

Popular Sovereignty on Trial

Tocqueville versus Schmitt

Ewa Atanassow

INTRODUCTION

The greatest challenge to liberal democracy today comes from political movements that in the name of democratic equality and popular sovereignty erode institutional checks on the exercise of power. Staying within formal electoral rules, parties and charismatic leaders seek to consolidate authority not only by contesting particular policies but also by attacking the very foundations of the constitutional order. Behind them stand publics that condone the assault on liberal norms, and welcome the possibility of a democratic regime that is non-liberal or expressly anti-liberal.¹

While newly urgent, the rise of illiberal populist movements is not in itself new. Although triggered by specific conditions and catalyzed by the failures of the liberal order itself, the current assault on liberal democracy draws on century-old ideas. It reflects tensions and dilemmas that are constitutive of modern society. Comparing two influential accounts of these tensions – by Alexis de Tocqueville and Carl Schmitt – this chapter interrogates the meaning and ramifications of popular sovereignty in order to shed light on liberal democracy’s vulnerabilities and strengths, past and present.

Tocqueville is a canonical proponent of liberal constitutionalism, whose work has enjoyed a broad appeal across partisan and geopolitical divides.² Schmitt’s reputation as liberalism’s “most brilliant critic” has made him the

Special thanks to David Dyzenhaus, Bryan Garsten, Dieter Grimm, Chantal Mouffe, Vatsal Naresh, Heather Pangle Wilford, Steve Smith, Yingqi Tang, Kuangyu Zhao, and the participants of the Yale Political Theory Workshop for their help in honing this chapter’s argument.

¹ Vormann and Weinman, *Emergence of Illiberalism*; Plattner, “Illiberal Democracy.”

² Craiutu, “Tocqueville’s Paradoxical Moderation”; Epstein, *Alexis de Tocqueville*; Liao, “Tocqueville in China”; Schmitter and Karl. “What Democracy Is ... and Is Not.” Also, Editors’ Introduction, “Democracy in the World: Tocqueville Reconsidered.”

patron saint of radical critiques from the Left and the Right, in the East and the West.³ Behind this sharp contrast, however, hide instructive similarities. Trained as jurists with philosophical bent and political ambitions, Tocqueville and Schmitt viewed popular sovereignty as the vital core of modern politics. Both accepted democracy as “irresistible” and “providential” in Tocqueville’s words, or in Schmitt’s as the “unavoidable destiny” of the modern world, and sought to discern its implications. Both wrote in circumstances of existential crisis: Schmitt in the context of interwar Germany and its “deeply contested” Weimar constitution; Tocqueville from the perspective of a France in the grip of ongoing revolution, and as a witness to the looming crisis of the American Union which, he surmised, was headed to a breaking point. Both looked back on 1789 and its aftershocks as modernity’s crucible in which each of their political visions were forged.

Alongside these affinities there was also a direct influence: Schmitt was an admiring reader of Tocqueville whose analysis deeply informed his own. Schmitt’s damning rebukes of liberalism – of individualism and the danger of depoliticization, of “pantheism” (or “immanentism”), and of the unprecedented dehumanization that modern society may give rise to – were powerfully anticipated by Tocqueville. Schmitt’s political-theological approach, too, has Tocquevillean resonances.⁴

Most pertinently, Tocqueville and Schmitt both distinguished democracy from liberalism in order to shed light on the nature of what Schmitt termed “the political,” and on the stakes of modern politics. And herein, I argue, lies their fundamental disagreement. Distinguishing democracy from liberalism is a cornerstone of Schmitt’s constitutional theory that allows Schmitt to advocate dictatorship as a legitimate democratic form: an advocacy that culminated in his pledging allegiance to the National Socialist regime. Central to Tocqueville’s “conceptual system,” the tension between equality and freedom underpins his account of American democracy, and of the main challenges facing modern society.⁵ While Schmitt insisted on differentiating liberalism from democracy in order to attack liberal norms and institutions, Tocqueville deployed the distinction to advance liberal self-understanding and guard against modern threats to freedom. If Schmitt is often invoked as the intellectual precursor

³ McCormick, *Carl Schmitt’s Critique of Liberalism*; Müller, *A Dangerous Mind*; Dyzenhaus, “Carl Schmitt in America” and “Schmitt in the USA”; Kurylo, “Russia and Carl Schmitt”; Che, “The Nazi Inspiring China’s Communists.”

⁴ As Müller observes, “Schmitt wanted to be seen as the Tocqueville of the twentieth century who had to witness Tocqueville’s nineteenth century predictions come true,” *A Dangerous Mind*, 56. Balakrishnan, “The Age of Carl Schmitt,” 23. Schmitt, “Historiographia in nuce,” 25–31; Tommissen, *Schmittiana*, Band VII, S. 105 and Band VI, S. 148–49. See also, Selby, “Towards a Political Theology of Republicanism”; Camus and Storme, “Schmitt and Tocqueville,” and “Carl Schmitt, Lecteur de Tocqueville.”

⁵ Furet, *In the Workshop of History*, Chapter 10; Manent, *Tocqueville and the Nature of Democracy*, Ch. 2.

of today's detractors of liberal democracy, Tocqueville offers much needed resources to its defenders. Proceeding dialogically, this chapter argues that even when taken at face value, Schmitt's critique of liberal-democratic politics fails on its own terms: It undermines the political rather than promoting it. In reconstructing a Tocquevillean response to Schmitt's harsh critique, my aim is to turn this critique to liberal democracy's advantage.

LIBERALISM AND DEMOCRACY IN TOCQUEVILLE

In *Democracy in America* Tocqueville proclaims democracy's global rise. The principle of equality, he argues, has no viable alternative in the modern world. In the aftermath of the Atlantic revolutions and the defeat of aristocracy as a social system, the urgent question is no longer whether to have democracy but of what kind. Tocqueville called for, and pioneered, a "new political science" to guide this democratic quest.⁶

Although democracy is "irresistible," its outcome is not predetermined. Democracy's social base and the passion for equality which, Tocqueville claimed, define the modern age are compatible with two very different political scenarios: one that postulates equal rights and freedoms, and another predicated on an omnipotent state that pursues equality by demanding the equal powerlessness of all. Freedom, in other words, is not a necessary outcome of democratization. With the demise of traditional social orders and regime types, and the ascendance of popular sovereignty as the modern legitimating principle, the fundamental political choice is between democratic self-rule and egalitarian despotism. These different possibilities represent two alternative global models, which Tocqueville famously identified with the United States and Russia.⁷

Highlighting the tension between equality and freedom, Tocqueville traces this tension to two distinct dimensions of modern democracy – social equality and popular sovereignty – and to the illiberal potential each of them carries. Modern democracy for Tocqueville is premised on the moral equality of human beings. Not primarily a political concept, democracy is a "social state": a condition of society where status is not fixed by birth but must be acquired. While social distinctions and hierarchies still exist, these are fluid and changeable. Democracy, in other words, connotes social mobility: the possibility of rising – and falling – on the social ladder. This in turn entails a way of seeing the human world that insists on fundamental similarity, and a peculiar mindset characterized by the "ardent, insatiable, eternal, invincible" love of

⁶ Tocqueville, *Democracy in America* [Nolla edition], 6. The four-volume bilingual edition edited by Eduardo Nolla departs from the book's traditional division into two volumes. To facilitate referencing, I refer [in square brackets] to the conventional divisions into volume, part, chapter, and/or page. Mansfield and Winthrop, "Tocqueville's New Political Science."

⁷ Tocqueville, *Democracy in America* [Nolla edition], 6, 10, 14, 28, 89–90, 510–13, 665–66, 878, 1193.

equality itself. Rather than a static arrangement, democracy is a “perpetual work in progress.” The motor of this progressive dynamic is the individuals’ desire to shape their own life.⁸

In Tocqueville’s analysis, the drive to individual independence is both a central feature of democratic freedom and its foremost danger. A salutary check on pathological forms of collectivism, it also creates the conditions for atomization that undermine the social fabric. By encouraging a fixation on private interests and goals, individualism hides from view each person’s dependence upon and duty toward fellow citizens and society at large. It gives rise to solidarity deficits that, by weakening the shared trust in the institutional order, erode the moral preconditions of freedom. In times of hardship, the isolated individual would quickly discover the limits of his independence. Having lost ties to fellow citizens or the taste for seeking their support, begrudging the status of those who fare better, he would turn to the only agent that has retained uncontested agency: the state. As Tocqueville warns, egalitarian societies are vulnerable to the rise of a specifically democratic form of despotism: an all-powerful, ever-expanding centralized government.⁹

The first to be subjected to this fearful alternative, the Anglo-Americans have been fortunate enough to escape absolute power. Circumstances, origin, enlightenment, and above all, mores have allowed them to establish and to maintain the sovereignty of the people.

Prefacing the short chapter “On the Principle of the Sovereignty of the People in America,” Tocqueville’s statement points to popular sovereignty as a pivotal aspect of American freedom, and to mores as crucial for sustaining it.¹⁰ If equality is democracy’s social creed, its political principle is popular sovereignty. In its broadest meaning, popular sovereignty postulates that political institutions must be authorized by the people over whom they rule. While the moral equality of individuals grounds the idea of universal rights, the claim that the people is sovereign undergirds the liberal norm of rule by consent, and of government’s accountability to the governed. However, though integral to democratic liberty, popular sovereignty is not simply its guarantor. Like the passion for equality, it too can give rise to illiberal arrangements. Although legitimate rule requires popular consent, not all popular regimes are legitimate. After all, serving the people is what “schemers of all times and despots of all ages” have purported to do. Tocqueville warns that, as an abstract principle

⁸ Tocqueville, *Democracy in America* [Nolla edition], [1.2.5], 316; [2.2.1], 878; [2.3.5], 1013–14. Smith, *Modernity and Its Discontents*, 200; Zuckert, “On Social State.”

⁹ Tocqueville, *Democracy in America* [Nolla edition], [1.1.5], 142–66; [2.2.1–5] and [2.4.6]. Tocqueville, *The Old Regime and the Revolution*, analyzes the rise of state centralization in France, and its role in shaping the character of the French Revolution.

¹⁰ Tocqueville, *Democracy in America* [Nolla edition], [1.1.3], 90; emphasis added. See also Ioannis Evrigenis’ Chapter 3 in this volume.

or ideological slogan, popular sovereignty lends itself to populist manipulation and to abusing rather than effecting the people's will.¹¹

In short, though a crucial element of a free democracy, popular sovereignty is not in itself liberal. Its liberal character depends on how this principle is institutionalized, and how popular support indispensable for the functioning of democratic institutions is generated and expressed. What distinguishes the United States – Tocqueville's foremost example of a free democracy – is the comprehensive way popular sovereignty informs both the institutional arrangements and the citizens' self-understanding.

Today in the United States the principle of the sovereignty of the people has attained all the practical developments that imagination can conceive. It has been *freed from all the fictions* that have been carefully placed around it elsewhere; it is seen successively clothed in all forms *according to the necessity of the case*. ... Sometimes the people as a body make the laws as at Athens; sometimes the deputies created by universal suffrage represent the people and act in their name under their almost immediate supervision. (DA [I.I.4] 96, italics added)

Tocqueville depicts American institutions – from the direct democracy in the township, through the state governments, to the grand design of the Federal Union – as applications of the same popular principle “according to the necessity of the case.” He views the variety of institutional forms, direct and representative, spontaneous and established, as diverse embodiments of popular sovereignty. For all their differences, these institutions draw on the same legitimating source, the people, and answer to a single court: public opinion. They enable and channel popular participation. This is why, as one chapter heading has it, “It Can Be Strictly Said that in the United States It Is the People Who Govern.”¹²

Tocqueville credits the intensely participatory character of American society with the “real advantages” of its democratic government: economic dynamism, public spirit, commitment to rights, and respect for law. Meddling in politics and the habits of engagement resulting from it enlighten political understanding. The people's widespread perception of being in charge generates popular allegiance to democratic practices and constitutional norms. Without this broad-based allegiance, the balanced government mandated by the Constitution would remain a mere theory, and the Constitution itself “a dead letter.”¹³

¹¹ Tocqueville, *Democracy in America* [Nolla edition], [I.I.4], 91; [I.2.10], 630–31. The distinction between popularity and legitimacy lies at the heart of the concept of “majority tyranny” that Tocqueville finds in *The Federalist* and elaborates into a full-blown critique of democracy, *Federalist* No. 10; Tocqueville, *Democracy in America* [Nolla edition], [I.2.7], 402–26.

¹² Tocqueville, *Democracy in America* [Nolla edition], [I.2.1], 278; [I.I.4], 92; [I.I.2], 49–50; [I.I.5], 104; [I.I.8], 245; [I.2.9], 467–72; [I.2.10], 633–34. In his analysis, popular legitimation underpins the judiciary and the Supreme Court as well. See also his rumination “Of the different ways that you can imagine the republic.” Tocqueville, *Democracy in America* [Nolla edition], 628–29, note 2; Manent, *Tocqueville and the Nature of Democracy*, Ch. 1.

¹³ Tocqueville, *Democracy in America* [Nolla edition], [I.I.8], 245; [I.2.6], 375 ff.

For Tocqueville, then, what makes the American polity liberal is its being robustly republican. The novelty of American democracy is the astonishing degree to which the popular principle has been “freed from all the fictions,” and the variety of ways in which citizens actually partake in public life. Beyond a legitimating myth or political slogan, Tocqueville stresses the reality of popular rule in the United States, and extrapolates from it a general prescription for liberal democracy.

To be free, a democratic people must find institutional ways to determine its own will rather than acquiesce in elite fabrications of that will. More than a constitutional Bill of Rights, the active exercise of those rights is the criterion that above all differentiates a free from an illiberal democracy. Freedom, in short, implies sovereignty, and the meaning of sovereignty is participation in ruling: a government, as Lincoln put it, *of* the people, *for* the people, and in crucial respects *by* the people as well.¹⁴

And yet, as Tocqueville knew from the violent upheavals of the French Revolution, actualizing such a free democracy meets with great challenges.¹⁵ Popular participation and the mobilization of civic passions that propel it are as much a danger to a free society as they may be its prerequisite. Holding up the new republic as empirical evidence for a robustly popular liberal-democratic regime, *Democracy in America* ruminates on the conditions of its possibility. Sifting through the factors that enable popular sovereignty in America, Tocqueville foregrounds the importance of mores which he defines as “the whole moral and intellectual state of a people.”¹⁶

In the chapter “The Three Races that Inhabit the Territory of the United States,” the longest in the book, Tocqueville ponders the durability of republican institutions and the future of the Union. As he argues, what sustains the democratic republic in America is the degree to which popular sovereignty has permeated all levels of social organization as well as ideas and practices and even religious beliefs. Not an empty abstraction, popular sovereignty recapitulates the daily workings of society.¹⁷ And yet, while regarding the future of American republicanism with unshaken confidence, Tocqueville expresses prescient doubts about the longevity of the Federal Union. Calling attention to racial diversity and the challenges to integration, he highlights the intra-white

¹⁴ www.abrahamlincolnonline.org/lincoln/speeches/gettysburg.htm, accessed May 26, 2020. For Tocqueville’s anticipation of this formula see *Democracy in America* [Nolla edition], [1.2.5], 364.

¹⁵ These challenges, and “the history of the evils” they gave rise to, prompted Constant and the nineteenth-century liberal mainstream to redefine modern freedom advocating limited suffrage and representative institutions that would effectively prevent broad-based participation. Constant, “The Liberty of the Ancients,” 317; Kahan, *Liberalism in Nineteenth-Century Europe*. Also Kalyvas and Katznelson, *Liberal Beginnings*, 146–75.

¹⁶ Tocqueville, *Democracy in America* [Nolla edition], [1.1.3], 90; [1.2.9], 466–67; see also note F, 666; Maletz, “Tocqueville on Mores.”

¹⁷ Tocqueville, *Democracy in America* [Nolla edition], [1.2.10], 627–36.

differences as the most momentous threat to the Union's existence. Long before Lincoln's fateful speech, Tocqueville points to the divided house – half-free and half-slave – of the American Union as unlikely to long endure, notwithstanding the shared political culture and ethno-religious identity between the North and the South.¹⁸ Differences in mores and way of life more than diverging material interests endangered the integrity and future of the federation. If the principle of popular sovereignty was the “the law of laws” of American democracy, who could belong to “We the People” was an open question on which hung the destiny and future of the United States.¹⁹

In sum, Tocqueville praised the United States for the institutional imagination that allowed it to combine extended size with popular participation, social and institutional diversity with political unity. At the same time, he recognized the fragility of the Federal Union. Probing the contested character of American peoplehood, Tocqueville's work highlights the dangers of popular rule, first signaled in the quasi-theological conclusion of the popular sovereignty chapter:

The people rule the American political world as God rules the universe. It is the cause and the end of all things; everything arises from it and everything is absorbed by it.²⁰

The people, Tocqueville suggests, is to democracy what God is to religion: its alpha and omega, its source and rationale. If faith in the people is indispensable for democratic government, how the people and its sovereignty are construed is critical for the possibility of free democracy. One set of dangers implied in this analogy issues from viewing the people as omnipotent: ruling godlike and in God's place. As Tocqueville's discussion of majority tyranny intimates, such a vision confuses the political good with the moral good, or the “sovereignty of the people” with “the sovereignty of the human race.” Canvassed in *Democracy in America's* longest chapter, this dangerous confusion was most poignantly exemplified by the racial policies of the new republic that denied parts of its population not only social and political equality but their very humanity.²¹

Yet, if one threat to democratic freedom consists in deifying the people and mobilizing difference to justify tyrannical exclusion, the other, explored in *Democracy in America's* final chapters, stems from losing sight of meaningful

¹⁸ Tocqueville, *Democracy in America* [Nolla edition], [1.2.10], 583. Abraham Lincoln, House Divided Speech of June 16, 1858, www.abrahamlincolnonline.org/lincoln/speeches/house.htm.

¹⁹ Compare Tocqueville, *Democracy in America* [Nolla edition], [1.2.10], 583, 627–28, 633–36. Neem, “Taking Modernity's Wager.”

²⁰ Tocqueville, *Democracy in America* [Nolla edition], [1.1.4], 97 translation amended. For an extended discussion see Selby, *Tocqueville, Jansenism, and the Necessity of the Political in a Democratic Age*, Ch. 7 and Ira Katznelson's chapter in this volume.

²¹ Tocqueville, *Democracy in America* [Nolla edition], [1.2.7], 410, 414, note 4; [1.2.10], 515–81. See also Wilford, “Like a God on Earth.”

differences, and of political agency and freedom. No longer bound by collective categories and civic membership, the citizens are reduced to an indiscriminate “crowd of similar and equal men,” each a stranger to the destiny of others, and to the idea of directing one’s own life. As political identities lose their meaning and legitimacy, so do existential alternatives. Self-rule gives way to a top-down governance that labors for the happiness of all by relieving each from “the trouble of thinking and the care of being.”²²

Thinking through modernity’s dialectic of equality and difference and its evolution down the egalitarian road, Tocqueville worried that, were the former to prevail, it would succeed not in achieving actual universality but in effectively suppressing the contestation of universality and the quest for new ways to be human. More than the tyranny of particular formations or local outbreaks of illiberalism, the great threat Tocqueville’s work points to is a global discrediting of the sovereignty of peoples and of democratic politics as such.

DEMOCRACY VERSUS LIBERALISM IN CARL SCHMITT

If for Tocqueville democracy is first and foremost a social state, for Carl Schmitt, democracy “as correctly defined” is a state form that requires the identity of rulers and ruled.²³ For the government to be a true expression of the governed – hence for the people’s sovereignty to be practically possible – government and people must share an existential orientation and far-reaching identity in values and ways of life. This in turn substantiates the “fundamental concept” of equality: not equality as an abstract principle but the “precise and substantial concept of equality” that serves to identify the members of the people and differentiates them from others.²⁴

Schmitt construes democratic equality as similarity: “in particular similarity among the people.”²⁵ His crucial point is that political equality entails inequality. For the concept of equality to define the “we” of a particular community it necessarily implies the “they” of those who do not belong. Equality so understood is a principle of exclusion as much as inclusion: It marks the border between *us* and *them*. What delineates the people is not only what “we” share but also what “we” stand against, or what separates “us” from others. The former cannot be fully grasped without the latter. Not only is political identity formed through contrast and juxtaposition with outsiders. This negative moment – the idea of an existential *other* – more than any positive content

²² Tocqueville, *Democracy in America* [Nolla edition], [2.4.6], 1249, 1251.

²³ Schmitt, *Crisis of Parliamentary Democracy*, 14. Following David Dyzenhaus, *Legality and Legitimacy*, Ch. 3, I treat Schmitt’s Weimar works as elaborating broadly the same analytical position if with changing rhetorical emphases.

²⁴ Schmitt, *Crisis of Parliamentary Democracy*, 14, 25; Schmitt, *Constitutional Theory*, 264.

²⁵ Schmitt, *Constitutional Theory*, 264. Just how far Schmitt’s reasoning on this point has become a commonplace can be judged by the complete discrediting, in the course of the last century, of empires and the idea that one people could legitimately rule over another.

serves as a unifying force that holds the political order together.²⁶ Pointing to the democratic imperative to foster a people “individualized through a politically distinctive consciousness,” Schmitt leaves open the question of how this should be done. What constitutes a legitimate criterion of inclusion or exclusion is context specific. It is a political and historical not a moral let alone a scientific question.²⁷

Schmitt famously defines the political through the distinction between friend and enemy. The enemy in his sense need not be evil: “it is enough that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible.”²⁸ While Schmitt intends his understanding of the political to apply to various groupings including parties and associations, he singles out the state as the authoritative entity that comprehends and subordinates all others. The political understood as the most intense existential distinction crystallizes in international relations and in the antagonism between peoples.

Democratic equality, then, consists in a broadly shared view of what defines the body politic and differentiates its way of life from that of other polities. Just as equality presupposes inequality, so too a political community – a people – is premised on the plurality of peoples and on the presence of differences that help constitute one society’s vision of equality.

Whereas democracy for Schmitt rests on equality *politically* understood, liberalism by contrast is an “individualistic-humanitarian ... Weltanschauung.” Championing “general human equality” and universal rights, liberalism aspires, or seems to aspire, to a “democracy of mankind.” In extending its principles to all of humanity, liberalism undermines the political by robbing equality of its constitutive distinctions, thus of its particular meaning and value.²⁹

Schmitt critiques the notion of general human equality as a vague universalist ethic devoid of political substance. Based on a formal or minimalist understanding of humanity, it is a critical tool rather than a juridical concept. The idea of universal humanity was deployed by the philosophers of the seventeenth and eighteenth centuries to dislodge the moral and legal assumptions

²⁶ In Mouffe’s words, democracy involves “a moment of closure required by the process of constituting a people.” Mouffe, “Carl Schmitt and the Paradox of Liberal Democracy,” 164.

²⁷ Schmitt, *Constitutional Theory*, 262. “It is obvious,” Heinrich Meier observes, “that Schmitt leaves nearly every concrete question unanswered and keeps almost every political option open with his conception of democracy, which he opposes polemically to the bourgeois legal state.” Meier, *The Lesson of Carl Schmitt*, 142 ff.

²⁸ Schmitt, *Concept of the Political*, 27–30. As a male noun *Feind* in German takes a gendered pronoun. This does not mean that the enemy is necessarily a single person or a male. Evrigenis, *Fear of Enemies and Collective Action*, Chapter 7.

²⁹ Schmitt, *Crisis of Parliamentary Democracy*, 13, 11. Schmitt critiques “[l]iberals like L.T. Hobhouse who define democracy as the application of ethical principles to politics. In fact, this is simply liberal.” Schmitt, *Constitutional Theory*, 257 As Meier argues, Schmitt himself was animated by a moral purpose steeped in theological convictions, *The Lesson of Carl Schmitt*, Ch. 1.

underlying the corporate order of feudal society. While useful for attacking social distinctions and “institutions that no longer have validity in themselves,” human equality, in Schmitt’s view, is not a constructive concept. Admitting its efficacy as an instrument of social critique, Schmitt denies that it has positive content that could inform constitutional law.³⁰

In other words, while democracy as a political form necessarily differentiates between citizen and alien, due to its individualistic and humanitarian commitments, liberalism is ideologically unable to articulate such a distinction. Liberalism, Schmitt charges, cannot sustain a political community because it cannot define its boundaries. The liberal state thus depends on prerequisites it cannot itself guarantee. What is more, by calling into question political identities and borders, it actively undermines its own legitimacy.

This, however, does not mean that liberalism is apolitical or unaware of its politics. In fact, behind the pretended universalism of liberal norms hide political and economic interests that strive for global domination. Debunking “the concept of humanity” as an “ideological instrument of imperialist expansion and ... vehicle of economic imperialism,” Schmitt indicts liberalism with hypocrisy. Glossing over the fact that constitutional principles and liberal rights are only viable within a political framework adopted by a particular people, liberalism’s universalist pretensions militate against both national particularity and the pluralism they pretend to espouse. In this way liberalism’s fake universality facilitates imperialist overreach. Paradoxically, it also promotes dehumanization. By seeking to “confiscate” and “monopolize” what it means to be human, the liberal claim to represent all of humanity ends up denying the humanity of those who beg to differ.³¹

Liberalism thus leads to what Schmitt diagnoses as the triple crisis of modernity: “first of all to a crisis of democracy itself, because the problem of substantial equality and homogeneity, which is necessary for democracy, cannot be resolved by the general equality of mankind”; next, the crisis of the modern state that rests on democratic legitimation; and, finally, the crisis of parliamentary institutions.³²

In 1926 Schmitt claims that the rise of Bolshevism and Fascism is but a symptom of this triple crisis, whose root cause is the “confused combination” of liberalism and democracy (Crisis of Parliamentary Democracy, 13). His strategy for addressing these crises is to argue for the historical necessity of divorcing democracy from liberalism. To this end, Schmitt engages in a

³⁰ Schmitt, *Concept of the Political*, 55; *Constitutional Theory*, 257; also *Crisis of Parliamentary Democracy*, 11. For a discussion, see Grimm, “The Various Faces of Fundamental Rights.”

³¹ Schmitt, *Concept of the Political*, 54 and the footnote which recalls how North American Indians were exterminated in the name of humanity and civilization, a point Tocqueville makes in *Democracy in America* [Nolla edition], [1.2.10], 547. For related critiques of the contemporary human rights regime and its legal politics see Moyn, *Not Enough*; Posner, *Twilight of Human Rights Law*; Rhodes, *Debasement of Human Rights*.

³² Schmitt, *Crisis of Parliamentary Democracy*, 15; *Concept of the Political*, 61.

two-prong deconstruction. One line of attack is to lay bare liberalism's historically specific, Anglo-American character. Liberal institutions, in Schmitt's view, belong to a particular cultural tradition with its own metaphysical and ethical assumptions – foremost among them liberal individualism.

It has long been known that the idea of liberal rights of man stemmed from the North American States. Though Georg Jellinek recently demonstrated the North American origin of these freedoms, the thesis would hardly have surprised [Donoso Cortés] the Catholic philosopher of the state (nor, incidentally, would it have surprised Karl Marx, the author of the essay on the Jewish Question).³³

Exposing liberalism's Anglo-American origins as a point of consensus between the liberal, the Catholic, and the left-radical perspectives, Schmitt suggests that, though claiming universal validity, liberal humanitarianism is in fact a historically situated (and therefore contestable) vision.³⁴

Along with historicizing liberal norms, Schmitt's second line of attack is to insist on the class-based character of what he calls the Bourgeois Rechtsstaat. Following Marx, Schmitt portrays liberalism as the ideology of the bourgeoisie and its self-understanding as a meritocracy of wealth and education. While the bourgeoisie's historic ascent was propelled by its alliance with democratic forces that lent popular legitimacy to its struggle against monarchical absolutism, "since about 1848" liberalism has found itself in an intensifying opposition to democracy.³⁵

Schmitt maintains that the culture of robust deliberation that characterized liberal parliamentarism at its nineteenth-century zenith was achieved by excluding certain classes and opinions from political representation. Probing parliamentarism's intellectual justifications, first among them its capacity to effect political education and rational policymaking, Schmitt judges "the arguments of Burke, Bentham, Guizot and John Stuart Mill [as] antiquated today." Whatever their intrinsic merits, the rise of modern mass democracy has eroded the preconditions for, and the viability of, institutions "constructed on the English model." As a result, "the distinction between liberal parliamentary ideas and mass democratic ideas cannot remain unnoticed any longer." Torn

³³ Schmitt, *Political Theology*, 62. Tracing the Anglo-American origins of modern constitutionalism and its deep roots in Puritan theology, Tocqueville's account could likewise be read in this vein. Tocqueville, *Democracy in America* [Nolla edition], [1.1.2], 45–70. As Dotti argues, differences notwithstanding, Marx and Schmitt share commitments to illiberalism and "metaphysical anti-Semitism," Dotti, "From Karl to Carl," 109, 117, n. 47.

³⁴ Schmitt's historicization and his call for a "sociology of concepts" (PT 45) must be squared with his claim that his own understanding of democracy, though new in its application to the modern state, is in itself "ancient, one can even say classical." Schmitt, *Crisis of Parliamentary Democracy*, 14, cf. *Concept of the Political*, 31, note 23.

³⁵ Schmitt, *Crisis of Parliamentary Democracy*, 2, 27, 51; see also *Constitutional Theory*, §12, 169 ff, which presents the rule of law and basic rights as "bourgeois." For a related analysis of the class character of American and French constitutionalism, see Marx, "On the Jewish Question."

between a liberal individualism, “burdened by moral pathos, and a democratic sentiment governed essentially by political ideals,” liberal democracy, Schmitt insists, must decide between its elements. Embracing democracy’s “unavoidable destiny,” leaves no choice but to jettison liberalism.³⁶

For Schmitt, then, liberalism and democracy have come into an irreconcilable contradiction. By driving a conceptual wedge between them, Schmitt clears the way for the institutional setting Tocqueville most dreaded: dictatorship. He does so ostensibly in order to salvage a political understanding of democracy – and with it, a pluralistic global order – from the imperialist ramifications of Anglo-American liberalism: an aspiration the Orbans, Putins, and Xi Jinpings (and, ironically, also the Trumps) of our time have made their own.

POPULAR SOVEREIGNTY AND THE POLITICAL: SCHMITT VERSUS TOCQUEVILLE

As we have seen, Schmitt equates liberalism with humanitarian universalism which he contrasts with democracy’s people-specific character. Highlighting the contradictions between universalist liberalism and particularist democracy as the root cause of modernity’s crisis, he insists on resolving these contradictions by separating universal from particular, and (humanitarian) ethics from politics.

Contrasting with Schmitt’s attempt to draw a clear line between liberalism and democracy, for Tocqueville the distinction is both all-embracing and ambiguous. In his view, modern democracy rests on two principles: on universal equality that pushes against social distinctions; and on popular sovereignty, that is, the ideal of political self-rule which requires a particular community – a people – and a notion of rule or sovereignty. Democracy cannot be liberal if either of those principles is missing but their combination generates recurring tensions and policy dilemmas. Liberalism, then, is both particularistic and universalist. While espousing universal moral aims, it is premised on a respectful regard for the historical experience of particular peoples, and on the moral bonds that underpin and enable community’s existence.³⁷

Viewing democracy and liberalism differently, Tocqueville and Schmitt agree that they are conceptually distinct, and that clarifying this distinction is necessary to guard against the inherent ills that threaten modern polities. They also partly concur on the source of those ills: the erosion of political identities and of the civic dimension of social life. Tocqueville and Schmitt both recoil from the prospect of a world without politics and agency – a world in which

³⁶ Schmitt, *Crisis of Parliamentary Democracy*, 2–3, 5, 7, 15, 17, 23, 30. Compare with *Political Theology*, 53. Ellen Kennedy, “Introduction: *Parlamentarismus* in Its Historical Context,” xxxii. For a critical appraisal of Schmitt’s commitment to democracy, see Meier, *The Lesson*, Ch. 4. See also Conti, *Parliament the Mirror of the Nation*.

³⁷ For a sustained analysis see Atanassow, *Tocqueville’s Dilemmas and Ours*, Conclusion.

humanity is reduced to a “herd of industrious animals,” and where the application of rules and the administration of things have replaced the government of persons.³⁸ Both maintain that to prevent this dystopic world, sustaining diverse visions of democratic peoplehood is a *sine qua non*.

Where they fundamentally disagree is how to achieve this, and whether liberal institutions help or hinder. While for Tocqueville liberal constitutionalism grounded in individual rights and supportive of active participation in sovereignty is integral to the solution, for Schmitt it is the problem itself. The issue between them partly concerns the status of liberal norms: whether these norms are based on correct conclusions of a “new political science” or, rather, on value-laden and historically specific assumptions that should not be imitated if pluralism and diversity – hence political sovereignty – are to be preserved. Schmitt views either option as problematic. If value neutral, liberal institutions are “practical-technical means” of soulless political technology that cannot foster the authentic life of a community or reflect its specific circumstances. If, on the other hand, liberal principles rest on a particular metaphysical foundation, adopting them would be synonymous with “an act of self-subjection to an alien people” that is antithetical to popular sovereignty.³⁹

In *Political Theology* Schmitt canvases the historic rise of modern democracy as the transition from monarchical sovereignty grounded in a vision of transcendent Creator to popular sovereignty that “centers on ideas of immanence.”⁴⁰ Citing Tocqueville’s claim that the people, ruling godlike over the political world, are “the cause and the end of all things” Schmitt illustrates the nineteenth-century moment in this development when the people were assumed to speak with God’s voice if not yet to replace it. Presenting popular sovereignty as a secularized theological concept, Schmitt surveys its sociological determinants. He argues that dictatorship is not merely compatible with democratic legitimation but may well be the only way to restore a notion of transcendence – hence of sovereignty and the political – in a democratic age.⁴¹

In Schmitt’s Tocqueville-informed account, “the dominant concept of legitimacy today is in fact democratic.” As a result, all legitimate claims to authority rest on popular consent. If there still are monarchies, there is hardly a monarch who would dare disregard public opinion. With the emergence of popular sovereignty as the only legitimating principle, differences between modern regimes

³⁸ Tocqueville, *Democracy in America* [Nolla edition], [2.4.6], 1252 Cited in Schmitt, *Crisis of Parliamentary Democracy*, 23; also *Political Theology*, 33–35. Cf. Engels, *Anti-Dühring*, part III, Ch. 1.

³⁹ Schmitt, *Crisis of Parliamentary Democracy*, 8; *Political Theology*, xxxi. Dyzenhaus, *Legality and Legitimacy*, 51; McCormick, *Carl Schmitt’s Critique of Liberalism*, 173. For a discussion of this dilemma in a post-colonial context, see Mantena, “Popular Sovereignty and Anti-Colonialism.”

⁴⁰ *Political Theology*, 50; *Constitutional Theory*, 266.

⁴¹ Schmitt, *Political Theology*, 49; Tocqueville, *Democracy in America* [Nolla edition], 97; Strong, “Forward,” xxv; Frank, “Political Idolatry.” Also Greiman, *Democracy’s Spectacle*, Introduction.

concern “the creation and shaping of popular will”: that is, how to generate and sustain an authoritative identification of a particular group as the people.⁴²

Sovereignty, then, depends on how the people’s identity is construed, and on the capacity to achieve such an identity. Schmitt famously defines the sovereign as “he who decides on the state of exception.”⁴³ In his account, the moment of crisis, which demands decisive action outside legal norms and procedures, effectively reveals the organ of sovereignty. It also makes plain that the law is not self-sufficient but requires decision and a social context or “homogenous medium” to uphold it. The decision brings this medium to light not least by drawing a bright line between friend and enemy. By substantiating the content of democratic equality, it unifies the people.⁴⁴

As Lars Vinx has pointed out, Schmitt’s rhetoric notwithstanding, it would be wrong to view the sovereign decision simply as a top-down imposition of authority. For it to be successful and viewed as legitimate, “the decision must express some widely shared substantive identity which is prior to the law and to the state as a legal expression of community.” This identity becomes political when – and only when – a critical mass of the people agrees to “fight and die” in its defense. Sovereign, in final account, is not “he who decides” but they who embrace that decision.⁴⁵

If sovereignty connotes political unity and a broadly shared “we,” Schmitt denies that such unified identity can be attained through parliamentary politics or practices of self-rule, due to the fragmentation these entail.⁴⁶ Reeling from the political impasse of the Weimar Republic, he points to factionalism as democracy’s main problem, which parliamentary institutions both express and aggravate. By pluralizing and constraining the exercise of political power, parliamentarism occludes the locus and true meaning of sovereignty.

For Schmitt, in other words, the functioning of parliamentary democracy presupposes an underlying consensus it is unable to produce. If in the nineteenth century, an era of limited suffrage, this consensus could be sustained by restricting political rights to the few and excluding the many from direct representation, under the conditions of mass democracy this “liberal” solution is no longer feasible. By proclaiming the universality of political rights,

⁴² Schmitt, *Crisis of Parliamentary Democracy*, 30–31. Compare with Tocqueville, *Democracy in America* [Nolla edition], [1.1.4] and [1.1.8], 204–209.

⁴³ Schmitt, *Political Theology*, 5.

⁴⁴ Schmitt adduces Cromwell’s speech to Parliament that mobilizes “enmity towards papist Spain” as a way to define and unite the English. “The Spaniard,” Cromwell thunders, is “your great Enemy” whose “enmity is put into him by God.” He is “the natural enemy, the providential enemy.” *Concept of the Political*, 67, 68.

⁴⁵ Schmitt, *Political Theology*, 5, *Concept of the Political*, 25–27; Vinx, “Carl Schmitt’s Defense of Sovereignty,” 110.

⁴⁶ “Self-government in the sense of local, provincial, cantonal self-government is often equated with democratic administration ... Such a way of thinking is in fact liberal and not democratic. Democracy is a political concept and as such leads to the decisive political unity and sovereignty.” Schmitt, *Constitutional Theory*, 298.

the Bourgeois Rechtsstaat, as Marx put it, “stifles its own prerequisites.”⁴⁷ Henceforth, the way to popular legitimation and democratic sovereignty must be sought not in parliamentary deliberations but in culture wars that divide friend from foe and prepare (as Schmitt’s works have done) the acceptance of dictatorial unity. In Dyzenhaus’ words, “the struggle for sovereignty, the struggle to be the one who decides, is won not in the reasoned debates of parliamentary politics but in the battles of the politics of identity,” and on the battlefield of public opinion.⁴⁸

To repeat, Schmitt predicates a robust political identity on the presence and potential antagonism of existential others. While political antagonisms can be internal, the state “encompasses and relativizes all these antitheses.” So “the political” par excellence is embodied in national unity, and revealed in the relations between diverse peoples. Ironically, sustaining pluralism and the political on an interstate level requires their suppression within the nation state. Heterogeneity abroad is premised on homogeneity at home.⁴⁹ Separating liberalism from democracy thus allows Schmitt to advocate fostering homogeneous democratic peoplehood through “the elimination [Vernichtung] and eradication of heterogeneity” that stands in manifest opposition to liberal norms and practices. Rooted in a pessimistic vision of modernity, Schmitt’s anti-liberal polemics paved the way for the depredations of the National Socialist regime.⁵⁰

Tocqueville dedicates his life’s work to repudiating the kind of dark conclusions Schmitt embraced, viewing them as a threat intrinsic to modern democracy:

According to some among us, the republic is not the rule of the majority, as we have believed until now; it is the rule of those who answer for the majority. It is not the people who lead these sorts of governments, but those who know the greatest good of the people: happy distinction, that allows acting in the name of nations without consulting them, and claiming their gratitude while trampling them underfoot... Until our time it had been thought that despotism was odious, whatever its forms. But it has been discovered in our day that there are legitimate tyrannies and holy injustices ..., provided that they are exercised in the name of the people.⁵¹

Democracy in America reads as an extended refutation of what Schmitt dubs the “Jacobin argument”: that popular will could be legitimately expressed by a select body or single organ which authoritatively defines society’s identity and

⁴⁷ Marx, “On the Jewish Question,” 36. For a nuanced history of nineteenth-century liberalism and its relationship to democracy, see David A. Bateman’s Chapter 7 in this volume.

⁴⁸ Schmitt, *Constitutional Theory*, 275; Dyzenhaus, *Legality and Legitimacy*, 45. See also Dyzenhaus, “Austin, Hobbes and Dicey,” 416.

⁴⁹ Schmitt, *Concept of the Political*, 30. For a discussion of the Hobbesian provenance of this paradox, see Richard Boyd’s Chapter 4 in this volume.

⁵⁰ Schmitt, *Crisis of Parliamentary Democracy*, 9; *Constitutional Theory*, 262–63. Camus and Storme, “Schmitt and Tocqueville,” 29–31; McCormick, “The Dilemmas of Dictatorship.” For Schmitt’s critique of modern Promethean optimism see, Meier, *The Lesson*, Ch. 3.

⁵¹ Tocqueville, *Democracy in America* [Nolla edition], [I.2.10], 630–31.

interests.⁵² To rebut this argument, Tocqueville describes Jacksonian America, an actually existing popular state where mass democracy, which Schmitt saw arising in twentieth-century Europe, was to an unprecedented extent already a reality. Tocqueville holds up the United States as an example of a free democracy that reveals both the promise and hazards of popular sovereignty in the modern world. As “the most democratic country on earth,” American society, Tocqueville claimed, teaches lessons that are universally instructive. If Schmitt’s constitutionalism foreswears imitation and importing foreign wisdom, Tocqueville wagers that, if judiciously adapted, liberal norms and Anglo-American practices would protect rather than efface national specificity and human diversity.⁵³

Tocqueville regards the individualistic erosion of the political as an inherently modern danger. By breaking the hierarchical bonds that held traditional societies together, democracy encourages withdrawal from politics, and makes the forced imposition of social unity both a real possibility and a standing temptation. Not only is individualism democratic rather than liberal as Schmitt averred. In Tocqueville’s account, a Schmitt-like dictatorial solution is bound to deepen the problem of individual self-isolation, not resolve it. Far from sustaining “the political,” dictatorship undermines it by radically shrinking the citizens’ understanding and political know-how. Inimical to minorities, it is no less debilitating for the majority in whose name it is exercised. By denying the greater part of the citizenry meaningful participation in public life, dictatorship robs both leaders and people of practical experience as well as the intellectual and moral virtues necessary for politics.⁵⁴

While Schmitt postulates the need for a homogenous national identity crafted and, if need be, violently imposed by the state, for Tocqueville top-down, tyrannical cohesion is as problematic as the recurring identity crisis to which modern polities are prone. And so, where Schmitt foregrounds one problem, that of fragmentation, Tocqueville characteristically sees two. In his account, a coercive unity is as conducive to political decline as radical individualism. Indeed, the two are locked in a dialectic embrace. For Tocqueville, the only effective way to combat depoliticization is not by conjuring up a mighty

⁵² Schmitt, *Crisis of Parliamentary Democracy*, 30–31; Tocqueville, *Democracy in America* [Nolla edition], [1.2.10], 630. The Society of the Friends of the Constitution, renamed after 1792 as the Society of the Jacobins, Friends of Freedom and Equality was the most influential political club during the French Revolution whose political ascendance culminated in the Reign of Terror. Furet, “Jacobinism.”

⁵³ Tocqueville, *Democracy in America* [Nolla edition], 28, [1.1.4], 91–92; [2.2.5], 897 and 1373–74; contrast with [1.2.9], 513–14 where Tocqueville cautions against the dangers of imitation. For a contemporary analysis of imitation and its discontents, see Krastev and Holmes, *The Light That Failed*.

⁵⁴ Tocqueville, *Democracy in America* [Nolla edition], [2.2.2–3], 881–87; [2.2.6], 1255. Tocqueville analyzes how autocratic government undermines political judgment in part 3 of *Old Regime and the Revolution*, a work Schmitt cites in *Concept of the Political*, 68.

sovereign and foisting a collective identity on a dazzled people, but by finding ways to involve individuals and groups in shared deliberation and the search for self-definition that will hone their political judgment. The political can only be defended and democratic sovereignty sustained by institutions and practices that actively engage the citizens at large in shaping popular will.

This, Tocqueville well understood, is not without challenges. As argued above, for Tocqueville popular sovereignty in its strongest and most precise sense means broad-based participation in ruling. It requires a diversity of institutions that make this participation possible. Extrapolating from the American experience, Tocqueville argues for the crucial importance of civic associations for democracy. He praises American civic practices as schools of politics – “always open” – that help transform isolated individuals into dedicated citizens. Associations offer a direct experience and ongoing reminder of the political nature of institutions and norms, and teach the “art” needed to maintain them.⁵⁵

However, even while advocating a pluralistic public sphere based on vigorous civil society and competitive political process, Tocqueville (like Schmitt) points to the need for underlying unity. In a polity where the only source of public authority is popular will represented by a national majority, eliciting such a majority and acquiescence in its decrees are crucial for democratic stability, and for society’s very existence. Without the recognition of and voluntary compliance with the majority view, there can be no self-governing community but rather a part dominating the whole. In order for the greater number not to oppress and the smaller not to be oppressed (or vice versa), they must share a sense of belonging to and benefiting from the constitutional order. For democratic contestation not to spiral into deepening polarization or civil war, contestation must be checked and balanced by a shared allegiance to “We the People.”

An egalitarian political system, in short, rests on a foundation of similitude or what Tocqueville calls “homogeneity of civilization.”⁵⁶ It was the lack of such a homogeneity, and the pressure of profound differences between the American North and South that prompted Tocqueville to question the longevity of the antebellum Union. If institutional and moral pluralism is desirable, it is so up to the point where it compromises the possibility of unity. To be viable and free, democracy needs to form, as the American motto has it, unity out of plurality and, conversely, foster plurality in unity. Where Schmitt posits an either/or, Tocqueville argues that too much of either undermines the political.

In Tocqueville’s view, moreover, defining political membership and the identity of the people is a work in progress. The inherent tensions between

⁵⁵ Tocqueville, *Democracy in America* [Nolla edition], [2.2.5], 902; [2.2.4–9], 887–929. For a critical rethinking of these arguments, see Edwards, Folley, and Diani, *Beyond Tocqueville*.

⁵⁶ Tocqueville, *Democracy in America* [Nolla edition], [2.3.1], 993; [1.1.8], 271–72. See Whittington, “Revisiting Tocqueville’s America,” 21–22. Camus and Storme, “Carl Schmitt, Lecteur de Tocqueville,” 10–12.

individual rights and majority rule, between national particularity and universal humankind ensure that popular identity remains a zone of democratic contestation. Democratic peoplehood and the sovereignty based on it cannot be decided once and for all. Far from limited to a single constitutive event, securing popular commitment to “We the People” and to the institutional frame is a recurring need. For Tocqueville, then, defending popular sovereignty and the political is an ongoing task and a two-front struggle: against individualistic erosion of civic allegiance and against the inherent perils of authoritarian populism.

IMPLICATIONS

Many people today across the political spectrum are drawn to Schmitt as a reaction against a perceived democratic decline and loss of political agency. Schmitt persuades them that “liberalism” is the root cause of that decline, and opens them (as he once opened his countrymen) to dangerous ideas about dictatorship and about redrawing geopolitical borders. As this chapter argued, Tocqueville offers a different way of understanding current discontents and points us toward a different set of remedies. If today’s opponents of liberal democracy draw liberally on Schmitt, its defenders have much to gain from Tocqueville’s ideas.

Seen through the lens of Tocqueville, our current crisis is propelled by the clash between democracy’s two dimensions: equality and self-rule. While the passion for equality evokes a sentiment of universal similitude, popular sovereignty bespeaks a particular solidarity based on shared history and a distinctive political experience. The gap between universalist principle and particularist practice appears as an affront to democratic sensibilities. Heightened to the point of impasse by current debates about immigration and by the ravages of economic globalization, this gap is a source of profound psychological and moral tensions: tensions that, as Tocqueville predicted, would grow more unbearable the more equal we become.⁵⁷ If Tocqueville’s diagnosis is correct, our illiberal moment is an instance of a dynamic that is inscribed in democratic life. How modern democracies navigate this inherent dynamic is critical for the future of democratic freedom. This, in turn, crucially depends on how the people and its sovereignty are being defined and institutionalized.

To be liberal, a popular regime must nurture broad participation in the quest for self-definition. Participation requires the existence of diverse institutional settings, formal and informal, that elicit civic contributions of different kinds. For their part, participatory practices help produce social trust and broad-based identification both with the institutional arrangement, and with the norms that underpin political life. However, the allegiance forged by the variety of local and interest-based communities, or even by nation-wide

⁵⁷ Tocqueville, *Democracy in America* [Nolla edition], [2.2.13], 946.

associations such as political parties may not easily translate to the polity as a whole. Indeed, the stronger those local and partisan ties, the more polarizing they can become. As Tocqueville witnessed in antebellum United States, and Sheri Berman has shown in the example of Weimar Germany, under certain conditions vigorous civil society can deepen solidarity deficits, and compromise democratic stability. These analyses suggest that, alongside grassroots initiatives and popular movements there is a need for comprehensive narratives that weave the plurality of civic experiences into the larger, multicolor whole that is a democratic people.⁵⁸

As Rogers Smith argues in this volume, populist success can be studied to devise strategies for liberal recovery. What populists have to offer is not only an outlet for frustration or policy proposals, but also compelling stories of popular identity and rule. These are democratic stories affirming the dignity of the people against conniving elites or impersonal forces, and explaining how sovereignty can be restored and the political system revamped to serve those it is supposed to be serving. Not simply rejecting such stories but telling better – more complex and liberal ones – is, Smith contends, a way to combat illiberal populism.

In a like spirit, Harvard historian Jill Lepore has issued a clarion call to fellow historians to make the nation central to their craft again. She points out that, while academic historians may have graduated from telling national stories to painting global tableaux, democratic publics have not. These publics see and feel the world in terms of nations, and look for narratives that reflect and instruct their experience: “They can get it from scholars or they can get it from demagogues, but get it they will.”⁵⁹ If democratic freedom hinges on how the people is understood, much depends on whether those most qualified to inform this understanding take up the task.

In sum, the confidence in liberal democracy has to be built and rebuilt both from below and from above. It relies on the citizens’ practice and experience, and on the elite’s willingness to interpret this experience in a meaningful light and to provide narratives that bridge the distance between individuals and institutions, majority and minorities, people and elites. To be free, then, democracy requires both public participation and astute political and moral leadership – a leadership for which, I suggest, Tocqueville’s work serves as a resource and example.

⁵⁸ Berman, “Civil Society.” For a related analysis, see Levitzky and Ziblatt, *How Democracies Die*.

⁵⁹ Lepore, *This America*, 20.

