

THE CRISIS OF PARLIAMENTARY DEMOCRACY

(CARL SCHMITT)

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Ah, Carl Schmitt, Carl Schmitt! No man like him exists today. Political philosophy in our time is, and for many decades past has been, largely the domain of intellectual pygmies and outright morons; the age of gold has degenerated into the age of brass, or of plastic with yellow paint. Schmitt is dead, but his work is not, and this, one of his series of books published during the early Weimar period in Germany, illuminates much of our own present condition. That's not to say *The Crisis of Parliamentary Democracy* is an easy read. Like much of Schmitt's writing, it is somewhat elliptical, alternating great insight with moments of "where are we going with this?" But the payoff is worth the effort.

This is the only translation in English, done in 1985, of the 1926 (second) edition of Schmitt's *Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, first published in 1923. The word "crisis" does not appear in the original German title; rather, the term used is roughly "spiritual-historical situation," in the non-religious sense of "spiritual," for which there is no equivalent English word (but there is in Hungarian, *lelki*, as my mother never tires of reminding me). Moreover, it's a bit strange that the German word for "parliamentarianism" was translated as "parliamentary democracy," given that Schmitt spends a good portion of the book distinguishing parliamentarianism and democracy.

To be sure Schmitt saw fatal problems, if not yet precisely a crisis, in the foundation of the German parliamentary system. Schmitt does mention a crisis of parliamentarianism within the text, but he means that not in the sense of an existential crisis of the nation (although famously much of Schmitt's political thought revolved around what a sovereign might do, legitimately or not, in such a crisis) but in the sense of unbridgeable contradictions having surfaced in what was once thought to be a clearly-defined system. He says the same of both democracy and the modern liberal state, which is why one of his aims is to explore alternatives to played-out systems of the time. Whether he saw a crisis in his day or not, it is certain Schmitt would be horrified, but not surprised, at the utter degradation of today's politics. But the wreckage

of liberal democracy we see all around us is merely the inevitable end state of the contradictions and debilities Schmitt analyzes in this book.

It is hard for us to recapture the degree to which the Western European ruling classes in the early twentieth century worshipped the parliamentary system, and had faith that the end of political organization had arrived, just needing a little polishing here and adjustment there. After a century of struggle against monarchy and aristocracy, it seemed to most elites as if history had evolved to a modern system that truly represented the nation (though there were more than a few dissenters, mostly outside the elites, some of whom Schmitt covers in this book). Schmitt is famous in part because he broke that spell, and soundly spanked parliamentarianism, in its then-existent form, as outdated and inadequate for the challenges facing Germany. Parliamentarianism was an integral manifestation of liberalism, however, so Schmitt's criticism went deeper than mere political form, or the mechanisms of political decision making. Schmitt thereby heralded both the looming troubles of the decades immediately following this work, and the troubles that have resurfaced after the end of the Cold War.

The translator, Ellen Kennedy, offers an excellent and lengthy Introduction. The edition she translates begins with a Preface, in which Schmitt responds to criticism of the first edition by one Richard Thoma, a law professor, who accused Schmitt of crypto-papism and a lust for dictatorship, which are pretty much the stock attacks on Schmitt to this day (although his Catholicism assumed less importance in his later thought than it had occupied in his earliest works). Despite Thoma's attack, this book is in fact a turn away from the focus on dictatorship and the imposition of good government by a sovereign above the people, found in three earlier books (*Political Romanticism*; *The Dictator*; and *Political Theology*), towards a more favorable view of popular sovereignty. Nonetheless, the Preface, putatively a response to Thoma, actually most clearly pulls together the threads of Schmitt's claim in the rest of the book that parliamentarianism is contradictory to democracy, and should be re-read after the book in order to grasp the practical realities of Schmitt's theoretical analysis.

Schmitt's original Introduction outlines his project. He notes that since the inception of the parliamentary system, it has been intermittently criticized, despite its general acceptance. Some criticism comes

from those who would restore the absolutism of monarchy. More importantly, in the world of the Germany of 1923 (almost all of Schmitt's focus is Germany, occasionally touching on France, but mostly for theory, not practice), were criticisms from those on the Left who desired some form of the dictatorship of the proletariat, and those on the Right who desired some form of corporatism. Although he acknowledges many and varied currents criticizing parliamentary theory and, even more, practice, Schmitt's purpose is not to himself critique the parliamentary system, even if that's the effect of much of what he says. He rather wants to "find the ultimate core of the institution of modern parliament," which he regards as being very different from its original conception and practice. "[T]he institution itself has lost its moral and intellectual foundation and only remains standing through sheer mechanical perseverance as an empty apparatus." To understand why this is, Schmitt tells us, we must clearly define and distinguish parliamentarianism and related concepts, "such as democracy, liberalism, individualism, and rationalism." He wants to "shift away from tactical and technical questions to intellectual principles and a starting point that does not once again lead to a dead end." He wants to offer a positive way forward, by examining the system and alternatives, not merely carp about problems in the politics of his society.

Taking the bull by the horns, the first chapter tackles democracy. Legitimacy is associated, Schmitt says, with democracy, and legitimacy at the time Schmitt wrote meant recognizing the people's right to self-determination. Popular sovereignty had been the wave of the nineteenth century, it "appeared to have the self-evidence of an irresistible advancing and expanding force." It seemed allied to "liberalism and freedom"—but was not, because democracy is only an organizational form without content. Only by linking democracy with another concept, such as social or economic relationships, or a national will, or national homogeneity, does democracy acquire content, and even then the content can be wholly inconsistent from place to place, depending on the characteristics and heterogeneity of the population. (In fact, in the Preface, Schmitt denies that a more than nominally heterogeneous polity, to the extent it extends the franchise across different groups in society, can be a democracy at all, something modern America is proving him correct about. Schmitt's focus in other works on the inherency of enmity in

any polity also suggests democracy is never workable, as does his point that political equality of all, which he regards as “irresponsible stupidity, leading to the worst chaos, and therefore to even worse injustice,” is “a liberal, not a democratic, idea,” but those are topics for another day.)

What then are the core realities of democracy? First, the actual will of each citizen, however he votes, is the same as the result obtained through majority vote. Failure to vote with the majority merely shows a voter has mistaken the general will. There is therefore “an identity between law and the people’s will.” Second, “all democratic arguments rest logically on a series of identities,” including “the identity of governed and governing . . . the identity of the people with their representatives . . . and finally an identity of the quantitative (the numerical majority or unanimity) with the qualitative (the justice of the laws).”

Of course, these identities are theoretical and never fully realized in practice, and the single most significant problem for theorists of democracy is that the will of the people as expressed may be deceived or malformed, in which case it is the minority which actually represents the will of the people. Thus democratic methods can be used to defeat or destroy democracy itself (Schmitt gives the example of newly-enfranchised women voters who commonly voted for authoritarian government), and if a theorist with power believes that democracy has, in itself, “self-sufficient value,” this cannot be permitted. This problem was identified since the Levellers of 1649, who as a result wanted to restrict power and voting to the “well-affected.” The “solution” usually adopted is that the people must be educated to know their true will, and such education will be conducted, if necessary, by a dictatorship, one that nonetheless remains democratic, because the will of the people is still the exclusive criterion of what is democratic, and the will of the people is thereby being correctly revealed. This is the key identity, that of democracy with the real will of the people, and the aim of every modern political power of every stripe, from royalists to Bolsheviks (with the exception of Italian Fascism, Schmitt notes) is to achieve that identity with itself. The ongoing problem of democracy is that it is impossible to disprove this “Jacobin argument” that the minority is qualitatively the legitimate representative of the will of the people if they have not yet been adequately informed and educated.

Next, of the principles of parliamentarianism—what are its “ultimate intellectual foundations”? Crucially, parliamentarianism is not democracy; it is not popular sovereignty in its pure form, and does not contain the core realities, the identities, Schmitt identifies in democracy. Schmitt notes that a representative of a parliamentary system is not, or should not be, a direct representative; he more than once cites Article 21 of the Weimar constitution, “members are representatives of the whole people; they are only responsible to their own consciences and not bound by any instructions.” (Although Schmitt does not mention it, not infrequently you hear this view ascribed to Edmund Burke, in his speech to the electors of Bristol, but according to Schmitt, this is the very essence of parliamentarianism, and nothing new.) Counterposed to this is not only the sometimes-found idea that representatives should, in fact, reflect the desires of constituents, but also the party system, which constrains parliamentarians from making individuated decisions.

What justifies the parliamentary system? The oldest, and once standard, justification for parliamentary rule is expediency—if a polity contains many people, an “elected committee of responsible people” can make decisions for the whole. This appears democratic, an extension of an assembly on the village green, but it is not, for “If for practical and technical reasons 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. Without ceasing to be democratic, the argument would justify an antiparliamentary Caesarism.” So it would.

Then what is the justification for parliamentary rule? Schmitt identifies the modern “liberal rationalist” justification as the “dynamic-dialectic, that is, in a process of confrontation of differences and opinions, from which the real political will results. The essence of parliament is therefore public deliberation of argument and counterargument, public debate and public discussion, parley, and all this without taking democracy into account.” This is merely an extension of the broader liberal idea that the free market, competition, “will produce harmony,” and that truth is “a mere function of the eternal competition of opinion.” Such competition manifests in two principles which are, at root, contradictory—the paramount importance of openness, particularly of the press, allowing public opinion to surface and compete, and the division of

powers, another type of competition, but one that thwarts the democratic will, because parliament, the fruit of openness, as a result only has legislative, not plenary, power. In Western thought, division of powers has become synonymous with constitutionalism (and dictatorship is a suspension of the division of powers), yet this is actually a retrenchment from Enlightenment rationalism, which posited the general will as the touchstone of proper governmental authority.

This contradiction exists because the division of powers is inherent in the intellectual distinction between legislation and executive action. Schmitt repeats his famous formulation, the first sentence of *Political Theology*, "Sovereign is whoever decides what constitutes an exception"; the division of powers is a pushback against this reality. Law, the absolute norm, is distinct from authority, the active application of the law. Seeking context for these abstractions, Schmitt surveys a wide range of thinkers, from Aristotle to James Madison, noting that the closer a system came to true Enlightenment rationalism, the more this key distinction was denied and the more parliament, the legislative power, became unitarily supreme. But to the extent the executive has power, openness and discussion do not determine its actions; here the idea of rationalism based on openness reaches its limit.

For decades, Schmitt says, openness and discussion "seemed to be essential and indispensable. What was to be secured through the balance guaranteed by openness and discussion was nothing less than truth and justice itself." Society was to achieve "discussion in place of force." In practice, however, "the reality of parliamentary and party political life and public convictions are today far removed from such beliefs." Parliament is a facade; all real work is done in committees or in parties, far from public view and public discussion; thus parliament "is losing its rationale." "Small and exclusive committees of parties or of party coalitions make their decisions behind closed doors, and what representatives of the big capitalist interest groups agree to in the smallest committees is more important for the fate of millions of people, perhaps, than any political decision." To the extent public opinion, or the sovereignty of the people, is valued, society is worse off than under "the cabinet politics of the seventeenth and eighteenth centuries." Equally corrosively for the theoretical principles of parliamentarianism, modern mass action techniques, such as radio, have "made argumentative public

discussion an empty formality.” “There are certainly not many people today who want to renounce the old liberal freedoms, particularly freedom of speech and the press. But on the European continent there are not many more who believe that these freedoms still exist where they could actually endanger the real holders of power.” Zing. (It’s certainly no better today. Nobody would say that any modern Western system is one revolving around rational discourse. To enunciate the idea is to refute it.) “[P]arliament, as it developed in the nineteenth century, has also lost its previous foundation and its meaning.” Thus, by implication, parliament has a crisis of legitimacy for, after all, any number of other forms of government could allow the same type of system, forms that did not falsely claim to implement popular sovereignty—such as, let’s say, Mussolini’s corporatism.

So what does that mean? What can replace the empty shell of parliamentarianism? Rather than talk of Mussolini, Schmitt turns to two great currents of his age that both claimed to represent the general will: Marxism and anarcho-syndicalism. Schmitt never mentions it, but none of this analysis in the second half of the book was abstract in the years leading up to 1923; great currents rocked the German scene, of which these two held pride of place, with violent Communist rebellion and general strikes in many big cities, all capped by hyperinflation and the destruction of much of the German middle class. Mussolini had marched on Rome in 1922. Thus, Schmitt knew perfectly well that his bloodless analysis had real world implications and consequences, and these real-world events no doubt dictated the choice of what he would analyze.

He first examines Marxism, something about which he thought a great deal and analysis of which appears in several of his books (one reason Schmitt is still widely read on the Left). Marxism is the inheritor of the “Jacobin argument” about democracy, where open discussion fails to produce the correct result and must therefore be adjusted. Marxism casts itself not only as rational but also scientific (up to a point; only “vulgar Marxism” is unaware of historical contingency), and follows this to its logical conclusion, that force, rather than education, is necessary to achieve the sovereign will of the dictatorship of the proletariat. Schmitt outlines the relationship, or contradiction, of Marxism with parliamentarianism; much of what he says seems uncontroversial, but I believe this was the first time much of this analysis was done, including discussing

the consequences of Hegelianism for Marxism (at least Schmitt offers no footnotes, which are extensive elsewhere in this book), and what we think today of Marxism as related to true, parliamentary-type popular sovereignty springs largely from Schmitt's thoughts. Most importantly, in 1923, it was Marxism that seemed poised to sweep away parliamentarianism with dictatorship; Schmitt could not see the German future, and the Weimar Republic, despite its troubles, was not yet at death's door, but the Communists were the most threatening opponent. The practical point Schmitt makes is that "A new theory of the direct use of force arose in opposition to the absolute rationalism of an educational dictatorship and to the relative rationalism of the division of powers."

Then Schmitt turns to another alternative, anarcho-syndicalism. Here he focuses on Georges Sorel's *Reflections on Violence*, with nods to Pierre-Joseph Proudhon and Mikhail Bakunin. These thinkers reject the dictatorship of reason, which received its purest manifestation in Marxism, one reason the Marxists hated the anarchists (while still having much in common with them, just as Oliver Cromwell did with the Levellers, yet he destroyed them). Sorel's anarcho-syndicalism was based on "a theory of myth" based on "absolute rationalism," which rejects the "relative rationalism" of "balancing, public discussion, and parliamentarianism." Liberal democracy, the engine of parliamentarianism, is merely "demagogic plutocracy," a worn-out system lacking the power of true myth. That power can only be found in the proletariat, through their use of their great weapon, the general strike, a chthonic upheaval not based on political theory but on the needs and demands of the workers. Such power is focused, through "the social theory of myth," to "create an image of the enemy that was capable of intensifying all the emotions of hatred and contempt." (I wonder if a general strike is possible in America today? It would seem not, in our low-trust, Zoom-capable, handout-oriented society, but maybe it will come back into fashion if something unites normal Americans against our ruling class.)

This line of thought leads to enthusiasm for a final, decisive battle, for a political myth reified to the benefit of the whole polity. Here Schmitt adduces as a parallel one of his heroes, Juan Donoso-Cortes, Spanish mid-nineteenth-century reactionary monarchist. "All the Spaniard's thoughts were focused on the great battle . . . the terrible catastrophe that lay ahead, which only the metaphysical cowardice of discursive

liberalism could deny was coming.” Both Donoso-Cortes and Sorel rejected all the principles of parliamentarianism, and loathed the bourgeoisie, just from opposite directions. Sorel inherited Donoso-Cortes’s battle mindset; “Every rationalist interpretation falsifies the immediacy of life.” Sorel’s “great battle will not be the work of an academic strategy, but an ‘accumulation of heroic exploits’ and a release of the ‘individualistic forces within the rebelling mass.’” (Curiously for us today, this refracts the thought of ascendant currents on the American Right, exemplified by Bronze Age Pervert, as those begin to sweep away the tired remnants of twentieth-century American conservatism, which conserved nothing at all.) The result, for Sorel, is not the dictatorship that characterizes Marxism, but the “immediate life” of the masses, of which the France of 1793 is an exemplar.

Not that Schmitt thinks much of Sorel as a logical thinker. He notes that Sorel was far more similar to Marx than he liked to believe, and he claims that Sorel, obsessed with the bourgeoisie, had followed the bourgeoisie into “economic-technical rationalism,” whether he intended to or not. The proletariat “will be forced, through the superior power of the production mechanism, into a rationalism and mechanistic outlook that is empty of myth.” The inevitable way out of this is to turn to a national myth, and Schmitt explicitly predicts that “all of [this] tends toward a national rather than a class consciousness today.” (One example he gives is the cohesion during the Irish Easter Rising of 1919 between socialists and Irish nationalists, an episode of rebellion, or civil war, I know little about but intend to turn to, as I continue my study of little Western wars with great relevance to today.) He also again obliquely adduces Italian Fascism, noting that “wherever it comes to an open confrontation of the two myths [class and nation], such as in Italy, the national myth has until today always been victorious.” He points out that until Mussolini, the Italians seemed devoted to the “democratic and constitutional parliamentary tradition [and] appeared to be completely dominated by the ideology of Anglo-Saxon liberalism.” Not so much anymore, in 1923. Schmitt therefore predicts the continued resurgence of myth and, through that, myriad alternatives to parliamentarianism, not just Fascism.

“Every epoch of political and state thought has conceptions which appear evident to it in a specific sense and, even if also with many

misunderstandings and mythologizing, are, without anything further, plausible to great masses.” Schmitt said this in the context of the nineteenth century being the great century of movement toward democracy, toward popular rule, and we instinctively think of democracy as self-evident and dictated by the arrow of history, because we have absorbed this history and we have been so indoctrinated. But the principle is wholly independent of democracy, and wholly applicable to a system, say Foundationalism, that is an enemy of democracy. How does a political conception become self-evident, though? Well, for the Germans, a new one became self-evident a decade after this book, and although it didn’t work out for the Germans, it wholly absorbed the great masses of Germany, and completely unexpectedly so. I predict the same thing will happen to us, though with an entirely different political philosophy, that is also distinct from democracy and parliamentarianism, neither of which has improved with age since Schmitt wrote this book.