

II. ДИСКУССИИ

MARGINALIA

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THE QUESTION OF PARLIAMENTARY DEMOCRACY*

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That Americans face a crisis in representative democracy is a matter of common knowledge. It is daily demonstrated by the paralysis of Congress to pass important legislation. Carl Schmitt, writing during a period of similar paralysis in the Weimar Republic, argued that the crisis is inherent in the very notion of parliamentary or representative democracy. While the parliamentary principle emphasizes contending parties and reasoned debates, the democratic principle is one of unification, one where the outvoted minority submits to the majority. Doing so, the minority “know that they have mistaken the content of the general will,” which is, inherently, unitary. This leads to the fact that democracy can, following its principles, suspend itself. Thus, the members of the Reichstag who passed the Enabling Act on March 23, 1933 could say that this Act suspending parliament expressed the general will. Rule by decree rather than through parliament was, they could claim, the choice of the popular will. After examining Schmitt’s position, this article considers Arendt’s response, which involves a unique definition of political thinking. In her view, this involves the politics of public space and of public identities established by public actions. As such, it involves negotiation, compromise, and, most importantly,

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promises made and kept. The paper concludes by considering what it would take to overcome the current crisis in representative democracy.

Keywords: democratic theory, general will, liberalism, legitimacy, deliberation, promising, the political, Schmitt, Arendt.

ВОПРОС ПАРЛАМЕНТСКОЙ ДЕМОКРАТИИ*

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Общеизвестно, что американцы столкнулись с кризисом представительной демократии. Это ежедневно демонстрируется параличом Конгресса при принятии важных законов. Карл Шмитт, писавший в период подобного паралича в Веймарской республике, утверждал, что кризис заложен в самом понятии парламентской или представительной демократии. В то время как парламентский принцип делает упор на соперничающие партии и аргументированные дебаты, демократический принцип — это принцип объединения, при котором меньшинство подчиняется большинству. При этом меньшинство «знает, что оно ошиблось в содержании всеобщей воли», которая по своей сути унитарна. Это приводит к тому, что демократия, следуя своим принципам, может приостановить сама себя. Таким образом, члены рейхстага, принявшие Закон о полномочиях 23 марта 1933 года, могли сказать, что этот закон о приостановлении деятельности парламента отражает всеобщую волю. Они могли утверждать, что правление посредством указов, а не через парламент, было выбором народной воли. После рассмотрения позиции Шмитта в данной статье рассматривается ответ Арндт, который включает в себя уникальное определение политического мышления. По ее мнению, это связано с политикой публичного пространства и общественной идентичности, создаваемой публичными действиями. Как таковое, оно включает в себя переговоры, компромисс и, что наиболее важно, обещания, данные и выполненные. Статья завершается рассмотрением того, что потребуется для преодоления нынешнего кризиса представительной демократии.

Ключевые слова: демократическая теория, всеобщая воля, либерализм, легитимность, дискуссия, обещание, политическое, Шмитт, Арндт.

That Americans today face a crisis in representative democracy is a matter of common knowledge. Newspapers like the New York Times and the Washington Post have made it their constant theme. The polarization of political debate, the facts that in the House and Senate speeches are made to nearly empty chambers, that no one in

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the opposing party is assumed to listen seriously to, let alone be persuaded by, what is said, are all taken as symptoms of an underlying malaise. Party line votes regularly prevent bills from coming to the floor. When discussions do occur, the parties line up on opposite sides, their positions being determined by economic, cultural and social issues. Rather than speaking to the opposed side, members' speeches are most often addressed to outside groups. What they say can often be predicted by their political donors, for example, the National Rifle Association and the various political action committees. The result of this polarization around party lines is not just legislative paralysis, it is often the demonization of opponents. They have come to be regarded as enemies rather than colleagues.

A sign of the seriousness of this situation can be found in Carl Schmitt's description of the crisis that confronted the Weimar Republic. He writes that the parties of his day "do not face each other today discussing issues, but as social or economic power-groups calculating their mutual interests and opportunities for power." As a result, "[a]rgument in the real sense that is characteristic for genuine discussion ceases." He adds: "It is no longer a question of persuading one's opponent of the truth or justice of an opinion but rather of winning a majority in order to govern with it." The rhetoric of political debate is thus directed *not* to one's parliamentary opponents, but rather, in the form of propaganda, to the "masses" (Schmitt, 2000, 6–7). In the Weimar Republic, the resulting paralysis led to the catastrophe of National Socialism. Schmitt's descriptions thus raise the question of whether a similar fate awaits American democracy. Will its political paralysis result in the dissolution of its own representative system?

This question has a broader import if we accept Schmitt's position that this crisis is structural, not accidental. Rather than being conditioned by the particular circumstances of the Weimar Republic, the crisis, he claims, is inherent in the very sense of parliamentary democracy. All the crisis's symptoms, from the impotence of political debate to the inability to compromise spring from the conflict of the concepts that inform it: the concepts that underly parliamentarism oppose those that are assumed by democracy. If this is the case, then not just American democracy, but every form of parliamentary or representative democracy suffers from a fatal structural weakness. In asserting this, Schmitt challenges the reader: "If someone still believes in parliamentarism, he will at least have to offer new arguments for it" (Schmitt, 2000, 7). To meet this challenge, I shall first examine his understanding of "parliamentarism" and "democracy." I shall then propose "new arguments" based on Hannah Arendt's understanding of these terms.

1. PARLAMENTARY LIBERALISM AND DEMOCRATIC UNIFICATION

According to Schmitt, the crisis of parliamentary democracy comes from “the inescapable contradiction of liberal individualism and democratic homogeneity” (Schmitt, 2000, 17). As he also expresses this, “The belief in parliamentarism, in government by discussion, belongs to the intellectual world of liberalism. It does not belong to democracy” (Schmitt, 2000, 8). The crisis grows out of their conjunction. What then is liberalism? Economically, it is the belief in a free market economy. Liberals believe “that social harmony and the maximization of wealth follow from the free economic competition of individuals, from freedom of contract, freedom of trade, free enterprise.” For Schmitt, however, liberalism is more than this economic perspective. It is, in fact, “a consistent, comprehensive metaphysical system,” one that holds that “the truth can be found through an unrestrained clash of opinion and that competition will produce harmony.” Truth, in this view, “becomes a mere function of the eternal competition of opinions” (Schmitt, 2000, 35). This does not mean that parliamentary discussion is a mere trading of opinions. Its attempt is rather to determine what is the case, i.e., to move through debate from opinion to truth. As Schmitt expresses this: “Discussion means an exchange of opinion that is governed by the purpose of persuading one’s opponent through argument of the truth or justice of something, or allowing oneself to be persuaded of something as true and just.” Its arguments are syllogistic. They involve “shared convictions as premises.” They are concerned with “discovering what is rationally correct” (Schmitt, 2000, 5–6). This stress on reason differentiates parliamentary discussions from the negotiations that are carried out in business dealings (Schmitt, 2000, 4). It is what defines parliament as “the place in which particles of reason that are strewn unequally among human beings gather themselves and bring public power under their control” (Schmitt, 2000, 35).

As involving free competition, liberalism also assumes pluralism. It requires contending views and multiple parties. As Schmitt expresses this, truth in parliamentary democracy arises “through discourse, in the discussion of argument and counterargument. Just as a multiplicity of powers is necessary for the state, so every parliamentary body needs multiple parties” (Schmitt, 2000, 46). This privileging of plurality over unity also appears in its division of powers, for example, the division between the legislative, the executive, and the judicial powers (Schmitt, 2000, 36 ff.). As Schmitt remarks, “Here too the idea of competition appears, a competition from which the truth will emerge” (Schmitt, 2000, 39).

When he turns to examine democracy, Schmitt finds that division and pluralism are contrary to its spirit. Its principle is that of unification understood as ho-

mogeneity. This principle appears in its sense of equality. In democracy, equality is not opposed to exclusion. In Schmitt's words, "Every actual democracy rests on the principle that not only are equals equal but unequal's will not be treated equally. Democracy requires, therefore, first homogeneity and second—if the need arises—elimination or eradication of heterogeneity" (Schmitt, 2000, 9). Thus, in democracy, those who are considered equal can vote. Those relegated to the class of the unequal cannot vote. The distinction between the equal and the unequal is "substantial," that is, based on the characteristics of groups. Thus, children can be considered, because of their age, as unequal to adults and, thus, denied the vote. Similarly, women, because of their sex, can be said to be unequal to men and disallowed the vote. The same disenfranchisement can be applied to individuals of particular races, mentally challenged individuals, foreign nationals and a host of other categories. As unequal, they cannot claim what equals claim. In imposing this unequal treatment, Schmitt writes, "democracy demonstrates its political power by knowing how to refuse or keep at bay something foreign and unequal that threatens its homogeneity. The question of equality is precisely not one of abstract, logical-arithmetical games. It is about the substance of equality. It can be found in certain physical and moral qualities" (Schmitt, 2000, 9). Equality, then, is substantial. It is not the equality that characterizes the abstract ideal of the "democracy of mankind"—i.e., the conception that "every adult person, simply as a person, should *eo ipso* be politically equal to every other" (Schmitt, 2000, 10). According to Schmitt, "This democracy of mankind does not exist anywhere in the world today. If for no other reason than because the earth is divided into states, and indeed mostly into nationally homogeneous states, which try to develop democracy internally on the basis of national homogeneity" (Schmitt, 2000, 11). In our day, we can see this democracy of states at work in their treatment of refugees. Lacking citizenship in their sought place of refuge, asylum seekers also lack the rights that states afford their citizens. As Arendt noted, rather than being considered equal by the bare fact of their humanity, they lack even "the right to have rights" (Arendt, 2004, 376).

2. THE GENERAL WILL

Democracy's thrust towards unification can be seen in the series of identifications it assumes. It presupposes "the identity of governed and governing," and, thus, "the identity of the people with their representatives in parliament." It takes "the state" as the same as "the current voting population" and extends this to "the identity of the state and the law." To this is added the "an identity of the quantitative (the numerical majority or unanimity) with the qualitative (the justice of the laws)" (Schmitt, 2000, 26). Thus, the

current voting population becomes equivalent to the state, which is identified with the law, the justice of which is taken as the same as the numerical majority of the voters who voted for it. A crucial consequence of these identifications is the acceptance by the minority of the laws passed by the majority of voters. Such laws are just and are identical to the state. What we have here is, in fact, an “an identity between law and the people’s will” (Schmitt, 2000, 26). It is one where “the will of the outvoted minority is in truth identical with the will of the majority” (Schmitt, 2000, 25).

If we ask what is behind these identifications, Schmitt’s answer is the “General Will.” In his words, “In democracy the citizen even agrees to the law that is against his own will, for the law is the General Will and, in turn, the will of the free citizen.” Thus, the citizen “votes only so that the votes out of which one can know this general will can be calculated.” When they are in the minority, “the outvoted know that they have mistaken the content of the general will” (Schmitt, 2000, 26). Thus, behind the identity of the governing and governed is the fact that both express the general will. The same holds for the identities of the state with the law and the numerical majority with the justice of the law. The law is just as an expression of the general will, and this general will includes not just the will of the majority who voted for it, but also the will of the outvoted, “mistaken” minority.

The concept of the general will may seem abstract. Yet its viability is apparent when we consider some of the puzzling elements of parliamentary democracy. One of these follows from the fact that it does not inherently require a particular number of representatives. Originally, in the primitive form of democracy, every citizen voted on the issues facing the city state or commune. When increasing numbers made this practically impossible, they voted for representatives, who voted in their stead. As Schmitt notes, if “the representatives of the people can decide instead of the people themselves, then certainly a single trusted representative could also decide in the name of the same people” (Schmitt, 2000, 34). The point follows since it was only “for practical and technical reasons”—not theoretical—that representatives were introduced into the democratic system. Thus, nothing in the concept of democracy prevents it from assuming the form of an “an antiparliamentary Caesarism” (Schmitt, 2000, 34). After all, the point is to express the general will of the people, which is supposed to be single and indivisible. As such, nothing blocks the same will from being expressed by a single person. A reference to the general will also explains why parliament “is independent of the people throughout the electoral period and is not usually subject to recall” (Schmitt, 2000, 34). What gives the representatives their continuing representative power? What is it that they express in the interim between elections? The answer is that they represent the general or popular will, which is assumed to

be something *substantive*, something that *continues to exist* between elections. The substantial nature of this will is also behind the possibility “that democracy might be used in order to defeat democracy.” The reference here is parliament’s ability to suspend itself. With this, the question arises of what a democratically minded member should do in face of a majority in favor of suspending parliament. Does he “remain a democrat against the majority” by voting against the suspension, or does he vote with the majority and democratically “give up his position” as a democrat? (Schmitt, 2000, 28). In favor of the latter is the fact that the general will is expressed by the majority. In favor of the former is the association of democracy with voting. What we face, in fact, is the substantial character of the general will. As substantial, it exists *apart* from its expression. It thus can be said to maintain its integrity even in its willing the suspension of the voting that purports to express it. Thus, those members of the Reichstag who passed the Enabling Act in March 23, 1933 could say that this Act suspending parliament expressed the general will. Rule by decree rather than through parliament was, they could claim, the choice of the popular will.

3. THE CRISIS IN LEGITIMACY

The conflict between democracy and parliamentarism can be summed up by noting their different views of what constitutes “legitimacy.” This concept appears when we attempt to distinguish between power and authority. Power is the ability to impose one’s will on a relationship, regardless of resistance. So defined, it includes the use of force or coercion. Authority exists when we believe that the use of power is legitimate. Such belief leads to our voluntary compliance with its use. Thus, those who take the law into their own hands in a lynching have power but not legitimacy. Their victim can hardly be thought to voluntarily comply with their actions. Now as Max Weber noted, a belief in its legitimacy is required if a government is to last. This is what “every system attempts to establish and to cultivate” (Weber, 1978, 213). Such belief in its legitimacy gives power a stable basis. It is what results in voluntary compliance or consent to the decrees of the government. Now, for parliamentary systems, legitimacy grows out of the rational debates carried out in their chambers. It attaches itself to the “truth” that such debates disclose, voluntary compliance coming from the compelling force of this truth. To argue against it is to argue against what is “rationally correct.” It is to be irrational. For democracy, however, legitimacy is based on conformity to the general will, this being the will that underpins all the identifications that define democracy. Here, the compelling force comes from the very nature of democracy as popular sovereignty.

It is easy to see how these two forms of legitimacy destabilize each other. The identifications that define democracy inform its thrust towards unification. But such unification undermines the pluralism presupposed by parliament, since without contending parties and opposing views, parliamentarism lacks the very material it needs to uncover its compelling truth. If, however, we base legitimacy on this truth, democratic legitimacy loses its saliency. This is because the compelling force of truth is essentially *undemocratic*. As Hannah Arendt puts this, “Truth carries within itself an element of coercion” (Arendt, 1968, 239). This follows because truths “are beyond agreement, dispute, opinion, or consent. For those who accept them, they are not changed by the numbers or lack of numbers who entertain the same proposition” (Arendt, 1968, 240). Thus, the factual truth that the earth is round is not affected by the number who believe it. Similarly, the timeless truth of the Pythagorean theorem is not a matter of the popular will. To insist on truth as source of political legitimacy is, thus, to call into question democratic legitimacy.

In delegitimizing each other, these opposing forms of legitimacy occasion the crisis of parliamentary democracy. As Schmitt notes, the Weimar constitution specifies “that every member of parliament is the representative, not of a party, but of the whole people.” The ideal of the discussions they engage in includes “shared convictions as premises, the willingness to be persuaded, [and] independence of party ties” (Schmitt, 2000, 5). Ideally, what determines their discussions is not party loyalty, but rather the rational search for the truth. This truth, rationally arrived at, is the source of legitimacy. With the principle of democratic legitimacy, however, we enter a different world. Given that willing is distinct from understanding, we cannot claim that the general will is necessarily rational. The same holds for the thrust towards unification and homogenization that characterizes democracy. Rather than privileging rationality, unification places a premium on party loyalty. Party members are supposed to hold to the “party line.” To the point that they do, their many voices are homogenized to a single one, that of their party, which, as single, strives to express the single general will. The result, as Schmitt writes, is that the “conduct” of parties “is not concerned with discovering what is rationally correct, but with calculating particular interests and the chances of winning” (Schmitt, 2000, 5). The goal is to make actual their claim to represent the general will. Thus, in expressing the thrust towards unification, the party in power ignores the minority. The latter’s proposals are ignored or voted down. Here, as before, “democracy demonstrates its political power by knowing how to refuse or keep at bay something foreign and unequal that threatens its homogeneity” (Schmitt, 2000, 9). The minority in parliament can be ignored since the very fact of its being a minority means that it is mistaken about the general will.

In such a situation, the democratic thrust for unification can assume the form of the friend-enemy distinction. Given the nebulous nature of the general will, what comes to unite a party is not some amalgam of particular interests, but rather its opposition to the other parties. The indefinite character of this will makes it impossible to specify just how an opposition party fails to express it. As the political enemy, it does not have specific features. As Schmitt puts this in *The Concept of the Political*, “The political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor, and it may even be advantageous to engage with him in business transactions” (Schmitt, 1996, 27). The only thing that defines him “is the most intense and extreme antagonism” (Schmitt, 1996, 29). Discussion, as is obvious, becomes impossible in this situation. Given that there is no rational underlying the friend-enemy distinction, compromise becomes impossible. What we have instead of discussion is the language of war. At this point, truth is not the result of a rational search. It becomes, rather, as Foucault writes, the “truth that can be deployed only from its combat position, from the perspective of the sought-for victory.” (Foucault, 1997, 53). The result is the “discourse of perpetual war.” This, Foucault writes, is “a discourse in which truth functions exclusively as a weapon that is used to win an exclusively partisan victory” (Foucault, 1997, 57). In such a situation, the democratic principle overwhelms parliamentary insistence on discussion and openness. With this, the way is open for democracy’s worst excesses, including the ultimate one of suspending itself.

4. THE QUESTION OF PARLIAMENTARY DELIBERATION

How accurate is this account? Is the very notion of parliamentary democracy self-contradictory? Can we say that the democratic principle is inherently opposed to rational discussion? Is it the case that the parliamentary principle is that of rationality? The claim, here, is that its discussions can be considered as quasi-philosophical searches for the truth. In their attempt to move from opinion to truth, such discussions have knowledge as their goal. There are good reasons to doubt this claim. Given the non-rational, rhetorical character of actual debates, it is obviously not an empirical claim. Of course, one could counter that these debates have already been corrupted by the democratic principle. The difficulty we have in mind, however, is essential rather than empirical. It follows from the nature of parliamentary debates. Such debates concern collective action, i.e., what should be done in a given situation. The speakers deliberate over possible courses of action in meeting the situation, be it the state of health care, defense or some other matter of present concern. Now, as

Aristotle notes, the goal of deliberation is not “scientific knowledge” (*episteme*), which concerns the unchanging, i.e., what is always the case. Equally, it is not the knowledge of past and, hence, fixed events (Aristotle, 1962, 1139b 20, 150). It is also not the factual knowledge that concerns presently existing matters of fact. Deliberation refers, he writes, “only to the future and to what is possible” (Aristotle, 1962, 1139b 8, 149). Thus, since the future does not yet exist, it cannot be a matter of factual, empirical knowledge. It also, as time bound, cannot be an item of scientific knowledge, which, according to Aristotle, concerns the recurring patterns in nature and the timeless laws that these follow. Rather, the future that is the subject of political deliberation is *that which will result* from the choice of a particular action. At issue in political debates is, then, only secondarily, the analysis of existing facts. Primarily, it is the role of the collective in creating facts.

If we accept this, then the goal of parliamentary debates is not truth or knowledge. It is, rather, to find the basis of a response to a situation that confronts the collective. To accomplish this, different opinions embracing different options must be considered. These options must be weighed in terms of how they impact different constituencies. As Arendt stresses, such deliberation is a matter of *political* as opposed to philosophical thinking. What we encounter here are two different ways of proceeding. For the philosopher, “the opposite to truth was mere opinion, which was equated with illusion” (Arendt, 1968, 233). For the politician, however, taking “account other people’s opinions ... is the hallmark of all strictly political thinking” (Arendt, 1968, 241). Thus, Socrates in the *Dialogues* is described as being concerned only with his interlocutor’s opinions. His attempt is to move from opinion to truth. The politician, however, is concerned with the opinions of the multitude. This means, Arendt writes, that “[t]he shift from rational truth to opinion implies a shift from man in the singular to men in the plural” (Arendt, 1968, 235). As she cites James Madison, we have here a move “to a realm where ‘strength of opinion’ is determined by the individual’s reliance upon ‘the number which he supposes to have entertained the same opinions’” (Arendt, 1968, 235).

This does not mean that political thinking resolves itself into following the opinion polls. The requirement is rather an “enlarged mentality,” one where the politician takes account of multiple positions. In Arendt’s words, “Political thought is representative. I form an opinion by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are absent; that is, I represent them.” The point is not to “blindly adopt the views of those who stand somewhere else.” It is rather an increased understanding. As Arendt continues: “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” (Arendt, 1968, 241). What we have here is a kind of “discursive” thought, one that runs “as it were, from place to place, from one part of the world to another, through all kinds of conflicting views, until it finally ascends from these particularities to some impartial generality” (Arendt, 1968, 242). This generality is not that of an abstract concept, which achieves its generality by abstracting from the particulars of a situation. In political thinking, generality involves inclusion. The result of such inclusion is that “a particular issue is forced into the open that it may show itself from all sides, in every possible perspective, until it is flooded and made transparent by the full light of human comprehension” (Arendt, 1968, 242).

To make this concrete, we can note that the goal of such comprehension is political compromise. At its basis is our essentially social nature: We depend on each other and must, to some degree, work with each other if we are to survive. Given this, there are limits to the alterity of our humanity. Humans form a plurality, yet there is always an overlap in their interpretations: the meanings they give to various situations are, at least in part, coincident. That they are shared means that there are always some points that can be assumed in political negotiations. Such points form what Schmitt calls “shared convictions as premises.” One effort of the political thinking that considers different standpoints is to uncover these premises. It is to find in them a common basis for negotiation. The object of negotiation is, of course, not what one possesses in common, but rather what one wants to achieve. What makes negotiation in this regard possible is the non-coincidence within this coincidence, that is, the non-overlap of the different parties’ interpretations. This implies that there are always some benefits that are more attractive to one party rather than to others and, hence, subject to compromise. They form the negotiable content of political discussions. To uncover these is also the goal of political thinking. It is what one aims at in the discursive thinking that Arendt describes. Thus, in running through “conflicting views” on a given plan of action, benefits can be traded. Each of the opposing parties can get at least part of what they want as parliament considers possible actions.

5. *VOTING AND PROMISING*

As I cited Schmitt at the beginning of this article, “If someone still believes in parliamentarism, he will at least have to offer new arguments for it.” Arendt’s view of political thinking gives us the basis for such arguments. According to Arendt, the principle of parliament is not rationality in the philosophical sense, but rather nego-

tiation. Its legitimating principle is not truth, but rather the acceptance of the compromise required for collective action. What is behind this acceptance? Is it the voting that follows the debate? Is this vote an expression of the general will? For Schmitt it is. This is why one could theoretically limit the number of representatives to a single individual. It is also why the minority agrees to accept the division of the majority. There is, however, an alternate explanation. It begins with the fact that to decide an issue by a vote necessarily implies that the minority accept the decision by the majority. What would be the sense of deciding things by a vote if the contending parties did not agree to accept the outcome? In the absence of such an agreement, voting would be reduced to polling, a mere gauging of opinion. What makes voting more than polling is the promise of the contending parties to abide by the outcome.

The above points to the crucial nature of promising in democratic legitimacy. Legitimacy implies voluntary compliance, but the root of such compliance is the promising implicit in both voting for and obeying a law. To see this, we have to note the opposition involved in promising. In promising, a person voluntarily commits himself to carry out the word he has given. Doing so, he combines both freedom and compulsion. As the author of the promise, he is free. As subject to it, he is bound. Now, in choosing to decide an issue by a vote, individuals implicitly promise to abide by its result. Doing so, they freely choose to accept the outcome, that is, voluntarily comply with the decision. *Such compliance signifies that they accept its legitimacy.* The same point holds for the citizens with regard to the laws that their representatives pass. Each time that they voluntarily obey a law, they reaffirm the promise that establishes its legitimacy. The promise in their case has multiple layers. When they vote for a representative, they commit themselves to accept the decision of the majority of voters regarding the winner. When these representatives themselves vote, the citizens' commitment is to accept their decision. Concretely, they implicitly promise to obey the laws passed by parliament. Each time they do obey them, they reaffirm the promising that holds this system together. They take themselves as the ultimate authors of the laws that they impose on themselves.

The possibility of promising is premised on our ability to separate ourselves from ourselves, to be, on the one hand, authors of the laws, and, on the other, subject to these same laws. Such self-separation is made possible by our temporal self-awareness, which stretches from the remembered past to the anticipated future. This extended awareness allows us to be outside of ourselves, i.e., to mentally separate ourselves, as past or future, from the determining conditions of the present. In particular, it allows us to project ourselves forward and regard ourselves in terms of some goal. This goal can be some aspect of our past self that we want to reestablish—for example,

the ability to fluently speak a language. It can also be some new linguistic skill that we want to possess. In attempting to realize this ability, we bind ourselves with regard to it. We determine and gauge our present actions by regarding what we want to be—e.g. the future self possessing a given skill. Since the determining factor here is outside of the present—that is, outside of its determinations—we take our action as free. Such freedom, however, occurs in the context of our being subject to ourselves, i.e., our voluntarily complying with the resolution we have made.

This reference to the trans-temporal nature of our self-awareness points to what is at issue in our keeping our promises and resolutions. It is nothing less than our trans-temporal identity. Thus, the person who keeps her word keeps the identity pledged by this word. She continually shows herself to be the same as the person who originally made the commitment. Doing so, she overcomes the dissolution of time by preserving herself as the same. Self-identity, here, presupposes self-binding. It assumes a split in our selfhood and, hence, our freedom with regard to our present circumstances as we determine our conduct by a desired future. To reverse this, our freedom signifies that self-identity is our task. In Heidegger's terms, our being—understood as our identity—is an issue for us. It is a result, not just of our choices, but in our being faithful to them. Given this, we can say that the compelling force of keeping one's promises is that of self-preservation—the preserving of our selfhood over time.

With this, we have a transformation of our understanding of the democratic imperative. Its thrust is not Schmitt's unification understood as homogenization, but rather the maintenance of self-identity. Thus, it is not the identity of the law and the general will that binds the citizens to follow the law. It is rather, the citizens' self-binding as both being subject to and, through their representatives, authors of the law. This self-binding results in their identity as citizens. Thus, a law once made, involves a promise regarding future action. The obedience it commands extends until the law is changed. Behind this is the promise that, as binding, overcomes time. Obeying the law, citizens renew the promise implicit in it; doing so, they preserve the identity that is defined by this promise. At the heart of this identity of the citizen is not the continuance of particular laws, but rather the voluntary consent that gives them their legitimacy. Since the consent is given by the people, they can, in particular cases, withdraw it. They can have their representatives legally change the law and, with it, the object of their obedience. With this, the specific content of the government's laws changes, but not the government's underlying legitimacy. Its legitimacy, as defined by voluntary compliance, continues across time. So does the identity of its citizens. Such identity is not like that of the specific features that Schmitt points to in speaking of the democratic thrust towards homogenization. These given features are, for

the most part, passively accepted. Here, however, identity comes from the citizen's active engagement, from their voluntary obedience to what they have committed themselves to.

6. APPEARING AND BEING

Schmitt's and Arendt's positions imply two very different views of freedom. For Schmitt, freedom is *intra*-subjective. It is an inherent property of the self in its singularity. As such, it can be considered to be something that exists on its own, something self-substantial in the sense that it has an independent existence. In the *Crisis of Parliamentary Democracy*, this conception is present in Schmitt's description of the general will as existing apart from and independent of its expressions. In his *Political Theology*, written a year earlier, it appears in his description of sovereignty as the ultimate power to decide "what constitutes public order and security" (Schmitt, 2005, 9). Such a decision comes from the sovereign will alone. It is "absolute and independent of the correctness of its content" (Schmitt, 2005, 31). There is nothing behind it. In fact, "[l]ooked at normatively, the decision emanates from nothingness" (Schmitt, 2005, 31).

It is simply an act of the pure spontaneity of the sovereign's will. It is a feat of his unconditioned freedom¹. Implicit in such descriptions is the priority of being to appearing. This priority shows itself in the ontological independence of the will, of its existing apart from its expressions. It also appears in Schmitt's characterization of parliamentary debate as the search for the truth. The goal is not what *seems* to be the case, but rather what *is*.

For Arendt, by contrast, freedom is *intersubjective*. As such, it requires something more than the extended character of temporal self-awareness. It is a political conception involving collective action and, hence, other subjects. Given this, the traditional view of freedom as a function of our inner willing is misleading. In her words, "the philosophical tradition ... has distorted, instead of clarifying, the very idea of

¹ This conception of unconditioned freedom finds a parallel in Hobbes and Locke. They both take freedom as a feature of our being in a "state of nature" prior to society. Thus, according to John Locke, the "state all men are naturally in ... is a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit" (Locke, 2003, 262). For Hobbes, who considers the natural state of man a "war of everyone against everyone," human freedom is also prior to society. He writes that in this war, what is commonly called the "right of nature ... is the liberty each man hath to use his own power, as he will himself, for the preservation of his own nature, that is to say, of his own life" (Hobbes, 1994, 79). Freedom in both cases is *intra*-subjective, i.e., inherent in human beings prior to being *intersubjectively* situated.

freedom such as it is given in human experience by transposing it from its original field, the realm of politics and human affairs in general, to an inward domain, the will” (Arendt, 1968, 145). As existing in the realm of public affairs, this freedom, rather than being self-substantial, “could exist only in public; it was a tangible, worldly reality, something created by men to be enjoyed by men rather than a gift or capacity” (Arendt, 1968, 145). As such, it is “manifested only in certain ... activities,” namely those “that could appear and be real only when others saw them, judged them, remembered them.” Thus, “the life of a free man needed the presence of others. Freedom itself needed, therefore, a place where people could come together—the agora, the market-place, or the polis, the political space proper” (Arendt, 1990, 31). This need points to the fact that the being of such freedom depends on its appearing. As Arendt writes, public freedom consists of “deeds and words which are meant to appear, whose *very existence hinges on appearance*” (Arendt, 1990, 96, italics added. — J. M.).

This reversal of the traditional priority of being over appearing points to the role of promising in public action. To promise is to commit yourself to a given course of action, one that will *disclose* you in a particular way. In committing yourself to a particular course of disclosure, you affirm that you will *be* the person who will play the promised part in a given affair. The result is a public identity, a person in the public space. The same holds for the members of parliament in the promising that underpins their collective actions. It also holds for the state as it carries out the promise of action implicit in the laws and the citizens in their giving the laws substance by obeying them. In all such cases, the self-binding that is inherent in promising creates public identities that, in their appearing, persist over time and, hence, are regarded as substantial. Such identities are not those of race, national origin or culture. They are not those that, for Schmitt, form the basis for homogenization. As political, their basis is given by the goals of political action, goals that are accomplished through the making and obeying of laws.

The priority of appearing over being also appears in Arendt’s characterization of political debates. If Schmitt sees them as directed ideally towards knowledge, for Arendt, the primacy of appearing over being signifies the primacy of opinion over knowledge. She takes opinion, in the Greek sense of *doxa*, seeming, as the currency of political debate. This does not mean that if everyone believes an opined fact—e.g., the world is flat—the fact holds. At issue in political debate is the future, not the present. The concern is with a proposed collective action. In this context, to agree politically on the action is to agree to bring it about, i.e., to realize a given future. The logic here is plain. In human affairs, we can only have opinions on what will occur. But this is what political thinking as discursive concerns itself with. The resolution of the debate

gives us a “truth” that concerns not what is the case, but rather what *will* be the case, i.e., what the collective through its action will bring about. The being that is posterior to appearing corresponds to this truth.

7. CONCLUSION

If the above is correct, then Arendt and Schmitt present us with two fundamental alternatives regarding the political. If we assert that the political realm distinguishes itself in affirming the priority of appearing to being, then we also affirm the priority of intersubjective relations, the relations governed by how we appear to one another. These relations determine the being that political action brings about. Politics in this case becomes the politics of public space, the politics of public identities established by public actions. As such, it involves negotiation, compromise, promises made and kept, and so forth. If, however, being is prior to appearing, the political realm becomes one where Schmitt’s concept of a self-substantial general will plays its roll. The way becomes open to see conformity with this will as a source of legitimacy. The same holds with regard to his characterization of parliamentary debate as directed towards knowledge of what is the case. With this we have his account of the crisis in parliamentary democracy, a crisis caused by the conflict between parliamentary legitimacy as based on knowledge and democratic legitimacy as grounded in the general will. This crisis shows itself in the friend-enemy distinction with its rendering of public space.

By contrast, to choose Arendt’s alternative is to affirm our essentially, intersubjective, social nature. It is to see our being as human as a function of the ways that we appear to one another, be this the appearing of parents to a child, friends to one another, adults to their peers, political actors to one another and so on. Through such appearing, we learn the possibilities and opportunities of being human. Thus, our parents *showed us* how to dress ourselves, eat at a table, ride a bicycle, and so on. Our friends and peers continued this education. This intersubjective generation of our human being includes our being as political. Our appearing to one another as we plan and engage in collective action underpins our subsisting as “political animals.” As such, it points to a way out of the current crisis of our political life.

To overcome its polarization, we must restore our political, public space and the identities of the actors within it. We have to replace Schmitt’s politics of unification through exclusion—the politics structured by the friend-enemy relation—with the politics of public space, i.e., the politics of negotiation, of compromise, of promises made and kept, and of public identities established through lasting commitments. The

restoration of public space will, no doubt, have to include social media and the role they play in our appearing to one another. In this and other actions the ultimate goal has to be the restoration of legitimacy, this by reaffirming its tie to the political integrity of promises made and kept. The choice, here, is clear. To remain on our present path is to continue to provide evidence that the crisis in parliamentary democracy is structural. Ultimately, it is to embrace Schmitt's conclusion that it cannot be reformed, but must be replaced. If, however, we embrace Arendt's alternative, reform is possible, but only if parliamentary democracy reaffirms itself in the promises that structure it. It is thus up to us whether we keep our representative democracy or lose it to face an uncertain future.

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