behind may rub off on you, it jeopardizes your own position. The comparison you are expected to make goes in *one* direction only: upwards. The whole point is "to turn round and see that there are people behind us."[100]

Third, the striving for distinction and superiority may foster an aggressive defense of social privilege, or what Christopher Brooke more colorfully calls "a socially-sanctioned arseholery."[101] Using the definition given by James Aaron, who defines an arsehole as someone who "systematically allows himself to enjoy special advantages in interpersonal relations out of an entrenched sense of entitlement that immunizes him against the complaints of other people," Brooke calls our attention to the entrenched sense of entitlement that governs life in monarchies.[102] What Montesquieu describes as the principle of honor is a false honor in the sense that the privileges one enjoys in a monarchy are inherited rather than deserved. They arrive with the status one has in the naturalized order of rank and distinction, and this is what makes the special advantages enjoyed by the nobility immune to complaint. Anyone who tries to rise above their station risks being confronted with offended nobles protecting what rightly belongs to them. As Brooke writes, "we are in a world where people kick down, and, where necessary, kick down hard, in order to safeguard their actually-existing privilege."[103]

Similarly, the choice revolution may nurture an aggressive defense of social privilege, and a belief that this defense not only is needed to survive the rat race; it mirrors what is *right*. The privatization of freedom and responsibility means that success and failure is pinned onto individuals, who are persuaded to feel entitled to their social privileges, or lack thereof. What is more, this division between the

deserving and the undeserving is socially sanctioned. In contemporary democracies, social policies are designed with the explicit purpose of "scouring the biographies of needy individuals to find the junctures at which a better choice might have allowed them to find a place for themselves among society's winnowing ranks of winners."[104] The question is what happens if this socially sanctioned competition continues to permeate private and public life under the current system? Where is relief to be found for human uncertainty and vulnerability?

This is where a different scenario must be taken into account. Instead of fostering political despotism in the form of a civil war between marginalized groups, or a conflict between the elite and the populace, the neoliberal choice revolution could also pave the way for a political lifeform in which the competition for civic, political, and social statuses becomes the integrative force of society itself. It becomes the institution, in Marshall's terms, that binds society as a whole. Like all societies, such a society could not sustain itself without the existence of an authority able to guarantee protection against human uncertainty and vulnerability. In this context, it cannot be ruled out that some kind of new, monarchistic combination, for example of a "strong leader" backed up by historical, religious, and/or natural guarantees could be an attractive alternative for those who have lost faith in democracy as a political lifeform based on equal citizenship. By rationalizing the competition for status and security, and at the same time offering human consolation in the case of misfortune, it could be custom designed for a society divided into "winners" and "losers."[105]

A Revolution in Freedom, Not Responsibility

How is it possible to renew commitment to democracy in the aftermath of the neoliberal choice revolution? Why should citizens who are cultivated in the arts of self-expression and impressing others value their equal status as citizens? What could citizenship mean at a time when people are more divided than ever in material, cultural, and ideational terms, and many of them even experience that they are living in entirely different worlds? How about the many young people who today are taught to admire the rich and the famous, and pity the poor and the powerless? What could the idea of universal social rights mean to them? These are among the many urgent questions that political theorists need to ask if they wish to revitalize democracy. But where, exactly, does one begin such a task?

Scholars who seek to revitalize commitment to social rights often do so from the standpoint of what we in this book call *the principle of virtue*. This is significant for the work of Iris Marion Young and Yasha Mounk. Differences aside, what Young and Mounk have in common is that they take issue with the reduction of freedom to individual choice, and the privatization of responsibility that it engenders in matters of welfare and social right. They argue that when citizens become

personally responsible for the outcomes of their choices, it directly influences the degree to which they can count on society's assistance in a state of need. At the same time, they both admit that one cannot discard the concept of responsibility if one wishes to defend a decent level of welfare and social services. As Mounk argues, "it is difficult to stand up and say that personal responsibility does not matter, or that choices should not have consequences."[106] It is more reasonable to assume that citizens have to bear *some* responsibility for the consequences of their choices. Otherwise, one risks creating a society of free-riders.

In this spirit, Young and Mounk replace what they describe as the dysfunctional idea of personal responsibility with a more positive conception of responsibility conducive to the renewal of social solidarity. They argue that to avoid free-riders in the form of parasitic absolvers of responsibility or indifferent welfare "surfers," social policies should empower citizens to assume responsibility not only for themselves, but for others as well.[107] In line with the republican idea of citizenship, the role of the welfare state is to foster public duty over private vice, and create a society where the people "collectively bear responsibility for taking care of one another's old age, health care, and support for children, and keeping us out of poverty."[108] For Young, the attention is on the bottom-up in the form of civic political action in favor of shared responsibility, whereas Mounk has a more top-down approach in his focus on institutionalized ways of empowering people to assume responsibility.

Beginning with Young, she stresses that it is imperative that we today rise to the task and take responsibility for the world. The fact that we all are partakers "in a system of interdependent processes of cooperation and competition through which we seek benefits and aim to realize projects" means that we are not isolated individuals scattered on earth.[109] We are inherently connected through our actions and choices. This is why we cannot deny responsibility in the face of structural injustice, whether at home or abroad. Insofar as we seek benefits from those same structures, be it by benefiting from skewed policies of climate change and house markets or from buying shoes produced in sweatshops, we have the responsibility to make them just. To that end, Young replaces private responsibility with a conception of "shared responsibility."[110] Shared responsibility is "a responsibility that I *personally* bear, but I do not bear it alone. I bear it in the awareness that others bear it with me."[111] The bottom line is that we cannot deny our connection with others: "The ground of my [personal] responsibility lies in the fact that I participate in the structural processes that have unjust outcomes."[112]

Mounk prefers to move in the other direction. Instead of working from the bottom-up, he suggests that we "work from the top down (starting with an account of the purposes of our institutions and setting reasonable expectations that would help to sustain these institutions)."[113] The purpose of the welfare state is not only "to alleviate the suffering of the poor and unfortunate."[114] It also has a more positive role, namely to "facilitate a life full of meaningful, freely endorsed

responsibilities."[115] With this in mind, Mounk suggests that welfare programs should be designed to "make it easier for people to actually take responsibility," and provide them "with the material and educational preconditions to take on the responsibility they seek."[116] The claim is that by fostering an institutional conception of empowered responsibility, we can "perceive the injustices of the past decades in a fresh light—and recover the political vocabulary we need to shape a more equitable future."[117]

But what *is* the political vocabulary needed to achieve a more equitable future? What is striking about the aforementioned approach is the degree to which it associates Marshall's third pillar of citizenship—social rights—with a virtue-based concept of responsibility. What falls out of the picture is the more radical political vocabulary of emancipation adopted by many of those who brought universal social rights into being in the first place, including working-class movements, women's movements, black power movements, and middle-class reformers. Historically speaking, the appeal to responsibility is not wholly amiss. The concepts of responsibility and emancipation have both been central in the struggle for universal social rights. In this chapter, I will not delve into the history of these two concepts, or trace their impact on the vocabulary and shape of the modern welfare state. The purpose is more theoretical; to ask what it would mean to replace the principle of virtue with the principle of emancipation as our preferred source of judgment in the rejuvenation of universal social rights.

The corruption and renewal of a democratic political lifeform, I have argued, begins with the principle of emancipation. The choice revolution, as we have seen so far, corrupts the principle of emancipation in three ways: it privatizes uncertainty, deprives citizens of the time they need to judge and decide the purpose and direction of society, and instead of facilitating social mobility, it inhibits their freedom to begin something new and unheard of. Democratic renewal takes place through a *reversal* of this process. It means setting a new democratic revolution in motion by mobilizing commitment to emancipation against the monarchical principle of distinction fostered by the neoliberal choice revolution. Accordingly, the first step in the path towards democratic renewal is to address head on what today can be felt in many areas of life, yet the significance of which remains largely underexplored by Young and Mounk: the growing experience of uncertainty in private and public life.[118]

The fact that citizens today are expected to compete for the most basic things in life, such as social status and security—or in Fraser's terms, recognition and redistribution—does not merely narrow important problems of social policy to a question of the moral character of individuals. It has also brought with it a growing sense of uncertainty and anxiety in private and public life. Today citizens are required to internalize responsibility for choices in core areas of social security. In addition, they have to carry responsibility for the aggregated and accumulated effects of these choices, effects over which they have little or no control in their

capacity as individuals. This double burden easily gives the impression of the world as unpredictable and ungovernable, and human life as a matter of finding protection and refuge against a world that has left the rails. What do I need to do to safeguard a decent and secure life for myself and my family?

To argue, as Young and Mounk do, that citizens should alleviate the double burden created by the neoliberal choice revolution by working in favor of institutions and policies that help them in taking personal responsibility for the world—albeit in the awareness that they do so collectively—is not only amiss from a democratic point of view. It fails to grasp the fatigue unleashed by the neoliberal choice revolution, and what it takes to channel this fatigue into a renewed commitment to democracy. In a system of choice, there is no end to what citizens have to answer for in their capacity as individuals. This burden is taxing, and it may create a desire to escape from politics: "Nights that follow days of obligatory choices are filled with dreams of freedom from responsibility."[119] The trouble is that if such dreams are met with demands for *more* responsibility it may backlash against democracy. Democracy is above all a realm of freedom, and it is this freedom that ought to be mobilized against present-day responsibility talk. The message to be conveyed is that by equitably dividing up the uncertainty that the neoliberal choice revolution unleashes in private and public life, it is possible to free oneself from "the weight of the world."[120]

In Chapter 4 I examined the emancipatory spirit behind the institution of universal suffrage, and how it differs from a republican reading thereof. I showed that universal suffrage is not democratic because it realizes collective self-government, but because it tames the essential uncertainties of the future in an equitable way. Furthermore, the repetition of elections over time does not serve to remind citizens of their commitment to the sovereign people, but to give them the freedom to fail in their judgments and decisions, and begin anew. What goes for universal suffrage goes for universal social rights as well. The point of universal social rights is not to render citizens virtuous or responsible, or to make them rally around country and law. The point of universal social rights is to tame and shape uncertainty in an equitable way. It renders citizens free to fail, and begin anew.

It is against this conceptual background that we ought to interpret recent debates on the growing precariousness of private and public life, at the core as well as the periphery.[121] The choice revolution fosters an unequal redistribution of risks and benefits in society, and this redistribution is not arbitrary. It is a result of social design. For, it is one thing to establish that human life on earth cannot be fully predicted, another to create social policies that deliberately augment a sense of uncertainty and unpredictability in human life. It is the politically constructed nature of precarity that makes the choice revolution at odds with the idea of universal social rights. Instead of taming and shaping the essential uncertainties of the future in an equitable way, it fosters social policies that pin uncertainty on some while releasing others. Under the auspices of creating individual freedom,

it reinforces inequality. This inequality is Janus-faced. It could foster a market for monarchy where competition for security and status becomes the very binding force of society. Class would then replace citizenship as a marker of our status, which means that everyone tries to convince everyone else of their superiority. However, the inequality in living conditions can also generate support for a new democratic revolution in favor of *more* rather than less equality.

According to Pierre Bourdieu, the uncertainty fostered by neoliberal social policies is not class-based, in the sense of being the result of a particular institution. It is better understood as a generalized state of uncertainty that cuts across traditional class divisions. The reason is that while the social policies favored by neoliberal governing are objective and material, they are also subjective and emotional. The latter tend to affect also those who do not personally experience the former, causing a culture of stress, pressure to compete, and a tendency to jealously guard one's own position.[122] The result is that those who in objective terms live stable and materially secure lives are not spared. Since the future hinges on the choices that each of us is obliged to make in the private sphere—the aggregated outcome of which is extremely difficult to anticipate—the sense of uncertainty spills over into the public arena. It spreads across society, which means that the world itself easily comes across as unpredictable and ungovernable: Who is actually in charge?

Seen from the principle of emancipation, it is this overtaxing sense of uncertainty—and not fear—that a new democratic revolution ought to acknowledge and mobilize against the neoliberal choice revolution.[123] Instead of prolonging a competition for preferments and titles that render both precarious and privileged groups in society fatigued, a new democratic revolution ought to work in favor of laws, institutions, and policies that tame and shape the uncertainty in an equitable way. In that way it is possible to create the combination of reassurance and freedom needed to channel present-day uncertainties into emancipation, and begin the world anew. To get a better sense of what it would mean to equitably divide up the uncertainty unleashed by the neoliberal choice revolution, I would like to conclude by reflecting on the difference between social policies based on virtue and emancipation, and show how a focus on the latter could work in favor of a combined bottom-up and top-down process for democratic renewal.

The difference between social policies based on virtue and emancipation can be illustrated by way of a simple example: free lunch in school. Today most citizens regard it as a basic social right for children to go to primary school, and in some democracies going to school entails that children have a free lunch during the day. Leaving aside the quest for targeted measures based on income and need, or the idea that "there is no such thing as a free lunch," the focus here is on the rationale for supporting free lunch as a universal social right. Why should democracies pay for lunch for children rather than having the parents pay themselves? There could be many reasons. Looking at the way Gunnar and Alva Myrdal motivated the idea,

Mikael Spång notes that "the marvel of free lunches" is that they target two perceived ills at once: poverty and ignorance.[124] But then again, why is alleviating poverty and ignorance important? What purpose could it serve more generally, that is, what *principle* could it be expected to foster among citizens?

If we think that universal social rights are needed to create incentives for citizens to take responsibility for their lives, which is what Mounk proposes, free lunch in school is a way to make it possible for all children to grow up into virtuous and responsible citizens. Good nourishment during the day is a basic material prerequisite for being able to carry out schoolwork, and if some children are forced to do maths or geography on an empty stomach, democracies will naturally fail in their task. The same goes for other areas of public policy, such as employment benefits. The trouble with recent workfare reforms, according to Mounk, is not that they demand that people activate themselves, but that they are not empowering enough. They are based on controlling and punishing people for past behavior rather than nudging people to commit to future activities that help them take charge of their own lives. The bottom line is that "the spread of responsibility is a worthy goal of public policy—but only if we reinterpret responsibility as a constructive ideal, designing institutions with the aim of empowering citizens to take on the responsibility they seek."[125]

If by contrast we think that universal social rights are needed to create incentives for citizens to become emancipated, free lunch in school assumes a different role. The purpose is to make it possible for all children to grow up into free citizens. Giving all children equal access to nourishment during the school day means that they will grow up in the reassurance that they have a future other than the one already staked out by their parents or predecessors. They can break free from existing path-dependencies, and begin anew. This goes for free lunches in school, as well as for other areas of social policy, including employment benefits. The task of employment benefits is not to empower citizens to take responsibility for their lives, but to reassure them that if they get sick or are fired from work they can make a fresh start in life. This is what is revolutionary about universal social rights; they allow us to have our weak moments or lapses in life—which is, basically, what it *means* to be human—without this blocking our capacity to begin again in the future.

Free lunches or employment benefits are important in the regeneration of universal social rights. Still, it may be objected that this discussion is too limited. If the aim is to show how commitment to emancipation can lead to a rejuvenation of democratic practices and ideals, one has to widen the intellectual horizon and move beyond a strict focus on the social question. Today the challenges to democracy are mainly political, and they speak for themselves: struggling for democratic renewal in relation to challenges associated with global inequalities, climate change, or migration (to name just a few) requires *political will*, and political will is expressed and channeled through civic political action and political

institutions. Why, then, all this stress on the more technocratic field of social policy-making? Could it be a covert way to circumvent democratic politics, and change the action-orientations of people behind their backs? Have we, without noticing it, backed into the historical idea of socialism that so many democratic theorists—after having discovered the oppression it legitimated—rightfully removed to the dustbin of history?

We have not, and it is important to see why. In a democratic political lifeform, social policies do not arrest citizens, or make them succumb to what those higher up in the hierarchy deem reasonable and right. They create freedom of movement, in both action and thought, and instead of nudging them to choose rightly, they emancipate them to trust their own judgments in matters of what is reasonable and right. This is precisely why citizens in a democracy should be granted equal alone-time and together-time: in the absence of an external giver and guarantor of human law, they need to judge and think for themselves to find out what the purpose and direction of society ought to be, including whether the choices open to them through the neoliberal choice revolution are valid and meaningful in the first place. The more general point is that once we move beyond the traditional idea of democracy as a power sourced in the sovereign people, and think of it as a political lifeform composed of laws, institutions, and policies the political and the social become two sides of the same coin. We discover that the principle needed for citizens to support universal suffrage is the *same* as the one needed to support universal social rights, namely emancipation.

In Chapter 2, we established that the task of universal suffrage is to tame uncertainty. The uncertainty unleashed by the democratic revolution is boundless. It travels across classes, and this is precisely what makes universal suffrage democratically legitimate: it tracks uncertainty across classes by sharing and dividing it equally. Universal suffrage in the form of "one person, one vote" organizes society around competing ideas about the purpose and direction of society. It channels the essential uncertainties of the future into a struggle for emancipation, and through electoral repetition, it makes it possible for people to begin anew. In a similar vein, universal social rights emancipate people, and create the conditions needed for them to endure their own freedom and responsibility in the midst of uncertainty. Instead of locking them into preconceived social classes based on preconceived social interests, they set them free to begin the world anew.

The approach adopted in this book thus questions the distinction between the political and the social that divides many scholars in the neoliberal age. To think that one must somehow take sides on this question, and choose between a political focus on democratic opinion and will-formation and a social focus on material needs is misconstrued. The political and the social mutually reinforce each other by means of the principle of emancipation. Just as the corruption of democracy typically begins in the social realm and then spreads to the more established political realm, so likewise the resuscitation of democracy begins by addressing

social barriers to political engagement. Another and more historical way to put this would be to say that just as democratic theorists discovered the importance of "the political" for the realization of the social question after the communist revolution, the task for democratic theorists living in the aftermath of the neoliberal choice revolution is to discover the importance of "the social" for the realization of democratic procedures.[126]

Social policy-making is often seen as a dry and technocratic arena beyond the drama of high politics. It is where politics ends, and bureaucracy begins. The result is that those concerned with democratic renewal give more attention to the role of constitutions, elections, human rights, and the public sphere. As I have argued in this chapter, however, it is in the field of the social that democracy becomes a life in the more concrete sense of the term. Close to home, day-to-day, and material, social policies can work either to undermine or to foster commitment to democracy. The advantage of focusing attention on social policies is that they can foster democratic renewal both from the bottom-up and the top-down. Unlike elections, they are not limited to national classes of people. The neoliberal choice revolution is a case in point. The uncertainty that it has forged in politics has not been confined to specific nations. Social policies are at once local by affecting us at school, at home, or at work, and global in the sense that they tend to be harmonized across national classes of peoples. Beginning the struggle for democracy at home is therefore a way to change the world, and vice versa.

Conclusion

Citizenship has undergone profound changes in the last decades, and one of the most dramatic changes relates to the social question. The institutionalization of choice in public and social services, and its adjacent privatization of responsibility have prompted a competition for security and status between citizens. The professed conviction behind the reform is that by putting user choice at the center of politics, it is possible to increase freedom in democratic societies. In this chapter, I have resorted to the principle of emancipation—and the democratic conception of freedom as the capacity to begin anew—to show that the opposite is the case. The neoliberal choice revolution is corruptive of democracy. Not only does the reduction of freedom to choice enhance uncertainty in society; it contributes to a destructive form of political fatigue that makes it difficult for citizens to begin the world anew.

Inspiring belief in democracy as a political lifeform that leaves the ends of society open without this openness turning into a state of anxiety is the fine balance that modern democracies have to walk. The choice revolution is adverse to this project. It transforms the openness of democracy into a competition for subsistence and survival. The point of this chapter has not been to argue that

citizens never should compete for security and status. Doing so is integral to life in all political lifeforms. The point is that democracies should not actively *sanction* such a competition. It risks fostering a market for monarchy where our civic social status becomes more decisive for our life prospects than our status as citizens. The conclusion of this chapter is that "a democracy" that pins individuals against individuals in a competition for security and status no longer deserves the name it claims for itself. It licenses us to oppose its authority in the name of democratic freedom, and begin anew.

What that new beginning entails we cannot foretell, for human interactions in a democracy are impossible to predict. They set new chains of events into motion that go beyond the intentions of actors themselves. What we can say, however, is that the potential for the beginning to be democratic hinges on our ability to distinguish the democratic spirit of emancipation from its alternatives: fear, virtue, and honor. This art of separation is the first and most decisive step in the path towards democratic renewal.

6

Citizenship Status

> I can't see why one could not ask for a citizenship test also from
> citizens. It would be fairer if the rules are the same for everyone.
>
> University student

Citizenship is essential for living a democratic life. To be a citizen means that one holds a collection of rights and duties, including civic, political, and social rights. In Chapter 5 we examined the role of social rights in the corruption, disintegration, and renewal of democracy. At issue were the choice revolution, and its ensuing privatization of uncertainty. Still, the prime right is the right to citizenship itself, or what Hannah Arendt calls "the right to have rights."[1] It means that one belongs to humanity, and counts as an equal among others.

In the last decades, the right to citizenship status has become highly politicized. We witness the rise of new citizenship regimes, and the articulation of new norms for inclusion and exclusion. Many democratic countries are in the midst of introducing more restrictive admission criteria to protect their democracies and welfare systems against what they deem underserving newcomers while simultaneously opening up access to others whom they think deserve citizenship. This politicization of citizenship status is not likely to go away any time soon. On the contrary, it is reasonable to assume that the occurrence of wars and civil wars, environmental disasters, pandemics, and growing polarization between various groups in the population will escalate political conflicts on the appropriate criteria of inclusion and exclusion.

The escalation of conflict notwithstanding, there is one thing that unites scholars, politicians, and citizens across the board. It concerns who owns the question itself. For although transnational cooperation has advanced in many areas, including trade, media, culture, and education, citizenship is still considered "the last bastion of sovereignty."[2] It is taken to be owned by sovereign peoples. First, sovereign peoples have the prerogative to control, alone or in concert, who qualifies for citizenship. They control the transition from first admission—when human beings arrive as migrants, refugees, or asylum seekers—to full membership. No other country or instance has the right to overrule their judgments and decisions. Second, this prerogative means that sovereign peoples have considerable discretion over their own membership criteria, as long as these criteria do not violate human rights and discriminate between newcomers based on sex, race, skin color, ethnicity, language, or religion.

The claim that the world is divided into separate and sovereign peoples, each of which possesses the right to control and decide their own membership criteria has not gone uncontested. As many critics point out, the result of this political organization is that migrants who lose de facto citizenship in their home countries and are deemed undesirable on the "citizenship market" are likely to find themselves in a most precarious situation. They are not merely excluded from citizenship in the sense that they are deprived of effective political status. They are brought under the purview of sovereign power through an "inclusive exclusion."[3] Rather than escaping sovereign power, they are ascribed a group status such as "illegal migrants" and "stateless people" which renders them vulnerable to extraordinary measures by states. But the experience of vulnerability does not end there. It also affects full citizens by reifying uncertainty among minority populations and other marginalized groups who see newcomers being rejected citizenship on grounds that include them. They become precarious citizens, or what Margaret Somers calls "*de facto* internally stateless superfluous people."[4]

It is one thing to observe that democracies take decisions that impact negatively on migrants, minorities, and marginalized groups, another to argue that the taking of such decisions is *undemocratic*. Many political theorists—even those of humanistic inclination—are unwilling to draw this conclusion. They stress that as long as human rights are respected, it should remain the prerogative of sovereign peoples to control and decide their own criteria of membership. Doing so is not merely compatible with democracy; it is necessary for the democratic process to work. The reason is that at some point one must round up the discussion on who should be eligible as a citizen, and come to a decision. And since democracy is a membership-based concept, this decision can only be reached "if some who are already members decide who is to be excluded and who is not."[5]

This argument rests on a common but questionable assumption, namely that democracy exists at the discretion of a sovereign people. More specifically, the argument of this chapter is threefold. Firstly, I will argue that the prerogative of sovereign peoples to control and decide their own membership criteria— henceforth referred to as "the enclosure model of citizenship"—undermines the commitment needed to uphold a democratic political lifeform.[6] There is no sovereign behind democratic politics, only people in the plural acting and judging on the basis of different principles, and intermediary laws, institutions, and policies creating incentives for them to do so. Instead of making us sentient to the ways in which uncertainty travels across borders—and the need for reaching outside existing class affiliations to tame it—the enclosure model of citizenship spurs overconfidence in the ability of particular peoples to cope with migration. It corrupts the principle of emancipation in three ways: it enhances uncertainty among migrants and citizens, it spurs unrealistic judgments about the purpose and direction of society, and instead of enhancing freedom in society it compromises the capacity of migrants and citizens to begin anew.

The second argument is about democratic disintegration. Throughout this book I have argued that policies on citizenship have an integrative function. They have the capacity to reinforce or undermine the public commitment needed for a democracy to sustain over time. This insight prompts us to take a closer look at the admission criteria embraced by sovereign peoples. What commitment do they foster? Troubled by growing migration, many democratic countries have recently introduced more restrictive criteria for political membership. The motivation is to facilitate the integration of newcomers. As Christian Joppke observes, it is precisely "this fusion of immigration control with immigration integration concerns" that characterizes the new citizenship regimes in many countries.[7] Stressing the importance of "shared values," "social cohesion," and "civic integration," the criteria serve to make sure that newcomers have the right tools (language, skills), resources (money, assets, education), and attitudes (will, compliance) to be successfully integrated.[8] But integrated into what?

Taking our cue from the principle of emancipation, the discrimination associated with the selection of applicants—the way it includes and excludes—touches *both* sides of the boundary. There are not two questions of integration, one for citizens and one for newcomers. If a country decides to raise the bar for membership—for example by demanding that newcomers possess certain "qualifications, skills and resources" or show "unconditional national loyalty" to the country and its laws—it affects citizens as well.[9] This insight complicates the discussion on political membership. The problem is that by basing membership criteria on distinction or virtue, democracies may initiate a process of democratic disintegration behind the backs of citizens. For, the tougher the criteria of political membership adopted by citizens to defend the integrity of their democracy and welfare regime, the weaker the democratic status of their own citizenship will be. This is the paradox of democratic self-defense: defending the integrity of democracy through distinction or virtue reinforces the importance of class status over citizenship status.

The third argument I will make is that to revitalize democracy under these political conditions, it is imperative to replace the enclosure model of citizenship with one guided by emancipation. By taming and shaping the essential uncertainties of the future in an equitable way, it creates the combination of reassurance and freedom needed to turn the corruption of democracy into a demand for democratic renewal. Instead of encouraging citizens and newcomers to compete against each other for status and security, or seeking refuge in their own country and law, it motivates them to track uncertainties *across* existing classes of peoples and work for political reforms that secure everyone's right to be human. To argue that such a reformative project is unrealistic due to the lack of a common good in global political affairs confuses a republic with a democracy In a democratic political lifeform, it is more burdensome to leave present-day uncertainties intact than to foster intermediary bodies able to tame and harmonize them across peoples.

The first section begins by introducing the enclosure model of citizenship, and the tradeoff it creates: between safeguarding a sovereign people's right to exercise democracy, on the one hand, and its duty to respect the human rights of migrants, on the other. The second section goes on to demonstrate how the enclosure model of citizenship corrupts the principle of emancipation. It elucidates the three aforementioned steps to democratic corruption. The third section clarifies how attempts to defend the integrity of democracy with reference to a principle of distinction and virtue risk paving the way for a process of democratic disintegration behind the backs of citizens. It makes class status—social and cultural—into a precondition for citizenship status. The fourth section asks how commitment to emancipation can rejuvenate democracy in a context of growing migration across borders. It does so by clarifying what it means to base citizenship on emancipation rather than enclosure, and offering a novel definition of citizenship status. The conclusion sums up the main argument.

The Enclosure Model of Citizenship

The enclosure model of citizenship rests on the assumption that while citizenship is essential in the pursuit of a democratic life, it is only within the realm of a bounded world of pre-designated members that the inclusionary aspects of citizenship can be realized. In Linda Bosniak's terms, citizenship must in this version be "hard on the outside and soft on the inside."[10] It requires strict border and immigration controls to protect its "softer" democratic inside. This assumption is sometimes made explicit, as when John Rawls insists that citizenship takes place within "a closed society" that "we enter only by birth and exit only by death."[11] But more often, writes Bosniak, it serves as an implicit theoretical baseline in debates on citizenship and migration: it is only through an exclusionary membership that we can exercise democracy and grant each other civic, political, social, and cultural rights.

Still, citizenship is not merely something that we enter by birth—*jus soli* or *jus sanguinis*—and exit by death. It can also be acquired by naturalization, and this makes the distinction between the inside and outside of democracy more porous. Citizenship can be obtained as a prize to those who deserve it, it can be offered as a gift to relieve human suffering, and it can be bought by those who can afford it.[12] If the gift dimension is under strain, and the selling of citizenship so far is limited to the wealthy few, the prize dimension has become all the more attractive for many democracies. In Britain, for example, the introduction of "earned citizenship" has led to several new requirements in the acquisition of citizenship, including language tests, proof of finances, and commitment to a set of core values through the so-called Life in the UK test. And until very recently, Switzerland allowed citizens to vote on whether to reward specific persons with citizenship, which led to debates on whether people "want" them in their midst.[13] In Scandinavian

countries with developed welfare states, policies have centered on demands for activation and employment.[14]

These examples are not unique. In a world of greater mobility and instability, many countries have introduced tougher administrative procedures and admission criteria for obtaining citizenship. The aim is to combine migration controls with integration concerns, and confirm that the person who applies for citizenship has the right tools, resources, and attitudes to be prized with full membership. The term "full membership" is critical. For while many democracies may accept the existence of legal aliens and undocumented migrants within their midst—taking advantage of their skills or exploiting them as a cheap labor force—it is the inclusion of them as citizens with the right to vote that makes membership politically contentious. Just as the enfranchisement of workers and women once changed the substance of political decisions, there is a fear that the enfranchisement of poor migrants and foreigners will affect democracy—potentially for the worse rather than for the better.

What could be wrong with people defending their own democracy during troubling times? The fact that human beings are forced to flee their homes due to wars, environmental disasters, and persecution is not new, nor is it new that they have to migrate to obtain better life chances for themselves and their families. As Arendt notes, what is novel under modern political conditions "is not the loss of a home but the impossibility of finding a new one."[15] The fact that there is no place on earth to go for those who are deemed unworthy risks throwing large numbers of people into a condition of rightlessness.[16] It is this precarious situation that the slogans "No human is illegal" and "We did not cross the border, the border crossed us" serve to capture. The point they convey is that the spread of rightlessness is *systemic* rather than exceptional. It has its roots in a political organization that divides the world into separate and sovereign peoples: "Only with a completely organized humanity," writes Arendt, "could the loss of a home and political status become identical with expulsion from humanity altogether."[17]

Taking this systemic dilemma into account, it would seem as if the only practicable way to protect human dignity on earth is to abandon the enclosure model of citizenship, and start coordinating the laws, institutions, and policies that regulate citizenship across different classes of people. As Seyla Benhabib notes, it is deeply puzzling that we today should live in a world in which states, "while enabling the movement of capital, money and commodities at ever-faster speeds across boundaries, catch, imprison, maim and kill human beings who try to do the same."[18] In a similar vein, David Miller acknowledges the emergence of a new category of "survival migrants": migrants who cannot return to their homelands due to an existential threat. It may be state failure or state extinction.[19] Still, while Benhabib and Miller admit that migration has emerged as the major humanitarian and political issue of our time, they are not prepared to renounce the prerogative of sovereign peoples to control their own membership criteria.

There are three main reasons for holding on to the enclosure model of citizenship in the existing literature: a political, cultural, and democratic reason. The political reason is that doing so upholds moderation in world politics. Ever since Kant asserted that the creation of a world government would result in "soulless despotism," political theorists have warned against the exceptional accumulation of power that a move towards cosmopolitan citizenship would bring about in world politics.[20] With humanity organized into one single unit, Arendt concurs, it is quite conceivable that a future democratic majority will reach the conclusion that "for humanity as a whole it would be better to liquidate certain parts thereof."[21] Another reason for keeping the sovereign people as the guardian of political membership is cultural. According to Michael Walzer, sovereign peoples are not only legal entities. They are tied together through language, memory, and culture. In order for a plurality of cultures to flourish on earth, peoples should have the prerogative to decide their own membership criteria.[22]

In addition, there are *democratic* reasons behind the enclosure model of citizenship. The argument here is that we ought to defend the prerogative of sovereign peoples to control and decide their own membership criteria, not because doing so avoids tyranny or protects cultures, but because it safeguards the principles and practices of democracy itself, including those related to freedom, equality, and welfare.[23] The most familiar argument along these lines is given by Benhabib and Miller. To Benhabib, defending the prerogative of sovereign peoples is a matter of safeguarding "the logic of democratic representation."[24] Since democracies enact laws that are binding on its addressees, it is only those who authorize the laws that have a right to decide matters of inclusion and exclusion. To Miller, the reason for defending the prerogative is more substantial. It is a matter of protecting the value of democratic self-determination, including rights to political influence and welfare.[25]

This line of reasoning well illustrates the influence of the enclosure model of citizenship, and the pressures wrought by it on the literature on migration. Assuming that democracy exists at the discretion of sovereign peoples, many scholars are prone to conclude that migration pins two fundamental "goods" against each other. It presents us with a difficult tradeoff between democracy and human rights. The dilemma is how to balance a sovereign people's right to exercise democracy with its duty to respect the human rights of migrants. "How," as the editors of the *Oxford Handbook of Citizenship* put it, "do we square purportedly human rights norms with the principle of the democratic self-determination of peoples?"[26] The worry is that respecting the human rights of migrants may come at the expense of democratic self-determination. It may violate the basic democratic principles that a people live by, or break the fragile social bond that exists among the citizenry. The bottom line is that democrats cannot have it both ways. At some point they may have to prioritize: democracy or human rights?

In Benhabib's understanding, the dilemma is how to square "sovereign self-determination claims on the one hand and adherence to universal human rights principles on the other."[27] The trouble is that with growing migration across borders, a democratic people's obligations to respect the human rights of migrants may come into conflict with its own claim to sovereign self-determination, which includes the right to "control the quality and quantity of the movement of peoples across state boundaries."[28] It could make it difficult to manage and absorb migrants into the host society. This means that democracies today face "an outright contradiction" between sovereign control and human rights.[29] In short: taking in too many migrants may undermine the capacity of democratic peoples to control and distinguish *between* rights claims, which is a prerequisite for sustaining a workable schedule of human rights.[30]

Similarly, Miller calls our attention to the tradeoff between democracy and human rights. As he argues, the dilemma is how "democracy within the state can be reconciled with the human rights of those beyond its borders."[31] The problem is that when migrants are admitted, they change "the composition of the citizen-body," and this may come at the expense of political and social cohesion.[32] Newcomers often bring with them a different culture, which means that they may "ask for policy shifts that will accommodate their cultural needs, such as public subsidies or changes in the pattern of the working week."[33] These demands may reduce the levels of trust in society. Without trust, deliberation is likely to be replaced by selfish bargaining, which means that it becomes harder for people to support common political decisions and welfare policies. Why should a minority accept the decision of a majority if they do not trust that the outcome one day will change to their advantage? Or why should people support a regime of redistribution with others whom they think will free-ride on it?

How to weigh a people's right to democracy against the human rights of migrants is at the center of many academic and public debates influenced by the enclosure model of citizenship. The tradeoff divides countries and parties, even families and friends: Whom should we admit as a citizen? Is there a human right to immigrate? What are acceptable criteria of admission, and what consequences do these criteria have for migrants who are deemed undesirable as workers or co-citizens? Can democratic countries discriminate between applicants based on their merits and cultures? Does one have to contribute financially or practically to become a citizen? What to make of those who receive citizenship but refuse to take on the obligations that come with it? As Miller notes, navigating in this field is not easy. It calls forth political, moral, material, and existential questions, and it is therefore no wonder that the topic of migration generates "much heat, but little light."[34]

Instead of adding to the heat by siding with passionate human rights activists or national "welfare chauvinists," Benhabib and Miller urge us to think in more principled terms. They stress that sovereign peoples will have to make some hard

choices in the future if they wish to defend their democratic principles and national cultures, including the scheme of human rights and welfare that they support. The task is to calibrate the value of democracy and human rights in a way that neither jeopardizes the stability of democracy nor violates the universal declaration of human rights. As I will argue in the rest of the chapter, this way of describing the challenge posed by migration is misleading. There is no tradeoff between safeguarding the value of democracy and human rights. To think so invites us to choose between democracy and human rights when, in fact, both citizens and migrants have everything to gain from asking how they jointly sustain our right to be human.

What Is Corruptive about the Enclosure Model?

The principle of emancipation states that in order for a democracy to sustain over time, it must equitably divide up the uncertainty that arises with the removal of external authorities in political affairs. It creates the reassurance and freedom needed for human beings to emancipate themselves from a state of self-incurred tutelage (see Chapter 2). The enclosure model of citizenship corrupts this principle in three ways.

To begin with, it enhances uncertainty among migrants and citizens. Recall the systemic problem of a world divided into separate and sovereign peoples. The problem with this political organization is that if you lose de facto citizenship in one country you have no automatic right to entry another. Your status and future as a citizen hinges entirely on the political will of the citizenry in the receiving country. The predicament that this organization creates for migrants is well documented. Arendt articulates it most poignantly: without citizenship in a world divided into separate and sovereign peoples you are in practice without protection altogether. As soon as you lose your citizenship you are supposed to fall under the legacy of human rights. And yet, it is precisely when we become "bare" humans that these human rights are at their weakest:

> If a human being loses his political status, he should, according to the implications of the inborn and inalienable rights of man, come under exactly the situation for which the declarations of such general rights provided. Actually the opposite is the case. It seems that a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellow-man.[35]

Arendt's discovery that human rights are reserved for citizens evolved through a number of steps. The degradation of the right to asylum played a key role.[36] The right to asylum had originally been used in exceptional cases for individuals

suffering persecution. Still, Arendt notes that when whole populations started to move the system broke down. The first step was the abolition of the right to asylum, and it was followed by a "great shock," namely the realization that although these people would not be granted asylum they were in practice "undeportable."[37] They could neither be repatriated nor naturalized, and this is "where the real trouble started." Repatriation assumes that everyone has a home country, or *patria*, that one can return to. But since neither the country of origin nor any other country agreed to accept the large numbers of newcomers, there was no place for them to go back to. They became outlaws, and as such a matter for the discretionary power of the police rather than for the law. Instead of being sent home, they were collected and sent to internment camps, which became their new "country."[38]

Naturalization did not work either. It became impossible for the receiving countries to handle the mass of applications that followed. Instead of including a small portion of those who applied for asylum and citizenship, many countries instead "began to cancel earlier naturalizations, partly because of a general panic, and partly because the arrival of great masses of newcomers actually changed the always precarious position of naturalized citizens of the same origin."[39] The result was that the number of de facto stateless people in the world "spread like a contagious disease."[40] Those who resisted the regime's denaturalization of its own citizens and condemned the situation of migrants unworthy were dismissed as politically naïve: "The very phrase 'human rights' became for all concerned— victims, persecutors, and onlookers alike—the evidence of hopeless idealism or fumbling feeble-minded hypocrisy."[41]

Arendt's observations about the precarious status of migrants were written just before the codification of human rights in the Universal Declaration of Human Rights. Today this Declaration is ratified by most democratic countries, which means that democratic countries are obliged by law to protect and uphold human rights, including the right to seek asylum. Does this change the situation for today's migrants? As Ayten Gundogdu points out, scholars are divided on this point.[42] On the one hand, there are those who claim that the codification of human rights into international law shifts the basis of entitlement from nationality to universal personhood. It means that migrants can hold democracies account- able by invoking human rights law against the privileges attached to citizenship. This goes for migrants of all kinds, asylum seekers, undocumented, and economic migrants. In the last decades, we have also witnessed how these groups have taken to the streets in the name of human rights law. They have organized themselves in public to realize the rights that they have.[43]

On the other hand, the number of detention camps around the world inhab- iting "undesirables" fleeing from civil war, persecution, environmental problems, and economic misery is not declining. This makes many scholars wary of over- stating the protection achieved by human rights. There is a glaring discrepancy

between the formality of human rights law and the actual situation of migrants, a gap that widens "depending on the legal status, race, ethnicity, gender, class or age of the migrant in question."[44] In view of growing migration, the distinction between us and them has proved resilient, and many migrants are today suffering from the same condition that Arendt described seventy years ago; they are neither repatriated nor naturalized. This predicament is not due to the politics of one country alone. It is due to a system that divides the world into separate and sovereign peoples, and that instead of analyzing the "blind spots" it creates, shuffles its expelled condition of lawlessness onto the migrants themselves.[45]

To clarify what is corruptive about this move seen from the standpoint of the principle of emancipation, we ought to focus our attention on the uncertainty that accompanies the condition of rightlessness. This uncertainty consists in an abyssal experience of freedom and responsibility. In a condition of rightlessness, the freedom one experiences is not the one that binds us through law, and which allows us to rest in the conviction that while we can fail in our judgments and decisions we have the freedom to begin anew. It is rather the freedom to react to whatever comes our way and realizing that whatever we do—or fail to do—the responsibility is ours. In a condition of rightlessness, we become responsible for everything and everyone, including the consequences of our own inaction. The irony is that it is precisely this enforced condition of rightlessness which renders us "irresponsible" in the eyes of the law. We are forced to exercise what Paul Apostolidis calls "desperate responsibility": to act as responsibly as we possibly can to show that we *too* are human beings worthy of respect and care.[46]

The point is that instead of taming the uncertainty that democracy unleashes, the enclosure model of citizenship reinforces and amplifies it. Migrants who lose de facto citizenship are denied the reassurance and freedom that comes with full citizenship. They have to carry the weight of the world themselves. The uncertainty they suffer from—be it cosmic (natural disasters), human (arbitrary behavior of employers), or political (change of admission criteria and labor rules)—has to be borne by them alone. This enforced burden tells us that we should be careful not to mix up the condition of rightlessness with a natural human condition in which migrants show their "real" selves. The uncertainty experienced in a condition of rightlessness is not natural, but profoundly political. It arises out of a distinctively political way of organizing the world, and it is this organization that rewards and sanctions the action-orientations of migrants by fostering responsibility, sociality, cunning, pretense, kindness, or anger.[47]

The fact that citizenship has become a safe haven in an ocean of growing cosmic, human, and political uncertainty does not merely affect the status of migrants. It also affects the status of full citizens, and it does so in different ways depending on their economic, social, and cultural status. For the wealthiest people on earth it has become important to assure themselves the right to a new home in case their old one is swept away by climate change, civil war, or political unrest. In

fact, this is how one of the big citizenship investment firms, Henley & Partners, promotes itself. Investing in another citizenship, it proclaims, creates personal security in the midst of growing uncertainty:

> [C]itizenship and a passport, particularly from a small, peaceful country, can even save your life when traveling and in times of political unrest, civil war, terrorism, or other delicate situations. For good reasons, many international businesspeople from major countries and important persons who are active worldwide consider an alternative passport as the best life insurance money can buy.[48]

For citizens without resources to invest in an additional citizenship, the need to hold on to the one they have becomes all the more important. The reduction of citizenship to a commodity that can be bought and sold on the market—the last step in what Margaret Somers calls the "contractualization of citizenship"—makes citizenship into a lifeline for many marginalized and poor citizens.[49] They know that were they to lose *their* citizenship, they would have difficulties regaining political membership elsewhere. Reduced to second-class citizens, the commodification of citizenship renders their status as citizens precarious: "A political culture that tolerates, even legitimates, these brute disparities in life chances has a corrosive affect not only on citizenship and human rights, but equally on the perceptions of what we owe each other as fellow humans."[50]

Finally, for minority populations like second-generation immigrants, citizenship is no longer a safe haven. The problem is that the desire to take control of migration through various boundary enforcements often achieves the opposite by "reifying uncertainty in the legal status of migrant and minority populations."[51] This reification of uncertainty includes racial profiling, tougher border controls, random police checks, and discrimination of minority populations based on race, ethnicity, and religion. Some countries have started to formalize the status of precarious citizenship by denaturalizing second-generation immigrants (holding dual citizenships) suspected of terror activities, a practice which their fellow citizens are not subjected to—they are prosecuted as citizens under law. If migration in this way reinforces social and racial divisions between different strata of the citizenry, so do climate change, wars, and hurricanes, as Somers shows in her account of "the unnatural disaster" that hit New Orleans through Hurricane Katrina.[52]

So far we have examined how the enclosure model of citizenship corrupts the principle of emancipation. Instead of creating reassurance, it breeds uncertainty among migrants and citizens alike. Still, the enclosure model of citizenship also corrupts the principle of emancipation in a second way; it elicits unrealistic judgments about the purpose and direction of society. One of the most important aspects of living in a democracy is that it grants everyone equal time and space for

judgment and decision-making. Absent external authorities in political affairs, it falls on human beings themselves to determine what the purpose and direction of society should be. Since human beings are finite and fallible, they need time and space to interact with one another: time to step back and ponder what is right, and spaces to step forward in word and deed. This moving back and forth between private and public is a prerequisite for making realistic judgments under conditions of uncertainty.

It is this movement that the enclosure model of citizenship forecloses. By pushing migrants into a state of rightlessness, and insulating the citizenry from the opinions of those who experience the same world from a different perspective it obstructs the rise of realistic judgments at a point when they are needed the most. Each of us enters the world from a particular place. We move across spaces, and we form our opinions thereafter. Democracy thrives on this plurality, not because plurality mirrors individual opinions, but because it *enlarges our sense of what is real.* The more we understand about the world that we share with others, the more realistic our judgments will be. Arendt calls this process "representative thinking." The central thrust is that the more people's standpoints we have present in our minds when pondering a given issue, and the better we can imagine what the world looks like from their perspective, the better will our capacity for judgment be. Conversely, the fewer the number of perspectives we are confronted with when pondering a given issue, the more we have to rely on prejudices.[53]

This is why rightlessness corrupts democracy. To leave large groups of migrants waiting in detention camps in the belief that one can "win time" for citizens to decide how to handle their cases is not only intolerable in the sense that it robs human beings of their lives; time, as Elizabeth Cohen argues, "is one of the most precious and finite resources required for the accomplishment of human purposes."[54] It also weakens our capacity for making realistic judgments. To be uprooted from a place in the world, only then to find ourselves in indefinite waiting for a decision that decisively shapes our lives or in a condition of undocumentedness is to be stranded in an ever-lasting present. We cannot go back, nor can we plan ahead. Trapped between past and future, we do not have "a place in the world which makes opinions significant and actions effective."[55] Overwhelmed with uncertainty, we lose our selves, as well as our sense of what is real. We become "ghosts among the living."[56]

Loss of reality is not only a problem for migrants stranded in suspense between past and future. It also befalls full citizens. To make realistic judgments it is important to meet across difference and exchange opinions of what we can see, hear, and feel from where we stand. Migrants have different reasons for leaving their homes. But they have one thing in common. They move with the future in mind. To deny migrants escaping from civil war, environmental pollution, and economic misery the status of citizenship is therefore to foster world alienation. Instead of enhancing our sense of what is real, it breeds unrealistic expectations

about the purpose and direction of society. We no longer have "a tangible reality in which to ground ourselves."[57] The expectation that one can export the problem of migration to other countries testifies to this problem of world-alienation. Under the influence of the enclosure model of citizenship, it ignores how such a decision—however realistic in the short term—produces the very problem of rightlessness that it seeks to remedy.

The third step in the process of corruption, finally, concerns how the enclosure model of citizenship impedes democratic freedom. Born out of a revolution against divine, natural, and historical authorities, modern democracy unleashes a fundamental uncertainty about the purpose and direction of society. By sharing and dividing this uncertainty equally, human beings acquire the freedom to shape society by their own lights. Still, as finite and fallible beings we do not always *know* what is right and true for us, let alone what is right and true for others. Nor can we anticipate how our judgments and decisions will be received by others. This is what it means to live in a democracy: to accept the uncertainty that comes with people interacting in ways that no one can fully predict. Were we to misjudge ourselves or others, or think that others are mistaken in their opinions we must therefore have the capacity to begin anew. As we saw in the previous two chapters, this conception of democratic freedom is manifested in elections and social rights. Differences aside, they both grant us a second chance.

The same idea holds true for freedom of movement. Conventionally understood, freedom of movement refers to the right to move freely without being hindered from doing so by other human beings, or by the state itself. This liberal conception of freedom goes back to Hobbes, for whom freedom is the absence of "external impediments to motion."[58] Over time, this idea has been picked up to defend a qualified right to free movement across as well as within borders.[59] The demand is that "basic liberties (to move, associate, speak, worship, work and marry) be awarded the same level of protection when people seek to exercise them across borders as when people seek to exercise them within borders."[60] This demand either comes in the form of a plea for open borders, or a qualified right to move across them as long as it does not lead to disorder or severe social costs.[61]

This liberal right to freedom of movement must be distinguished from its democratic equivalent. What is corruptive about the enclosure model of citizenship is not that it obstructs free movement across borders, as if moving across borders would be valuable per se. The problem is that it obstructs our capacity to begin anew. The difference is significant. Take the freedom to move, associate, speak, worship, work, and marry. What makes these into *democratic* freedoms is not that they can be exercised without interference by others, or by the state. What makes them democratic is that they allow us to experiment with new ways of being and acting without having to worry that doing so will deprive us of our capacity to carry on in the future. We can move in the wrong direction, associate with the wrong people, speak wrongfully, worship the wrong God, work in the wrong

place, or marry the wrong person. This is what it means to be human. We make mistakes. Democracy mitigates the uncertainty entailed in being human by giving us a second chance. It allows us to share the burden of our own humanity. We can try again, and fail better.[62]

The problem with the enclosure model of citizenship, in other words, is not that it frustrates individual wills. The problem is that it *corrupts our right to be human*. For migrants who are undesirable on the citizenship market, the division of the world into separate and sovereign peoples corrupts their freedom to make a new beginning. For while leaving their homes due to war, pollution, or economic misery they have no automatic right to find a new home elsewhere. It is this incapacity to begin anew that dehumanizes them. To acquire citizenship they have—following Aristotle's classical distinction— either to take on the role of "angels" by proving themselves more responsible, honest, and law-abiding than most, or to take on the role of "beasts" by being prepared to ferociously grab what they need.[63] In either case, they are denied the right to be human. Forced into a condition of illegality, there is nothing they can say or do to show that they are worthy of respect. They are irresponsible by default.[64]

Similarly, the enclosure model of citizenship dehumanizes citizens. Although not experiencing the same kind of vulnerability, they have to live with the consequences of a political organization that reifies uncertainty both at home and abroad. In effect, they are asked to be loyal to a system that denies them their own freedom. The freedom citizens are denied is not primarily the right to move to another country, although this may be important too. What they are denied is the more basic freedom to question the world as is, and shape it anew. They are asked to participate in political decisions that aggravate cosmic, human, and political uncertainty without having the institutional capacity to channel these uncertainties in an emancipatory direction. The result is that they too become irresponsible. Acting under the proviso that citizenship can only be pursued within "already constituted and bounded polities populated with pre-designated members," they are bound to shore up a system that negates their right to be human.[65]

The Path to Democratic Disintegration

The working assumption of this chapter is that policies on citizenship carry certain principles of commitment, and that their presence or absence has the capacity to reinforce or undermine the social bond needed for a democracy to sustain over time. On the basis of this assumption, it becomes important to take the critique of the enclosure model of citizenship one step further, and examine the admission criteria adopted by contemporary democracies.

These criteria do not merely affect newcomers who apply for citizenship by naturalization. They leave their mark on natives as well. Fusing migration controls with integration concerns, they have the power to move society in a particular direction. The question is where to. What are we—as newcomers and natives—to be integrated *in*?

Recall the difference between democratic corruption and democratic disintegration. If the former refers to a situation when the principle of emancipation no longer guides our actions and judgments, or shapes the incentives created by laws, institutions, and policies, the latter refers to the outcome of such a process of corruption. It means that we heed other principles, and that these principles now trump emancipation in the development and design of citizenship. Looking at the admission criteria adopted by many contemporary democracies, it is evident that citizenship has become a desired prize for successful integration. It is something that one can earn through the right kind of human conduct. Citizenship can mainly be earned in one of two ways, through distinction or virtue, and often they are combined. The argument I will make is that insofar as the principle of distinction or virtue trumps emancipation in the admission of newcomers, it ushers in democratic disintegration. Instead of defending the integrity of democracy, it reinforces the importance of class status over citizenship status, both at home and abroad.

To unpack this argument, let me begin by elaborating on the meaning of (dis) integration. The enclosure model of citizenship encourages us to draw a sharp boundary between insiders and outsiders. "We, the people" have the prerogative to control who we are and wish to be, including how many of "them"—the strangers—we want to include in our midst. Citizenship is in this way understood as a membership concept. It allows for a degree of "compatriot partiality" insofar as it gives the people the right to treat their own citizens more favorably than strangers.[66] The fact that citizenship is a membership concept means that the control exercised by the people is taken to be *unidirectional*. The citizenry decides what is needed for someone to be included, and would-be citizens in turn comply. Democratic integrity is achieved when citizens have the ability to control the inflow of strangers, and as long as they do so with due respect to human rights. Ultimately, this is what it means to defend the integrity of democracy. Capital, culture, news, lifestyles, rumors, and pollution can move freely across borders. But the movement of people is a different matter. It is still controlled by sovereign peoples.

As I have argued at length, however, there is no sovereign people behind democratic politics, only a number of intermediary laws, institutions, and policies through which we debate and decide who "we, the people" are. Taking this into consideration, the question of control assumes a different guise. Once we leave the sovereign people behind, and adopt a spirit-orientated outlook on citizenship there is not first a citizenry, and only *then* the laws, institutions, and policies

that they bring into being. Laws, institutions, and policies embody certain commitments, and these commitments have the capacity to foster or undermine different kinds of societal integration. Another way to put this is to say that the control exercised by citizens is not unidirectional. Laws, institutions, and policies are mutual *rapports* in Montesquieu's sense of the term, or inherently relational insofar as they integrate a plurality of strangers with one another. Who are these strangers?

No one doubts that policies on political membership create a bond between citizens and newcomers. Policies are relational insofar as they bind "two partners whom external circumstances have brought together," and in a situation of migration we typically think of the partners as citizens and migrants.[67] But policies on political membership extend further than this. They bind citizens to each other as well as to newcomers. This point is often overlooked. Proceeding on the assumption that membership criteria are controlled by sovereign peoples, most of us are alerted to how they affect the relationship between citizens and newcomers, as well as to how they impact on different categories of newcomers, such as refugees, undocumented, asylum seekers, and economic migrants.[68] How the criteria bounce back and transform the bond between citizens is less discussed. It is a question that falls under the radar of purportedly sovereign peoples, and in this capacity, it may initiate a process of democratic disintegration behind the backs of citizens.

This process of democratic disintegration is best captured in terms of what Arendt and Foucault call the "boomerang effect."[69] According to Arendt, European countries were not unaffected by the laws, institutions, and policies adopted by European peoples in the era of colonialism. She uses Joseph Conrad's famous story *The Heart of Darkness* to illustrate this point. The argument she makes is that the Enlightenment values cherished in many European countries collapsed when the white colonists were confronted with "the savages." They started to commit serious crimes by massacring, looting, and raping other human beings. Arendt's thesis is that darkness was not in Africa alone, but it was practiced "in the heart" of Europe as well.[70] It was "home-grown."[71] In the end therefore, it did not matter how far away the colonies were placed in relation to the home country, or what justifications were made to uphold the distinction between "us" and "them." What colonial countries did abroad was an integral part of their own political system, which is why the racism exercised in the colonies did not *stay* there. It ricocheted back, and transformed domestic relations as well.

In a similar vein, Foucault writes in *Society Must be Defended* that colonialism is not only a matter of foreign affairs, or a practice that can be reduced to the discretionary power of a few ill-minded actors. The colonial practices that were transported from Europe to other continents were deeply entrenched in domestic politics, and they triggered a race to the bottom. The practices

had a considerable boomerang effect on the mechanisms of power in the West, and on the apparatuses, institutions and techniques of power. A whole series of colonial models was brought back to the West, and the result was that the West could practice something resembling colonization, or an internal colonialism, on itself.[72]

The boomerang effect suggests that the attempt to draw an a priori distinction between domestic and foreign politics—or between the inside and outside of a democracy—is futile. Foreign policies do not merely affect foreigners. They have a tendency to bounce back, and transform domestic relations as well. But what is the logic behind the boomerang effect? Let us distinguish between two possible readings. According to the first reading, the boomerang effect describes how *a sovereign people relates to itself*. It captures its own collective self-understanding. Foreign policies do not merely say something about us, such as what "we, the people" believe to be right or true in matters of trade, diplomacy, war, or migration. They also say something to us, about who we are and wish to be. On this reading, the spread of racism in many European countries was indeed home grown. For insofar as the racism exercised in the colonies expressed the will of a sovereign people, it bounced back and transformed their own collective self-understanding. They began to think of themselves as a people racially superior to other peoples.

According to the second interpretation, the logic of the boomerang effect is relational in a different sense. Instead of being self-referential, foreign policies on trade, diplomacy, war, and migration *relate a plurality of human beings to each other*. They establish different kinds of relations between strangers, at home and abroad, and the principles that guide them in their interactions with one another. As Arendt clarifies, Montesquieu's principles are not "bound to any particular person or to any particular group." They are "relative by definition" insofar as they relate us—strangers as we all are—to each other.[73] On this reading, the boomerang effect does not create a domestic people superior to other peoples. On the contrary, the racist policies employed in the colonies discriminate between human beings both at home and abroad. They affect both victims and perpetrators. As Elisabeth Young-Bruehl argues, this is precisely what happened in many European countries. Vulnerable minorities back home were deemed inferior, and so were even some of the perpetrators themselves, as when "Hitler started eliminating inferior 'Aryans' and his own troops."[74]

It may be objected that the parallel between colonialism and migration is misleading. In contrast to colonial countries seeking to explore and exploit foreign continents, today's democracies have a legitimate reason for controlling migration, which is to protect the integrity of their democracies and welfare systems. To demonstrate the weakness of this argument, I will turn back to Benhabib and Miller. Not only do Benhabib and Miller belong to those who have worked out a

coherent position on political membership against the backdrop of migration; their accounts mirror the way many democracies today conceive of the link between migration and integration. Stressing the need for would-be citizens to be successfully integrated, they support a liberal principle of distinction based on individual merits and a republican principle of virtue based on "compatriot partiality" respectively.[75] In what follows, I will therefore use their arguments as a proxy for discussing what happens when distinction and virtue take precedence over emancipation in the allocation of citizenship.

Benhabib supports a qualified right of sovereign peoples to select whom they want to include as a citizen. This entails the right "to monitor the quality and quantity of admittees," and to decide their own criteria of what is required to become a full member.[76] Still, this right is qualified in the sense that it cannot be exercised indiscriminately. Since devising rules of membership is "an ongoing process of constitutional self-creation," it must be done with due respect to human rights.[77] For example, a sovereign people cannot exclude an applicant based on ascriptive criteria such as race, gender, religion, ethnicity, language, community, or sexuality. It would violate its own commitment to universal moral rights.[78] By contrast, non-ascriptive criteria based on the applicants' achievements in the form of "qualifications, skills and resources" are permissible:

> Length of stay, language competence, a certain proof of civic literacy, demon-stration of material resources or marketable skills are all conditions that can be abused in practice, but which, from the standpoint of normative theory, do not violate the self-understanding of liberal democracies.[79]

Miller also defends a qualified right of democratic peoples to choose whom to include within their midst. In his view, membership criteria are important tools for social cohesion. They make it possible for democratic peoples to decide "upon the future size, shape and cultural make-up of their populations."[80] They do so in three ways. To begin with, the criteria encourage newcomers to learn the language, basic facts about the political system, and to understand a few things about national history. Second, they convey the nation's current political values, which are important to know for newcomers.[81] In addition, the criteria serve as a means of cultural integration. They convey to newcomers that they have the same obligations as natives to display "unconditional national loyalty."[82]

Differences aside, Benhabib and Miller both seek to facilitate the integration of newcomers by making sure that they have the right tools to become successfully integrated. The contention is that once they have passed the threshold, they will be included in the citizenry as an equal among others. But following the logic of the boomerang effect, this sequential logic of before and after is deceiving. Membership criteria are not merely transitional. They are *constitutive* of social relations. As mutual *rapports*, they are not first there, only then to disappear once

newcomers have proven their case. They have staying power. Membership criteria establish mutual bonds between strangers—citizens as well as newcomers—and they do so by signaling what kind of commitment they are encouraged to enact in a democracy. Considering this, it becomes important to adopt a more critical attitude vis-à-vis membership criteria based on distinction and virtue. What kind of social integration do they foster, and what does this integration mean for the rejuvenation of democratic practices and ideals?

Let me begin with the principle of distinction. By devising membership criteria based on individual achievements, this principle conveys that to become successfully integrated in a democracy it is necessary to possess certain qualifications, skills, and resources. We have to prove that we have the merits that make us worthy of citizenship. If this requirement sounds familiar or uncontroversial, it is probably because it goes hand in hand with the way many democratic countries have designed policies on citizenship in the last decade. In a more competitive and global knowledge-based economy, writes Ayelet Shachar, human capital has become a scarce resource. In the competition for skilled workers, many democratic countries have therefore started to select people on the basis of their merits. The aim is "to maximise the economic benefits that skilled migration can provide," which means that many countries "have a clear preference for a particular class of immigrants—educated, cultivated, innovative and productive individuals."[83]

In line with this development, a number of countries have raised the bar for those who wish to become citizens. Not only do we see the spread of citizenship tests and programs. In many cases, applicants must afford a certain level of subsistence, demonstrate that they have employment and accommodation, and prove a certain level of knowledge and education. Needless to say, no serious democrat would demand such merits from those who already are full citizens. To require that one's fellow citizens should undergo a citizenship test, or to claim that their status as citizens should be conditional on the basis of how well off or well educated they are would be considered highly undemocratic. It would take democracy back to a point when class rather than citizenship was the hallmark of status. The critical message conveyed by the logic of the boomerang effect, however, is that these markers of class already *are* domesticated. Since policies on citizenship are relative by definition, they bind citizens to each other as well as to newcomers.

The trouble is that by making citizenship status conditional on individual merits the principle of distinction may privilege a market-based meritocracy over democracy. Instead of taming the uncertainties that the global knowledge-based economy creates, it pits individuals against individuals in a competition for security and status. By fostering integration through competition, it erodes the idea of citizenship as something given to us "*irrespective* of how innovative, talented or accomplished" we are.[84] This idea was one of the core achievements

of the struggles for democratization in the twentieth century. These struggles uncoupled citizenship status from social status, which brought new groups into politics whose voices and opinions hitherto had been ignored. The new "talent for citizenship" regime reverses this process. Subjecting citizenship to market relations, it signals that those who win over others are desirable as citizens, whereas those who do not are undesirable. They are superfluous, or susceptible to what Richard Sennett calls the "specter of uselessness."[85]

The critical point is that if this competition continues, it may usher in democratic disintegration. Through the back door, it risks making social status into a condition for political status. First, fostering integration through competition invites citizens to judge the status of their fellows through the lens of their merits. Do they have the right qualifications, skills, and resources to qualify as citizens? If not, why should they be "privileged"? Given that membership criteria stipulate what it means to be a citizen, it may seem undemocratic to use different standards for different people. It violates the principle which says that like cases should be treated alike. Unless citizens fulfill the criteria asked of newcomers, it could be argued, they do not deserve the right to citizenship. Second, the principle of distinction invites newcomers who have passed the threshold to draw similar conclusions. Why should they have to compete for something their fellow citizens receive for free? It seems unfair to them. They have been selected in a competition, and so should others. And if education is an important criterion for citizenship, why should uneducated people get to vote anyway?

If the liberal principle of distinction paves the way for democratic disintegration by setting up a competition for security and status, the republican principle of virtue does so by fostering community rather than competition. It suggests that to foster integration in the midst of uncertainty, it is necessary for everyone to commit to the same country and law. It pre-empts the most dangerous of problems, namely the proliferation of factions. What happens when the common good is corrupted is that society divides into smaller units caring for their own distinctive good.[86] The idea that loyalty to the nation is needed to defend the integrity of democracy is today commonplace in many countries. According to Liav Orgad, the last decade has seen the rise of "cultural defence policies."[87] The aim of these policies is to protect national cultures through integration contracts, loyalty oaths, and language requirements. By adopting these policies, many countries seek to cultivate loyalty to the nation among newcomers, and in this way strengthen social integration.[88]

The attempt to filter out newcomers based on their devotion to country and law does not suffer from the same problem that afflicted the principle of distinction. It does not foster a division between the talented and the untalented. In contrast, it seeks to make everyone in society rally around the *same* common good. Accordingly, there is no equivalence to the troubling question that afflicted the principle of distinction: What if the same requirements regarding qualifications,

skills, and resources were demanded from full citizens? Since the whole point is to avoid the spread of factions, both newcomers and citizens are expected to stand up for the same country and law. But fostering integration through patriotism is one thing, fostering integration through emancipation another. The principle of virtue risks making cultural status into a qualification for political status in two ways.

First, it encourages citizens to judge the status of their fellows through the lens of their cultural allegiances and attachments. *De jure*, all citizens in a democracy are to be treated equally regardless of their cultural heritage. This is the gist of living in a society governed by rule of law. *De facto*, however, democratic societies are stratified by culture, race, religion, and ethnicity, and these stratifications often correlate with socio-economic inequalities. By making loyalty to country and law into a qualification for citizenship status, the republican principle signals that these cultural and economic inequalities in fact may be *justified*. Unless citizens commit to the national culture, it could be argued, they do not earn citizenship. To prevent the cultural fragmentation of society they may rightfully be deprived of their political and social rights, or if they commit a serious crime, they may be denationalized.[89] Second, newcomers may come to draw the same conclusion: democracy is incompatible with cultural pluralism. The difficulties that many migrants experience in fitting into the national costume may thus signal that "democracy" is not for them. It is too costly since it forces them to leave their own cultural attachments behind.

So far we have elucidated the dilemma that arises when democratic countries seek to fuse migration controls with integration concerns. The main point is that the proposed criteria for selecting newcomers for citizenship are *not selective*. They bind citizens to each other as well as to newcomers. The result is that attempts to make citizenship hard on the outside and soft on the inside by demanding outstanding individual achievements or unconditional loyalty to the nation harden the inside as well. This is the paradox of democratic self-defense. Instead of defending the integrity of democracy, the principles of distinction and virtue make class status—social respectively cultural—more salient in the defense of democracy than citizenship status. But if the liberal and the republican principle fail to achieve democratic integration in the midst of growing migration, then how should it be achieved? Is there a way to avoid this self-defeating way of promoting democratic practices and ideals?

Democratic Renewal: Integration through Emancipation

Given that the division of the world into separate and sovereign peoples renders a large group of human beings into "illegal" aliens, and pushes friends of democracy who seek to rectify this problem into a paradox of democratic self-defense, it is reasonable to ask whether there are alternative ways to conceive of citizenship. Is it

possible to let go of the enclosure model of citizenship? In keeping with the principle of emancipation, citizenship can be defined as *a status of equality aiming to alleviate the uncertainties that arise with the removal of external authorities in political affairs*. In this last section of the chapter, I will show that this definition of citizenship has three significant implications in the renewal of democracy: it changes the basic problem raised by migration, the relevant tradeoff it creates, as well as the institutional setting needed to mediate between conflicting claims on who "we, the people" are.

What problem does migration raise for democracy? If one adheres to the enclosure model of citizenship, the problem of migration is primarily a matter of inclusion and exclusion. The challenge is to find appropriate criteria for incorporating migrants into already existing bodies of peoples. This is how many scholars and politicians describe the problem of migration, including Benhabib and Miller.[90] Although they diverge on the appropriate criteria, they agree that citizenship is a membership-based concept. If one replaces the enclosure model of citizenship with the principle of emancipation, however, the problem raised by migration takes on a different connotation. Inclusion and exclusion is no longer the key issue. At issue is rather what kind of laws, institutions, and policies best alleviate uncertainty in society, and "best" here means that it tames and shapes the essential uncertainties of the future in an equitable way. Accordingly, while offering criteria of inclusion and exclusion might be *one* way to alleviate uncertainty, it is not the only way.

Let me illustrate this point by returning to the empirical circumstances that have prompted many democratic countries to sharpen their admission criteria, namely the growing number of people in the world seeking protection, refuge, and better life prospects for themselves and their families. Today many of these are migrants on the move from persecution, war, droughts, economic misery, state failure, and environmental catastrophes. It has been argued that 2015 is to Europe what 9/11 was to the United States: a game changer that steered politics from integration to disintegration.[91] Instead of supporting further European integration, the refugee crisis triggered the same kind of dynamic Arendt witnessed in the 1930s: states trying to dispose of the problem of migration by dumping it onto other states. The situation in Europe certainly has its own dynamic. Still, the most significant change in Europe and elsewhere in the last decades is the same: the increasing securitization of migration.[92] Under the proviso of upholding order and stability, migration has been reformulated as a matter of guaranteeing human security rather than human dignity.

The democratic response to this situation is not to stick with the existing description of the problem. Instead of making democracy hostage to emergency politics—which reduces the time and space needed for making realistic judgments and decisions—the task is to broaden the outlook: What are the sources of uncertainty to which citizenship is a solution? Have they changed over the

years, and if so, is it possible to track and tame them in a way that enhances reassurance and freedom in society? The point is that to foster emancipation, one cannot limit the problem of migration to a matter of human security. Keeping the border intact is not equivalent to keeping democracy intact. In fact, the opposite may be the case. At a time when human interactions in one part of the world have the potential to become amplified and create major reactions in another, it can be more reassuring to track uncertainty across borders rather than hovering within them.

This is where the principle of emancipation departs from the enclosure model: it encourages us to track and tame the sources of uncertainty that *provoke* claims for closure. Today it is often argued that while democracies ought to uphold and respect human rights, they must simultaneously respond to the anxiety that large-scale migration creates among the domestic populations. It can be a matter of losing jobs or being deprived of a specific way of life. If migration creates disorder in society, it can also be a matter of ensuring protection and security. Still, if we define citizenship as a status of equality aiming to alleviate uncertainty, it is evident that the imposition of stricter border controls does little to create reassurance in democratic societies. The reason is that present-day anxieties about migration are sourced in circumstances beyond the control of single peoples. They are activated by rules of warfare, global agricultural policies, trade agreements, employment and labor rules, discrimination acts and environmental regulations, or the absence thereof. In either way, they are conditioned by political processes that span existing borders.

Accordingly, the first step in the work towards democratic renewal consists in acknowledging that the anxieties associated with migration cannot be alleviated by one people alone. If a country decides to wage war or discriminate against parts of its population, it causes people to migrate to other countries. Or if trade agreements make it difficult for small farmers to survive, they have to move elsewhere. These are sources of uncertainty that escape the control of single peoples, and as such, they exacerbate the sense of unpredictability in society. They can be exploited to foster fierce competition or boost national loyalty, and in the worst case scenario they can be exploited to instill fear: close the door, fix the fence, check the border, and prepare for war. When addressed head on, however, these same uncertainties also carry with them an unexplored normative potential. Uncertainty is hard to live with. It creates anxiety, which prompts a longing for relief. The point is that by fostering integration through emancipation—through laws, institutions, and policies that equitably divide up the essential uncertainties of the future—it is possible to create relief *without* compromising democratic freedom.

This brings us to the second implication of committing to the principle of emancipation. Assuming that democracy exists at the discretion of sovereign peoples, the enclosure model of citizenship asks us to weigh a particular people's

right to democratic self-determination against the human rights of migrants. The conviction is that how these values are calibrated will determine the future of democracy. The principle of emancipation redirects our attention towards a different dilemma. It tells us that there is no tradeoff between safeguarding the value of democracy and human rights. They both secure our right to be human. The relevant tradeoff lies elsewhere, namely *between different principles of integration*: distinction, virtue, and emancipation. This means that instead of juxtaposing claims for democracy and human rights, we ought to pay critical attention to the animating principles behind such claims. What public commitment do they foster?

In Chapter 4, we established that election—generally looked upon as the core pillar of democracy—is not democratic per se. It can be animated and sustained by different principles, and these principles give color to the formality of election by determining whether it is a matter of selecting the better ones into office (distinction), achieving collective self-government (virtue), or shaping an uncertain future (emancipation). It stands to reason that at a time when the institution of election is limited to sovereign peoples, it is difficult for human beings to shape their own future by going to the polls. Human rights can support demands for political change, but as long as sovereign peoples have the prerogative to decide when these rights clash with demands for self-determination there is no way for human beings to adequately tame uncertainties that span existing borders. Arendt is therefore right when she notes that "human dignity needs a new guarantee which can be found only in a new political principle, in a new law on earth."[93]

Still, Arendt never defines the principle in question. She vacillates between two outlooks. On the one hand, she insists that the new law cannot be based on the present organization of the world into separate and sovereign peoples. It must be guaranteed by humanity itself: "For the first time in history all peoples on earth have a common present: no event of any importance in the history of one country can remain a marginal accident in the history of any other. Every country has become the almost immediate neighbor of every other country, and every man feels the shock of events which take place at the other side of the globe."[94] On the other hand, she maintains that while humanity one day may rise to the task and establish such a law, she is "by no means certain whether this is possible."[95] The reason is that the very expectation of such a task is likely to be too burdensome. It "may well turn out to be an unbearable burden, and it is not surprising that the common reactions to it are political apathy, isolationist nationalism, or desperate rebellion against all powers that be rather than enthusiasm or a desire for the revival of humanism."[96]

These passages reveal that while Arendt is forthcoming in her diagnosis of the problem of migration, her thinking is simultaneously severely constrained. When she reflects on the prospect of a new law on earth, she does so through the prism of a republican principle of virtue. How unbearable, she complains, would it not be if

everyone on earth had to assume responsibility for what everyone else does in the name of their common humanity. Who would be prepared to live under such conditions? It would give rise to "an intolerable situation of global responsibility."[97] Yet, if we replace the principle of virtue with the principle of emancipation, the problem is actually reversed. At a time when "every man feels the shock of events which take place at the other side of the globe" it is *more* burdensome to leave present-day uncertainties intact than to tame and harmonize them across peoples. The reason is that without the prospect of a new law on earth, there is no relief to be had against the uncertainties that haunt humanity in the era of migration and globalization.

What does it mean to construct a new law on earth based on the principle of emancipation? Turning full circle back to the first chapter of this book, we know that political institutions such as universal suffrage, human rights, and the public sphere do not fall back upon a sovereign people. They mediate between conflicting claims on who "we, the people" are. Today migration and globalization have altered the conditions under which such conflicts take place, and the enclosure model of citizenship is therefore confronted with competing claims on people-hood. Why, it is frequently asked, should the prerogative to decide criteria of inclusion and exclusion be reserved for members? Given that citizenship is such an important marker of human dignity, would it not be more reasonable to allow all those who are affected or coerced by decisions on political membership to have a say?[98] Or if increasing mobility makes this difficult, could one not limit decision-making to those who have a stake in the future organization of the society?[99] Indeed, if migration is a concern for humanity as a whole, why should not citizenship be too?[100]

In the conceptual terminology of this book, these are all claims about the *nature* of democracy. They offer different bids on who legitimately make up the people in a democracy, and hence are entitled to govern themselves: those who are members, subjected to law, forced to abide by state power, causally affected, have a considerable stake, or belong to the community or republic of humanity. The principle of emancipation operates on a different analytical level. Instead of taking sides in the debate, it encourages us to work in favor of laws, institutions, and policies that allow such conflicts on peoplehood to be negotiated and carried out in an equitable way. This means that sticking to the present organization of the world into separate and sovereign peoples will not do. This organization is biased in favor of the enclosure model of citizenship. To remedy the corruption it creates, and prevent it from relapsing into a process of democratic disintegration we need a new law on earth.

The wider implications of this point, such as what kind of law and institutional setting best alleviates uncertainty in an equitable way—and upholds moderation in world politics—falls outside the scope of this chapter. Still, to anticipate some issues of relevance to the question let me conclude by asking what it means to

appeal to the principle of emancipation as a source of judgment in the aforementioned conflict on the nature of democracy. Processes of migration and globalization have made the conflict between the enclosure model of citizenship and its different rivals acute, and stakes are high both in theory and in practice. In the work towards democratic renewal, it is therefore important to be attentive to the standpoint from which we judge the claims of ourselves and others. *In what spirit* is the enclosure model defended respectively opposed? Given that the task is to revitalize democracy, one ought to be careful not to assess present-day conflicts on the nature of democracy on the basis of distinction or virtue. It will only perpetuate the process of democratic disintegration. Instead one ought to invoke the principle of emancipation as the primary source of judgment. This entails asking questions like:

Do these different bids on who "we, the people" are tame and shape present-day uncertainties in an equitable way, or do they rather force some into precarious conditions while promising relief for others? Do they work in favor of laws, institutions, and policies that facilitate the capacity of people from different walks of life to begin anew, or do they enhance freedom for some while arresting others? Most importantly, do they try to resolve conflicts on the appropriate criteria of citizenship by having recourse to personified sources of authority—such as a particular body of people, a group of avant-gardists, or an individual leader—or do they by contrast work in favor of laws, institutions, and policies able to adjudicate the conflict between them?

Conclusion

In the aftermath of the Second World War, Arendt made the chilling observation that the pervasive talk of human rights notwithstanding, they do not exist unless you already are a citizen. Precisely at the moment when human rights are needed the most, that is, when we are stripped of our de facto citizenship and reduced to bare humans, they become ineffectual.[101] Many political theorists have refuted this argument as outdated. And yet, with growing migration across borders, Arendt's observation has turned into a widely accepted dogma. Since respecting the human rights of migrants may come into conflict with citizens' right to democratic self-determination, the argument goes, citizens should have the prerogative to decide their own criteria of inclusion and exclusion. The result is not a strengthening of human dignity on earth, but states quarreling about what to do with the growing number of superfluous people who, in Arendt's terms, are "welcomed nowhere."[102]

To come to terms with this dilemma, this chapter has inquired into the meaning of citizenship. Citizenship is conventionally understood as a membership-based concept. As the *Stanford Encyclopedia of Philosophy* puts it, a citizen "is someone who enjoys the rights and assumes the duties of membership."[103] The present

chapter has critically examined the democratic rationale behind this argument. Drawing on the principle of emancipation, it has demonstrated that citizenship is *not* a membership-based concept. It is a status of equality aiming to alleviate the uncertainties that arise with the removal of external authorities in political affairs. Defined in this way, the relevant tradeoff in the debate on migration does not go between democracy and human rights, but between different principles of integration: distinction, virtue, fear, and emancipation.

The message of this chapter is not that one should exclude the principle of distinction or virtue, or even that of fear in the discussion on citizenship. The principle of emancipation always coexists and competes with other principles, and sometimes they may even overlap. This makes it all the more important to understand what we are doing when we develop policies on citizenship, for it will influence the terms of our integration. When, for example, is it pertinent for a democracy to foster integration through emancipation, and when is it better served by distinction or virtue? Under what circumstances is it helpful to develop policies that encourage human beings to remain vigilant to prospective enemies, and when do such policies come at the expense of democracy?

There is no optimal formula for how to answer these questions. It will always be a matter of judgment, and judgments about tradeoff are no easy matter. Still, when making these judgments we do not stand entirely emptyhanded. We can fall back on the principle of emancipation as our immanent source of guidance. We can rest assured that if emancipation trumps the other principles in a sustained and structured way, it is possible to transform present-day uncertainties into a call for democratic renewal.

Conclusion

Democracy generates both hope and anxiety. Hope that it will put a halt to the accelerating economic inequalities that plague contemporary societies, hope that it will lead to a society where all human beings are treated with equal dignity and respect, and hope that people from different walks of life can live peacefully together under law. Anxiety that democracy will turn one people against another, result in political instability, and lead to the resurgence of authoritarian solutions to democratic problems.

This book has argued that while these observations about democracy are commonplace, their conjunction points to a central yet typically forgotten insight about modern democracy: born in a revolution against such time-honored authorities of politics as God, nature, and history, democracy unleashes a fundamental uncertainty about the purpose and direction of society. It is equally hope and anxiety. Today anxiety dominates. We witness waning confidence in democracy in many countries, and scholars fear its deconsolidation. Still, it is the implication of the thesis presented and defended here that modern democracy—understood as a spirit of emancipation—has resources to channel the uncertainties it unleashes in a way that rejuvenates commitment to democratic practices and ideals.

As a spirit of emancipation, democracy is not anchored in a sovereign people. It cannot be owned or possessed by a particular people. Democracy is a political lifeform practiced and sustained across established classes of people, be they based on a particular nation, status, identity, interest, ethnicity, gender, or race. In this brief and concluding chapter, I would like to reflect on the merits and limits of this argument: What can we see or do with this new conception of democracy that we could not see or do before? Conversely, what issues have been framed out of vision?

Three Lessons

Concepts are not merely terms designating things. Concepts are more akin to the strength of glasses. They both enable and limit our field of vision. In her book *Pilgrim at Tinker Creek*, Annie Dillard describes this work of concepts in an illuminating way. Spending one year in the forests around Blue Ridge Mountains in the state of Virginia, she one day "went out to see what she could see."[1] In a central passage in the book, she describes how difficult it was for her to

spot a bullfrog in the woods. She could not see it, even though a dozen enthusiastic campers pointed it out to her. It took her three long minutes to detect the frog. The problem was that looking for a frog, which to her meant something small and green she failed to notice the large and wet hickory bark colored creature right in front of her.[2]

The lesson of this story is that we do not encounter the world around us empty-handed. We do so through concepts that make us perceive and experience the world differently. A frog is a frog, and still not the same. Likewise, the shift from sovereignty to spirit means that we must readjust our understanding of what democracy is. By holding on to the sovereign people in the study of democracy, we are prone to be led astray in our analysis of its corruption, disintegration, and renewal. We are likely to overlook what is actually there, and in dire need of theoretical and empirical consideration. The task of this book, one could say, has therefore been to unlearn. It has developed an idea of peoplehood decoupled from popular sovereignty, carved out the democratic meaning of emancipation, and uncovered a democratic conception of freedom distinct from liberal and republican ones. On this conceptual basis, it has sought to shed new light on the democratically familiar, including the institution of general and free elections and policy-making on social rights and citizenship status.

It is now time to raise our sights a bit. What have we learned more generally? Shifting focus from sovereignty to spirit has three overall merits in the study of democracy. It underscores its *immanent*, *plural*, and *social* character, and each aspect challenges a core assumption in democratic theory. Let me start with the immanent character of democracy. Today it is generally taken for granted that democracy falls back upon a sovereign people. "Let the people decide!" is considered the most democratic of claims among republican thinkers, one which resounds in calls for referendums on issues ranging from European unification to secession. Letting the people decide is simultaneously what many liberal constitutionalists fear. Arguing that the people may be misled, or following Plato in his assessment of the people as a "huge strong beast" that one better keeps in check, they seek to limit popular rule by means of law.[3] Still, the core assumption among republicans and liberals is usually the same. Democracy, they assert, is sourced in a sovereign people. The controversy concerns whether the people so conceived is a constituent or constituted power, that is, whether it exists beyond or within the realm of law.[4]

Still, drawing attention to the people as a source of democratic legitimacy is one thing, and asking for its own democratic legitimacy another.[5] In the wake of globalization, migration and secession conflicts on who properly belongs to the people have moved into the center of public concerns. In political theory, these conflicts are typically assumed to be extraneous to democratic theory. Since there is no way to democratically adjudicate them without falling prey to an infinite regress or vicious circle, the argument goes, they must be determined by forces

extraneous to democracy; historical, moral, or decisionist ones. As I have demonstrated in this book, however, this conclusion is amiss. Democracy has its own immanent principle for adjudicating conflicting claims on who "we, the people" are: the principle of emancipation.

The principle of emancipation is not a blueprint for political action. It does not tell us what is right and wrong, or what we ought to do. It rather offers an immanent democratic yardstick from which to think it through. Just as people seeking to sustain a republic ought to adjudicate conflicting claims on who "we, the people" are with reference to the principle of virtue, people seeking to sustain a democracy ought to adjudicate such conflicts with reference to the principle of emancipation. The reason is that by sharing and dividing the essential uncertainties of the future equally, it emancipates us from a state of self-incurred tutelage. To remain free to begin the world anew, the principle of emancipation must be materialized in our actions and judgments, and it must be embodied in laws, institutions, and policies. Otherwise democracy will soon disintegrate, and give way to another political lifeform. Accordingly, the critical question in an age of democratic discontent is not what comes first, the people or the constitution? This question is beside the point. What matters is how the people and the constitution cohere into a distinct political lifeform, and by what principles they are integrated: distinction, virtue, fear, and/or emancipation?

In Chapter 4 I illustrated this point with reference to the institution of universal suffrage, or election. As I argued, election—one person, one vote—can cultivate different kinds of peoples, all depending on the principle that animates it. It can foster a socially distinguished, virtuous, and/or emancipated people. The relationship also goes in the other direction. People can act and judge on the basis of different principles, which in turn foster different types of elections; those intent on selecting the better ones into power, achieving collective self-government, or shaping an uncertain future in an equitable way. Given that the task is to adjudicate conflicting claims on who "we, the people" are in a *democratic* way, we ought to appeal to the principle of emancipation, for only this principle is democratic in the revolutionary sense of the term. It fosters equality across established classes of people.

Secondly, this book underscores the plurality of democracy, and this plurality pertains both to its beginning and end. Starting with the latter, there is no given end to democracy that can be summoned and represented in politics. Democracy is fundamentally open-ended. This openness assures our freedom under changing political conditions. It makes us sentient to a plurality of experiences and expectations about who we are and wish to be, and it makes our democracy realistic, malleable, and strong. Still, a democratic political lifeform is not based on one principle alone. Democracy is plural also in a second sense insofar as it carries the seeds of all other political lifeforms within itself; the republican, the monarchic, and even the despotic. It harbors an ongoing struggle between virtue, honor, fear,

and emancipation, and this is where we begin: in *medias res*. What allows us to say that a particular way of governing is "democratic" is that the principle of emancipation trumps virtue, honor, and fear in our actions and judgments as well as in our laws, institutions, and policies in a sustained or structured way.

This point is of particular relevance in times of democratic discontent. Today the resurgence of authoritarianism is a source of heightened concern: Can democracy survive it? Is democracy perhaps the source of it? If so, how can it win back citizens from those who seek its demise? In this context, it is common for political theorists to turn back to the foundations of democracy. In the attempt to take back the initiative from democracy's enemies, they try to save democracy by appealing to one of two fundamental forces: will and reason. To some scholars, the resurgence of authoritarianism calls for a new revolution against political and economic elites. The will of the people is the true authority behind democratic law, and it has to be activated and summoned anew. To others, the will of the people cannot be trusted. We ought instead to appeal to our own capacity of reason. By appealing to reason we can filter out misinformation, distorted communication, and political bias in favor of what is reasonable and right.

Taking our cue from the spirit of democracy, this outlook on democracy's crisis is too limited. Focusing on the conflict between will and reason, it overshadows the role of judgment in politics. Judgment is required under conditions of uncertainty, and uncertainty, I have argued, is the very fabric of democracy. It is the stuff that needs to be recognized, tamed, and leveled out. In a democracy, there is no final authority that we can appeal to under conditions of uncertainty, only people in the plural that remain divided on the purpose and direction of society. Still, while passing judgment under such conditions is both difficult and risky, we do not stand entirely empty-handed. We have different principles at our disposal, and they coexist and compete for our attention. Accordingly, fighting authoritarianism by putting will against reason, or vice versa will not do. What is required is critical attentiveness to the ongoing struggle between political lifeforms, and the complex ways in which we support and enact them in our everyday judgments and decisions.

Finally, this book accentuates the social character of democracy. It argues that democracy—in its distinctively modern incarnation—does not work without due attention to the social question. In making this argument, it challenges a widespread and historically entrenched distinction in political theory, namely the distinction between "the political"—understood as a realm of freedom—and "the social"—understood as a realm of needs. This distinction originally goes back to Aristotle, who defines man as a political animal. To be a free citizen capable of action and speech is one thing, to be determined by one's own material and bodily needs another. The former is the political being par excellence. Most contemporary democratic theorists hold on to this distinction between the

political and the social. As Robert Dahl writes in *Democracy and its Critics*, we ought to acknowledge that the social question is "external" to the concept of democracy:

> By external I mean that it is not a part of the conception of the [democratic] process itself, yet it is essential to the proper functioning of the process. For example, from Aristotle onward political theorists have recognized that the functioning of democratic processes will be impaired if citizens are vastly unequal in economic means or in other crucial resources.[6]

Dahl is not alone in making this argument. Ever since the birth of democracy in the revolutions in the late eighteenth century, the social question has been insulated from politics. It has been understood either as the empirical starting point of the democratic process, or its theoretical endpoint. Many scholars agree with Dahl, and argue that some measure of social equality is an empirical prerequisite for a well-functioning democracy. To others, the social question should rather be understood as the endpoint of democracy, which means that democracy turns into an instrument for achieving a good or just society. In either case, the social question is extraneous to the concept of democracy. Why this unwillingness to include the social question?

The answer to this question is both straightforwardly simple and theoretically complex. On the one hand, democratic theorists insist on this point since they fear that a preoccupation with the social question can lead to a violation of political freedom in favor of material security. The lessons learned by the French Revolution's quest for bread over freedom, by the distortion of communism into totalitarianism, or by the way cravings for material security often come at the expense of political freedom all tell us the same thing: we must be careful not to mix up the political with the social. They are two different animals, and as such, they should be kept apart in our conceptualization of democracy. As democratic theorists, we study the political. The social is a different topic, a matter of justice and welfare rather than democracy.

On the other hand, we know that many consolidated democracies also are developed welfare states. Empirically speaking, they do not pin the political against the social in the way depicted by political theorists. Quite the reverse, the rise and spread of democracy have in many cases gone hand in hand with demands for social reforms.[7] Why then do so many political theorists insist that the social question is extraneous to the concept of democracy? This question alerts us to a deeper assumption about the political, an assumption that leads many scholars astray in their analysis of the corruption, disintegration, and renewal of democracy. The assumption—which has been subjected to critical scrutiny throughout this book—is that the political can be limited to a question of who governs and how. It refers to the constitutional (constituent or constituted) power

of the people, and the processes through which it governs itself, including participation, deliberation, and representation.

This reductionist understanding of the political is what I have sought to challenge in this book. Drawing on Montesquieu's work on the spirit of laws, I have expanded the idea of the political beyond its confinement to the nature of politics. As a political lifeform, democracy extends into the everyday and material lives of people. It integrates the social with the political through the principle of emancipation. From this outlook, it is counterproductive—indeed even impossible—to detach democracy from the social question. The principle needed to make democratic institutions tick is the *same* that needs to be materialized in social policies. It is commitment to emancipation that lies behind the institution of general and free elections. It provides human beings with the freedom to fail in their judgments and decisions, and begin anew. In the same way, it is emancipation that lies behind the call for universal social rights and citizenship status. It secures our right to be human in the midst of endemic uncertainty. The upshot is that divorcing the political from the social is not a way to enhance freedom in society. They must mutually reinforce each other in order for a democracy to sustain and renew itself over time.

The fact that the ends of society are open makes democracy into an attractive political form. Openness entails a promise of change. It signals that life can be otherwise. Still, openness is not only inspiring. It also means that life in a democracy pivots on uncertainty. No one can foretell what the future holds in store, and as citizens we have to live with the uncertainty that it creates in our lives. This is where the social question becomes important. In order for a democracy to sustain over time, the uncertainty unleashed by the removal of extra-political authorities like God, nature, and history must be met by social policies. Otherwise the burden of living in a democracy may be too taxing. Policies governing the everyday life of human beings—in areas of citizenship, education, and work—may secretly work against the maintenance of core democratic institutions.

This point is particularly salient in times of crisis. With waning confidence in universal suffrage, human rights, and the public sphere, the uncertainty tamed by these institutions has a tendency to resurface and spread in society. This uncertainty can be exploited to undermine democracy from within. Today there are many forces trying to take advantage of the precarious living conditions generated by many years of democratic corruption. Instead of taming the essential uncertainties of the future in an equitable way, they pit vulnerable groups against each other in a competition for security and status, or encourage them to seek refuge in various kinds of "retrotopias."[8] But as insisted throughout, the same uncertainty that can be exploited to undo democracy from within can also—when understood and channeled in the right way—lead to its renewal. Just as the institution of election renders people equally free to fail in their judgments and decisions and begin anew, so do social rights. They make sure that we can have our weak

moments in life without having to fear that the future works against us. Focusing on the area of social policy-making is therefore essential to the rejuvenation of democracy.

Three Openings

In *The Spirit of the Laws*, Montesquieu remarks that "one must not always so exhaust a subject that one leaves nothing for the reader to do."[9] The task of books is not merely to make readers "read," but to make them "think."[10] Montesquieu has certainly prompted me to think, and this book is the result of that thought process. Needless to say, it lays no claim to offer a full or exhaustive treatment of the spirit of democracy. I have limited the analysis to three concepts, the people, emancipation, and freedom, and when spelling out their implications I have concentrated on three contentious issues, namely election, social rights, and citizenship status. I have not given much attention to the meaning of law, except for a brief discussion related to democratic freedom and rule of law in Chapters 3 and 4. Furthermore, core political institutions like human rights and the public sphere, or important policy areas like education, work, taxation, communication, health, ownership, and housing have not been addressed. All of them are vital in the renewal of democracy.

One major topic that has been bracketed throughout, a topic which the critical and attentive reader may have been patient enough to postpone for later is the conditions under which the democratic political lifeform is supposed to operate. Power limits power, I have argued, as if the struggle between political lifeforms takes place on equal terms. It is true that democracy competes with other political forms in our judgments and decisions. At the same time, it would be foolish to think that the struggle is even-handed. The corruption, disintegration, and renewal of democracy do not take place in a historical vacuum. By way of conclusion, I would like to briefly raise a few questions pertaining to the relationship between democracy and other important human artifacts like the state, the nation, and the market. The hope is that these preliminary remarks will spark further thinking on the political, cultural, and economic conditions needed to foster commitment to democratic practices and ideals.

In *Politics as Vocation*, Max Weber defines the state "as a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory."[11] The state has a monopoly on violence since all force derives from the state's authority (not only the military and the police, but also privately conducted force), and the monopoly is legitimate since the state has successfully claimed it. States, so defined, can take on many different political forms. Democracies claim this monopoly, and so did absolute monarchies prior to the birth of democracy. Even the most despotic states, like Germany under the Third

Reich, South Africa under apartheid, or North Korea under Kim Jong-un can be regarded as legitimate in the sense understood by Weber. They have successfully—if not rightfully—claimed monopoly on the use of violence. States, in other words, can take on many different political forms. They can be monarchical, republican, despotic, or democratic. The question is whether this flexibility also goes in the other direction. Can one imagine a democratic political lifeform *beyond* the state?

The state has its own rationale, foremost of which is to create order and uphold force of law. It is the sword behind the word, and in this capacity it must be distinguished from the more socially induced sanctions associated with the spirit of political lifeforms, i.e. the ways in which laws, institutions, and policies create incentives for people to act in some ways rather than others. Still, the question of how democracy relates to the state is intriguing. The state, it could be argued, has been useful to democracy in many ways. Through its monopoly on violence it ensures that democratic decisions are respected, and that the outer boundaries of contemporary democracies are not violated by other states. The question though is whether this role of the state is a necessary or merely contingent condition for democracy. Does democracy need the kind of security provided by the modern state, or could it prosper under a different kind of political order, such as a world state or a medieval order of overlapping power structures?

Theoretically speaking, the spirit of democracy is a lever of critique against unfreedom wherever and whenever it turns up. This is one of its merits: as a classless political lifeform it refuses to become hostage to established ideas of who counts. If the current system of separate and sovereign states enforces political boundaries that prevent us from dividing up uncertainty in an equitable way—if it reinforces and perpetuates insecurity in society by giving freedom of movement to some while arresting others, or worse, renders human beings *homo sacer*—the spirit of democracy can be invoked against it. Still, to decouple democracy from popular sovereignty is one thing, to decouple it from state sovereignty another. The latter move taps into an old discussion of the relationship between democracy and statehood, such as whether the state is the historical endpoint of democracy, or by contrast an obstacle towards its realization. To find out what it means to invoke democracy *against* the state therefore demands more than merely asking how the current partition of space affects our ability to tame uncertainty. It requires looking into its authority, territoriality, and sovereignty, as well as asking how democracy relates to statehood as a quest for ontological security.[12]

A second question that requires further thinking relates to the cultural conditions of democracy, and more specifically, to the role of the nation. Not only has modern democracy spread and matured within the realm of the state. Historically, it has gone hand in hand with the nationalization of politics. To many political theorists, allegiance to the nation has served as an important empirical premise for democracy.[13] It is argued that without a shared sense of common history and

destiny, it would have been difficult to motivate a minority to abide by the will of the majority, let alone make citizens ready to redistribute resources among themselves. And yet, the importance of national solidarity is often denied in political theory. According to Margaret Canovan, many political theorists unconsciously rely upon the collective power generated by the nation. This power remains in the background as a tacit presupposition which gives coherence and direction to putatively universal claims.[14]

Does the democratic spirit of emancipation advanced in this book tacitly presuppose a nation, or does the nation by contrast work as a straitjacket in the renewal of democracy? Can emancipation take on different shapes in different cultural contexts, or does it demand a specific cultural disposition? Do we have to be attuned to Enlightenment values to commit to the spirit of emancipation, or is it independent of our cultures, mores, and religions? These questions alert us to the difference between political lifeforms, on the one hand, and what sociologists call *cultural life-worlds*, on the other. A cultural life-world is the always already familiar. In everyday life we take certain values for granted, and these values constitute "a storehouse of unquestioned cultural givens" that grant coherence and direction to our lives.[15] In this book, I have bracketed the relationship between political lifeforms and cultural life-worlds, which means that I have closed off important aspects of democratic life to critical scrutiny. In the light of growing cultural pluralism it is therefore imperative to ask how the democratic spirit of emancipation relates to culture, not least in light of accelerating conflicts on multiculturalism, nationalism, and cosmopolitanism.

Finally, while this book examines the role of the social question in the corruption, disintegration, and renewal of democracy, it does not directly address the issue of the market. Given that capital today transcends democracies—and generates ratios of inequality that resemble those that existed before the spread of democracy in the twentieth century—the link between the spirit of democracy and the spirit of capitalism opens up a third line of inquiry. Is the spirit of democracy compatible with a market economy based on capitalism? On the one hand, the openness of democracy chimes with the logic of capitalism, which also trades on "options" and a future to come. On the other hand, capitalism presupposes a market in human labor as well as in things. This is what makes the social question so contentious. Does the security offered by universal social rights tacitly hinge on the acceptance of human and natural exploitation?

The exploitation of human labor, natural resources, and social forms of reproduction such as unwaged labor, care work, art, and culture is what scholars find most questionable about a capitalist market economy. Not only does it make human beings themselves into "things"; replaceable, superfluous, and precarious. It reifies capitalism as an inevitable economic process that exists beyond politics. As Nancy Fraser and Rahel Jaeggi argue, this denial of the inherently political character of capitalism is the greatest obstacle to its democratization. It ignores

how capitalism today extends beyond the purely economic, and takes the shape of a more encompassing order that exploits the human and natural resources upon which it depends for the accumulation of capital, while simultaneously disavowing responsibility for it. The result is a human, political, and ecological crisis.[16]

How to democratically re-politicize capitalism is not addressed in this book. Still, it is the hope of this author that the reconceptualization of democracy from sovereignty to spirit can help to press the question further. Today capital—including private wealth, pension funds, and large investments by states and companies—is globalized. It moves freely across borders, whereas the democracies themselves are anchored in separate and sovereign peoples. This gives capital a comparative advantage over democracy that has amplified global economic inequalities, blocked serious attempts to get to grips with climate change, and created a new kind of hereditary elite within existing democracies. Furthermore, while capitalism creates a surplus value in society there is no serious discussion about how to distribute the time that goes into its production. At stake in capitalism is not merely the value of money, but the value of our time. As finite human beings, our time on earth is limited, and the question is therefore how the issue of time—and hence life itself—is addressed through democratic politics.[17] Replacing a sovereign- with a spirit-orientated understanding of democracy could be a first step in expanding the struggle for emancipation across existing classes of people, and deepening our understanding of what it means to live freely.

Notes

Introduction

1. By corruption I mean the erosion of democratic practices and ideals, not corruption in the more common and limited sense of abuse of power, or office.

2. E.g. T. H. Marshall and Tom Bottomore, *Citizenship and Social Class* (London: Pluto Press, 1992); Robert Dahl, *Democracy and its Critics* (New Haven and London: Yale University Press, 1989); David Held, *Democracy and the Global Order* (Cambridge: Polity Press, 1995); Robert Palmer, *The Age of the Democratic Revolution* (Princeton: Princeton University Press, 2014); Jürgen Habermas, *Between Facts and Norms*, tr. William Rehg (Cambridge, MA: MIT Press, 1996); Axel Hadenius, ed., *Democracy's Victory and Crisis* (Cambridge: Cambridge University Press, 1997); John Dunn, *Setting the People Free: The Story of Democracy* (London: Atlantic Books, 2005); Nadia Urbinati, *Representative Democracy: Principles and Genealogy* (Chicago: University of Chicago Press, 2006); *Me the People: How Populism Transforms Democracy* (Cambridge, MA: Harvard University Press, 2019); Jason Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham, NC and London: Duke University Press, 2010); Pierre Rosanvallon, *Democratic Legitimacy: Impartiality, Reflexivity, Proximity* (Princeton and Oxford: Princeton University Press, 2011); David Runciman, *The Confidence Trap: A History of Democracy in Crisis from World War I to the Present* (Princeton: Princeton University Press, 2013); Alessandro Ferrara, *The Democratic Horizon* (Cambridge: Cambridge University Press, 2014); Chris Meckstroth, *The Struggle for Democracy: Paradoxes of Progress and the Politics of Change* (Oxford: Oxford University Press, 2015).

3. Robert Dahl, *On Political Equality* (New Haven and London: Yale University Press, 2007), p. x.

4. Pierre Rosanvallon, *The Society of Equals* (Cambridge, MA: Harvard University Press, 2013), p. 8; Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (New York: Zone Books, 2015), p. 44. See also Peter Mair, *Ruling the Void: The Hollowing of Western Democracy* (New York and London: Verso, 2012); Adam Przeworski, *Democracy and the Limits of Self-Government* (Cambridge: Cambridge University Press 2010); Colin Crouch, *Post-Democracy* (London: Polity Press, 2004); Sheldon Wolin, *Democracy Incorporated: Managed Democracy and the Specter of Inverted Totalitarianism* (Princeton: Princeton University Press, 2008); David Runciman, *How Democracy Ends* (London: Profile Books, 2018); Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Crown, 2018).

5. Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge: Cambridge University Press, 2016).

6. Edmund Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: Norton, 1988), pp. 90–1. For the sovereign people as a useful

fiction or imaginary, see Tuck, *The Sleeping Sovereign*; Kevin Olson, *Imagined Sovereignties. The Power of the People and Other Myths of the Modern Age* (New York: Cambridge University Press, 2016). For a critique of the sovereign imaginary that differs from the one worked out in this book, see Jonathan Havercroft, *Captives of Sovereignty* (Cambridge: Cambridge University Press, 2011); Zoran Ollopcic, *Beyond the People: Social Imaginary and Constituent Imagination* (Oxford: Oxford University Press, 2018).

7. Baron de Montesquieu, *The Spirit of the Laws*, tr. and ed. A. M. Cohler, B. C. Miller, and H. S. Stone (Cambridge: Cambridge University Press, 1989).

8. Emile Durkheim and August Comte both describe Montesquieu as the most important precursor to sociology, whereas Raymond Aron retorts that rather than being a precursor to sociology, Montesquieu is one of its greatest theorists. See Raymond Aron, *Main Currents in Sociological Thought I: Montesquieu, Comte, Marx, Tocqueville. The Sociologists and the Revolution 1848* (New York: Basic Books, 1965). To Louis Althusser, the achievement which has had the greatest influence on the modern era is Montesquieu's carving out of politics as a distinct object of study separate from both the natural and the moral universe. Louis Althusser, *Politics and History: Montesquieu, Rousseau, Marx*, tr. B. Brewster (London: Verso 2007), pp. 17ff. See also Melvin Richter, *The Political Theory of Montesquieu* (Cambridge: Cambridge University Press, 1977). For Peter Gay, Montesquieu is "the first and greatest sociologist in the Enlightenment." Peter Gay, *The Enlightenment: The Science of Freedom* (New York and London: Norton, 1977), p. 323. Still, the originality of Montesquieu has also been questioned. To Bernard Crick, it is Machiavelli rather than Montesquieu who accomplishes this separation of politics from the natural and the moral realm, and thus counts as the first master of political science. Niccolo Machiavelli, *The Discourses*, ed. Bernard Crick, 2nd edition (London: Penguin Books, 1998), p. 28.

9. For this way of posing the question, see Plato, *Complete Works*, ed. J. Cooper and D. S. Hutchinson (Indianapolis and Cambridge: Hackett Publishing, 1997), p. 1156; Aristotle, *The Politics and the Constitution of Athens*, ed. S. Everson (Cambridge: Cambridge University Press, 1996), pp. 91ff.; Benedict de Spinoza, *A Theologico-Political Treatise and A Political Treatise*, tr. R. H. M. Elwes (New York: Dover Publications, 2004), p. 313.

10. Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, ed. V. Gourevitch (Cambridge: Cambridge University Press, 2007), p. 41.

11. Brian Singer, *Montesquieu and the Discovery of the Social* (New York: Palgrave Macmillan), p. xviii; Richter, *The Political Theory of Montesquieu*, pp. 56–7. According to Singer, Montesquieu would never have been able to *ask* this question "had his primary concern been to demonstrate a given form of rule to be necessary and just because of its origin in a higher principle," *Montesquieu*, p. xviii. It is precisely because of his attentiveness to the difference between social classes that he is attuned to the difference between political forms.

12. Montesquieu, *The Spirit of the Laws*, pp. 21ff. Three points about the spirit of laws are worth noting: First, Montesquieu brings in many "laws" in his work. Apart from the three political "spirits" of law discussed here, he distinguishes between natural law and positive law, and between invariable law (God and the physical world) and variable law

(human creations). How these laws relate to each other will not be dealt with in this book. Second, note that what we here call "political lifeforms" are not identical to the boundaries of a particular order. One and the same political order, like a state, can embody many different political forms (see Conclusion). Third, while Montesquieu uses the word "spirit" of laws, his understanding is relational. The point he makes is that the rise and fall of different forms of government do not come about through inevitable laws. In contrast to the movements of nature, the interactional movement of history cannot be related to a determinant element. To Montesquieu, history is a movement that can be understood, and whose meanings can be grasped, but which can never be explained in the way one explains the falling of apples to the ground. See Althusser, *Politics and History*, p. 51; Ernst Cassirer, *The Philosophy of Enlightenment,* tr. F. C. A. Koelln and J. P. Pettegrove (Princeton: Princeton University Press, 2009 [1951]), pp. 209–16.

13. Montesquieu, *The Spirit of the Laws*, pp.10ff. As Louis Althusser points out, Montesquieu's distinction between the nature and principle of government responds to two different questions that I have slightly altered above. The nature of a government provides an answer to the question "Who holds power, and how does the holder of power exercise that power?" The principle answers a different question, namely "On what condition can there be a government which gives power to a people, a monarch or a despot, and make it exercise that power?" Althusser, *Politics and History*, pp. 45–60.

14. Montesquieu, *The Spirit of the Laws*, p. 21.

15. Montesquieu, *The Spirit of the Laws*, p. 36.

16. Montesquieu, *The Spirit of the Laws*, p. 31.

17. Montesquieu, *The Spirit of the Laws*, p. 29.

18. Montesquieu, *The Spirit of the Laws*, p. 9.

19. Hannah Arendt, *Essays in Understanding*, ed. Jerome Kohn (New York: Schocken Books, 1994), p. 331.

20. Althusser, *Politics and History*, x: Rebecca E. Kingston, ed., *Montesquieu and his Legacy* (New York: SUNY Press, 2008), p. 1.

21. Plato, *Complete Works*, pp. 1365ff.; Aristotle, *The Politics and the Constitution of Athens*, pp. 91ff.

22. See, for example, Paul A. Rahe, *Montesquieu and the Logic of Liberty* (New Haven and London: Yale University Press, 2009), pp. 65ff.

23. E.g. Peter Gay, *The Enlightenment*, p. 327, note 4. See also Hannah Arendt, "Montesquieu's Revision of the Tradition," in *The Promise of Politics*, ed. Jerome Kohn (New York: Schocken Books, 2005), pp. 63–9; Cassirer, *The Philosophy of the Enlightenment*, p. 212.

24. Note that while I borrow Montesquieu's conceptualization of the spirit as a foil, I do not engage in the vivid debate on how to interpret Montesquieu himself. Whether he was favoring a liberal, monarchical, or republican form of government, or some combination thereof such as "liberal republicanism" or "liberal monarchism" is beyond the scope of this book. For this debate, see, among others, Thomas Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on the Spirit of Laws* (Chicago and London: University of Chicago Press, 1979); Judith Shklar, *Montesquieu* (Oxford: Oxford University Press, 1987); Sharon Krause, *Liberalism with Honor* (Cambridge, MA:

Harvard University Press, 2002); Michael Sonenscher, *Before the Deluge: Public Debt, Inequality, and the Intellectual Origins of the French Revolution* (Princeton: Princeton University Press, 2007); Paul Rahe, *Soft Despotism, Democracy's Drift: Montesquieu, Rousseau, Tocqueville, and the Modern Prospect* (New Haven and London: Yale University Press, 2009); Annelien de Dijn, "On Political Liberty: Montesquieu's Missing Manuscript," *Political Theory* 39, 2 (2011): pp. 181–204; "Was Montesquieu a Liberal Republican?," *The Review of Politics* 46 (2014): pp. 21–41; Celine Spector, "Was Montesquieu Liberal?," in *French Liberalism from Montesquieu to the Present Day*, ed. Raf Geenens and Helen Rosenblatt (Cambridge: Cambridge University Press, 2012), pp. 57–72; Robin Douglass, "Montesquieu and Modern Republicanism," *Political Studies* 60, 3 (2012): pp. 703–19. See also the contributions in Kingston, ed., *Montesquieu and His Legacy*.

25. As many scholars point out, it is not easy to reconcile this relational position with Montesquieu's own critique of despotism, or his admiration for the English monarchy.

26. Althusser, *Politics and History*, p. 46.

27. Arendt, *Essays in Understanding*, p. 335. The principles "are the criteria according to which all public life is led and judged." *Essays in Understanding*, p. 332. Or in Melvin Richter's terms, they signify that the question raised by Montesquieu is "by what standards laws ought to be judged." *The Political Theory of Montesquieu*, p. 57.

28. Montesquieu, *The Spirit of the Laws*, p. 30.

29. Brian Singer, "Montesquieu on Power: Beyond Checks and Balances," in *Montesquieu and His Legacy*, ed. Kingston, p. 99. See also xxi, p. 47.

30. In Montesquieu's own terms, "power must check power." *The Spirit of the Laws*, p. 155.

31. The result is that for Montesquieu "power can be divided—between the branches of government as well as between federated states and between state and federal government—because it is not *one* instrument to be applied to *one* goal." Hannah Arendt, *Thinking Without a Banister: Essays in Understanding, 1953–1975*, ed. Jerome Kohn (New York: Schocken Books, 2018), p. 52.

32. "In a word, honor is in the republic though political virtue is its spring; political virtue is in the monarchy though honor is its spring." Montesquieu, *The Spirit of the Laws*, p. xli. See also p. 26.

33. When "ambition in idleness, meanness in arrogance, the desire to enrich oneself without work, aversion to truth" and other things related to the monarchical principle of distinction set in, "it is very difficult for the people to be virtuous." Montesquieu, *The Spirit of the Laws*, p. 25.

34. As Singer points out, the social has meant different things throughout history. It has referred to societies (e.g. societies of women), the intermediary realm between private and public (as in civil society), and the association of individuals which forms a political body in social contract theory (Singer, *Montesquieu*, p. x). What Montesquieu discovered, according to Singer, is a different connotation of the social, one that later would preoccupy sociologists, namely the social as a realm that arises from the limits of the political.

35. The legacy of Montesquieu is mixed and controversial, and scholars disagree on how the different elements of his work come together in modern democratic life. However one characterizes his legacy, it is clear that Montesquieu is a child of his time. Although

his thinking has served as an important source of inspiration in the birth of modern democracy, he did not himself live to see the radical overturning of society that took place in the American and the French revolutions. When he refers to the republic as a democratic (and aristocratic) political form engendered by equality, he therefore has the republics of Athens and Rome in mind, and when he refers to the mixed constitution it is the English monarchy that stands model. Modern democracy, as it comes forth in the two revolutions, is not part of his investigation. It is this political form that I address in this book.

36. As Melvin Richter points out, Montesquieu was central to the debate between federalists and anti-federalists, in particular with regard to the issue of the size of a well-functioning republic. Richter, *The Political Theory of Montesquieu*, p. 3. See the letters of Brutus, in Alexander Hamilton, James Madison, and John Jay, *The Federalist with Letters of "Brutus,"* ed. Terence Ball (Cambridge: Cambridge University Press, 2003), p. 443. And the response in Federalist No. 9.

37. Jan-Werner Müller, *Constitutional Patriotism* (Princeton: Princeton University Press, 2007); David Miller, *Citizenship and National Identity* (Cambridge: Polity Press, 2000); Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1995); Anna Stilz, *Liberal Loyalty: Freedom, Obligation, and the State* (Princeton: Princeton University Press, 2009).

38. In the American and French revolutions, the term "democracy" was often associated with ancient democracy, and the new form of government built on popular sovereignty and representative government was often described as a republic, as a way to contrast it with the ancients. The difference pertained both to the idea of representation (see Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1997), pp. 1–7), and the fact that ancient democracy was associated with "class rule"; the many versus the few (Hamilton et al., *The Federalist*, p. xxx). Still, the term "democracy" was also put into use at the time. For a discussion, see Palmer, *The Age of the Democratic Revolution*, pp. 13ff.; Robert Palmer, "Notes on the Use of the Word 'Democracy' 1789–1799," *Political Science Quarterly* 68 (1953): pp. 203–26; Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2007), p. 82.

39. Needless to say, republicanism and liberalism are broad churches. Throughout this book, I will specify what I mean by the term in relation to the specific discussion at hand. For different accounts of this important yet general axis in political theory, see Jeffrey Isaac, "Republicanism vs Liberalism? A Reconsideration," *History of Political Thought* 9 (1988): pp. 349–77; Frank Michelman, "Law's Republic," *Yale Law Journal* 97, 8 (1988): pp. 1493–537; Alan Patten, "The Republican Critique of Liberalism," *British Journal of Political Science* 26, 1 (1996): pp. 25–44; Jürgen Habermas, "Three Normative Models of Democracy," in *The Inclusion of the Other: Studies in Political Theory*, ed. C. Cronin and P. De Greiff (Cambridge, MA: MIT Press, 1998), pp. 239–52; Andreas Kalyvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns* (Cambridge: Cambridge University Press 2008). For the neo-republican tradition, see Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1997); Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997), and for a recent attempt to

revitalize the Machiavellian republican tradition, see John McCormick, *Machiavellian Democracy* (Cambridge: Cambridge University Press, 2011).

40. J. G. A. Pocock, "Virtues, Rights and Manners: A Model for Historians of Political Thought," in *Virtue, Commerce, History* (Cambridge: Cambridge University Press, 1985), pp. 37–50, at p. 47.

41. Habermas," Three Normative Models."

42. Kalyvas and Katznelson, *Liberal Beginnings*, p. 4.

43. "The people" can refer to different things, such as the sovereign people (the supreme authority behind law), the citizenry (those who are formally recognized under law), the demos (those who have the right to a say in politics), the nation (collective identity or *das Volk*), the common people (the lower orders as opposed to the elites) or the *populus* (citizens as opposed to patricians and slaves). In this book, the critical attention is on the sovereign people.

44. American Declaration of Independence.

45. Emmanuel Sieyès, *Political Writings*, ed. Michael Sonenscher (London: Hackett Publishing, 2003), p. 136.

46. Robert Dahl, *After the Revolution? Authority in a Good Society* (New Haven: Yale University Press, 1970), p. 60.

47. Dahl, *Democracy and its Critics*, p. 3. See, among others, Claude Lefort, *Democracy and Political Theory*, tr. D. Macey (Cambridge: Polity Press, 1988); Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust* (Cambridge: Cambridge University Press, 2010); Alan Keenan, *Democracy in Question: Democratic Openness in a Time of Political Closure* (Stanford: Stanford University Press, 2003); Bonnie Honig, *Democracy and the Foreigner* (Princeton: Princeton University Press, 2003); Sofia Näsström, "What Globalization Overshadows," *Political Theory* 31, 6 (2003): pp. 808–34; "The Legitimacy of the People," *Political Theory* 35, 5 (2007): pp. 624–58; Margaret Canovan, *The People* (Cambridge: Polity Press, 2005); Frank, *Constituent Moments*; Paulina Ochoa Espejo, *The Time of Popular Sovereignty: Process and the Democratic State* (University Park, PA: Pennsylvania State University Press, 2011); Meckstroth, *The Struggle for Democracy*; Olson, *Imagined Sovereignties*.

48. Brown, *Undoing the Demos*, p. 210. Also p. 220.

49. For different variants of this argument, for example how the revolution is "channeled into concepts which had just been vacated," and how the turn to modernity is "the reoccupation of answer positions that had become vacant," see, respectively, Hannah Arendt, *On Revolution* (New York: Penguin Books, 1963), p. 155; Hans Blumenberg, *The Legitimacy of the Modern Age*, tr. R. M. Wallace (Cambridge, MA: MIT Press, 1983), p. 65. For the idea of the revolution as a relative new beginning, see also Lefort, *Democracy and Political Theory*; Andreas Kalyvas, *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt and Hannah Arendt* (Cambridge: Cambridge University Press, 2008).

50. Dunn, *Setting the People Free*.

51. Urbinati, *Me the People*, p. 199; Frank, *Constituent Moments*, pp. 237–54.

52. Ferrara, *The Democratic Horizon*, pp. 44–66.

53. Ferrara, *The Democratic Horizon*, p. 49.

54. Hannah Arendt, *The Life of the Mind* (New York: Mariner Books, 1981), pp. 195–218.

55. Alexis de Tocqueville, *Democracy in America*, tr. H. Reeve (New York: Bantam Classic, 2000), p. 876.

56. Lefort, *Democracy and Political Theory*; *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, ed. J. B. Thompson (Cambridge, MA: MIT Press, 1986).

57. Brian C. Singer, *Society, Theory and the French Revolution: Studies in the Revolutionary Imaginary* (New York: St. Martin's Press, 1986), p. 68.

58. Claude Lefort *Complications: Communism and the Dilemmas of Democracy* (New York: Columbia University Press, 1999), p. 114.

59. This point conveys that democracy is as an *institutionalized* way of doing politics. A democracy cannot be incorporated into a particular people, group, or person. Nor can it be reduced to a relationship between a people and its leader, or to a direct relationship between two persons. In the words of Jeremy Waldron, this way of organizing a democracy—"'Now there is just you and me and the issue of my greatness' or 'Now there is just you and me and our interest in justice'"—presses human beings into an "unmediated proximity." Jeremy Waldron, *Political Political Theory* (Cambridge, MA: MIT Press, 2016), p. 15. In our terms, it does not give them the time and space needed to judge and decide for themselves what the purpose and direction of society should be. For arguments about the importance of intermediary bodies in democracy, see also Nadia Urbinati, "A Revolt Against Intermediary Bodies," *Constellations* 22, 4 (2015): pp. 477–86.

60. Lefort, *Democracy and Political Theory*, p. 17.

61. Lefort, *Democracy and Political Theory*, p. 39.

62. As a recent empirical study shows, citizens of consolidated democracies are becoming increasingly dissatisfied with the way democracy works, and as a result, more willing to support nondemocratic forms of governing. Roberto Stefan Foa and Yasha Mounk, "The Danger of Deconsolidation: The Democratic Disconnect," *Journal of Democracy* 27, 3 (2016): pp. 5–17.

63. Crouch, *Post-Democracy*.

64. Populism typically addresses the relationship between two antagonistic groups, the people and the elite. The debate on populism is growing, and it typically revolves around three questions: What populism is (i.e. a political strategy, a weak ideology, a political style, or a political logic), how it relates to modern democracy (pre-modern or inherent to modern democracy), and whether it is "a threat or corrective" to democracy; see Cristobal Rovira Kaltwasser, "The Ambivalence of Populism: Threat and Corrective for Democracy," *Democratization* 19, 2 (2012): pp. 1–25.

65. E.g. Bryan Caplan, *The Myth of the Rational Voter: Why Democracies Choose Bad Policies* (Princeton: Princeton University Press, 2007); Jason Brennan, *Against Democracy* (Princeton: Princeton University Press, 2016).

66. On the need for being alert to new forms of despotism, see Timothy Snyder, *On Tyranny: Twenty Lessons from the Twentieth Century* (New York: Tim Duggan Books, 2017); John Keane, *The New Despotism* (Cambridge, MA: Harvard University Press, 2020); Martha Gessen, *Surviving Autocracy* (New York: Riverhead Books, 2020). The literature on how best to defend democracy against inner enemies is growing. In the literature on democratic self-defense, one often distinguishes between three major

approaches: militant repression (e.g. party bans and restriction on free speech), liberal inclusion (e.g. deliberative procedures), and social integration (e.g. universal welfare). For the difference, see Anthoula Malkopoulou and Ludvig Norman, "Three Models of Democratic Self-Defense: Militant Democracy and its Alternatives," *Political Studies* 66, 2 (2018): pp. 442–58.

67. John Keane, *Democracy and Media Decadence* (Cambridge: Cambridge University Press, 2013); Nadia Urbinati, *Democracy Disfigured: Opinion, Truth, and the People* (Cambridge, MA: Harvard University Press, 2014).

68. E.g. Wolin, *Democracy Incorporated*; Rosanvallon *Democratic Legitimacy*.

69. E.g. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Harvard University Press, 2010): Tsvetan Todorov, *The Inner Enemies of Democracy* (Cambridge: Polity Press, 2014). As Moyn argues, the normative ethos of human rights has lost its "spirit": "Born in the assertion of the 'power of the powerless', human rights became bound up with the power of the powerful." Moyn, *The Last Utopia*, p. 227.

70. Mair, *Ruling the Void*; Levitsky and Ziblatt, *How Democracies Die*; Runciman, *How Democracy Ends*.

71. Brown, *Undoing the Demos*; Bonnie Honig, *Public Things: Democracy in Disrepair* (New York: Fordham University Press, 2017).

72. E.g. Dahl, *On Political Equality*; Rosanvallon, *The Society of Equals*.

73. This understanding guides the work of Claude Lefort, for whom totalitarianism is made possible by democracy itself, as a kind of perverted attempt to realize "the People-as-One." See his *Democracy and Political Theory*. Pierre Rosanvallon's work on "the pathologies" of modern democracy, Nadia Urbinati's work on "the disfiguration" of democracy, and Tzvetan Todorov's work on "the inner enemies of democracy" are other good examples. What they all have in common is that they encourage us to pursuit democracy in better awareness of its potential corruption. The key reference among the classics is of course Tocqueville's major work, *Democracy in America*.

74. Montesquieu, *The Spirit of the Laws*, p. 22.

75. Montesquieu, *The Spirit of the Laws*, p. 119.

76. Montesquieu, *The Spirit of the Laws*, pp. 116–17.

77. In a despotic government, corruption is part of its very nature, which means that fear has to remain stable and constant to yield support to the despot. Montesquieu, *The Spirit of the Laws*, p. 119.

78. Montesquieu, *The Spirit of the Laws*, p. 112. For an analysis of corruption in a democratic republic that draws on Montesquieu, yet differs from how I think of democracy in this book, i.e. as a unique form of government animated by emancipation, see Dominique Schnapper, *The Democratic Spirit of Law* (Piscataway, NJ: Transaction Publishers, 2016).

79. In Raymond Aron's interpretation, corruption in republics (what he after Montesquieu calls democracies) takes place in two ways: "Democracies are corrupted either by exaggerating or by negating their principles." Raymond Aron, *Introduction à la philosophie politique: democratie et revolution* (Paris: Livre de Poche, 1997 [1952]), p. 99. I will make use of the same categories when analyzing the corruption of modern democracy.

80. Ulrich Beck and Elisabeth Beck-Gernsheim, *Individualization* (London: Sage, 2002), p. xxii.

81. The confidence trap means that "democracy is trapped by the nature of its own success." Runciman, *The Confidence Trap*, xiii.

82. Montesquieu, *The Spirit of the Laws*, pp. 31ff. To Montesquieu, education is critical: "It is not young people who degenerate; they are ruined only when grown men have already been corrupted," p. 36.

83. But on the role of honor in liberal democracies, see for example, Krause, *Liberalism with Honor*; Celine Spector, "Honour, Interest, Virtue: The Affective Foundations of the Political in The Spirit of Laws," in *Montesquieu and his Legacy*, ed. Kingston, pp. 49–79.

84. Arendt, *The Life of the Mind*, p. 202.

85. In addition to honor, virtue, and fear, Arendt adds other principles, such as fame, solidarity, freedom, happiness, distrust, rage, and hatred. Hannah Arendt, *Between Past and Future* (New York: Penguin Books, 1993), p. 151.

86. On the analogy between election and sport, see Adam Przeworski, *Why Bother with Elections?* (Cambridge: Polity Press, 2019), p. 2.

87. E.g. Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011); Yascha Mounk, *The Age of Responsibility: Luck, Choice, and the Welfare State* (Cambridge, MA: Harvard University Press, 2017).

88. Montesquieu, *The Spirit of the Laws*, p. 27.

89. Montesquieu, *The Spirit of the Laws*, p. 34.

90. Palmer, *The Age of the Democratic Revolution*, part I; Rosanvallon, *The Society of Equals*, ch. 1; Manin, *The Principles of Representative Government*, pp. 94ff.; Morgan, *Inventing the People*, ch. 10.

91. Thomas Piketty, *Capital in the Twenty-First Century*, tr. A. Goldhammer (Cambridge, MA: Harvard University Press, 2018).

92. Sofia Näsström and Sara Kalm, "A Democratic Critique of Precarity," *Global Discourse* 5, 4 (2015): pp. 556–73.

93. Rainer Bauböck, "Political Membership and Democratic Boundaries," in *The Oxford Handbook of Citizenship*, ed. A. Shachar, R. Bauböck, I. Bloemraad, and M. Vink (Oxford: Oxford University Press, 2017), pp. 65ff.

94. Robert Dahl, "A Democratic Dilemma: System Effectiveness versus Citizen Participation," *Political Science Quarterly* 109, 1 (1994): pp. 23–34.

95. Lefort, *Democracy and Political Theory*.

96. Robert Dahl, "Can International Organizations be Democratic? A Skeptic's View," in *Democracy's Edges*, ed. Ian Shapiro and Casiano Hacker-Cordon (Cambridge: Cambridge University Press, 1999), pp. 19–36, at p. 26.

97. Snyder, *On Tyranny*, p. 25.

98. Put in a different way: in this book I assume that democracy is valuable, and ask what is needed to sustain it over time. *Should* we value the survival of democracy? *Do* we value it? These two questions are certainly warranted, but they fall beyond the scope of my inquiry.

99. Rousseau, *The Social Contract*, p. 44.

Chapter 1

1. The people is a concept with many connotations. It has been linked with the poor, the misfortunate ones, the excluded, the uncountable, the common people, *das Volk* and the masses. In this book, the attention is on the sovereign people. For a recent revival of the people as the poor, see Andreas Kalyvas, "Democracy and the Poor: Prolegomena to a Radical Theory of Democracy, *Constellations* 26, 4 (2019): pp. 538–53. For the people as the unqualified and uncounted, see Jacques Derrida, *Rouges: Two Essays on Reason* (Stanford: Stanford University Press, 2005); Jacques Rancière, *Disagreement: Politics and Philosophy* (Minneapolis and London: University of Minnesota Press, 1999). For the people as the excluded ones, see Jason Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham, NC and London: Duke University Press, 2010); Etienne Balibar, *Equaliberty: Political Essays*, tr. James Ingram (Durham, NC: Duke University Press, 2014).

2. For an overview of the debate on the nature of the people, see Margaret Canovan, *The People* (Cambridge: Polity Press, 2005); Alain Badiou, Pierre Bourdieu, Judith Butler et al., *What Is a People?*, tr. J. Gladding (New York: Columbia University Press, 2016).

3. The debate is growing. See, among others, Hans Agne, "A Dogma of Democratic Theory and Globalization: Why Politics Need Not Include Everyone it Affects," *European Journal of International Relations* 12, 3 (2006): pp. 433–58; Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (New York: Columbia University Press, 2008); Robert Goodin, "Enfranchising All-Affected Interests, and its Alternatives," *Philosophy and Public Affairs* 35, 1 (2007): pp. 40–68; David Miller, "Democracy's Domain," *Philosophy and Public Affairs* 37, 3 (2009): pp. 201–28; Sofia Näsström, "The Challenge of the All-Affected Principle," *Political Studies* 59 (2011): pp. 116–34; Sarah Song, "The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State," *International Theory* 4, 1 (2012): pp. 39–68; David Owen, "Constituting the Polity, Constituting the Demos," *Ethics & Global Politics* 5, 2 (2012): pp. 129–52; Marco Verschoor, "The Democratic Boundary Problem and Social Contract Theory," *European Journal of Political Theory* 17, 1 (2018): pp. 3–22; Laura Valentini, "No Global Demos, No Global Democracy? A Systematization and Critique," *Perspectives on Politics* 12, 4 (2014): pp. 789–807.

4. See, among others, Arash Abizadeh, "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders," *Political Theory* 36, 1 (2008): pp. 37–65; Ludvig Beckman, "Citizenship and Voting Rights: Should Resident Aliens Vote?," *Citizenship Studies* 10, 2 (2006): pp. 153–65; Helder de Schutter and Lea Ypi, "Mandatory Citizenship," *British Journal of Political Science* 45, 2 (2015): pp. 235–51; Rainer Bauböck, "Morphing the Demos into the Right Shape: Normative Principles for Enfranchising Resident Aliens and Expatriate Citizens," *Democratization* 22, 5 (2015): pp. 820–39.

5. Ivor Jennings, *The Approach to Self-Government* (Cambridge: Cambridge University Press, 1956), p. 56.

6. Robert Dahl, *Democracy and its Critics* (New Haven and London: Yale University Press, 1989), p. 207; Seyla Benhabib, *Another Cosmopolitanism* (New York: Oxford University Press, 2008), p. 35; Frank Michelman, *Brennan and Democracy* (Princeton

and Oxford: Princeton University Press, 1999), p. 34. See also Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (Cambridge: Cambridge University Press, 2004), pp. 15ff.; Frederick G. Whelan, "Prologue: Democratic Theory and the Boundary Problem," in *Liberal Democracy*, ed. R. J. Pennock and J. W. Chapman (New York: New York University Press, 1983), pp. 13–47, at p. 16; Jürgen Habermas, "Constitutional Democracy: A Paradoxical Union of Contradictory Principles?," *Political Theory* 29 (2001): pp. 766–781, at p. 774.

7. Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (New York: Zone Books, 2015), p. 209.

8. Jason Frank, "The Living Image of the People," *Theory & Event* 18, 1 (2015). On the imaginary or fictional character of the sovereign people, see Edmund Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York and London: W. W. Norton, 1989); Kevin Olson, *Imagined Sovereignties: The Power of the People and Other Myths of the Modern Age* (New York: Cambridge University Press, 2016). For a critique of the sovereign imaginary, see Jonathan Havercroft, *Captives of Sovereignty* (Cambridge: Cambridge University Press, 2011); Zoran Ollopcic, *Beyond the People: Social Imaginary and Constituent Imagination* (Oxford: Oxford University Press, 2018).

9. E.g. Claude Lefort, *Democracy and Political Theory*, tr. D. Macey (Cambridge: Polity Press, 1988); Pierre Rosanvallon, *Democracy Past and Future*, ed. Samuel Moyn (New York: Columbia University Press, 2006); Frank, *Constituent Moments*; Nadia Urbinati, *Democracy Disfigured: Opinion, Truth, and the People* (Cambridge, MA: Harvard University Press, 2014); *Me the People: How Populism Transforms Democracy* (Cambridge, MA: Harvard University Press, 2019); Olson, *Imagined Sovereignties*.

10. Havercroft, *Captives of Sovereignty*.

11. Carl J. Friedrich, *Constitutional Government and Democracy: Theory and Practice in Europe and America* (Waltham, MA: Blaisdell Publishing Company, 1968), p. 36. In the classical terms of Madison: "If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself." Alexander Hamilton, James Madison, and John Jay, *The Federalist with Letters of "Brutus,"* ed. Terence Ball (Cambridge: Cambridge University Press, 2003), Federalist No. 51, p. 252.

12. For the paradoxical or tension-ridden nature of constitutional democracy, see Ulrich Preuss, "The Political Meaning of Constitutionalism," in *Constitutionalism, Democracy and Sovereignty: American and European Perspectives*, ed. Richard Bellamy (Aldershot: Avebury, 1996), pp. 11–27, at p. 23; Michelman, *Brennan and Democracy*, pp. 4ff.; Martin Loughlin and Neil Walker, eds., *The Paradox of Constitutionalism: Constituent Power and Constitutional Form* (Oxford: Oxford University Press, 2007); Martin Loughlin, *The Idea of Public Law* (Oxford: Oxford University Press, 2003); Hans Lindahl, *Fault Lines of Globalization: Legal Order and the Politics of A-Legality* (Oxford: Oxford University Press, 2013). For the relationship between democracy and constitutionalism more generally, see Jon Elster and Rune Slagstad, eds.,

Constitutionalism and Democracy (Cambridge: Cambridge University Press, 1988); Larry Alexander, ed., *Constitutionalism: Philosophical Foundations* (Cambridge: Cambridge University Press, 1998); Richard Bellamy and Dario Castiglione, "Constitutionalism and Democracy: Political Theory and the American Constitution," *British Journal of Political Science* 27, 4 (1997): pp. 595–618; Richard Bellamy, *Political Constitutionalism* (Cambridge: Cambridge University Press, 2007).

13. Martin Loughlin, "The Concept of Constituent Power," *European Journal of Political Theory* 13, 2 (2014), pp. 218–237, at p. 219; *Foundations of Public Law* (Oxford: Oxford University Press, 2010), p. 228. On a historical account of different renderings of the concept of constituent power, see also Joel Colon-Rios, "Five Conceptions of Constituent Power," *Law Quarterly Review* 130 (2014): pp. 306–36.

14. Loughlin, *The Idea of Public Law*, p. 100. Or in the words of Carl Schmitt, "democratic theory knows as a legitimate constitution only the one which rests on the constituent power of the people." Carl Schmitt, *Constitutional Theory*, tr. J. Seitzer (Durham, NC: Duke University Press, 2008), p. 143. See also pp. 112, 120–1, 136–9, 255–67.

15. Michelman, *Brennan and Democracy*, pp. 6–7.

16. Preuss, "The Political Meaning of Constitutionalism, p. 23. Among the many difficult questions addressed are how a people can be self-binding (e.g. pre-commitment); what constitutional limits should be put on the will of the people (e.g. human rights, judicial review); if its power is disruptive or continuous; how to deal with the fact that the composition of the people changes over time (does this mean that the constitution must change with it?); and how to account for constitutional change (ordinary amendment and revolutionary amendment).

17. Michelman, *Brennan and Democracy*, p. 7.

18. Robert Dahl, *After the Revolution? Authority in a Good Society* (New Haven and London: Yale University Press, 1970), p. 60.

19. In Paul Ricoeur's terms, the paradox is that a democratic people "can be recovered only in an act which has not taken place, in a contract which has not been contracted, in an implicit and tacit pact which appears as such only in political awareness, in retrospection and reflection." Paul Ricoeur, "The Political Paradox," in *Legitimacy and the State*, ed. William Connolly (New York: New York University Press, 1984), p. 254.

20. E.g. Dahl, *Democracy and its Critics*, ch. 14; William Connolly, *The Ethos of Pluralization* (Minneapolis: University of Minnesota Press, 1995), pp. 138–9; Benhabib, *The Rights of Others*, pp. 43ff.; Sofia Näsström, "The Legitimacy of the People," *Political Theory* 35, 5 (2007): pp. 624–58; Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton and Oxford: Princeton University Press, 2009), ch. 1; Paulina Ochoa Espejo, *The Time of Popular Sovereignty: Process and the Democratic State* (University Park, PA: Pennsylvania State University Press, 2011), p. 43; Alan Keenan, *Democracy in Question: Democratic Openness in a Time of Political Closure* (Stanford: Stanford University Press, 2003), pp. 11ff.; Chris Meckstroth, *The Struggle for Democracy: Paradoxes of Progress and the Politics of Change* (Oxford: Oxford University Press, 2015), pp. 18ff.; Olson, *Imagined Sovereignties*, pp. 60–4; Brown, *Undoing the Demos*, p. 200; Jens Bartelson, *Visions of World Community* (Cambridge: Cambridge University Press, 2009), p. 26.

21. Rousseau, *The Social Contract*, p. 71, in Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, ed. V. Gourevitch (Cambridge: Cambridge University Press, 2007).

22. See Allen Buchanan, *Secession: The Legitimacy of Political Divorce from Fort Sumter to Lithuania and Quebec* (Boulder: Westview Press 1991); Cass Sunstein, "Constitutionalism and Secession," *University of Chicago Law Review* 58, 2 (1991): pp. 633–70.

23. For a discussion on secession from the perspective of the paradox, see Ben Saunders, "Scottish Independence and the All-Affected Interests Principle," *Politics* 33, 1 (2013): pp. 47–55.

24. G. W. F. Hegel, *Elements of the Philosophy of Right*, ed. A. Wood (Cambridge: Cambridge University Press, 1991), p. 311.

25. Hegel, *Elements*, p. 311.

26. E.g. Bruce Ackerman, *We, the People, Volume II: Transformations* (Cambridge, MA: Harvard University Press, 2000), pp. 11, 425; Michelman, *Brennan and Democracy*, pp. 34, 51; Habermas, "Constitutional Democracy."

27. Ackerman, *We, the People: Transformations*, pp. 11, 425.

28. If there is one thing that unites critics of democracy—from Plato to Filmer, from Burke to Schmitt—it is this: that democracy is an unstable form of government. It is *unruly*.

29. Habermas, "Constitutional Democracy," p. 774.

30. Whelan, "Prologue," p. 40. Michelman, *Brennan and Democracy*, p. 34.

31. Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory*, ed. C. Ciaron and P. De Greiff (Cambridge, MA: MIT Press, 1998), pp. 115–16, 140–3. For the turn to history, see also Habermas, "Constitutional Democracy," pp. 773–6; Dahl, *After the Revolution?*, p. 62; *Democracy and its Critics*, p. 3; John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. 402–3; *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), pp. 38–9; Benhabib, *The Rights of Others*, pp. 175, 178; *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton: Princeton University Press, 2002), p. 177; Rogers M. Smith, *Stories of Peoplehood: The Politics and Morals of Political Membership* (Cambridge: Cambridge University Press, 2003), p. 43; Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33, 2 (2005): pp. 113–47, at pp. 145–7. For a critique of this view, see Näsström, "The Legitimacy of the People."

32. Canovan, *The People*.

33. Näsström, "The Legitimacy of the People."

34. Joseph Schumpeter, *Capitalism, Socialism and Democracy* (New York: Harper and Brothers, 1947), pp. 243–5. See also the discussion in Dahl, *Democracy and its Critics*, pp. 120ff.

35. This appeal to what is self-evident is common among those who discuss people-making from the perspective of nation-states. John Rawls, for example, famously assumes that his theory of justice proceeds from a "closed society," and also prefers to talk of a "law of peoples" in his later work. In a similar vein, Habermas refers to nation-states as "the founding subjects" of a world constitution. A similar approach can be found among those concerned with issues of migration. The common way to proceed is to ask whether we, who belong to *this* particular people—like the Swedish or the American

people—are justified in including or excluding migrants and refugees within our borders. See Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), pp. 31–2; Benhabib, *The Rights of Others*, p. 1; David Miller, *Strangers in Our Midst: The Political Philosophy of Immigration* (Cambridge, MA: Harvard University Press, 2016).

36. Ernesto Laclau, *On Populist Reason* (London: Verso, 2005), p. 153.

37. Bonnie Honig, "Between Decision and Deliberation," *American Political Science Review* 101, 1 (2007): pp. 1–17, at p. 3. See also Frank, *Constituent Moments*. As Frank points out, to reduce acts of people-making to certain extraordinary founding moments "blinds us to the extent to which the extraordinary inhabits and sustains the democratic ordinary, to the way these capacities are continually elicited from within the midst of political life." Rather than merely taking place at exceptional moments in history—in a revolutionary upheaval or a specific constitutional moment—people-making takes place through more regular and mundane activities, what Frank calls "small dramas of self-authorization." *Constituent Moments*, p. 33.

38. Among others, as a paradox of politics, a democratic paradox, and the problem of the unit.

39. Honig, *Emergency Politics*, p. xvi; "Between Decision and Deliberation," p. 2. See also Connolly, *Ethos of Pluralization*, pp. 137–40.

40. Honig, "Between Decision and Deliberation," p. 3.

41. For three notable exceptions, see Paulina Ochoa Espejo, who argues that the paradox builds on the assumption that the people is an aggregation of individuals rather than a process; Chris Meckstroth, who argues that it builds on the assumption that the people is a natural object in the world prior to political decision-making; and Jens Bartelson who argues that the paradox builds on the assumption of bounded communities. Ochoa Espejo, *The Time of Popular Sovereignty*; Meckstroth, *The Struggle for Democracy*; Bartelson, *Visions of World Community*. In what follows, I will argue that the paradox stems from the assumption that the people is sovereign.

42. Rousseau, *The Social Contract*, p. 58.

43. Rousseau, *The Social Contract*, p. 57.

44. Loughlin, *Foundations of Public Law*, p. 224; *The Idea of Public Law*, ch. 6; Schmitt, *Constitutional Theory*, pp. 127–8.

45. Rousseau, *The Social Contract*, p. 49.

46. Schmitt, *Constitutional Theory*, pp. 127–8. On self-reflexivity, see also Hans Lindahl, "Constituent Power and Reflexive Identity: Towards an Ontology of Collective Selfhood," in *The Paradox of Constitutionalism*, ed. Loughlin and Walker, pp. 9–24. In Lindahl's reading, the reflexive identity of the people is not attributed to the people as a united and indivisible people. It is a reflexivity of an enlarged first-person plural. See also Lindahl, *Fault Lines of Globalization*, ch. 3.

47. To Loughlin, it can be traced back to Machiavelli.

48. G. W. F. Hegel, *Introduction to the Philosophy of History*, tr. L. Rauch (Indianapolis and Cambridge: Hackett Publishing Company, 1988), pp. 61–7.

49. Schmitt, *Constitutional Theory*, pp. 127–8.

50. Alexander Somek, "The Constituent Power in a National and in a Transnational Context," *Transnational Legal Theory* 3, 1 (2012): pp. 31–60, at p. 32.

51. Morgan, *Inventing the People*; Benedict Anderson, *Imagined Communities: The Origin and Spread of Nationalism* (New York and London: Verso, 1991); Smith, *Stories of Peoplehood*; Charles Taylor, *Modern Social Imaginaries* (Durham, NC and London: Duke University Press, 2004), ch. 8; Bernard Yack, *Nationalism and the Moral Psychology of Community* (Chicago and London: University of Chicago Press, 2012); Olson, *Imagined Sovereignties*.

52. Bernard Yack, "Popular Sovereignty and Nationalism," *Political Theory* 29, 4 (2001): pp. 517–36, at p. 529.

53. Rousseau, *The Social Contract*, p. 44.

54. For a discussion on how demands for unification sharpen the conflict between peoples, see Ochoa Espejo, *The Time of Popular Sovereignty*, pp. 79–82.

55. Note that while I distinguish between historical, moral, and decisionist ways of defining the people, these are not exclusionary terms. Just as there is a moral sense to historicism (Burke is a good case in point), there is a historical sense to decisionism.

56. Dahl, *Democracy and its Critics*, p. 3.

57. For a more thorough account of the turn to history than the one offered here, see Näsström, "The Legitimacy of the People."

58. Edmund Burke, *Reflections on the Revolution in France* (Oxford: Oxford University Press, 1993), pp. 95–7.

59. Burke, *Reflections*, p. 70. Burke is not merely defending history as the standpoint from which to judge society. His historical reflections are at times grounded in an appreciation of nature. As he argues, the rights of Englishmen emerge through an "entailed inheritance" by their forefathers. *Reflections*, p. 33.

60. Dahl, *After the Revolution?*, p. 62. See also Dahl, *Democracy and its Critics*, p. 207.

61. Habermas, *Inclusion of the Other*, p. 115. See also p. 218.

62. Habermas, *Inclusion of the Other*, p. 116.

63. Loughlin and Walker, *The Paradox of Constitutionalism*, p. 3.

64. Rawls, *Political Liberalism*, pp. 402–3.

65. Habermas, "Constitutional Democracy," pp. 772–6. For a discussion, see Alessandro Ferrara, "Of Boats and Principles: Reflections on Habermas's Constitutional Democracy," *Political Theory* 29, 6 (2001): pp. 782–91 and Bonnie Honig, "Dead Rights, Live Futures: A Reply to Habermas's 'Constitutional Democracy,'" *Political Theory* 29, 6 (2001): pp. 792–805.

66. Neil Walker, "Post-Constituent Constitutionalism? The Case of the European Union," in *The Paradox of Constitutionalism*, ed. Walker and Loughlin, pp. 247–68, at pp. 249–50.

67. Honig, "Dead Rights, Live Futures"; "Between Decision and Deliberation."

68. Walker and Loughlin, *The Paradox of Constitutionalism*, p. 2; Benhabib, *The Rights of Others*, ch. 5.

69. It would be as if "someone told you to write a book whose every chapter started with the terminal sentence of an immediately preceding chapter." Frank Michelman, "How Can the People Ever Make Laws? A Critique of Deliberative Democracy," in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Regh (Cambridge: Cambridge University Press, 1997), pp. 145–71, at p. 151.

70. This is a common objection among those who prefer a more substantial response to the regress. In their view, the resort to the temporal dimension of politics only begs the question, for where in history can this historical origin ever be fixed? The point they make is that the only way to stop the regress is to acknowledge the existence of substantive first principles. See Michelman, *Brennan and Democracy*, pp. 34, 51. Also Miller, "Democracy's Domain," pp. 203–4. According to Miller, we must distinguish between democratic theory as "a set of normative ideals," and as a democratic procedure that "reflects these ideals." It is only by appealing to democratic theory in the former sense that it is possible to solve the question of democracy's domain.

71. Emmanuel Sieyès, *Political Writings*, ed. Michael Sonenscher (London: Hackett Publishing 2003), p. 133.

72. Sieyès, *Political Writings*, p. 139.

73. Sieyès, *Political Writings*, p. 138.

74. Sieyès, *Political Writings*, p. 138.

75. Sieyès, *Political Writings*, p. 137.

76. Sieyès, *Political Writings*, p. 136.

77. For different accounts of how the nation is able to step in and "resolve" the problem of people-making, see Istvan Hont, "The Permanent Crisis of a Divided Mankind: Contemporary Crisis of the Nation-State in a Historical Perspective," *Political Studies* 41, 1 (1994): pp. 166–231; Margaret Canovan, *Nationhood and Political Theory* (Cheltenham: Edward Elgar, 1996); Yack, "Popular Sovereignty and Nationalism"; Sofia Näsström, "What Globalization Overshadows," *Political Theory* 31, 6 (2003): pp. 808–34; Arash Abizadeh, "On the Demos and its Kin: Nationalism, Democracy and the Boundary Problem," *American Political Science Review* 106, 4 (2012): pp. 867–82.

78. "Every law, as we have already observed, expressly says: 'Do wrong to no man'. Where then any class of citizens enjoys an exemption from any particular law, it is directly saying to those citizens; 'You are permitted to do wrong'. There is no power on earth which should be authorized to make such a concession. If a law is good it ought to bind every individual, if it is bad it ought to be abolished. It is an assault upon liberty." Sieyès, *Political Writings*, p. 71. For this move, see also Pierre Rosanvallon, *The Society of Equals*, tr. A. Goldhammer (Cambridge, MA: Harvard University Press, 2013), pp. 12ff.

79. Sieyès, *Political Writings*, p. 136.

80. See also Abizadeh, "Democratic Theory and Border Coercion"; Agné, "A Dogma of Democratic Theory"; Valentini: "No Global Demos, No Global Democracy?"

81. Bartelson, *Visions*, p. 26.

82. Bartelson, *Visions*, p. 4.

83. Bartelson, *Visions*, p. 178.

84. Bartelson, *Visions*, p. 12.

85. James Bohman, "Précis. Introducing Democracy across Borders: From dêmos to dêmoi," *Ethics & Global Politics* 31, 1 (2010): pp. 1–11, at p. 9. Membership in humanity "is not a good to be distributed" or status that we need to negotiate. It is "a basic freedom, the most basic with respect to freedom from domination." James Bohman, *Democracy Across Borders: From Demos to Demoi* (Cambridge, MA: MIT Press, 2007), p. 27.

86. Näsström, "The Challenge of the All-Affected Principle."

87. Joseph de Maistre, *The Works of Joseph de Maistre*, tr. and ed. J. Lively (New York: Schocken Books, 1965). Over whom, asks de Maistre, are the people sovereign? Over themselves, apparently, and so there is "something equivocal, if not erroneous here, for the people which *command* are not the people which *obey*." *The Works*, p. 93.

88. Carl Schmitt, *The Crisis of Parliamentary Democracy*, tr. Ellen Kennedy (Cambridge, MA: MIT Press, 1988), pp. 22–32. Most contemporary critics of Schmitt regard him as a conservative thinker who seeks to debunk liberal principles of parliamentarism, representation, and rule of law in favor of a strong and authoritarian state backed up by *das Volk*. For the argument that Schmitt himself was liberal, albeit in an economic rather than political sense of the term, and therefore tried to back up liberal-bourgeois values like property rights by means of the state against social demands claimed in parliament, see Ingeborg Maus, "The 1933 'Break' in Carl Schmitt's Theory," *Canadian Journal of Law and Jurisprudence* 10, 1 (1997): pp. 125–40, at pp. 138–40.

89. Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, tr. G. Schwab (Cambridge, MA: MIT Press, 1985), p. 62. Schmitt and Sieyès are often seen as the most prominent theorists of constituent power. However, they differ on crucial points, notably with regard to the existence of natural law. For Sieyès, the nation comes together in a state of nature, a trope which does not figure in Schmitt. See William E. Scheuerman, "Revolutions and Constitutions: Hannah Arendt's Challenge to Carl Schmitt," *Canadian Journal of Law and Jurisprudence* 10, 1(1997): pp. 141–61, at p. 149; Renato Cristi, "Carl Schmitt on Sovereignty and Constituent Power," *Canadian Journal of Law and Jurisprudence* 10, 1 (1997): pp. 189–201, at p. 199; Ernst-Wolfgang Böckenförde, "The Concept of the Political: A Key to Understanding Carl Schmitt's Constitutional Theory," *Canadian Journal of Law and Jurisprudence* 10, 1 (1997): pp. 5–19, at p. 6.

90. Schmitt, *Constitutional Theory*, p. 154. For Schmitt, the political will of a people is identical to that of the state. The state, as Böckenförde puts it, "*is* the political unity of a people." Böckenförde, "The Concept of the Political," p. 6.

91. Schmitt, *Political Theology*, p. 66. Or as he puts it in *Constitutional Theory*: Constituent power "is the political will, whose power or authority is capable of making the concrete, comprehensive decision over the type and form of its own political existence," p. 125. *Who* then is the subject of constituent power? Schmitt changes his view, from emphasizing the monarch in *Political Theology*, to stressing the people itself or a minority in *Constitutional Theory*. On the monarchical principle, see Renato Cristi, "Schmitt on Constituent Power and the Monarchical Principle," *Constellations* 18, 3 (2011): pp. 352–64.

92. For Schmitt, the constituent power of the people is "unified and indivisible." *Constitutional Theory*, p. 126. Among contemporary theorists, this idea of sovereignty is refuted, and reworked in *relational* (Loughlin), *co-constitutive* (Kalyvas, Colon-Rios), or *plural* terms, as in a "We" in the first-person plural (Lindahl).

93. Song, "The Boundary Problem," p. 39.

94. Song, "The Boundary Problem," p. 42.

95. Song," The Boundary Problem," p. 41.

96. Song, "The Boundary Problem," p. 56.

97. Song, "The Boundary Problem," p. 58.

98. Song, "The Boundary Problem," pp. 58–9.

99. For Schmitt, Böckenförde writes, the state "is given first as a concentration of power." Böckenförde, "The Concept of the Political," p. 10.

100. Philip Pettit, "A Republican Law of Peoples," *European Journal of Political Theory* 9, 1 (2010): pp. 70–94, at p. 70.

101. Robert Goodin, "Democracy: In the Beginning," *International Theory* 2, 2 (2010): pp. 175–209, at p. 187.

102. Nagel, "The Problem of Global Justice," p. 146.

103. Nagel, "The Problem of Global Justice," p. 145.

104. Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France 1975–1976* (London: Picador, 2003), p. 50.

105. Jean-Jacques Rousseau, *Confessions*, tr. Angela Scholar (Oxford: Oxford University Press, 2000), p. 395. Emphasis added.

106. Baron de Montesquieu, *The Spirit of the Laws*, tr. and ed. A. M. Cohler, B. C. Miller, and H. S. Stone (Cambridge: Cambridge University Press, 1989), pp. 25, 35. See also Michael Mosher, "What Montesquieu Taught: 'Perfection Does Not Concern Men or Things Universally,'" in *Montesquieu and his Legacy*, ed. Rebecca Kingston (New York: SUNY Press 2008), pp. 7–28, at p. 20.

107. Rousseau, *The Social Contract*, pp. 70–1.

108. Rousseau, *The Social Contract*, p. 68.

109. As opposed to the "large republic" defended by Madison, for example.

110. Rousseau, *The Social Contract*, pp. 8, 60.

111. Rousseau, *The Social Contract*, p. 58.

112. Rousseau, *The Social Contract*, p. 59.

113. Rousseau, *The Social Contract*, pp. 68, 53.

114. Rousseau, *The Social Contract*, p. 69.

115. For an analysis of why political theorists who are dissatisfied with the concept of sovereignty keep reproducing the same logic of a final arbiter in their own thought, based on a more cognitive reading than the one offered here, see Havercroft, *Captives of Sovereignty*.

116. David Owen, "In Media Res Publica: Agonistic Political Theory, Emersonian Perfectionism and Political Reasoning" (unpublished paper), pp. 1–16, at p. 11.

117. Honig, "Between Decision and Deliberation," p. 3.

118. According to Montesquieu, a republic can be democratic or aristocratic, but in either form, it is a pre-revolutionary form of government based on a sovereign body of people. As such, it should be distinguished from the democratic political form that will be discussed in this book.

Chapter 2

1. E.g. T. H. Marshall and Tom Bottomore, *Citizenship and Social Class* (London: Pluto Press, 1992); Robert Dahl, *Democracy and its Critics* (New Haven and London: Yale University Press, 1989); Jürgen Habermas, *Between Facts and Norms*, tr. William Rehg (Cambridge, MA: MIT Press, 1996); Axel Hadenius, ed., *Democracy's Victory and Crisis* (Cambridge: Cambridge University Press, 1997); John Dunn, *Setting the People*

Free: The Story of Democracy (London: Atlantic Books, 2005); Nadia Urbinati, *Representative Democracy: Principles and Genealogy* (Chicago: University of Chicago Press, 2006); Pierre Rosanvallon, *Democratic Legitimacy: Impartiality, Reflexivity, Proximity* (Princeton and Oxford: Princeton University Press, 2011); David Runciman, *The Confidence Trap: A History of Democracy in Crisis from World War I to the Present* (Princeton: Princeton University Press, 2013); Alessandro Ferrara, *The Democratic Horizon* (Cambridge: Cambridge University Press, 2014); Chris Meckstroth, *The Struggle for Democracy: Paradoxes of Progress and the Politics of Change* (Oxford: Oxford University Press, 2015).

2. Hannah Arendt, *On Revolution* (New York: Penguin Books, 1963), p. 28.

3. Claude Lefort, *Democracy and Political Theory*, tr. D. Macey (Cambridge: Polity Press, 1988); *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, ed. J. B. Thompson (Cambridge, MA: MIT Press, 1986); *Complications: Communism and the Dilemmas of Democracy*, tr. J. Bourg (New York: Columbia University Press, 1999).

4. Lefort, *Democracy*, p. 34.

5. Lefort, *Democracy*, p. 230.

6. Lefort, *Democracy*, p. 17.

7. There is a growing body of literature on Lefort. For some notable books, editions, and special issues, see Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (London and New York: Verso, 1985); Pierre Rosanvallon, *Democracy Past and Future*, ed. Samuel Moyn (New York: Columbia University Press, 2007); Bernard Flynn, *The Philosophy of Claude Lefort*: *Interpreting the Political* (Evanston: Northwestern University Press, 2005); Catherine Colliot-Thélène, *Democracy and Subjective Rights: Democracy without Demos* (London: Rowman & Littlefield, 2018); Alan Keenan, *Democracy in Question: Democratic Openness in a Time of Political Closure* (Stanford: Stanford University Press, 2003); Martin Plot, ed., *Claude Lefort: Thinker of the Political* (Basingstoke: Palgrave Macmillan, 2013); Brian Singer, ed., special issue on Claude Lefort, *Thesis Eleven* 97, 1 (2006).

8. Lefort, *Democracy*, p. 17.

9. Lefort, *Democracy*, p. 180.

10. Lefort, *Democracy*, p. 180.

11. Lefort sometimes uses the word "principle" to denote what we would describe as the nature of modern democracy, as when he writes that the principle of modern democracy "is a power which men are forbidden to appropriate." *Democracy*, p. 225. Note, however, that this is a negative principle, a way of negating democracy as a positive form. What is needed to keep the empty place of power in motion is another thing, and what concerns us here. For this argument, see also Sofia Näsström, "Democratic Representation beyond Election," *Constellations* 22, 1 (2015): pp. 1–12.

12. The same difficulty does not apply in a monarchy, where, as Montesquieu writes, "the one who sees to the execution of the laws judges himself above the laws." In a republic, by contrast, "the one who sees to the execution of the laws feels that he is subject to them himself and that he will bear their weight." Baron de Montesquieu, *The Spirit of*

the Laws, tr. and ed. A. M. Cohler, B. C. Miller, and H. S. Stone (Cambridge: Cambridge University Press, 1989), p. 22.

13. Pierre Rosanvallon, *The Society of Equals*, tr. A. Goldhammer (Cambridge, MA: Harvard University Press, 2013), p. 4. See also Robert Palmer, *The Age of the Democratic Revolution* (Princeton: Princeton University Press, 2014), pp. 14ff.

14. Rosanvallon, *Society of Equals*, p. 14. As Rosanvallon writes, the monarchical society was based on race, though not in the sense of physiological or ethnic distinctions, but in the sense that society was thought of as a hierarchy of intrinsic natural differences.

15. Palmer, *Age of the Democratic Revolution*, p. 6.

16. Alexis de Tocqueville, *Democracy in America*, tr. H. Reeve (New York: Bantam Classic, 2000), p. 3. A similar development is noticed in the French Revolution. Pierre Rosanvallon recalls the words of a leading figure of the French Constituent Assembly, Pierre Louis Roederer, who asserts that the revolution is spurred by increasing impatience with inequality. Rosanvallon, *Society of Equals*, p. 4.

17. Edmund Morgan, *Inventing the People*: *The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton, 1989), Part 1, esp. p. 54; Andreas Kalyvas and Ira Katznelson, *Liberal Beginnings*: *Making a Republic for the Moderns* (Cambridge: Cambridge University Press, 2008), pp. 96ff.; Palmer, *Age of the Democratic Revolution*, pp. 6ff.; Habermas, *Between Facts and Norms*.

18. The idea of the sovereign people was in operation long before the democratic revolution, and so was the debate on how to govern, whether it should be through participation or representation.

19. Tocqueville, *Democracy in America*, p. 3.

20. Tocqueville, *Democracy in America*, p. 9. For Lefort's appropriation of the social, see Brian Singer, "Democracy beyond the Political: Reconsidering the Social," in *Claude Lefort: Thinker of the Political*, ed. Plot, pp. 186–202; Salih Imre Gercek, "From Body to Flesh: Lefort, Merleau-Ponty and Democratic Indeterminacy," *European Journal of Political Theory* 19, 4 (2020): pp. 571–92.

21. Lefort, *Democracy*, pp. 15, 179.

22. Lefort, *Democracy*, p. 16.

23. Lefort, *Democracy*, p. 16.

24. Lefort, *Political Forms*, pp. 303–4.

25. Lefort, *Political Forms*, p. 279.

26. Lefort, *Political Forms*, p. 305.

27. Lefort, *Political Forms*, pp. 286–91, 305–6 and *Democracy*, pp. 13–14.

28. Lefort, *Democracy*, p. 13.

29. See note 7.

30. Näsström, "Democratic Representation beyond Election."

31. Hans Lindahl, "Democracy and the Symbolic Constitution of Society," *Ratio Juris* 11, 1 (1998): pp. 12–37, at pp. 23–6.

32. Lefort, *Democracy*, ch. 10.

33. Claude Lefort, "The Test of the Political: A Conversation with Claude Lefort," interview with Pierre Rosanvallon in *Constellations* 19, 1 (2012): pp. 4–15, at p. 5.

34. On the institutionalization of conflict, through universal suffrage, freedom of expression, and the right to circulate, see Lefort, *Democracy*, pp. 17, 226–30.

35. The primary task, as he writes, is to "understand what it is about [democracy] that leads to its overthrow, and to the advent of totalitarianism." Lefort, *Democracy*, p. 14.

36. Rousseau from *Emile*, quoted from Louis Althusser, *Politics and History: Montesquieu, Rousseau, Marx*, tr. B. Brewster (London and New York: Verso, 2007), p. 30. See also Melvin Richter, *The Political Theory of Montesquieu* (Cambridge: Cambridge University Press, 1977), p. 26.

37. Montesquieu, *The Spirit of the Laws*, p. 494. For a problematization of reason, such as whether it means intuition, the observation of nature, or the principle of non-contradiction, see Richter, *Political Theory*, pp. 24ff.

38. Plato, Book III of *The Republic*; Aristotle, Books IV and V of *Politics*. See also Polybius, Book VI of *History*.

39. Aristotle, *Politics* (IV.11.1295a40–b1, VII.8.1328b1–2).

40. Nadia Urbinati, *Me the People: How Populism Transforms Democracy* (Cambridge, MA: Harvard University Press, 2019), p. 81.

41. Urbinati quotes M. J. C Vile from his book *Constitutionalism and the Separation of Powers*, in *Me the People*, p. 230, note 19.

42. Brian Singer, *Montesquieu and the Discovery of the Social* (Basingstoke: Palgrave Macmillan, 2013), p. 47.

43. Sheldon Wolin, "Political Theory: Trends and Goals," *International Encyclopedia of the Social Sciences*, ed David Sills (New York: Macmillan, 1968), XII, p. 320. See also Richter, *Political Theory*, p. 70; Paul Rahe, *Montesquieu and the Logic of Liberty* (New Haven and London: Yale University Press, 2009), p. 66.

44. Rahe, *Montesquieu*, p. 147; Hannah Arendt, *Essays in Understanding*, ed. Jerome Kohn (New York: Schocken Books, 1994), p. 331.

45. Arendt, *Essays*, p. 331.

46. Arendt, *Essays*, p. 331.

47. Richter, *Political Theory*, p. 57.

48. Althusser, *Politics and History*, p. 47; Singer, *Montesquieu*.

49. Peter Gay, *The Enlightenment*: *The Science of Freedom* (New York and London: Norton, 1969), p. 327, note 4. See also Hannah Arendt, "Montesquieu's Revision of the Tradition," in *The Promise of Politics*, ed. Jerome Kohn (New York: Schocken Books, 2005), pp. 63–9; Ernst Cassirer, *The Philosophy of the Enlightenment*, tr. F. C. A. Koelln and J. P. Pettegrove (Princeton: Princeton University Press, 2009 [1951]), p. 212.

50. Montesquieu, *The Spirit of the Laws*, p. 21.

51. Althusser, *Politics and History*, p. 22.

52. Singer, *Montesquieu*, p. xx.

53. Arendt, *Essays*, p. 332.

54. Montesquieu, *The Spirit of the Laws*, p. xv.

55. Montesquieu, *The Spirit of the Laws*, p. xli.

56. Singer, *Montesquieu*, p. xviii; Richter, *Political Theory*, pp. 56–7.

57. Montesquieu, *The Spirit of the Laws*, p. 9.

58. Montesquieu, *The Spirit of the Laws*, p. 119.

59. Montesquieu, *The Spirit of the Laws*, p. 119.

60. Historically, the comparison across classes originally met with significant resistance. As Rosanvallon argues, the spirit of distinction was so entrenched in French society in 1789 that those "who dared to compare themselves" with nobles were stigmatized as lower classes who had misunderstood their own position. Rosanvallon, *Society of Equals*, p. 13.

61. Philosophers (e.g. Emmanuel Levinas, Jacques Derrida, and Judith Butler) and sociologists (e.g. Pierre Bourdieu, Zygmunt Bauman, and Ulrich Beck) are more apt to discuss the role of uncertainty for politics. In this chapter, I will show that uncertainty is not merely what democracy *responds* to. It is integral to the concept itself.

62. Notably, Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1996); Carl Schmitt, *The Concept of the Political*, expanded edition, tr. G. Schwab (Chicago: University of Chicago Press, 2007); Judith Shklar, "The Liberalism of Fear," in *Liberalism and the Moral Life*, ed. Nancy L. Rosenblum (Cambridge, MA: Harvard University Press, 1989); *Ordinary Vices* (Cambridge, MA: Belknap Press, 1985), pp. 237–8. See also Corey Robin, *Fear: The History of a Political Idea* (New York: Oxford University Press, 2004); Ioannis Evrigenis, *Fear of Enemies and Collective Action* (Cambridge: Cambridge University Press, 2007).

63. Plato, *Complete Works*, ed. J. Cooper and D. S. Hutchinson (Indianapolis: Hackett Publishing, 1997), p. 1014.

64. Plato, *Complete Works*, p. 1014.

65. Plato, *Complete Works*, pp. 1014–15.

66. Plato, *Complete Works*, pp. 1014–15.

67. Uncertainty can be understood both in epistemological and ontological terms, and thus refer both to what we can know as human beings, and what there is (including who we are). As we shall see, the democratic revolution affects both aspects.

68. Hannah Arendt, *Between Past and Future* (New York: Penguin Books, 1993), pp. 168–9.

69. Arendt, *Between Past and Future*, p. 170.

70. Arendt, *Between Past and Future*, p. 169; Hannah Arendt, *The Human Condition*, 2nd edition (Chicago and London: University of Chicago Press, 1998), pp. 246–7.

71. I write directly, since the thesis of the Anthropocene now makes the case that human activity has intervened into nature, and become the dominant influence on climate and the environment.

72. Quoted from Zygmunt Bauman, *Collateral Damage: Social Inequalities in a Global Age* (Cambridge: Polity Press, 2011), p. 107. See Maria Pia Lara, *The Disclosure of Politics* (New York: Columbia University Press, 2013), p. 80.

73. Bertrand Russell, *The Problems of Philosophy* (Oxford: Oxford University Press, 2001), pp. 33–8.

74. Nassim Nicholas Taleb, *The Black Swan: The Impact of the Highly Improbable* (New York: Random House, 2010), p. 40.

75. Taleb, *The Black Swan*, p. 40.

76. Taleb, *The Black Swan*, p. 41.

77. Arendt, *The Human Condition*, p. 244.

78. Arendt, *The Human Condition*, p. 181.

79. Arendt, *The Human Condition*, p. 190.

80. Hans Lindahl, *Fault Lines of Globalization*: *Legal Order and the Politics of A-Legality* (Oxford: Oxford University Press, 2013), p. 31.

81. This understanding of the political—as based on a human condition of uncertainty and vulnerability—sets this book apart from Schmitt who reserve the term "political" for an existential conflict between friends and enemies. For the latter view, see also Chantal Mouffe, *On the Political* (London and New York: Verso, 2005).

82. Arendt, *Between Past and Future*, p. 164.

83. Arendt, *The Human Condition*, p. 244.

84. Arendt, *On Revolution*, p. 42.

85. Arendt, *On Revolution*, p. 42. See also Hannah Arendt, *Thinking Without a Banister: Essays in Understanding, 1953–1975*, ed. Jerome Kohn (New York: Schocken Books, 2018), pp. 368–86.

86. Reinhart Koselleck, *Futures Past: On the Semantics of Historical Time*, tr. K. Tribe (New York: Columbia University Press, 2004), p. 48.

87. Koselleck, *Futures Past*, p. 58.

88. Koselleck, *Futures Past*, p. 58.

89. Koselleck, *Futures Past*, p. 59.

90. Arendt, *On Revolution*, p. x.

91. Arendt, *On Revolution*, p. 42.

92. Koselleck, *Futures Past*, p. 270.

93. "What will succeed the revolution?" Diderot asks. "Nobody knows." Koselleck, *Futures Past*, p. 270.

94. Morgan, *Inventing the People*, pp. 17–37; Lefort, *Democracy*, ch. 11; Brian Singer, *Society, Theory and the French Revolution: Studies in the Revolutionary Imaginary* (New York: St. Martin's Press, 1986), pp. 11–22.

95. Singer, *Society, Theory and the French Revolution*, p. 14; Lefort, *Democracy*, p. 17.

96. Morgan, *Inventing the People*, p. 15; Lefort, *Political Forms*, p. 306; Lefort, *Democracy*, p. 17; Tocqueville, *Democracy in America*, p. 9.

97. Morgan, *Inventing the People*, p. 21.

98. Morgan, *Inventing the People*, p. 90. In England, this was used by the commons to control the king. By "isolating the king in his majesty" and making sure that he did not share his divinity with any of his subjects they could in effect curb and control his power. Morgan, *Inventing the People*, p. 33.

99. Lefort, *Democracy*, p. 17.

100. Montesquieu, *The Spirit of the Laws*, p. 27.

101. Lefort, *Democracy*, p. 17.

102. Singer, *Montesquieu*, p. xxii.

103. Montesquieu, *The Spirit of the laws*, p. 35.

104. Montesquieu, *The Spirit of the Laws*, p. 44. As Brian Singer points out, it is not entirely clear from Montesquieu's work whether honor extends to all parts of society, or only to the nobility. There is textual evidence for both readings. Singer, *Montesquieu*, p. 118. But while honor may be reserved for the nobility, the distinction between classes extended to society as a whole.

105. Montesquieu, *The Spirit of the Laws*, p. 44.

106. Lefort, *Democracy*, p. 17.

107. Montesquieu, *The Spirit of the Laws*, p. 34.

108. Rosanvallon, *Society of Equals*, p. 13.

109. Montesquieu, *The Spirit of the Laws*, p. 31.

110. Montesquieu, *The Spirit of the Laws*, p. 32.

111. Montesquieu, *The Spirit of the Laws*, p. 27. There is a vivid discussion among Montesquieu scholars whether honor is false or true. For a critique of honor as the vanity of a spoiled and depraved social class, see Mark Hulliung, *Montesquieu and the Old Regime* (Berkeley: University of California Press, 1976), pp. 32–7; Althusser, *Politics and History*, p. 72. For a critique of honor, see also Thomas L. Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on the Spirit of Laws* (Chicago: University of Chicago Press, 1973), p. 68; Christopher Brooke, "Arsehole Aristocracy (or: Montesquieu on Honour, Revisited)," *European Journal of Political Theory* 17, 4 (2018): pp. 391–410. For a more positive description of honor as pride and moral upstanding, or a moderating and balancing force, see Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1975); Michael A. Mosher, "Monarchy's Paradox: Honour in the Face of Sovereign Power," in *Montesquieu's Science of Politics: Essays on the Spirit of Laws*, ed. Paul Rahe, David Wallace Carrithers, and Michael A. Mosher (Lanham, MD: Rowman & Littlefield, 2000), pp. 198–229; Sharon Krause, *Liberalism with Honor* (Cambridge, MA: Harvard University Press, 2002).

112. Montesquieu, *The Spirit of the Laws*, p. 27.

113. Emmanuel Sieyès, "An Essay on Privileges," in Sieyès, *Political Writings*, ed. Michael Sonenscher (London: Hackett Publishing 2003), pp. 68–88, at p. 71.

114. Sieyès, "An Essay on Privileges," p. 79.

115. Sieyès, "An Essay on Privileges," p. 79.

116. Historically speaking, Brian Singer writes, this shift cannot merely be understood as a shift in the nature of politics. It runs deeper: "The Third Estate did not find the nobility's privileges obnoxious because they had a spontaneously clear view of the reality of the latter's power; rather, they had become sensitized to the sham of that power by a new imaginary, one that implied a different understanding of what society's reality is, what power's functions are, and how it should relate to the larger social reality." Singer, *Society, Theory and the French Revolution*, pp. 59–60.

117. Singer, *Society, Theory and the French Revolution*, p. 14.

118. Singer, *Society, Theory and the French Revolution*, p. 14.

119. The French launching of a new revolutionary calendar illustrates this point.

120. Hannah Arendt, *The Life of the Mind* (New York: Harcourt Brace Jovanovich, 1978), pp. 195–217.

121. Tocqueville, *Democracy in America*, p. 876.

122. Arendt, *The Life of the Mind* (1978), p. 207.

123. Palmer, *The Age of the Democratic Revolution*, p. 17. For Koselleck's critique of Schmitt's appropriation of the position of God, see Lara, *Disclosure of Politics*, pp. 127–30.

124. Ernesto Laclau, "Deconstruction, Pragmatism and Hegemony," in *Deconstruction and Pragmatism*, ed. Simon Critchley and Chantal Mouffe (London: Routledge, 1996), pp. 47–68, at p. 55.

125. Tocqueville, *Democracy in America*, p. 9.

126. Laclau acknowledges that the power of the revolutionaries is not wholly free, but structurally constrained ("Deconstruction," p. 57). But what this constraint is, and above all, how it results in a political form which gives everyone *equal* power is not clarified. The same lacuna is found in Lefort's work, namely, how to move from the idea of democracy as an empty place where *nobody* governs into a form where everyone has *equal* power. For a critique of Lefort on this point, see Näsström, "Democratic Representation beyond Election."

127. Erich Fromm, *Escape from Freedom* (New York: Henry Holt, 1969).

128. Fromm, *Escape from Freedom*, p. 154.

129. Fromm, *Escape from Freedom*, p. 181.

130. Fromm, *Escape from Freedom*, p. 184.

131. Hans Blumenberg, *The Legitimacy of the Modern Age*, tr. R. M. Wallace (Cambridge, MA: MIT Press, 1983), p. 65. Reoccupation is a term used by Blumenberg in his attempt to refute Karl Löwith's argument that the modern idea of progress is a transformation of Christian eschatology into politics. For this debate, see Elizabeth Briant, *The Immanence of the Infinite: Hans Blumenberg and the Threshold to Modernity* (Washington, DC: The Catholic University of America Press, 2002); Robert M. Wallace, "Secularization and Modernity: The Löwith-Blumenberg Debate," *New German Critique* 22 (1981): pp. 63–79. See also Karl Löwith, *Meaning in History* (Chicago: University of Chicago Press, 1949); Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, tr. G. Schwab (Cambridge, MA: MIT Press, 1985). For the debate on political theology more generally, see Miguel Vatter, ed., *Crediting God: Sovereignty and Religion in the Age of Global Capitalism* (New York: Fordham University Press, 2011).

132. God, as Edmund Morgan points out, "did not have much to say about the rights of gentlemen." Morgan, *Inventing the People*, p. 24.

133. Koselleck, *Futures Past*, p. 193.

134. See the discussion on emancipation in Lara, *Disclosure of Politics*, pp. 53, 167.

135. Lara, *Disclosure of Politics*, p. 54.

136. This formulation was written down in 1864 as the first premise of the Rules of the First International.

137. This is the first sentence in Immanuel Kant, "What is Enlightenment?," originally published as "Beantwortung der Frage: Was ist Aufklärung?," *Berlinische Monatsschrift* (1784), 4: 481–94. For the English version see Immanuel Kant, "An Answer to the Question: What is Enlightenment?" In *Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley: University of California Press, 1996), pp. 58–65.

138. Montesquieu, *The Spirit of the Laws*, p. 35.

139. Montesquieu, *The Spirit of the Laws*, p. 35.

140. Arendt, *The Life of the Mind* (1978), p. 217.

141. In this context, see Linda Zerilli, *A Democratic Theory of Judgment* (Chicago: University of Chicago Press, 2016).

142. Lefort, *Democracy*, p. 225.

143. Lefort, *Democracy*, p. 198; Althusser, *Politics and History*, pp. 68–9, 78–9.

144. Althusser, *Politics and History*, p. 69.

145. Tocqueville, *Democracy in America*, p. 619. For Lefort's discussion of Tocqueville on this point, see *Democracy*, p. 258.

146. Koselleck, *Futures Past*, p. 259.

147. Urbinati, *Representative Democracy*, p. 183. The argument pursued in this chapter is purely theoretical. Still, it could be used to explore the hypothesis that the more people experience this opening up of the horizon of expectation, in Koselleck's terms, the more belittling the monarchical code of honor becomes. It loses its normative power. What happens, in the words of Tocqueville, is that "the spell of royalty is broken" (Tocqueville, *Democracy in America*, p. 11). The privileges that once had been part of the very definition of the monarchical form now seem "incongruous" and "unhinged from any notion of value or function." Singer, *Society, Theory and the French Revolution*, pp. 57ff.

148. Lefort, *Democracy*, pp. 19, 180.

149. Schmitt, *Political Theology*. On the difference between political theology and civil religion, see Vatter, *Crediting God*, pp. 6ff. In brief, political theology refers to the idea that all secular concepts at bottom are theological ones, whereas civil religion is religion put in the service of politics. In Ronald Beiner's definition, civil religion "is the appropriation of religion by politics for its own purposes." Ronald Beiner, *Civil Religion* (Cambridge: Cambridge University Press, 2012), p. 1.

150. Schmitt, *Political Theology*, p. 36.

151. This is, in essence, Blumenberg's answer to Schmitt in his later *Work on Myth*. Religion is merely one of many different sources by which human beings cope with existential uncertainty. For this argument, see Lara, *Disclosure of Politics*, p. 172.

152. See Schmitt, "Foreword," in *Political Theology*.

153. Palmer, *The Age of the Democratic Revolution*, p. 19.

154. Palmer, *The Age of the Democratic Revolution*, p. 19.

155. Rosanvallon, *Society of Equals*, p. 8. See also Sheldon Wolin, *Democracy Incorporated: Managed Democracy and the Specter of Inverted Totalitarianism* (Princeton: Princeton University Press, 2008), p. 47.

156. "Five Minutes with Colin Crouch." LSE Blog, February 5, 2013; Colin Crouch, *Post-Democracy* (Cambridge: Polity Press, 2004). See also Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (New York: Zone Books, 2015); Peter Mair, *Ruling the Void: The Hollowing of Western Democracy* (New York and London: Verso, 2012); Adam Przeworski, *Democracy and the Limits of Self-Government* (Cambridge: Cambridge University Press 2010); Wolin *Democracy Incorporated*.

157. Dunn, *Setting the People Free*, p. 16. In a similar vein, Reinhart Koselleck shows how the term democracy during this time moved from being a noun to being a verb. In Maria Pia Lara's formulation, democracy "was transformed from a description of a form of government in classical Greece into a megaconcept of transhistorical magnitude that comprises the experiences and expectations of the actors who were involved in the process of transformation." Lara, *Disclosure of Politics*, p. 31.

158. Chantal Mouffe, *For a Left Populism* (New York and London: Verso, 2018); Pierre Rosanvallon, *Good Government: Democracy beyond Elections* (Cambridge, MA: Harvard University Press, 2018); Colliot-Thélène, *Democracy and Subjective Rights*.

159. Luis McNay, *The Misguided Search for the Political: Social Weightlessness in Radical Democratic Theory* (Cambridge: Polity Press, 2014).

160. Fromm, *Escape from Freedom*, pp. 35–6.

Chapter 3

1. In this chapter I will use "freedom" and "liberty" interchangeably.

2. Political theorists have debated the merits and limits of these various conceptions. They have compared the freedom of the ancients to that of the moderns, and the freedom of the moderns to that of the Romans. See Benjamin Constant, *Political Writings* (Cambridge: Cambridge University Press, 1988); Thomas Hobbes [1651], *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1996); Isaiah Berlin, *Liberty*, ed. H. Hardy (Oxford: Oxford University Press, 2002); John Stuart Mill, *On Liberty and Other Writings*, ed. Stefan Collini (Cambridge: Cambridge University Press, 1989); David Miller, ed., *The Liberty Reader* (Edinburgh: Edinburgh University Press, 2006); Charles Taylor, "What's Wrong with Negative Liberty?" [1979], in *The Liberty Reader*, ed. Miller, pp. 141–62; Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997); Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998).

3. For another attempt to develop a distinctively democratic conception of freedom that goes beyond liberal and republican freedom, but which draws on Mill rather than on Arendt, see Nadia Urbinati, *Mill on Democracy: From the Athenian Polis to Representative Government* (Chicago and London: University of Chicago Press, 2002). For an account of deliberative democratic freedom, see Christian Rostboll, *Deliberative Freedom: Deliberative Democracy as Critical Theory* (Albany, NY: SUNY Press, 2009).

4. E.g. Hannah Arendt, *Between Past and Future* (New York: Penguin Books, 1993), p. 148; *The Human Condition*, 2nd edition (Chicago: University of Chicago Press, 1998), pp. 22–78; *The Promise of Politics*, ed. Jerome Kohn (New York: Schocken Books, 2005), pp. 105ff. See also Elisabeth Young-Bruehl, *Hannah Arendt: For Love of the World* (New Haven: Yale University Press, 1982).

5. See, for example, *Stanford Encyclopedia of Philosophy*, where Arendt is described as a civic republican thinker. For her link to ancient republicanism, see Jürgen Habermas, "Hannah Arendt's Communications Concept of Power," *Social Research* 44, 1 (1977): pp. 3–24; Quentin Skinner, "The Republican Ideal of Political Liberty," in *Machiavelli and Republicanism*, ed. G. Bock, Q. Skinner, and M. Viroli (Cambridge: Cambridge University Press, 1990), pp. 293–309, at p. 308; J. Peter Euben, "Arendt's Hellenism," in *The Cambridge Companion to Hannah Arendt*, ed. Dana Villa (Cambridge: Cambridge University Press, 2000), pp. 151–64. For her link to Roman republicanism, see Jacques Taminiaux, "Athens and Rome," in *Cambridge Companion*, ed. Villa, pp. 165–77; Dean Hammer, "Hannah Arendt and Roman Political Thought: The Practice of Theory," *Political Theory* 30, 1 (2002): pp. 124–49; Roy T. Tsao, "Arendt against Athens: Re-reading *The Human Condition*," *Political Theory* 20, 1 (2002): pp. 97–123.

6. For this complication, and characterizations of Arendt's republicanism as "new," "modern," and/or "existential," see Ronald Beiner, "Action, Natality and

Citizenship: Hannah Arendt's Concept of Freedom," in *Conceptions of Liberty in Political Philosophy*, ed. Z. Pelczynsky and J. Gray (London: Athlone Press, 1984), pp. 349–75; Margaret Canovan, *Hannah Arendt: A Reinterpretation of Her Political Thought* (Cambridge: Cambridge University Press, 1992); Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca, NY: Cornell University Press, 1993); Seyla Benhabib, *The Reluctant Modernism of Hannah Arendt* (London: Sage, 1996); Dana Villa, *Arendt and Heidegger: The Fate of the Political* (Princeton: Princeton University Press, 1999); *Public Freedom* (Princeton and Oxford: Princeton University Press, 2008); Linda Zerilli, " 'We Feel Our Freedom': Imagination and Judgment in the Thought of Hannah Arendt," *Political Theory* 33, 2 (2005): pp. 158–88; Peg Birmingham, *Hannah Arendt and Human Rights: The Predicament of Common Responsibility* (Bloomington: Indiana University Press, 2006); Miguel Vatter "Natality and Biopolitics in Hannah Arendt," *Revista de Ciencia Politica* 36, 2 (2006): pp. 137–59; Andreas Kalyvas, *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt and Hannah Arendt* (Cambridge: Cambridge University Press, 2008).

7. Arendt, *The Human Condition*, p. 178.

8. Sheldon Wolin, "Democracy and the Political," in *Hannah Arendt: Critical Essays*, ed. Lewis P. Hinchman and Sandra K. Hinchman (Albany, NY: SUNY Press, 1994), pp. 289–306; Claude Lefort, *Democracy and Political Theory*, tr. D. Macey (Cambridge: Polity Press, 1988), pp. 45–55. For the counter-argument that Arendt is critical of democracy based on rule, sovereignty, and autonomy, yet sympathetic to the idea of democracy as a regenerative power or new beginning, see Jeffrey Isaac, "Oases in the Desert: Hannah Arendt on Democratic Politics," *American Political Science Review* 88, 1 (1994): pp. 156–68; Patchen Markell, "The Rule of the People: Arendt, Archê and Democracy," *American Political Science Review* 100, 1 (2006): pp. 1–14; Kalyvas, *Democracy*, Part III.

9. The argument that freedom consists in beginning anew is not unique to this book. It guides many scholars influenced by the work of Arendt. According to Andreas Kalyvas, for example, Arendt draws on Montesquieu to demonstrate that the American Revolution is a "principled revolution" (Kalyvas, *Democracy*, p. 253). It is animated by a love for freedom, and this freedom does not merely appear within given public spaces. It comes to the fore in extraordinary events of new beginnings. Sharon Krause also draws on Arendt's critique of sovereignty to defend a conception of freedom that is unfinished, open-ended, and plural. Sharon R. Krause, *Freedom beyond Sovereignty: Reconstructing Liberal Individualism* (Chicago and London: University of Chicago Press, 2015). The conception of freedom worked out in this chapter differs from these accounts. It asserts that what makes the freedom to begin anew *democratic*, as opposed to republican or liberal is that it divides up the essential uncertainties of the future equally.

10. Edmund Morgan, *Inventing the People*: *The Rise of Popular Sovereignty in England and America* (London: W. W. Norton, 1989); Robert Palmer, *The Age of the Democratic Revolution* (Princeton: Princeton University Press, 2014).

11. Hannah Arendt, *On Revolution* (New York: Penguin Books, 1963), p. 29.

12. Arendt, *On Revolution*, p. 206.

13. Arendt, *On Revolution*, pp. 29ff.; *The Life of the Mind* (New York: Harcourt Brace Jovanovich, 1978), pp. 195–217.

14. Hannah Arendt, *Thinking Without a Banister: Essays in Understanding, 1953–1975*, ed. Jerome Kohn (New York: Schocken Books, 2018), p. 373.

15. Arendt, *The Promise of Politics*, p. 117.

16. Arendt, *The Human Condition*, p. 180.

17. Arendt, *Between Past and Future*, p. 151.

18. Arendt, *On Revolution*, p. 142.

19. Arendt, *On Revolution*, p. 148.

20. Arendt, *On Revolution*, p. 51.

21. Arendt, *On Revolution*, p. 214.

22. Arendt, *On Revolution*, p. 124.

23. Arendt, *The Promise of Politics*, p. 106.

24. Skinner, "The Republican Ideal of Political Liberty," p. 308; "A Third Concept of Liberty," in *The Liberty Reader*, ed. Miller, pp. 243–54, at p. 246; Miller, *The Liberty Reader*, p. 8.

25. Arendt, *On Revolution*, pp. 30–1; *Between Past and Future*, p. 148; *The Promise of Politics*, p. 118; *The Human Condition*, pp. 32–3.

26. Arendt, *The Human Condition*, pp. 28–38.

27. Arendt, *The Human Condition*, pp. 197–8.

28. Arendt, *On Revolution*, pp. 59–114. For the relationship between the social and the political in Arendt, see Margaret Canovan, "The Contradictions of Hannah Arendt's Political Thought," *Political Theory* 6 (1978): pp. 5–26; Richard Bernstein, *Philosophical Profiles: Essays in a Pragmatic Mode* (Cambridge: Polity Press, 1986), pp. 238–59; Wolin, "Democracy and the Political"; Benhabib, *The Reluctant Modernism*; Hanna Pitkin, *The Attack of the Blob: Hannah Arendt's Concept of the Social* (Chicago: University of Chicago Press, 2000); Jacques Rancière, "Who Is the Subject of the Rights of Man?," *South Atlantic Quarterly* 103 (2004): pp. 297–310; Villa, *Public Freedom*, pp. 338–53; Hauke Brunkhorst, *Hannah Arendt* (Munich: Beck, 1999), pp. 142–7; Emilios Christodoulidis and Andrew Schaap, "Arendt's Constitutional Question," in *Hannah Arendt and the Law*, ed. Marco Goldoni and Christopher McCorkindale (Oxford and Portland, OR: Hart Publishing, 2012), pp. 101–16; Steven Klein, "'Fit to Enter the World': Hannah Arendt on Politics, Economics, and the Welfare State," *American Political Science Review* 108, 4 (2014): pp. 856–69; Christian Volk, *Arendtian Constitutionalism: Law, Politics and the Order of Freedom* (Oxford and Portland, OR: Hart Publishing, 2015), ch. 2.

29. Arendt, *On Revolution*, p. 94.

30. Arendt, *The Human Condition*, pp. 36–8, 46–8.

31. Arendt, *The Human Condition*, pp. 45ff.; *The Origins of Totalitarianism* (New York: Schocken Books, 2004); Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, tr. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998).

32. Arendt quoted in Taminiaux, "Athens and Rome," p. 176. On law as foundation, see Arendt, *The Human Condition*, p. 243; *Between Past and Future*, p. 136.

33. Niccolo Machiavelli, *The Discourses*, ed. Bernard Crick (Harmondsworth: Penguin, 1970), p. 11. See also John McCormick, *Machiavellian Democracy* (Cambridge: Cambridge University Press, 2011).

34. Arendt, *Between Past and Future*, p. 166.

35. Arendt, *On Revolution*, pp. 202ff.

36. Arendt, *On Revolution*, pp. 218, 276–7; *Crises of the Republic* (New York: Harcourt Brace Jovanovich, 1972), p. 89.

37. Arendt, *On Revolution*, p. 253; *Crises of the Republic*, p. 232. For critical discussions of Arendt's stark opposition between participation and representation, see George Kateb, *Hannah Arendt: Politics, Conscience, Evil* (Oxford: Rowman & Allanheld, 1983), pp. 115–48; Albrecht Wellmer, "Arendt on Revolution," in *Cambridge Companion*, ed. Villa, pp. 220–41; Kalyvas, *Democracy*, pp. 280–3; Lisa Disch, "How Could Hannah Arendt Glorify the French Revolution and Revile the French? Placing *On Revolution* in the Historiography of the French and American Revolutions," *European Journal of Political* Theory 10, 3 (2011): pp. 350–71.

38. Arendt, *On Revolution*, p. 229.

39. Arendt, *Crises of the Republic*.

40. Villa, *Public Freedom*, p. 99; Canovan, *Hannah Arendt*, ch. 6; Honig, *Political Theory*; Linda Zerilli, *Feminism and the Abyss of Freedom* (Chicago: University of Chicago Press, 2005).

41. Arendt, *On Revolution*, p. 28.

42. Bonnie Honig, "Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic," *American Political Science Review* 85, 1 (1991): pp. 97–113, at p. 98.

43. Arendt, *On Revolution*, p. 198; *Life of the Mind* (1978), pp. 210ff.

44. Arendt, *On Revolution*, pp. 32, 35.

45. Arendt, *Life of the Mind* (1978), p. 209.

46. Kalyvas, *Democracy*, pp. 192, 223–31.

47. Arendt, *On Revolution*, p. 155.

48. Hans Blumenberg, *The Legitimacy of the Modern Age*, tr. R. M. Wallace (Cambridge, MA: MIT Press, 1983).

49. Arendt, *On Revolution*, p. 155.

50. Arendt, *On Revolution*, p. 158.

51. Arendt, *On Revolution*, p. 39.

52. Arendt, *On Revolution*, p. 147.

53. Arendt, *On Revolution*, p. 142.

54. Arendt, *On Revolution*, p. 146; *Life of the Mind* (1978), p. 210.

55. Arendt, *On Revolution*, p. 44.

56. Arendt, *On Revolution*, p. 214.

57. E.g. George Lichtheim, "Two Revolutions," in George Lichtheim, *The Concept of Ideology and Other Essays* (New York: Random House, 1967), pp. 115–22. Honig, "Declarations"; Alan Keenan, *Democracy in Question: Democratic Openness in a Time of Political Closure* (Stanford: Stanford University Press, 2003), ch. 2; Jason Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham, NC and London: Duke University Press, 2010), pp. 52–61; Keith Breen, "Law Beyond Command?," in *Hannah Arendt and the Law*, ed. Goldoni and McCorkindale, pp. 15–34.

58. Arendt, *Life of the Mind* (1978), pp. 195–216.

59. Arendt, *Between Past and Future*, p. 150.

60. Roberto Esposito, *Communitas: The Origin and Destiny of Community* (Stanford: Stanford University Press, 2009), p. 21. Hobbes, Richard Tuck argues, wished "to *free* people from fear." Hobbes, *Leviathan*, p. xxvi.

61. Hobbes, *Leviathan*, p. 145.

62. Hobbes, *Leviathan*, p. 88.

63. Hobbes, *Leviathan*, p. 90.

64. Hannah Arendt, *Essays in Understanding*, ed. Jerome Kohn (New York: Schocken Books, 1994), p. 337. Baron de Montesquieu, *The Spirit of the Laws*, tr. and ed. A. M. Cohler, B. C. Miller, and H. S. Stone (Cambridge: Cambridge University Press, 1989), p. 119.

65. Montesquieu, *The Spirit of the Laws*, p. 6.

66. Arendt, *Between Past and Future*, p. 164. See also *The Human Condition*, pp. 237, 243–7.

67. Arendt, *The Human Condition*, p. 190.

68. Honig, "Declarations"; Keenan, *Democracy in Question*, ch. 2; Kalyvas, *Democracy*, pp. 233–40; Zerilli, "'We Feel Our Freedom.'"

69. Arendt, *On Revolution*, p. 167.

70. Arendt, *On Revolution*, p. 171.

71. Hannah Arendt, *Responsibility and Judgment*, ed. Jerome Kohn (New York: Schocken Books, 2003), p. vii.

72. Samuel Moyn, "Hannah Arendt on the Secular," *New German Critique* 105, 35 (2008): pp. 71–96; Kalyvas, *Democracy*, ch. 7.

73. Arendt, *The Life of the Mind* (1978), p. 217. Much of Arendt's thinking on judgment can be seen as a direct response to this problem of responsibility. On judgment in Arendt, see Richard Bernstein, "Judging—The Actor and the Spectator," in *Philosophical Profiles*, pp. 221–38; Ronald Beiner, "Hannah Arendt on Judging," in *Hannah Arendt: Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Chicago: University of Chicago Press, 1992), pp. 89–156, at p. 153; Lisa Disch, *Hannah Arendt and the Limits of Philosophy* (Ithaca and London: Cornell University Press, 1994), ch. 3; Zerilli, "'We Feel Our Freedom'"; *A Democratic Theory of Judgment* (Chicago: University of Chicago Press, 2016).

74. To borrow a formulation by Emmanuel Levinas, *Otherwise than Being, or Beyond Essence*, tr. Alphonso Lingis (Pittsburg: Duquesne University Press, 1981), p. 114.

75. Arendt, *The Promise of Politics*, p. 129; *Men in Dark Times* (New York: Harcourt, 1968), p. 9.

76. As Edmund Morgan points out, the attribution of divinity to the king was deliberately motivated to limit the scope of his action. It "exalted him to a height where he could scarcely move without fracturing his divinity." Morgan, *Inventing the People*, p. 21.

77. Arendt, *Essays in Understanding*, p. 342.

78. See the interpretation in Chapter 2.

79. Arendt, *Life of the Mind* (1978), p. 217.

80. Arendt, *Essays in Understanding*, p. 336.

81. Arendt, *On Revolution*, p. 35.

82. In Thomas Paine's words, the constitution is "not hereditary, neither is it perpetual." Instead, "we have it in our power to begin the world over again." Thomas Paine,

Political Writings, ed. B. Kuklick (Cambridge: Cambridge University Press, 2000), p. 44.

83. Isaiah Berlin, "Two Concepts of Liberty, in *The Liberty Reader*, ed. Miller, pp. 33–57, at p. 34.

84. Hobbes, *Leviathan*, p. 146.

85. Berlin, "Two Concepts," p. 34.

86. Arendt, *The Human Condition*, p. 60; *The Life of the Mind* (1978), p. 68. Luther is perhaps the most famous thinker who emphasizes the inner freedom of humans. See Martin Luther, *The Freedom of a Christian*, ed. M. D. Tranvik (Minneapolis: Fortress Press, 2008). To Arendt, the retreat to an inner freedom beyond the worldly realm of human affairs is anti-political. But it can be objected that this retreat to an inner realm of freedom was truly revolutionary and political in the trust it put in the faith of individuals, and its rejection of worldly authorities.

87. Arendt, *Between Past and Future*, p. 149.

88. Arendt, *Between Past and Future*, p. 148; *The Human Condition*, pp. 22–78; *The Promise of Politics*, pp. 105ff.; Young-Bruehl, *Hannah Arendt*.

89. For how the ancient understanding of law as *nomos* and the Roman understanding of law as *lex* figures in Arendt, see Hans Lindahl, "Give and Take: Arendt and the *Nomos* of Political Community," *Philosophy and Social Criticism* 32, 7 (2006): pp. 881–901; Breen, "Law Beyond Command?"; Michael Wilkinson, "Between Freedom and Law: Hannah Arendt on the Promise of Modern Revolution and the Burden of 'The Tradition,'" in *Hannah Arendt and the Law*, ed. Goldoni and McCorkindale, pp. 35–61; Volk, *Arendtian Constitutionalism*, pp. 215ff.

90. Arendt, *The Human Condition*, p. 63, note 62.

91. Arendt, *The Human Condition*, p. 194.

92. Arendt, *The Human Condition*, p. 194; *On Revolution*, p. 186.

93. Arendt, *The Human Condition*, p. 194.

94. Arendt, *Thinking Without a Banister*, p. 46.

95. Arendt, *The Human Condition*, p. 63, note 62.

96. Arendt, *On Revolution*, p. 187.

97. Arendt, *On Revolution*, p. 188.

98. Machiavelli, *Discourses* (1970), p. 113.

99. Jeremy Waldron, "Arendt's Constitutional Politics," in *Cambridge Companion*, ed. Villa, pp. 201–19, at p. 204; Arendt, *On Revolution*, pp. 208–9; *The Promise of Politics*, p. 181.

100. Volk, *Arendtian Constitutionalism*. See also Goldoni and McCorkindale, eds., *Hannah Arendt and the Law*.

101. Arendt, *The Human Condition*, p. 237.

102. E.g. Jean Cohen and Andrew Arato, *Civil Society and Political Theory* (Cambridge, MA: MIT Press, 1992), p. 193; Wilkinson, "Between Freedom and Law," pp. 58–61; Keenan, *Democracy in Question*, ch. 2.

103. Keenan, *Democracy in Question*, p. 89.

104. Breen, "Law beyond Command?," pp. 16–17; Keenan, *Democracy in Question*; Honig, "Declarations"; Frank, *Constituent Moments*.

105. Arendt, *On Revolution*, p. 212.

106. Note, however, that for Arendt totalitarianism is an entirely new form of governing, distinct from previous forms of despotism. It is associated with laws of movement of history and nature.

107. See, among others, Birmingham, *Hannah Arendt*; Kalyvas, *Democracy*; Sofia Näsström, "The Right to Have Rights: Democratic, not Political," *Political Theory* 42, 5 (2014): pp. 543–68; Lucy Cane, "Hannah Arendt on the Principles of Political Action," *European Journal of Political Theory* 14, 1 (2014): pp. 55–75; James Muldoon, "Arendtian Principles," *Political Studies* 64, 1 (2016): pp. 121–35.

108. Arendt, *On Revolution*, p. 189.

109. Arendt, *The Promise of Politics*, p. 64.

110. Arendt, *The Promise of Politics*, p. 65.

111. Arendt, *The Promise of Politics,* pp. 64–5.

112. Arendt, *Essays in Understanding*, p. 335.

113. Arendt, *Between Past and Future*, p. 153.

114. Arendt, *Between Past and Future*, p. 152. For an account of the public or "worldly" character of these principles, and how they differ from other things such as motives, moral standards, compassionate empathy, and sentiments, see Cane, "Hannah Arendt."

115. Including freedom, fame, solidarity, justice, charity, and rage. See Arendt, *The Promise of Politics*, p. 195; *On Revolution*, pp. 79, 104, 114, 206; *Crises of the Republic*, p. 94; *The Human Condition*, p. 53; *Between Past and Future*, p. 151.

116. She also mentions "mutual promise and common deliberation" and "public happiness." Arendt, *On Revolution*, pp. 214, 123. As Arendt repeatedly stresses, however, "the raison d'être of politics is freedom, and its field of experience is action." Arendt, *Between Past and Future*, p. 146.

117. Arendt, *Life of the Mind,* p. 203.

118. For a good description of this problem, see Cane, "Hannah Arendt." On the more general problem of time for Arendt, see Keenan, *Democracy in Question*, ch. 2.

119. Arendt, *The Human Condition*, p. 178.

120. Arendt, *Thinking Without a Banister*, p. 46.

121. For other attempts to relax the opposition between spontaneity and stability, see Isaac, "Oases in the Desert"; Markell, "The Rule of the People"; Kalyvas, *Democracy*, chs. 7–8; Volk, *Arendtian Constitutionalism*; Lindahl, "Give and Take."

122. Krause, *Freedom beyond Sovereignty*, p. 158.

123. Arendt, *On Revolution*, p. 41.

124. Arendt, *Between Past and Future*, p. 241. This aspect is central for those who argue that there is no cognitive correction to be made, or neutral standpoint above opinions in a democracy, but our judgments and decisions are corrigible by other perspectives themselves. For a recent defense of this view, see Zerilli, *A Democratic Theory of Judgment*. For the debate on whether judgment requires a cognitive dimension, see also Habermas, "Hannah Arendt's Communications Concept of Power"; Beiner, "Hannah Arendt on Judging"; Disch, *Hannah Arendt*.

125. Arendt, *Lectures on Kant's Political Philosophy*, ed. Beiner, pp. 44ff.; *On Revolution*, p. 280; *Men in Dark Times*, pp. 4–9.

126. Arendt, *Origins of Totalitarianism*, p. 613; *The Human Condition*, p. 76; *Between Past and Future*, p. 158.

127. Arendt, *Origins of Totalitarianism*, p. 613; *The Human Condition*, p. 43; *Essays in Understanding*, p. 358.

128. Arendt, *Between Past and Future*, pp. 241–2.

129. Disch, *Hannah Arendt*, p. 155.

130. Arendt, *Origins of Totalitarianism*, p. 615; *The Human Condition,* p. 52.

131. Arendt, *Thinking Without a Banister*, p. 456.

132. Arendt, *The Promise of Politics*, p. 101.

133. Arendt, *The Promise of Politics*, p. 101.

134. Krause, *Freedom beyond Sovereignty*, pp. 158ff.

135. Arendt, *Lectures*, p. 143; Disch, *Hannah Arendt*, ch. 5.

136. Zadie Smith, "Fascinated to Presume: In Defence of Fiction," *New York Review of Books* LXVI, 16 (2019), p. 4.

137. Arendt, *Origins of Totalitarianism*, p. 614.

138. Arendt, *Origins of Totalitarianism*, p. 612; *The Human Condition*, pp. 50–7.

139. Arendt, *Essays in Understanding*, p. 358.

140. Arendt, *The Promise of Politics*, p. 128.

141. Arendt, *The Human Condition*, pp. 188–9.

142. Berlin, "Two Concepts," pp. 41–2.

143. Berlin, "Two Concepts," p. 42.

144. Skinner, *Liberty before Liberalism*.

145. Jürgen Habermas, *Between Facts and Norms*, tr. William Rehg (Cambridge, MA: MIT Press, 1996); Taylor, "What's Wrong with Negative Liberty?"

146. Axel Honneth, *Freedom's Right: The Social Foundations of Democratic Life* (Cambridge: Polity Press, 2014), pp. 29–41.

147. The distinction between negative and positive freedom has been criticized on a number of points. To McCallum, for example, there is only one concept of freedom embodied in the formula: x is free from y to do or become z. Others have argued that the distinction fails in capturing the difference between liberal and republican freedom. There are republican conceptions of freedom that are both negative and individual in character; the neo-republican conception of freedom as non-domination defended by Quentin Skinner and Philip Pettit is a case in point.

148. Berlin, "Two Concepts," p. 45.

149. Arendt, *The Promise of Politics*, p. 95.

150. Arendt, *On Revolution*, p. 94.

151. Zerilli, *A Democratic Theory of Judgment*, p. 34.

152. Arendt, *Thinking Without a Banister*, p. 375.

153. Arendt, *Thinking Without a Banister*, p. 375.

154. Honneth, *Freedom's Right*, p. 43. Emphasis added.

155. Arendt, *The Human Condition*, p. 254.

156. Arendt, *On Revolution*, p. 126.

157. Arendt, *On Revolution*, p. 232.

158. Arendt, *On Revolution*, p. 232.

159. Arendt, *On Revolution*, p. 276.

160. Kalyvas, *Democracy*, ch. 9; Benjamin Ask Popp-Madsen, "Between Form and Formlessness: Thinking Council Democracy with Castoriadis, Lefort and Arendt" (Dissertation, University of Copenhagen, 2018); James Muldoon, ed., *Council Democracy: Towards a Democratic Socialist Politics* (London: Routledge, 2018).

161. Among sympathetic critics and defenders of democracy there is often disagreement as to whether Arendt mounted a wholesale rejection of election, or whether she argued that it needed to be complemented with direct participation. The argument I will make in Chapter 4 is that the relationship between freedom and election is not complementary, but internal: election is a materialization of democratic freedom, understood as the capacity to begin anew.

162. For the importance of the social or society in the work of Montesquieu, see Brian Singer, *Montesquieu and the Discovery of the Social* (Basingstoke: Palgrave Macmillan, 2013).

163. For an early discussion on this point, between Mary McCarthy, Richard Bernstein, and Arendt, see Arendt, *Thinking Without a Banister*, pp. 455ff.

164. Canovan, "The Contradictions of Hannah Arendt's Political Thought," p. 15.

165. Arendt, *Thinking Without a Banister*, p. 378.

166. Arendt, *On Revolution*, p. 275.

167. Arendt, *Thinking Without a Banister*, pp. 368ff., 443ff. In recent years, this picture of Arendt has been nuanced. Scholars have shown that instead of downgrading the significance of the social for politics, Arendt gives us conceptual resources to transform material necessity into a shared object of common political action. The social is not a precondition, but an object for politics. See Klein, "'Fit to Enter the World.'"

Chapter 4

1. For a more fine-grained analysis of what it means for the constituent power of the people to exist "beyond" law, as anterior to, within and beside the law, see Carl Schmitt, *Constitutional Theory*, tr. J. Seitzer (Durham, NC: Duke University Press, 2008), pp. 268ff., paragraph 18; Andreas Kalyvas, *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt and Hannah Arendt* (Cambridge: Cambridge University Press, 2008), pp. 177ff.; Mikael Spång, *Constituent Power and Constitutional Order: Above, Within and Beside the Constitution* (Basingstoke: Palgrave Macmillan, 2014).

2. John Stuart Mill, *Considerations on Representative Government*, ed. C. V. Shields (Atlanta, GA: Cherokee Publishing Company, 1958), p. 42.

3. Benjamin Constant, "The Liberty of the Ancients Compared with that of the Moderns," in *Political Writings*, ed. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), pp. 307–28, at p. 312. For a contemporary position, see Sheldon Wolin, *Democracy Incorporated: Managed Democracy and the Specter of Inverted Totalitarianism* (Princeton: Princeton University Press, 2008).

4. Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 2007), p. 114.

5. E.g. Jason Brennan, *Against Democracy* (Princeton: Princeton University Press, 2016). On plural voting, see Mill, *Considerations*, ch. VIII.

6. Robert Dahl, *After the Revolution? Authority in a Good Society* (New Haven and London: Yale University Press, 1970), p. 60.

7. Hannah Arendt, *On Revolution* (New York: Penguin Books, 1963), pp. 183–4.

8. Rousseau, *The Social Contract*, p. 71.

9. Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton and Oxford: Princeton University Press, 2009), p. xvi; "Between Decision and Deliberation: Political Paradox in Democratic Theory," *American Political Science Review* 101, 1 (2007): pp. 1–17, at p. 2. See also William Connolly, *The Ethos of Pluralization* (Minneapolis: University of Minnesota Press, 1995), pp. 137–40.

10. Baron de Montesquieu, *The Spirit of Laws*, tr. and ed. A. M. Cohler, B. C. Miller, and H. S. Stone (Cambridge: Cambridge University Press, 1989), p. 155.

11. For the distinction between the character and scope of the people, see David Owen, "The Democratic Production of Political Cohesion: Partisanship, Institutional Design and Lifeform," *Contemporary Political Theory* 18 (2019): pp. 282–310.

12. On parties, see for example, Nancy Rosenblum, *On the Side of the Angels* (Princeton: Princeton University Press, 2010); Jonathan White and Lea Ypi, *The Meaning of Partisanship* (Oxford: Oxford University Press, 2016); Matteo Bonotti, *Partisanship and Political Liberalism in Diverse Societies* (Oxford: Oxford University Press, 2017); Joseph Lacey, *Centripetal Democracy* (Oxford: Oxford University Press, 2017). On deliberation, see Jane Mansbridge and John Parkinson, eds., *Deliberative Systems: Evidence from Historical Populations* (Cambridge: Cambridge University Press, 2012). On parliament, see Richard Bellamy, *Political Constitutionalism* (Cambridge: Cambridge University Press, 2007); Kari Palonen, *Parliamentary Thinking: Procedure, Rhetoric, Time* (London: Palgrave Macmillan 2019); *The Politics of Parliamentary Procedure* (Opladen: Barbara Budrich Publishers, 2016).

13. Hamilton quoted in Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1997), p. 176. For the emergence of elections without democracy as a new form of despotism, see also John Keane, *The New Despotism* (Cambridge, MA: Harvard University Press, 2020).

14. Interview with Professor Jørgen Randers, and politician Anders Wijkman, spokesman of the Club of Rome, in "Demokratin måste pausas för att lösa klimatkrisen" (tr. "Democracy must be paused to solve the crisis of climate change"), *Svenska Dagbladet* 4 (November 2017) by Jenny Stiernstedt. See also interview with scientist James Lovelock, in "Humans Are Too Stupid to Prevent Climate Change," *The Guardian* (March 29, 2010), by Leo Hickman.

15. Manin, *Principles*, p. 176. For democracy as a timeregime in the more historical sense of being open to self-critique and change, see Nadia Urbinati, *Representative Democracy: Principles and Genealogy* (Chicago: University of Chicago Press, 2006).

16. In discussing the significance of election, I will for the most part exclude the neo-republican paradigm. The neo-republican paradigm pays more attention to other institutions such as tribunes and lotteries. For a revival of neo-republican institutions as a way to keep powerful economic and political actors at bay, see John McCormick, *Machiavellian Democracy* (Cambridge: Cambridge University Press, 2011).

17. Following Aristotle, Urbinati distinguishes between two interpretations of majority, namely as a *method* of decision, and as a *regime* of the majority. Nadia Urbinati, *Me, the*

People: *How Populism Transforms Democracy* (Cambridge, MA: Harvard University Press, 2019), pp. 96ff. In the following, I will use majority rule as synonymous with the former.

18. Aristotle, *The Politics and the Constitution of Athens*, ed. S. Everson (Cambridge: Cambridge University Press, 1996), p. 121.

19. Bernard Yack, "Democracy and the Love of Truth," in *Truth and Democracy*, ed. J. Elkins and A. Norris (Philadelphia: University of Pennsylvania Press, 2012), pp. 165–80, at p. 167.

20. Manin, *Principles*, p. 94.

21. Alexander Hamilton, James Madison, and John Jay, *The Federalist with Letters of "Brutus,"* ed. Terence Ball (Cambridge: Cambridge University Press, 2003), Federalist No. 10, at p. 44.

22. Manin, *Principles*, p. 67. Manin quotes Harrington. For the idea that election is intrinsically aristocratic, see Aristotle, *The Politics*, pp. 117–18; Rousseau, *The Social Contract*, pp. 125ff.; Montesquieu, *The Spirit of the Laws*, p. 13.

23. Manin, *Principles*, pp. 98, 94.

24. In Montesquieu's understanding of monarchy, honor and distinction are not based on individual merits, but on individuals living up to the expectations associated with their rank or status. Brian J. Singer, *Montesquieu and the Discovery of the Social* (Basingstoke: Palgrave Macmillan, 2013), p. 118.

25. In the words of Frank Michelman, hierarchies that previously "were regarded as social *ranks* have come to be regarded as social *differences*." Frank Michelman, "Conceptions of Democracy in American Constitutional Argument: Voting Rights," *Florida Law Review* 41 (1989): pp. 443–90, at p. 458. The difference between the monarchical and the liberal principle has also been described as a difference between a "simple" and "natural" aristocracy, where the latter refers to those who are superior due to their natural merits. Manin, *Principles*, p. 118.

26. Manin, *Principles*, p. 40.

27. E.g. Ben Moffitt, *The Global Rise of Populism: Performance, Political Style, and Representation* (Stanford: Stanford University Press, 2016).

28. Jürgen Habermas, "Three Normative Models of Democracy," in *The Inclusion of the Other: Studies in Political Theory*, ed. C. Cronin and P. De Greiff (Cambridge, MA: MIT Press, 1998), pp. 239–52, at p. 243.

29. Adam Przeworski, *Why Bother with Elections?* (Cambridge: Polity Press, 2019), p. 2.

30. Robert Dahl, *Democracy and its Critics* (New Haven and London: Yale University Press, 1989), p. 136.

31. As Aristotle puts it, democracy is the application of numerical not proportionate equality, "whence it follows that the majority must be supreme, and that whatever the majority approve must be the end and the just." Aristotle, *The Politics*, p. 154. In a similar vein, John Locke, for whom equality is a natural rather than a political virtue— we are all equal before God—the majority speaks for all: "For when any number of men have, by the consent of every individual, made a community, they have thereby made that community one body . . . and the body should move that way whither the greater force carries it, which is the consent of the majority." John Locke, *Second Treatise of*

Government, ed. Peter Laslett (Cambridge: Cambridge University Press, 2005), pp. 331–2.

32. Przeworski, *Why Bother with Elections?*, pp. 113–22. See also Urbinati, *Representative Democracy*, p. 31; Nadia Urbinati, "Judgment Alone: Cloven Citizenship in the Era of Internet," in *Creating Political Presence: The New Politics of Democratic Representation*, ed. Dario Castiglione and Johannes Pollak (Chicago: University of Chicago Press, 2019), pp. 61–86, at p. 65.

33. Manin, *Principles*, p. 176.

34. Manin, *Principles*, p. 176.

35. Manin, *Principles*, pp. 175ff.

36. Joseph A. Schumpeter, *Capitalism, Socialism and Democracy* (New York: Harper and Brothers, 1947), pp. 269–83.

37. Manin, *Principles*, p. 2, note 3.

38. Manin, *Principles*, pp. 85–6.

39. Note, however, that Rousseau is not easy to place. At times, he appeals to the principle of distinction, not as a second-best solution to the emergence of large states, but because it will ensure that those who govern distinguish themselves by "uprightness, understanding, experience and all other claims to pre-eminence and public esteem" needed for "wise government." See Catherine Colliot-Thélène, *Democracy and Subjective Rights: Democracy without Demos*, tr. A. Dorval (London: Rowman & Littlefield, 2018), p. 35; Rousseau, *The Social Contract*, Book II, ch. 5. Also, Rousseau was not merely a republican concerned with the tyranny of the minority, but he also offered important tools to address the tyranny of the majority. See Annelien de Dijn, "Rousseau and Republicanism," *Political Theory* 46, 1 (2018): pp. 59–80.

40. E.g. Dahl, *Democracy and its Critics*; Jürgen Habermas, *Between Facts and Norms*, tr. William Rehg (Cambridge, MA: MIT Press, 1996); Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (Cambridge: Cambridge University Press, 2004).

41. Pierre Rosanvallon, *Democracy Past and Future*, ed. Samuel Moyn (New York: Columbia University Press, 2007), pp. 107–12; Habermas, "Three Normative Models of Democracy," p. 243.

42. For a description of how universal suffrage was used to unite society against the privileges and classes forged by monarchy, see Pierre Rosanvallon, "The Republic of Universal Suffrage," in *Democracy Past and Future*, ed. Moyn, pp. 98–114.

43. Dahl, *Democracy and its Critics*, p. 138.

44. Pierre Rosanvallon, *Democratic Legitimacy: Impartiality, Reflexivity, Proximity* (Princeton and Oxford: Princeton University Press, 2011), p. 13; "The Republic of Universal Suffrage; Carl Schmitt, *The Crisis of Parliamentary Democracy*, tr. Ellen Kennedy (Cambridge, MA: MIT Press, 1985), p. 26.

45. To subscribe to a minority view, on this account, is either interpreted as a "misunderstanding" of the general will, or corruption, namely as a result of personal ambition. Rosanvallon, "The Republic of Universal Suffrage," p. 112.

46. Rosanvallon, *Democracy Past and Future*, pp. 107–12; Habermas, "Three Normative Models of Democracy," p. 249. Pamela Karlan recalls Walt Whitman's famous poem "Election Day, November 1884": "the heart of it not in the chosen—the act itself the main, the quadriennal choosing" to argue that "elections matter because they are a

central way in which we constitute ourselves as a nation." Pamela Karlan, "Our Most Vulnerable Election," *New York Review of Books* 8 (2020). Repetition is one thing. The simultaneity of elections, the fact that everyone participates *at the same time*, also has a unifying significance. For the role of simultaneity in the unification of society, see Benedict Anderson, *Imagined Communities*: *Reflections on the Origin and Spread of Nationalism* (London and New York: Verso, 2016), revised edition.

47. Manin, *Principles*, p. 1.

48. Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge: Cambridge University Press, 2016).

49. Habermas, "Three Normative Models of Democracy," p. 240, Michelman, "Conceptions of Democracy."

50. Pierre Rosanvallon, *Good Government*: *Democracy Beyond Elections* (Cambridge, MA: Harvard University Press, 2018), p. 267. Note that while Rosanvallon sees the uncertainty of politics as a by-product of "the principle of competition," this book, by contrast, argues that uncertainty is integral to democracy as a political lifeform.

51. E.g. James Fishkin, *Democracy When the People Are Thinking* (Oxford: Oxford University Press, 2018); Peter Stone, ed., *Lotteries in Public Life: A Reader* (Exeter: Imprint Academic, 2011).

52. Hannah Arendt, *Thinking Without a Banister: Essays in Understanding, 1953–1975*, ed. Jerome Kohn (New York: Schocken Books, 2018), p. 456. See also Jacques Derrida, *Rogues: Two Essays on Reason* (Stanford: Stanford University Press, 2005); Sofia Näsström, "Democracy Counts: Problems of Equality in Transnational Democracy," in *Transnational Actors in Global Governance*, ed. Jonas Tallberg and Christer Jönsson (New York: Palgrave, Macmillan, 2010), pp. 348–83.

53. Albert Weale, *Democracy*, 2nd edition (New York: Palgrave Macmillan, 2007), p. 68.

54. Jon Elster, "Constitution-Making in Eastern Europe: Rebuilding the Boat in the Open Sea," *Public Administration* 71, 1–2 (1993): pp. 169–217.

55. Nadia Urbinati, "Peace and Democracy: Which Ends Justify which Means?" in Daniele Archibugi et al., "Global Democracy: A Symposium on a New Political Hope," *New Political Science* 32, 1 (2010): pp. 83–121, at p. 93.

56. For an account of the difference, see Nadia Urbinati, *Democracy Disfigured*: *Opinion, Truth, and the People* (Cambridge, MA: Harvard University Press, 2014), ch. 2. Urbinati's account of representation is here inspired by Arendt.

57. The idea of epistemic democracy is not that whatever the majority decides is true, but that election and majority rule is the best test we have in deciding whether an assertion is true or correct. For an epistemic defense of democracy, see Hélène Landemore, *Democratic Reason* (Princeton: Princeton University Press, 2012).

58. This aspect is central to those who argue that there is no cognitive correction to be made, or neutral standpoint above opinions in a democracy, but our judgments and decisions are corrigible by other perspectives. For a defense of this view, see Urbinati, *Representative Democracy*; Linda Zerilli, *A Democratic Theory of Judgment* (Chicago: University of Chicago Press, 2016).

59. Urbinati, *Representative Democracy*, p. 201.

60. Thomas Paine, *Political Writings*, ed. B. Kuklick (Cambridge: Cambridge University Press, 2000), p. 44.

61. Conversely, people can act on different principles, which in turn foster different types of "elections." We will address this below when we discuss the renewal of democracy.

62. Alexis de Tocqueville, *Democracy in America*, tr. H. Reeve (New York: Bantam Classic, 2000), p. 3.

63. Tocqueville, *Democracy in America*, p. 3.

64. The politics of ideas has been criticized for disregarding that "who" we are, or presence, actually matters. See, among others, Anne Phillips, *The Politics of Presence* (Oxford: Oxford University Press, 1998); Jane Mansbridge, "Should Blacks Represent Blacks and Women Represent Women? A Contingent 'Yes,'" *The Journal of Politics* 61, 3 (1999): pp. 628–57.

65. Isaiah Berlin, *Concepts and Categories*, ed. H. Hardy (Princeton: Princeton University Press, 1978), pp. 82–5. See also Sofia Näsström, "The Normative Power of Political Equality," in *Political Equality in Transnational Democracy*, ed. Eva Erman and Sofia Näsström (New York: Palgrave Macmillan, 2013), pp. 157–81.

66. William Doyle, *Aristocracy and Its Enemies in the Age of Revolution* (Oxford: Oxford University Press, 2009), p. 19; Christopher Brooke, "Arsehole Aristocracy (or: Montesquieu on Honour, Revisited)," *European Journal of Political Theory* 17, 4 (2018): pp. 391–410.

67. Tocqueville, *Democracy in America*, p. 9.

68. Tocqueville, *Democracy in America*, p. 9.

69. Pierre Rosanvallon, *The Society of Equals*, tr. A. Goldhammer (Cambridge, MA: Harvard University Press, 2013), p. 12.

70. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), p. 59. See also Dahl, *Democracy and its Critics*, ch. 9.

71. What about the neo-republican idea of society divided into two permanent social classes, that of the patricians and the populace? Since law rather than election is most central to this tradition, I have not included it here. The assumption here is that since society is divided into two social classes, where one aspires to dominate the other, it is only by putting their duties before their rights that the lower class can retain their freedom. But instead of encouraging people to overcome the division between the upper and lower class, the neo-republican tradition reduces freedom to an element in the clash *between* them. This means that while committing to public virtue can prevent the most flagrant abuses of public power, it does not tell us how it is possible for ordinary people to extend freedom across upper and lower classes. The inequality between them remains a presupposition of the neo-republican understanding of politics.

72. Recall from the introduction that democratic corruption can happen in one of two ways. It can stem either from a *negation* or *exaggeration* of the principle of emancipation. If the former destabilizes society by privatizing an uncertainty that ought to be publicly shared and divided between equals, the latter destabilizes society by fostering insensitivity to the radical conditions of uncertainty under which modern democracy operates.

73. Madison, *The Federalist*, pp. 40ff. 254ff., No. 10, p. 51; Tocqueville, *Democracy in America*, pp. 295ff.; Mill, *Considerations*, ch. VII; Dahl, *Democracy and its Critics*, pp. 135ff.

74. Madison, *The Federalist*, p. 45.
75. Madison, *The Federalist*, p. 44.
76. Madison, *The Federalist*, p. 45.
77. Madison, *The Federalist*, p. 45. Note that for Madison, a larger republic has better chances of avoiding this than smaller ones.
78. Brennan, *Against Democracy*.
79. Tocqueville, *Democracy in America*, p. 303.
80. Tocqueville, *Democracy in America*, p. 299.
81. Tocqueville, *Democracy in America*, pp. 300, 312.
82. Tocqueville, *Democracy in America*, p. 310.
83. Dahl, *Democracy and its Critics*, p. 156.
84. See also Urbinati, *Me the People*, pp. 96ff.
85. According to Tocqueville, this mobilization affects the minds and movements of people. Faced with a majority suffering from mob mentality, the most distinguished in society are likely to keep silent, and vulnerable minorities know how to keep their heads down. For an example of how this works, see *Democracy in America*, p. 303.
86. See Karl Loewenstein, "Militant Democracy and Fundamental Rights I," *American Political Science Review* 31, 3 (1937): pp. 417–32. There is today a growing debate on this topic of democratic self-defense. See, among others, Peter Niesen, "Anti-Extremism, Negative Republicanism, Civil Society: Three Paradigms for Banning Political Parties," *German Law Journal* 3, 7 (2002): pp. 1–43; András Sajó, ed., *Militant Democracy* (Utrecht: Eleven International Publishing, 2004); Giovanni Capoccia, "Militant Democracy: The Institutional Bases of Democratic Self-Preservation," *Annual Review of Law & Social Science* 9 (2013): pp. 207–26; Alexander Kirschner, *A Theory of Militant Democracy* (New Haven: Yale University Press, 2014); Svetlana Tyulkina, *Militant Democracy: Undemocratic Political Parties and Beyond* (Abingdon: Routledge, 2015); Markus Thiel, ed., *The 'Militant Democracy' Principle in Modern Democracies* (Abingdon: Routledge, 2016); Jan-Werner Müller, "Protecting Popular Self-Government from the People? New Normative Perspectives on 'Militant Democracy,'" *Annual Review of Political Science* 19 (2016): pp. 249–65; Carlo Invernizzi Acetti and Ian Zuckerman, "What's Wrong with Militant Democracy?," *Political Studies* 65, 1 (2016): pp. 182–99; Anthoula Malkopoulou and Ludvig Norman, "Three Models of Democratic Self-Defense: Militant Democracy and its Alternatives," *Political Studies* 66, 2 (2018): pp. 442–58.
87. Cas Mudde and Cristobal Rovira Kaltwasser, *Populism: A Very Short Introduction* (Oxford: Oxford University Press, 2017).
88. On the role of property, see Przeworski, *Why Bother with Elections?*, ch. 3.
89. Cristobal Rovira Kaltwasser, "The Ambivalence of Populism: Threat or Corrective for Democracy?," *Democratization* 19, 2 (2012): pp. 184–208.
90. On civil peace, see Przeworski, *Why Bother with Elections?*, pp. 113–22.
91. The lack of citizen engagement in elections has sometimes motivated the use of compulsory voting. The purpose is to create identification with the common good, and limit the rise of factions. As Anthoula Malkopoulou shows, French republicans in the late nineteenth century argued that when "the honest and moderate majority" abstained from voting, it created political gains for "the turbulent and factious

minorities." Anthoula Malkopoulou, *The History of Compulsory Voting in Europe: Democracy's Duty?* (London: Routledge, 2016), pp. 86–9.

92. Hamilton et al., *The Federalist Papers*, pp. xxv, 435ff.

93. This idea of unanimity as the presupposition and goal of democracy, championed by many democratic theorists, is much influenced by Rousseau: "if there were no prior convention, then, unless the election were unanimous, why would the minority be obliged to submit to the choice of the majority, and why would a hundred who want a master have the right to vote on behalf of ten who do not want one? The law of majority rule is itself something established by convention, and presupposes unanimity at least once." Rousseau, *The Social Contract*, p. 49.

94. Wolin, *Democracy Incorporated*, p. 242.

95. Dahl, *Democracy and its Critics*, p. 156.

96. Thomas Piketty, *Capital in the Twenty-First Century*, tr. A. Goldhammer (Cambridge, MA: Harvard University Press, 2018); Branko Milanovic, *Global Inequality: A New Approach for the Age of Globalization* (Cambridge, MA: Harvard University Press, 2016); Nancy Fraser and Rahel Jaeggi, *Capitalism: A Conversation in Critical Theory* (Cambridge: Polity Press, 2018).

97. Wolin, *Democracy Incorporated*, Abstract.

98. Tocqueville, *Democracy in America*, p. 298. Also, pp. 658ff., 758ff.

99. Tocqueville, *Democracy in America*, p. 299.

100. Tocqueville, *Democracy in America*, p. 300.

101. Tocqueville, *Democracy in America*, p. 631.

102. Tocqueville, *Democracy in America*, pp. 294, 761.

103. Tocqueville, *Democracy in America*, pp. 658–9.

104. Urbinati, *Representative Democracy*, p. 182.

105. Urbinati, *Representative Democracy*, p. 183. To Urbinati, democracy is anchored in a sovereign people, whose narrative of itself extends over time. This is what it means to be collectively self-governing: to share a common past as well as a common future. For the distinction between a teleological and non-teleological meaning of time in representation, see Arda Gucler, "Why so Timely? Politics of Representation and its Entanglement in Presentism," *Philosophy and Social Criticism* 46, 2 (2020): pp. 224–46.

106. "Why does Donald Trump tweet so much? Why do his supporters love it when he does? It is because a tweet gives the illusion of a direct relationship between leader and followers . . . The pretence of presence and the personalization of power go hand in hand." Albert Weale, *The Will of the People: A Modern Myth* (Cambridge: Polity Press, 2019), p. 14.

107. Urbinati, *Me the People*, p. 148, quoted from Jan-Werner Müller, *What Is Populism?* (Philadelphia: University of Pennsylvania Press, 2016), p. 26.

108. Benjamin Moffitt, "How to Perform Crisis: A Model for Understanding the Key Role of Crisis in Contemporary Populism," *Government and Opposition* 50, 2 (2015): pp. 189–217.

109. Heinrich Böll, *The Collected Stories*, tr. Leila Vennewitz (New York: Melville House, 2011), pp. 444–8.

110. Hannah Arendt, *The Human Condition*, 2nd edition (Chicago: University of Chicago Press, 1998), p. 5.

111. Timothy Snyder, *On Tyranny: Twenty Lessons from the Twentieth Century* (New York: Tim Duggan Books, 2017).

112. I borrow the term "alone time" from Urbinati, quoting Condorcet. See *Representative Democracy*, p. 183.

113. Hannah Arendt, *The Promise of Politics*, ed. Jerome Kohn (New York: Schocken Books, 2005), pp. 99–108.

114. The most well-versed thinker in this context is of course Carl Schmitt. As a strong defender of immediacy in politics, he complains that "the whole system of freedom of speech, assembly, and the press, of public meetings, parliamentary immunities and privileges is losing its rationale." Schmitt, *The Crisis of Parliamentary Democracy*, p. 49.

115. Lance Bennett and Alexandra Segerberg, *The Logic of Connective Action* (Cambridge: Cambridge University Press, 2013).

116. John Keane, *A Short History of the Future of Democracy* (Haag: Mr. Hans Van Mierlo Stichtung, 2015), p. 20.

117. Despotism, as Althusser writes, "is the opposite of duration; the moment. Not only does despotism know no institutions, no orders and no families that *last*, but also its very own acts spurt out *in a moment*. The entire people is made in the image of the despot. The despot decides in a moment. Without reflecting, without comparing reasons, without weighing arguments, without 'mediums' or 'limitations' . . . For it takes time to reflect, and a certain idea of the future." Louis Althusser, *Politics and History: Montesquieu, Rousseau, Marx*, tr. B. Brewster (London: Verso, 2007), p. 79.

118. Are recurrent elections enough to prevent the corruption of democracy, or does the survival of democracy need an *additional* source of moderation by law? So far we have distinguished three ways in which recurrent elections may serve to moderate politics. The liberal form of moderation consists in evaluating the performance of representatives, and holding them to account on a regular basis. The republican form of moderation consists in recalling people to their foremost commitment, and by rendering this commitment to the sovereign people alive with every new election. The democratic form of moderation, finally, consists in making sure that no one has the last word on who "we, the people" are. It does so by giving human beings the freedom to fail in their judgments and decisions, and begin anew. In each case, one could say that election carries with it an internal procedure of *self-constraint*. Still, there may come a point when this capacity for democratic self-constraint gets suspended. For many scholars, this is where the need for law comes in. Note that the moderation achieved by law differs, depending on what we take to be the tyrannical aspect inherent in election. From a liberal standpoint, the role of law is to serve as an additional safety belt in case elections fall prey to a tyrannical majority. From a republican standpoint it guards elections against the usurpation of tyrannical elites. From a democratic standpoint, law serves as a moderating force in case elections fall prey to a tyranny of novelty. Its role is to *slow down* the speed of politics. By expanding the time between past and future, it prevents actionable men from rising to power.

119. Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), p. 9.

120. This is the other side of democratic corruption. Emancipation can either be negated—which leads to a tyranny of novelty—or exaggerated, which means that people become too confident in the capacity of democracy to respond to new political challenges.

121. Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (New York: Columbia University Press, 2008), p. 62. This is what Nancy Fraser calls "ordinary-political misrepresentation."

122. Karl Marx, "On the Jewish Question," in *Early Writings*, tr. R. Livingstone and G. Genton (London: Penguin Books, 1992).

123. Adam Przeworski, *Democracy and the Limits of Self-Government* (Cambridge: Cambridge University Press, 2010), p. 92.

124. For an early account of the discrepancy or asymmetry between rule-makers and rule-takers, see David Held, *Democracy and the Global Order* (Cambridge: Polity Press, 1995).

125. Fraser, *Scales of Justice*, p. 62.

126. Mikael Saward, "Authorisation and Authenticity: Representation and the Unelected," *Journal of Political Philosophy* 17, 1 (2008): pp. 1–22, at p. 5.

127. Michael Saward, *The Representative Claim* (Oxford: Oxford University Press, 2006). For different variants of the constructivist approach, see Frank Ankersmit, *Aesthetic Politics: Political Philosophy beyond Fact and Value* (Stanford: Stanford University Press, 1997); Lisa Disch, "Democratic Representation and the Constituency Paradox," *Perspectives on Politics* 10, 3 (2012): pp. 599–616; *The Constructivist Turn in Political Representation* (Edinburgh: Edinburgh University Press, 2019); Laura Montanaro, *Who Elected Oxfam? A Democratic Defence of Self-Appointed Representation* (Cambridge: Cambridge University Press, 2017).

128. Sofia Näsström, "Democratic Representation beyond Election," *Constellations* 22, 1 (2015): pp. 1–12, at p. 1.

129. See, for example, Jonas Tallberg et al., *The Opening Up of International Organizations: Transnational Access in Global Governance* (Cambridge: Cambridge University Press, 2013).

130. Jeffrey Green, *The Eyes of the People: Democracy in an Age of Spectatorship* (Oxford: Oxford University Press, 2010). See also Manin, *Principles*, pp. 218ff.; John Keane, *Power and Humility: The Future of Monitory Democracy* (Cambridge: Cambridge University Press, 2018); Rosanvallon, *Good Government*.

131. Christina Garsten and Adrianne Sörbom, *Discreet Power: How the World Economic Forum Shapes Market Agendas* (Stanford: Stanford University Press, 2018).

132. Garsten and Sörbom, *Discreet Power*, p. 5.

133. Garsten and Sörbom, *Discreet Power*, p. 6.

134. Naming and shaming is a soft form of power. It means that people publicly name and shame powerful actors and institutions if they do not live up to their own stipulated norms, or publicly agreed standards of conduct.

135. Rosanvallon, *Good Government*, p. 6.

136. Rosanvallon, *Good Government*, p. 268.

137. Robert Dahl, "Can International Organizations Be Democratic? A Sceptic's View," in *Democracy's Edges* edited by Ian Shapiro and Casiano Hacker-Cordon (Cambridge: Cambridge University Press, 1999), pp. 19–36, at p. 26.

138. Robert Dahl, "A Democratic Dilemma: System Effectiveness versus Citizen Participation," *Political Science Quarterly* 109, 1 (1994): pp. 23–34, at p. 28.

139. Wolin, *Democracy Incorporated*, p. 291.

140. Wolin, *Democracy Incorporated*, p. 290.

141. David Miller, *Is Self-Determination a Dangerous Illusion?* (Cambridge: Polity Press, 2019).

142. Nadia Urbinati, "Unpolitical Democracy," *Political Theory* 38, 1 (2009): pp. 65–92; Näsström, "Democratic Representation beyond Election."

143. Fraser, *Scales of Justice*, p. 20.

144. Arendt, *The Human Condition*, p. 244.

145. For a bottom-up understanding of democratic cosmopolitanism, see James D. Ingram, *Radical Cosmopolitics* (New York: Columbia University Press, 2013).

146. Dahl, *Democracy and its Critics*, p. 147. Also pp. 139, 207.

147. Dahl, *Democracy and its Critics*, p. 204.

148. Roberto Stefan Foa and Yascha Mounk, "The Danger of Deconsolidation: The Democratic Disconnect," *Journal of Democracy* 27, 3 (2016): pp. 5–17, at p. 7.

149. David Runciman, *The Confidence Trap: A History of Democracy in Crisis from World War I to the Present* (Princeton: Princeton University Press, 2013).

150. Urbinati, *Democracy Disfigured*, p. 2.

151. Urbinati, *Representative Democracy*, Acknowledgments.

152. Ernst Cassirer, *The Philosophy of the Enlightenment*, tr. F. C. A. Koelln and J. P. Pettegrove (Princeton: Princeton University Press, 2009 [1951]), p. 210.

Chapter 5

1. Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011), p. 3.

2. The politician Lord Falconer, cited in Colin Hay, *Why We Hate Politics* (Cambridge: Polity Press, 2007), p. 93.

3. Paula Blomqvist, "The Choice Revolution: Privatization of Swedish Social Services in the 1990s," *Social Policy and Administration* 38, 2 (2004): pp. 171–94.

4. T. H. Marshall and Tom Bottomore, *Citizenship and Social Class* (London: Pluto Press, 1992), p. 8.

5. E.g. Margaret Somers, *Genealogies of Citizenship* (Cambridge: Cambridge University Press, 2008); Isin Engin, *Being Political: Genealogies of Citizenship* (Minneapolis: University of Minnesota Press, 2002).

6. Sofia Näsström and Sara Kalm "A Democratic Critique of Precarity," *Global Discourse* 5, 4 (2015): pp. 556–72.

7. Baron de Montesquieu, *The Spirit of the Laws*, ed. A. M. Cohler, B. C. Miller, and H. S. Stone (Cambridge: Cambridge University Press, 1989), p. 27.

8. Yasha Mounk, *The Age of Responsibility: Luck, Choice, and the Welfare State* (Cambridge, MA: Harvard University Press, 2017), pp. 204, 188ff.

9. https://www.svt.se/nyheter/inrikes/skummet-bubblade-ur-kokskranen.

10. https://www.svt.se/nyheter/inrikes/skummet-bubblade-ur-kokskranen.

11. And one might add, sometimes they have to put up a fight for what they need, but do not have any formal rights to get, as is the case with many non-citizens. In Chapter 6, I will address this issue in more depth. For a discussion of migration and statelessness from the perspective of a Montesquieuan reading of Arendt, see Sofia Näsström, "The Rights to Have Rights: Democratic, not Political," *Political Theory* 42, 5 (2014): pp. 543–68.

12. Renate Salecl, *The Tyranny of Choice* (London: Profile Books, 2011), p. 8.

13. Hannah Arendt, *Between Past and Future* (New York: Penguin Books, 1993), p. 149; *The Human Condition*, 2nd edition (Chicago: University of Chicago Press, 1998), p. 60; *The Life of the Mind* (New York: Harcourt Brace Jovanovich, 1978), p. 68.

14. For critical discussions of neoliberal freedom, see Michel Foucault, *The Birth of Biopolitics* (New York: Palgrave Macmillan, 2008); Barry Hindess, "The Liberal Government of Unfreedom," *Alternatives: Global, Local, Political* 26, 2 (2001): pp. 93–111; Thomas Lemke, "'The Birth of Bio-Politics': Michel Foucault's Lecture at the Collège de France on Neoliberal Governmentality," *Economy and Society* 30, 2 (2002): pp. 190–207; Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (New York: Zone Books, 2015); Miguel Vatter, *The Republic of the Living: Biopolitics and the Critique of Civil Society* (New York: Fordham University Press, 2014).

15. Blomqvist, "The Choice Revolution," in Julian le Grand, *Motivation, Agency, and Public Choice* (Oxford: Oxford University Press, 2006); *The Other Invisible Hand: Delivering Public Services through Choice and Competition* (Princeton: Princeton University Press, 2007); John Clarke and Janet Newman, *The Managerial State* (London: Sage, 1997); John Clarke, Janet Newman, Nick Smith, Elizabeth Vidler, and Louise Westmarland, *Creating Citizen Consumers* (London: Sage, 2007).

16. Ulrich Beck and Elizabeth Beck-Gernsheim, *Individualization* (London: Sage, 2002). The point is that the choice revolution *entails a new way of governing*. When choices are privatized, and it is up to each one of us to individually choose our own life-courses there arise strong incentives to control what happens in private. How do you do that? How do you control all these individuals and their putatively free choices? This is where today's evaluation systems enter the scene. Instead of governing citizens through law and a discussion of what is right and wrong, citizens are now governed directly through the idea of efficiency, productivity, and performance.

17. Marshall and Bottomore, *Citizenship and Social Class*.

18. Ulrich Beck, "Beyond Class and Nation: Reframing Social Inequalities in a Globalizing World," *The British Journal of Sociology* 58, 4 (2007): pp. 679–705, at p. 685.

19. Pierre Rosanvallon, *The New Social Question*: *Rethinking the Welfare State*, tr. B. Harshav (Princeton: Princeton University Press, 2000), ch. 1. The individual insurance model differs from more republican ideas of welfare based on solidarity among nationals. See David Miller, *On Nationality* (Oxford: Oxford University Press, 1995).

20. E.g. David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005); Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, NC: Duke University Press, 2009); Stuart Hall, "The Neoliberal Revolution," *Cultural Studies* 25, 6 (2011): pp. 705–28.

21. Nancy Fraser and Rahel Jaeggi, *Capitalism: A Conversation in Critical Theory* (Cambridge: Polity Press, 2018), p. 202.

22. Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (London and New York: Verso, 1985).

23. Albena Azmanova, *Capitalism on Edge: How Fighting Precarity Can Achieve Radical Change without Crisis or Utopia* (New York: Columbia University Press, 2020), ch. 5.

24. The same thing occurred in Britain, where the Labour Party offered what Stuart Hall calls a social democratic version of neoliberalism. Hall, "The Neoliberal Revolution."

25. Harvey, *A Brief History of Neoliberalism*, pp. 112–15; Blomqvist, "The Choice Revolution."

26. Bo Rothstein, *Just Institutions Matter* (Cambridge: Cambridge University Press, 1998), p. 161.

27. Blomqvist, "The Choice Revolution," pp. 145ff.

28. Blomqvist, "The Choice Revolution," p. 148.

29. Lawrence Mead, *Beyond Entitlement: The Social Obligations of Citizenship* (New York: Free Press, 1986), p. 10.

30. Jacob Hacker, *The Great Risk Shift: The New Economic Insecurity and the Decline of the American Dream* (Oxford: Oxford University Press, 2006). See also Somers, *Genealogies of Citizenship*; Young, *Responsibility for Justice*; Mounk, *The Age of Responsibility*.

31. "The smoker will soon be required to choose between his vice and the right to equal access to care, and the alcoholic will be threatened with payment of social surcharges." Rosanvallon, *The New Social Question*, p. 21.

32. Bauman, in Beck and Beck-Gernsheim, *Individualization*, p. xvi.

33. Beck and Beck-Gernsheim, *Individualization*, p. xxii.

34. E.g. Michael F. Maniates, "Individualization: Plant a Tree, Buy a Bike, Save the World?," *Global Environmental Politics* 1, 3 (2001): pp. 31–52.

35. Bauman, in Beck and Beck-Gernsheim, *Individualization*, p. xvi.

36. Young, *Responsibility for Justice*, p. 11.

37. Young, *Responsibility for Justice*, p. 11.

38. At the time of writing, this conflict is not yet resolved.

39. https://www.affarsvarlden.se/bors-ekonominyheter/leif-ostling-vad-far-jag-for-pen garna-6881635.

40. Reinhart Koselleck, *Futures Past: On the Semantics of Historical Time*, tr. K. Tribe (New York: Columbia University Press, 2004), p. 259.

41. Guy Standing, *The Precariat: The New Dangerous Class* (London: Bloomsbury, 2011); Richard Sennett, *The Corrosion of Character* (New York: W. W. Norton, 1998); B. F. Berardi, *The Soul at Work* (Los Angeles: Semiotext(e), 2009); Kathi Weeks, *The Problem with Work: Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries* (Durham, NC: Duke University Press, 2011), pp. 71–2; Paul Apostolidis, *The Fight for Time: Migrant Day Laborers and the Politics of Precarity* (Oxford: Oxford University Press, 2019).

42. Martin Hägglund, *This Life: Secular Faith and Spiritual Freedom* (New York: Profile Books, 2019), p. 23.

43. "Who killed my father?," asks Edouard Louis. Edouard Louis, *Who Killed My Father?* (New York: New Directions, 2019). See, relatedly, Göran Therborn, *The Killing Fields of Inequality* (Cambridge: Polity Press, 2013). For a discussion on how to distribute time in democracy as a prime political question, see also Elizabeth Cohen, *The Political Value of Time* (Cambridge: Cambridge University Press, 2018); Robert Goodin, James Mahmud Rice, Antti Parpo, and Lina Eriksson, *Discretionary Time: A New Measure of Freedom* (Cambridge: Cambridge University Press, 2009); Jeff Noonan, "Free Time as a Necessary Condition of Free Life," *Contemporary Political Theory* 8, 4 (2009): pp. 377–93.

44. Here I do not include all *nonpaid* work, which is a huge matter in itself.

45. http://ettrikareliv.se/tva-haftiga-satt-att-kopa-sig-tid/.

46. Karl Marx, *Capital, Volume I* (New York: Vintage, 1977). See also Pierre Bourdieu, ed., *The Weight of the World: Social Suffering in Contemporary Society* (Cambridge: Polity Press, 1999); Standing, *The Precariat*; Hägglund, *This Life*.

47. Apostolidis, *The Fight for Time*.

48. Apostolidis, *The Fight for Time*, p. 6.

49. Apostolidis, *The Fight for Time*, p. 6.

50. Apostolidis, *The Fight for Time*, p. 6.

51. Kommunalarbetaren, https://ka.se/2019/03/06/delade-turer-i-tva-av-tre-kommuner/.

52. SVT, *Aktuellt*, March 21, 2019.

53. Cooking in home parties was subsidized in Sweden, but at the time of writing is no longer.

54. Young, *Responsibility for Justice*; Mounk, *The Age of Responsibility*.

55. Salecl, *Tyranny of Choice*, p. 7.

56. "De ser sig själva som det nya proletariatet," *Svenska Dagbladet*, November 12, 2012.

57. Hannah Arendt, *The Origins of Totalitarianism* (New York: Schocken Books, 2004), p. 612; *The Human Condition*, pp. 50–7.

58. Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, ed. V. Gourevitch (Cambridge: Cambridge University Press, 2007), p. 58.

59. For fear as the social bond that creates an "institution of disorder" in despotism, see Brian Singer, *Montesquieu and the Discovery of the Social* (Basingstoke: Palgrave Macmillan, 2013), pp. 103ff.

60. Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, ed. J. B. Thompson (Cambridge, MA: MIT Press, 1986), p. 305.

61. This section builds on Näsström and Kalm, "A Democratic Critique of Precarity."

62. Brown, *Undoing the Demos*; Harvey, *A Brief History of Neoliberalism*.

63. Nancy MacLean, *Democracy in Chains* (Melbourne and London: Scribe Publications, 2017), xv.

64. Fraser, in Fraser and Jaeggi, *Capitalism: A Conversation*.

65. Judith Butler, *Frames of War: When is Life Grievable?* (London: Verso, 2009), p. 25.

66. Standing, *The Precariat*.

67. Standing, *The Precariat*, pp. 59–89.

68. Berardi, *The Soul at Work*; Sennett, *The Corrosion of Character*; Bourdieu, ed., *The Weight of the World*.

69. Standing, *The Precariat*, p. 20.

70. Standing, *The Precariat*, p. 1.

71. Standing, *The Precariat*, p. 19.

72. Standing, *The Precariat*, pp. 182, 147ff.

73. Hans Fallada, *Little Man, What Now?* (New York: Melville House, 2009).

74. Arendt, *The Origins of Totalitarianism*, p. 342.

75. Andrew Woolford and Amanda Nelund, "The Responsibilities of the Poor: Performing Neoliberal Citizenship within the Bureaucratic Field," *Social Service Review* 87, 2 (2013): pp. 292–318, at p. 292. These qualities are not enforced by coercion, but work usually through "nudges" and manipulation, as well as neoliberal "technologies of the self." See, for example, Nikolas Rose and Peter Miller, "Political Power beyond the State: Problematics of Government," *The British Journal of Sociology* 43, 2 (1992): pp. 173–205; T. M. Wilkinson, "Nudging and Manipulation," *Political Studies* 61, 2 (2013): pp. 341–55. For a positive account of nudging, see Cass Sunstein, *Why Nudge? The Politics of Libertarian Paternalism* (New Haven and London: Yale University Press, 2015).

76. Fraser, in Fraser and Jaeggi, *Capitalism: A Conversation*, p. 204.

77. Fraser, in Fraser and Jaeggi, *Capitalism*: *A Conversation*, pp. 200–1.

78. Fraser, in Fraser and Jaeggi, *Capitalism*: *A Conversation*, p. 200.

79. Fraser, in Fraser and Jaeggi, *Capitalism: A Conversation*, p. 201.

80. Nancy Fraser, "From Progressive Neoliberalism to Trump – and beyond," *American Affairs* 1, 4 (2017): pp. 46–64.

81. Fraser is not alone in making this analysis of the leftist drift towards identity politics. See, for example, Walter Benn Michaels, *The Trouble with Diversity: How We Learned to Love Identity and Ignore Inequality* (New York: Holt Paperbacks, 2007). For a critique of identity politics, but from a more liberal perspective, see Mark Lilla, *The Once and Future Liberal: After Identity Politics* (New York: HarperCollins, 2017).

82. Fraser, in Fraser and Jaeggi, *Capitalism*: *A Conversation*, pp. 208, 204.

83. Beck and Beck-Gernsheim, *Individualization*, p. 23.

84. Pierre Bourdieu, *The State Nobility: Elite Schools in the Field of Power* (Stanford: Stanford University Press, 1998). For Swedish circumstances, see Mikael Holmqvist, *Handels. Maktelitens Skola* (Stockholm: Atlantis, 2018). As James Wood puts it in a recent article, the manners taught at Eton are not to show off too much, but rather to display causal or "effortless superiority." James Wood, "These Etonians," *London Review of Books* 41, 13 (2019): pp. 36–7.

85. Apostolidis, *The Fight for Time*, p. 91.

86. Beck and Beck Gernsheim, *Individualization*, p. 23.

87. Bourdieu, *The State Nobility*; Holmqvist, *Handels*.

88. Christina Garsten and Adrianne Sörbom, *Discreet Power: How the World Economic Forum Shapes Market Agendas* (Stanford: Stanford University Press, 2018).

89. Singer, *Montesquieu*, p. 118.

90. Montesquieu, *The Spirit of the Laws*, p. 31.

91. Singer, *Montesquieu*, pp. 114–47.

92. Montesquieu, *The Spirit of the Laws*, p. 34.

93. For an analysis of how the monarchical system in Sweden influences social relations, see Cecilia Åse, *Monarkins makt* (Stockholm: Ordfront förlag, 2010).

94. Marshall and Bottomore, *Citizenship and Social Class*, pp. 18–19.

95. Isaiah Berlin, *Concepts and Categories*, ed. H. Hardy (Princeton: Princeton University Press, 1978), p. 84. See also Sofia Näsström, "The Normative Power of Political Equality," in *Political Equality in Transnational Democracy*, ed. Eva Erman and Sofia Näsström (New York: Palgrave Macmillan, 2013): pp. 157–81.

96. Montesquieu, *The Spirit of the Laws*, p. 94. As Singer explains: "Honour involves the establishment of an image of one's self and one's group as superior; and it demands one act in a manner that convinces others of one's superiority. Should one fail to convince, for whatever reason, one will suffer the worst of fates, that is, dishonour." Singer, Montesquieu, p. 119.

97. Salecl, *The Tyranny of Choice*, p. 140.

98. Montesquieu, *The Spirit of the Laws*, p. 44.

99. Montesquieu, *The Spirit of the Laws*, p. 44.

100. Louis Althusser, *Politics and History*: *Montesquieu, Rousseau, Marx*, tr. B. Brewster (London: Verso, 2007), p. 71.

101. Christopher Brooke, "Arsehole Aristocracy (or: Montesquieu on Honour, Revisited)," *European Journal of Political Theory*, 17, 4 (2018): pp. 381–410, at p. 398.

102. Brooke, "Arsehole Aristocracy," p. 397.

103. Brooke, "Arsehole Aristocracy," p. 399.

104. Mounk, *The Age of Responsibility*, p. 17.

105. Näsström and Kalm, "A Democratic Critique of Precarity," p. 566.

106. Mounk, *The Age of Responsibility*, p. 13.

107. Mounk, *The Age of Responsibility*, p. 188.

108. Young, *Responsibility for Justice*, p. 9; Mounk, *The Age of Responsibility*, p. 33.

109. Young, *Responsibility for Justice*, p. 105.

110. Young, *Responsibility for Justice*, p. 105.

111. Young, *Responsibility for Justice*, pp. 109–10.

112. Young, *Responsibility for Justice*, p. 110.

113. Mounk, *The Age of Responsibility*, p. 181.

114. Mounk, *The Age of Responsibility*, p. 174.

115. Mounk, *The Age of Responsibility*, p. 188.

116. Mounk, *The Age of Responsibility*, pp. 200, 202.

117. Mounk, *The Age of Responsibility*, p. 26.

118. At some points, Mounk talk of uncertainty and citizens having to assume "risky bets." *The Age of Responsibility*, p. 96. And Young speaks of the overwhelming sense of responsibility that comes from global interconnections. *Responsibility for Justice*, p. 123. But these are exceptions.

119. Zygmunt Bauman, *Does Ethics Have a Chance in a World of Consumers?* (Cambridge, MA: Harvard University Press, 2009), p. 47; Erich Fromm, *Escape from Freedom* (New York: Henry Holt, 1969). Instead of having a collective problem of "free-riders," where each have incentives to think of their own private good to the detriment of the public good, one could say that we today have a collective problem of "free choosers": where each have incentives to free themselves from responsibility to the detriment of democratic freedom.

120. Bourdieu, ed., *The Weight of the World*.

121. Jean Comaroff and J. L. Comaroff, "Theory from the South: Or, how Euro-America is Evolving toward Africa," *Anthropological Forum: A Journal of Social Anthropology and Comparative Sociology* 22, 2 (2012): pp. 113–31; Mark Duffield, "Global Civil War: The Non-Insured, International Containment and Post-Interventionary Society," *Journal of Refugee Studies* 21, 2 (2008): pp. 145–65; Stefan Jonsson, "The Contained," *Eurozine* 27 (July 2012): http://www.eurozine.com/articles/2012-07-27-jonsson-en.html; Carl-Ulrik Schierup, Ronaldo Munck, Branka Likić-Brborić, and Anders Neergaard, eds., *Migration, Precarity, and Global Governance* (Oxford: Oxford University Press, 2014).

122. Pierre Bourdieu, "La Précarité est aujourd'hui partout: Intervention lors des Rencontres européennes contre la précarité." Grenoble, December 12–13, 1997. http://www.gurn.info.

123. Fraser is on to something similar when she asks what political institutions and vehicles actually are available to people who today experience that they are on the losing side in the game for recognition and redistribution: "Could it be that fear of immigrants expresses the not-so-far-fetched anxiety that things are out of control?" Fraser, in Fraser and Jaeggi, *Capitalism: A Conversation*, p. 197.

124. Alva Myrdal and Gunnar Myrdal, *Kris i befolkningsfrågan* (Nora: Nya Doxa, 1997 [1934]); Mikael Spång, "Social Government: Population and Living Standard" (unpublished manuscript, Malmö Högskola, 2019), pp. 9–13. As the Myrdals explain, free lunch at school makes it possible "to secure the nutritional standard of children, even in the cases where the food at home is inadequate, either because of the poverty or the irrationality of parents." Myrdal and Myrdal, *Kris i befolkningsfrågan*, p. 227. Translated by Mikael Spång.

125. Mounk, *The Age of Responsibility*, p. 207.

126. See Luis McNay on the social weightlessness of radical democratic theory, in *The Misguided Search for the Political: Social Weightlessness in a Radical Democratic Theory* (Cambridge: Polity Press, 2014). For the historical relationship between the political and the social, see Axel Honneth, *The Idea of Socialism: Towards a Renewal* (Cambridge: Polity Press, 2017).

Chapter 6

1. Hannah Arendt, *The Origins of Totalitarianism* (New York: Schocken Books, 2004), ch. 5.

2. Catherine Dauvergne, "Sovereignty, Migration and the Rule of Law in Global Times," *Modern Law Review* 67, 4 (2004): pp. 588–615. See also Catherine Dauvergne, *Making People Illegal: What Globalization Means for Migration and Law* (Cambridge: Cambridge University Press, 2008).

3. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, tr. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998); Isin Engin, *Being Political: Genealogies of Citizenship* (Minneapolis: University of Minnesota Press, 2002); Isin Engin and Kim Rygiel, "Abject Spaces: Frontiers, Zones and Camps," in *The Logics of Biopower and the War on Terror: Living, Dying, Surviving*, ed. E. Dauphinee and C. Masters (Basingstoke: Palgrave Macmillan, 2007), pp. 181–203; Linda Bosniak,

The Citizen and the Alien: Dilemmas of Contemporary Membership (Princeton: Princeton University Press, 2006). On the exceptional status of foreigners, and how they are both "inside" and "outside" the order, see Bonnie Honig, *Democracy and the Foreigner* (Princeton: Princeton University Press, 2001).

4. Margaret Somers, *Genealogies of Citizenship* (Cambridge: Cambridge University Press, 2008), p. 27. As Noora A. Lori suggests, precarious citizenship can be defined as "the structured uncertainty of being unable to secure permanent access to citizenship rights." Noora A. Lori, "Statelessness, 'In-Between' Statuses, and Precarious Citizenship," in *The Oxford Handbook of Citizenship*, ed. A. Shachar, R. Bauböck, I. Bloemraad, and M. Vink (Oxford: Oxford University Press, 2017), pp. 743–766, at p. 745.

5. Seyla Benhabib, *Dignity in Adversity: Human Rights in Troubled Times* (Cambridge: Polity Press, 2011), p. 143. At its core, writes Bauböck, "citizenship is about equal membership in a self-governing political community." Rainer Bauböck, *Stakeholder Citizenship: An Idea Whose Time Has Come?* (Washington, DC: Migration Policy Institute, 2008), p. 2. Or as Habermas puts it, "[a]ny political community that wants to understand itself as a democracy must at least distinguish between members and non-members." Jürgen Habermas, *The Postnational Constellation: Political Essays*, ed. and tr. Max Pensky (Cambridge, MA: MIT Press, 2001), p. 107. On citizenship as a membership concept, and how it differs from belonging and identity, see also Rainer Bauböck, "Political Membership and Democratic Boundaries," in *The Oxford Handbook of Citizenship*, ed. Shachar et al., pp. 60–82.

6. Linda Bosniak, "Status Non-Citizens," in *The Oxford Handbook of Citizenship*, ed. Shachar et al., pp. 314–36, at pp. 320–3.

7. Christian Joppke, "Through the European Looking Glass: Citizenship Tests in the US, Canada and Australia," *Citizenship Studies* 17, 1 (2013): pp. 1–15, at p. 3. See also Ayelet Shachar, "Introduction: Citizenship and the Right to Have Rights," *Citizenship Studies* 18, 2 (2014): pp. 114–24; Amatai Etzioni, "Citizenship Tests: A Comparative, Communitarian Perspective," *The Political Quarterly* 78, 3 (2007): pp. 353–63; Liav Orgad, "Five Liberal Concerns about Citizenship Tests," in *How Liberal Are Citizenship Tests?*, ed. Rainer Bauböck and Christian Joppke (Florence: EUI Working Papers, 2010), pp. 21–5; Randall Hansen, "Citizenship Tests: An Unapologetic Defense," in *How Liberal Are Citizenship Tests?*, ed. Bauböck and Joppke, pp. 25–9.

8. For the problem of civic stratification in the form of differentiated system of rights and inclusion, see, among others, Rainer Bauböck, *Transnational Citizenship: Membership and Rights in International Migration* (Aldershot: Edward Elgar, 1994); David Lockwood, "Civic Integration and Class Formation," *The British Journal of Sociology* 47, 3 (1996): pp. 531–50; Barry Hindess, "Citizenship in the International Management of Populations," *The American Behavioral Scientist* 43, 9 (2000): pp. 1486–97; Ayelet Shachar, *The Birth-Right Lottery* (Cambridge, MA: Harvard University Press, 2009); Kate Nash, "Between Citizenship and Human Rights," *Sociology* 43, 6 (2009): pp. 1067–83; David Owen, "Citizenship and the Marginalities of Migrants," *CRISPP* 20, 6 (2013): pp. 745–54.

9. Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (Cambridge: Cambridge University Press, 2004), p. 139. David Miller, *Strangers in our Midst*: *The*

Political Philosophy of Immigration (Cambridge, MA: Harvard University Press, 2016), p. 150.

10. Bosniak, *The Citizen and the Alien*, p. 4.

11. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), pp. 8, 135–6.

12. Sara Kalm, "Affective Naturalization: Practices of Citizenship Conferment," *Alternatives: Global, Local, Political* 44, 2–4 (2019): pp. 138–54. In the literature on naturalization, one often finds three different ways for human beings to acquire citizenship. Naturalization can take the form of a contract, which means that new-comers must express consent to the ground rules of the host society, a test in which individual applicants must prove their worthiness as citizens, or it can take the form of nation-building, whereby applicants must display attachment to the country and its laws. See Liav Orgad, "Naturalization," in *The Oxford Handbook of Citizenship*, ed. Shachar et al., pp. 337–57, at pp. 339ff. Adding to this categorization, Kalm discusses the affective and symbolic significance of naturalization, such as whether it can be inherited, earned, received, deserved, bought, or claimed.

13. The woman who due to her veganism was denied citizenship is a case in point. Rebelling against cowbells she became a nuisance to the local community, leading the citizens "not to want such a person in their midst." See "Swiss town denies passport to vegan anti-cowbell campaigner 'for being annoying,'" *The Independent* (January 11, 2017). At the time of writing, it is no longer possible for citizens to vote on specific persons. https://www.independent.co.uk/news/world/europe/switzerland-deny-passport-dutch-vegan-anti-cowbell-nancy-holten-animal-rights-annoying-a7520991.html.

14. See Karen N. Beidahl, "Scandinavian Exceptionalism? Civic Integration and Labour Market Activation for Newly Arrived Immigrants," *Comparative Migration Studies* 5, 2 (2017): https://doi.org/10.1186/s40878-016-0045-8.

15. Arendt, *The Origins of Totalitarianism*, p. 372.

16. Ayten Gundogdu, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (Oxford: Oxford University Press, 2015). To Gundogdu, the difference between having rights and being rightless is that the latter condition makes migrants subject to compassion by benevolent states, who typically focus on their human suffering. It shifts attention from the voice of migrants to the authoritative statements of medical, humanitarian, and legal experts who are granted the right to speak in their name. Gundogdu, *Rightlessness*, pp. 75ff., 109ff. On right-lessness as an ascribed condition of human "irresponsibility," see Sofia Näsström, "The Right to Have Rights: Democratic, not Political," *Political Theory* 42, 5 (2014): pp. 543–68.

17. Arendt, *The Origins of Totalitarianism*, p. 377. Arendt takes statelessness to be symp-tomatic of loneliness. Loneliness is "the experience of not belonging to the world at all, which is among the most radical and desperate experiences of man." Arendt, *The Origins of Totalitarianism*, p. 612. On the predicament of loneliness, and how it differs from solitude, see Chapter 3 in this book.

18. Benhabib, *Dignity in Adversity*, p. 156.

19. Miller, *Strangers in Our Midst*, p. 168. Miller builds his argument on a book by Alexander Betts, *Survival Migration: Failed Governance and the Crisis of Displacement* (Ithaca and London: Cornell University Press, 2014).

20. Immanuel Kant, *Perpetual Peace* (1795). In a similar vein, John Rawls contends that a world government "would either be a global despotism, or else would rule over a fragile empire torn by civil strife as various regions and peoples tried to gain their political freedom and autonomy." John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), p. 36. For three common critiques of world government, based on the "no-limit" thesis, the "no-demos" thesis, and the "no-rule" thesis, see Eva Erman and Sofia Näsström, eds., *Political Equality in Transnational Democracy* (New York: Palgrave Macmillan, 2013), Introduction.

21. Arendt, *The Origins of Totalitarianism*, p. 379. This argument testifies to Arendt's ambiguity vis-à-vis the nation-state system. For although Arendt is the first to acknowledge that the organization of the world into separate and sovereign peoples renders many human beings superfluous, she simultaneously regards citizenship at the state level as the only existing protection *against* such exclusion. For this dilemma, see Christian Volk, *Arendtian Constitutionalism: Law, Politics and the Order of Freedom* (Oxford and Portland, OR: Hart Publishing, 2015), p. 192; Samantha Besson, "The Right to Have Rights: From Human Rights to Citizen's Rights and Back," in *Hannah Arendt and the Law*, ed. Marco Goldoni and Christopher McCorkindale (Oxford and Portland, OR: Hart Publishing, 2012), pp. 335–55, at p. 339.

22. Michael Walzer, "International Society: What Is the Best We Can Do?," *Ethical Perspectives* 6 (1999): pp. 201–10.

23. E.g. David Jacobson, *Rights across Borders: Immigration and the Decline of Citizenship* (London: Johns Hopkins University Press, 1997); Christopher H. Wellman, "Immigration and Freedom of Association," *Ethics* 119 (2008): pp. 109–41; Ryan Pevnick, *Immigration and Constraints of Justice* (Cambridge: Cambridge University Press, 2014).

24. Benhabib, *Dignity in Adversity*, p. 141.

25. Miller, *Strangers in our Midst*, pp. 62ff.

26. Shachar et al., eds., *Oxford Handbook of Citizenship*, p. 8.

27. Benhabib, *The Rights of Others*, p. 2; *Dignity in Adversity*, p. 139.

28. Benhabib, *Dignity in Adversity*, p. 139.

29. Benhabib, *The Rights of Others*, p. 2.

30. Benhabib, *Dignity in Adversity*, p. 128.

31. Miller, *Strangers in our Midst*, p. 13.

32. Miller, *Strangers in our Midst*, p. 62.

33. Miller, *Strangers in our Midst*, p. 64.

34. Miller, *Strangers in our Midst*, p. 2.

35. Arendt, *The Origins of Totalitarianism*, p. 381.

36. Arendt, *The Origins of Totalitarianism*, p. 356.

37. Arendt, *The Origins of Totalitarianism*, p. 357.

38. Arendt, *The Origins of Totalitarianism*, p. 361.

39. Arendt, The *Origins of Totalitarianism*, p. 362.

40. Arendt, *The Origins of Totalitarianism*, p. 363.

41. Arendt, *The Origins of Totalitarianism*, p. 344.

42. Gundogdu, *Rightlessness*, pp. 9ff.

43. For a political reading of citizenship, in the form of a "taking" of the right to have rights, see, apart from Gundogdu also James D. Ingram, "What is a Right to Have Rights? Three Images of the Politics of Human Rights," *American Political Science Review* 102, 4 (2008): pp. 401–16; Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton and Oxford: Princeton University Press, 2009); Andrew Schaap, "Enacting the Right to Have Rights: Jacques Rancière's Critique of Hannah Arendt," *European Journal of Political Theory* 10, 1 (2011): pp. 22–45; Jacques Rancière, "Who is the Subject of the Right to Have Rights?," *The South Atlantic Quarterly* 103 (2004): pp. 297–310; Monika Krause, "Undocumented Migrants: An Arendtian Perspective," *European Journal of Political Theory* 7, 3 (2008): pp. 331–48; Cristina Beltrán, "Going Public: Hannah Arendt, Immigrant Action and the Space of Appearance," *Political Theory* 37, 5 (2009): pp. 595–622; Patricia Owens, "Reclaiming 'Bare Life': Against Agamben on Refugees," *International Relations* 23, 4 (2009): pp. 567–82.

44. Gundugdu, *Rightlessness*, p. 10.

45. Gundogdu, *Rightlessness*, p. 11. See also Dauvergne, *Making People Illegal*.

46. Paul Apostolidis, *The Fight for Time: Migrant Day Laborers and the Politics of Precarity* (Oxford: Oxford University Press, 2019), pp. 73ff.

47. According to Arendt, failing to understand the political nature of human action is "thoughtless." To illustrate this point, she recalls a story told to her by Ernst Jünger. A farmer had taken in Russian prisoners who had been left starving to death, and when he gave them food he complained that the Russian prisoners "are sub-human . . . they eat the food like pigs." To Arendt, it is "incredibly stupid" not to understand that this is what a situation of starvation does to people. Hannah Arendt, *Thinking Without a Banister: Essays in Understanding, 1953–1975*, ed. Jerome Kohn (New York: Schocken books, 2018), p. xxvi.

48. https://www.henleyglobal.com/why-alternative-citizenship/. There is a growing literature on citizenship investment. For a critical discussion of this practice, see Ayelet Shachar, "Citizenship for Sale?," in *Oxford Handbook on Citizenship*, ed. Shachar et al., pp. 789–816. See also Sara Kalm, "Citizenship Capital," *Global Society* 34, 4 (2020): pp. 528–51.

49. Somers, *Genealogies of Citizenship*, pp. 2ff.

50. Somers, *Genealogies of Citizenship*, p. 2.

51. Lori, "Statelessness," p. 744.

52. Somers, *Genealogies of Citizenship*, ch. 2. See also Sara Bondesson, "Vulnerability and Power: Social Justice Organizing in Rockaway, New York City, after Hurricane Sandy" (PhD Dissertation, Uppsala University, 2017).

53. Arendt, *The Origins of Totalitarianism*, pp. 610ff.

54. Elizabeth Cohen, *The Political Value of Time* (Cambridge: Cambridge University Press, 2018), p. 1. According to Cohen, time figures as a paramount value in the allocation of citizenship. It is integral to the role that duration plays in practices of citizenship.

55. Arendt, *The Origins of Totalitarianism*, p. 376.

56. https://spectrumnews1.com/ca/san-fernando-valley-ventura/news/2019/07/11/ghosts-among-the-living–the-life-of-an-undocumented-immigrant. For an analysis of this

condition, see Marieke Borren, "Towards an Arendtian Politics of In/visibility: On Stateless Refugees and Undocumented Aliens," *Ethical Perspectives* 15, 2 (2008): pp. 213–37. And more empirically, Erika Sigvardsdotter, "Presenting the Absent: An Account of Undocumentedness in Sweden" (PhD Dissertation, Uppsala University, 2012).

57. Jennifer Gaffney, "Another Origin of Totalitarianism," *Journal of the British Society for Phenomenology* 47, 1 (2016): pp. 1–17, at p. 10.

58. Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1996), p. 145.

59. Freedom of movement, conventionally understood, encompasses the freedom to move from one place to another, to travel abroad and return again, freedom of association, freedom to settle where one wishes, as well as occupational freedom. Very few deny the existence of these rights. In many democracies they are also constitutionally guaranteed. By contrast, free movement of people *across* borders is considered highly controversial. Whether there is such a right, and what it entails, are questions that divide contemporary scholarship.

60. Kieran Oberman, "Immigration as a Human Right," in *Migration in Political Theory*, ed. Sarah Fine and Lea Ypi (Oxford: Oxford University Press, 2016), pp. 32–56, at p. 33.

61. See Joseph Carens, "Aliens and Citizens: The Case for Open Borders," *Review of Politics* 49 (1987): pp. 250–73 and Oberman, "Immigration as a Human Right" respectively. Scholars arguing against a right to freedom of movement across borders often stress that while movement within borders protects citizens from threats posed by the state—which through its monopoly on violence and administrative procedures may restrict, confine, and even imprison them—the same threat is not replicated internationally. This is why the right to free movement must be stronger for citizens living within states than for those moving across them. For this argument, see David Miller, "Is There a Human Right to Immigrate?," in *Migration in Political Theory*, ed. Fine and Ypi, pp. 11–31.

62. "Ever tried. Ever failed. No matter. Try again. Fail again. Fail better." Samuel Beckett, *Worstward Ho*, quoted in David Pattie, *Samuel Beckett* (London: Faber & Faber, 2009), p. 96.

63. According to Aristotle, man is political by nature, which means that an individual who lives outside of the state cannot be human. It "must be either a beast or a god." Aristotle, *The Politics and the Constitution of Athens*, ed. S. Everson (Cambridge: Cambridge University Press, 1996), pp. 13–14.

64. Näsström, "The Right to Have Rights," pp. 558–9.

65. Bosniak, "Status Non-Citizens," p. 321.

66. Miller, *Strangers in our Midst*, pp. 71, 21.

67. Hannah Arendt, *On Revolution* (New York: Penguin Books, 1963), p. 187.

68. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983); Bauböck, *Transnational Citizenship*; Ruth Rubio-Marin, *Immigration as a Democratic Challenge: Citizenship and Inclusion in Germany and the United States* (Cambridge: Cambridge University Press, 2000); James Bohman, *Democracy across Borders: From Demos to Demoi* (Cambridge, MA: MIT Press 2007).

69. Arendt, *The Origins of Totalitarianism*, p. 206; Michel Foucault, *Society Must be Defended: Lectures at the Collège de France 1975–1976*, tr. D. Macey (New York: Picador, 2003), p. 103.

70. Arendt, *The Origins of Totalitarianism*, pp. 244ff.; Benhabib, *The Rights of Others*, p. 52. For a similar argument, see Sven Lindqvist, *Exterminate all the Brutes* (London: Granta Books, 2002).

71. Arendt, *The Origins of Totalitarianism*, p. 243.

72. Foucault, *Society Must be Defended*, p. 103.

73. Hannah Arendt, *Between Past and Future* (New York: Penguin Books, 1993), p. 152.

74. Elisabeth Young-Bruehl, *Why Arendt Matters* (London and New Haven: Yale University Press, 2006), p. 55.

75. Miller, *Strangers in our Midst*, pp. 11–12.

76. Benhabib, *The Rights of Others*, p. 2.

77. Benhabib, *The Rights of Others*, p. 177. Democracy is one thing, morality another. As Benhabib argues, a democratic people can make the distinction between citizens and newcomers fluid and negotiable through processes of "continuous and multiple democratic iterations." *The Rights of Others*, pp. 177–8. When mediating between democracy and universal moral rights, democratic people become involved in a process of moral learning. They engage in "juris generative" processes of learning which challenge and expand their own normative horizon *The Rights of Others*, p. 177; *Dignity in Adversity*, pp. 124ff.

78. Benhabib, *Dignity in Adversity*, pp. 147–51.

79. Benhabib, *The Rights of Others*, pp. 138–9. As Benhabib stresses, this does not mean to suggest that unemployment or lack of education is *enough* for turning down an applicant. What it means is that some regulation will be necessary, and as long as the rejection does not discriminate on the basis of ascriptive criteria, it will not violate the self-understanding of liberal democracies. Benhabib, *Dignity in Adversity*, p. 149.

80. Miller, *Strangers in our Midst*, abstract.

81. Miller, *Strangers in our Midst*, p. 138.

82. "For immigrants to demand a full array of antidiscrimination and equal opportunity measures while reserving the right to isolate themselves from the wider society in cultural enclaves is unacceptable; but it is equally so for politicians to demand displays of unconditional national loyalty from immigrants without at the same time providing the protection and support that treats them as citizens (or citizens-in-the-making) whose standing is fully equal to that of the native born." Miller, *Strangers in our Midst*, p. 150. For a stronger argument along these lines, according to which it is *unfair to citizens* that non-citizens do not have the same obligations to the country and its law (such as the duty to protect the country, to serve on juries, or uphold public life), see Lea Ypi and Helder De Schutter, "Mandatory Citizenship," *British Journal of Political Science* 45, 2 (2015): pp. 235–51. The argument is that foreign citizens who reside in the country should not be able to opt out of citizenship at will. On the contrary, they are obliged to choose between three options: "acquire citizenship, leave the country or prove that the visit is only for the short term." Ypi and De Schutter, "Mandatory Citizenship," p. 238.

83. Ayelet Shachar, "Selecting by Merit: The Brave New World of Stratified Mobility," in *Migration in Political Theory*, ed. Fine and Ypi, pp. 175–204, at p. 183.

84. Shachar, "Selecting by Merit," p. 197.

85. Richard Sennett, *The Culture of the New Capitalism* (New Haven and London: Yale University Press, 2006), ch. 2.

86. In Rousseau's classical account, faction arises when the people "divides into other bodies whose members adopt a general will, good and just with regard to these new bodies, unjust and bad with regard to the whole from which each of them dismembers themselves." Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, ed. V. Gourevitch (Cambridge: Cambridge University Press, 2007), p. 8.

87. Liav Orgad, *The Cultural Defense of Nations: A Liberal Theory of Majority Rights* (Oxford: Oxford University Press, 2015), pp. 85–114.

88. For a critical examination of nation-building, see Aristide Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (Cambridge, MA: Harvard University Press, 2008).

89. Arendt, *The Origins of Totalitarianism*, ch. 5; Matthey Gibney, "Should Citizenship be Conditional? The Ethics of Denationalization," *The Journal of Politics* 75, 3 (2013): pp. 646–58; Audrey Macklin, ed., *The Return of Banishment: Do the New Nationalization Policies Weaken Citizenship?* (EUI Working Papers, EUDO Citizenship, 2014).

90. Benhabib, *The Rights of Others*, p. 1.

91. Ivan Krastev, *After Europe* (Philadelphia: University of Pennsylvania Press, 2017).

92. E.g. Jef Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in Europe* (London: Routledge 2006).

93. Arendt, *The Origins of Totalitarianism*, p. xxvii.

94. Hannah Arendt, *Men in Dark Times* (New York: Harcourt, 1968), p. 83.

95. Arendt, *The Origins of Totalitarianism*, p. 379.

96. Arendt, *Men in Dark Times*, p. 83.

97. Arendt, *Men in Dark Times*, p. 83.

98. E.g. Robert Goodin, "Enfranchising All-Affected Interests, and its Alternatives," *Philosophy and Public Affairs* 35, 1 (2007): pp. 40–68; Arash Abizadeh, "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders," *Political Theory* 36, 1 (2008): pp. 37–65; Ludvig Beckman, "Citizenship and Voting Rights: Should Resident Aliens Vote?," *Citizenship Studies* 10, 2 (2006): pp. 153–65. For the distinction between the all-affected and all-subjected principles, see Sofia Näsström, "The Challenge of the All-Affected Principle," *Political Studies* 59, 1 (2011): pp. 116–34.

99. E.g. Bauböck, *Stakeholder Citizenship*; David Owen, "On the Right to Have Nationality Rights: Statelessness, Citizenship and Human Rights," *Netherlands International Law Review* 65 (2018): pp. 299–317.

100. E.g. Hans Agné, "A Dogma of Democratic Theory and Globalization: Why Politics Need Not Include Everyone it Affects," *European Journal of International Relations* 12, 3 (2006): pp. 433–58; Jens Bartelson, *Visions of World Community* (Cambridge: Cambridge University Press, 2009); Bohman, *Democracy across Borders*.

101. Arendt, *The Origins of Totalitarianism*, p. 380.

102. Arendt, *The Origins of Totalitarianism*, p. 341.
103. Dominique Leydet, "Citizenship," *The Stanford Encyclopedia of Philosophy* (Fall 2017 Edition).

Conclusion

1. Annie Dillard, *Pilgrim at Tinker Creek* (New York: Harper Perennial, 2007), p. 13.
2. Dillard, *Pilgrim at Tinker Creek*, p. 20.
3. Plato, *Complete Works*, ed. J. Cooper and D. S. Hutchinson (Indianapolis: Hackett Publishing, 1997), p. 1115, 493b.
4. More specifically, constituent power can be understood as a power above, within, or beside the constitution. See Mikael Spång, *Constituent Power and Constitutional Order: Above, Within and Beside the Constitution* (Basingstoke: Palgrave Macmillan, 2014).
5. Sofia Näsström, "The Legitimacy of the People," *Political Theory* 35, 5 (2007): pp. 624–58.
6. Robert Dahl, *Democracy and its Critics* (New Haven and London: Yale University Press, 1989), p. 167.
7. Post-war democracy in Europe is a case in point. See Sheri Berman, *The Primacy of Politics* (Cambridge: Cambridge University Press, 2006).
8. Zygmunt Bauman, *Retrotopia* (Cambridge: Polity Press, 2017).
9. Baron de Montesquieu, *The Spirit of the Laws*, tr. and ed. A. M. Cohler, B. C. Miller, and H. S. Stone (Cambridge: Cambridge University Press, 1989), p. 186.
10. Montesquieu, *The Spirit of the Laws*, p. 186.
11. Max Weber, "Politics as a Vocation," in *From Max Weber: Essays in Sociology*, ed. H. H. Gerth and C. W. Mills (New York: Oxford University Press, 1948), pp. 77–128, at p. 78.
12. E.g. Jennifer Mitzen, "Ontological Security in World Politics: State Identity and the Security Dilemma," *European Journal of International Relations* 12, 3 (2006): pp. 341–70.
13. David Miller, *On Nationality* (Oxford: Oxford University Press, 1995); Bernard Yack, *Nationalism and the Moral Psychology of Community* (Chicago and London: University of Chicago Press, 2012).
14. Margaret Canovan, *Nationhood and Political Theory* (Cheltenham: Edward Elgar, 1996).
15. Jürgen Habermas, *The Theory of Communicative Action, Volume Two*, tr. Thomas McCarthy (Boston: Beacon Press, 1987), p. 131.
16. Nancy Fraser and Rahel Jaeggi, *Capitalism: A Conversation in Critical Theory* (Cambridge: Polity Press, 2018).
17. For some recent contributions, see Elizabeth Cohen, *The Political Value of Time* (Cambridge: Cambridge University Press, 2018); Paul Apostolidis, *The Fight for Time: Migrant Day Laborers and the Politics of Precarity* (Oxford: Oxford University Press, 2019); Martin Hägglund, *This Life: Secular Faith and Spiritual Freedom* (New York: Profile Books, 2019).

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