

# How to Think about Liberal and Democratic Principles: Three Models of Illiberal Democracy\*

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## Abstract:

This article aims to examine how to think about illiberal democracy which is a threat democracy is currently facing. In some detail, three models of democracy are analysed, which differ in how they understand the relationship between liberal and democratic principles, likewise demonstrating what conception they have of illiberal democracy. First of these is Schumpeter's theory of competitive democracy, which seeks the liberal taming of democracy. Second, Schmitt's argument that liberal and democratic principles are contradictory, and third, Urbinati's theory of democracy, which acknowledges their inner coherence. Urbinati, however, rejects the concept of illiberal democracy as an oxymoron. Thus, this article also examines how illiberal democracy could be meaningfully and with some theoretical advantages considered, even within the framework of the internal coherence of both principles. In such a case, illiberal democracy will refer to the systematic effort to weaken liberal principles in the process of the formation of political will and public opinion in a democratic setting, thus bringing the regime at the edge of an authoritarian one. It shows the point where democracy ends.

**Keywords:** illiberal democracy; liberalism; democratic theory; Joseph A. Schumpeter; Carl Schmitt; Nadia Urbinati

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The concept of illiberal democracy is making its return into mainstream discussions about the direction and sustainability of democracy with a surprising vitality, though it is seemingly doing so under a new guise, sometimes referred to as “the new populism”. We are undoubtedly experiencing a transformation of liberal democracy as we know it, and because of this, we are searching for concepts that will help us understand what exactly is changing and where we are headed. In these discussions, both public and theoretical alike, illiberal democracy is mostly understood as a danger we must

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\* Translated from the Czech by Sylvester Holovský.

deal with; for some critics, however, it can be a way to bring about desired changes. Whether we are speaking about dangerous circumstances or a set of desired changes, the relationship between liberal and democratic principles is always at stake.

What is of primary interest to us here is the question of how useful the concept of illiberal democracy can be in describing the internal dangers of democracy. We will be seeking our answer in the background of a broader theoretical discussion, i.e. the discussion around the relationship between liberal and democratic principles. In this respect, we will be analysing three different theoretical approaches. First, we have the classical liberal approach that demands a liberally tamed democracy. Second, we have an antiliberal approach that tries to point out the incompatibility of liberalism and democracy. Lastly, we have a fundamentally democratic approach that looks to highlight their cohesiveness. Each one of these approaches seemingly offers a differing view of illiberal democracy that allows the concept to take on different meanings, depending on which democratic theory we subscribe to.

Nadia Urbinati's theory of democracy is indeed a touchstone for these discussions. She refuses to place liberal and democratic principles in opposition to one another, and therefore her theory does not assume the primacy of liberal principles – whatever this primacy may be based of – but instead she accepts their inner co-originality, which allows her to justify them in a procedural democratic way.<sup>1</sup> Urbinati's theory of democracy makes democracy take on the form of a diarchy, within which the actual democracy can face its disfigurements, among which she ranks populism, plebiscitarianism, and epistemic disfiguration. This seems to be an appropriate starting point for discussions about the internal dangers of democracy, particularly the kind which we relate to the rise of illiberal democracy. Nonetheless, Urbinati quite clearly rejects the concept of illiberal democracy.<sup>2</sup> She considers it as an oxymoron: if there is a democracy, there must be a liberalism at play too.

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1 Admittedly, Urbinati is not the only one to do this in the context of modern political theory. Primarily, it is proper to mention J. Habermas. See his *Über den internen Zusammenhang von Rechtsstaat und Demokratie*. In: *Die Einbeziehung des Anderen*. Frankfurt am Main, Suhrkamp 1997; Habermas, J., *Der demokratische Rechtsstaat – eine paradoxe Verbindung widersprüchlicher Prinzipien?* In: *Zeit der Übergänge*, Frankfurt am Main, Suhrkamp 2001. An instructive account of Habermas's democratic proceduralism compared to Rawls's liberal constructivism can be read in the book by Finlayson, J. G., *The Habermas–Rawls debate*. New York, Columbia University Press 2019.

2 “Taking a diarchic perspective, I can argue against conventional wisdom, according to which populism is best understood as ‘illiberal democracy’. A democracy that infringes basic political rights – especially the rights crucial for forming opinions and judgments, expressing dissents, and changing views – and that systematically precludes the possibility of the formation of new majorities is not democracy at all.” Urbinati, N., *Me the People: How Populism Transforms Democracy*. Cambridge, Harvard University Press 2019, p. 10.

But it is puzzling to treat populism and illiberalism in such a different way. If Urbinati warns against the supporters of populist democracy who claim that “populism is democracy at its highest,”<sup>3</sup> then she should also speak about illiberalism accordingly, when populism is pushing for illiberal democracy. We think that illiberal democracy is not an oxymoron with unclear features, but it is a real danger for which we should have a clear-cut concept besides the concept of populism.

### **1. The Rise of Illiberal Democracy in Recent Practice and Theoretical Attempts to Coin the Concept**

Unfortunately, we have far too many reasons nowadays to discuss the rise of illiberal democracy. It is enough to recall that in Central Europe, we have quite a few practical examples, which show that something like illiberal democracy is on the rise. The prime minister of Hungary, Viktor Orbán, seemingly became one of the pioneers of illiberal democracy when (as part of his critique of European integration) he transposed from his earlier neoconservative attacks on the alleged socialism of Brussels to attacks directed against liberalism itself, a kind of liberalism that he began to associate with the unacceptable universalism of human rights and antinational Europeanism. He proceeded to add a strongly nationally-conservative character to his antiliberal outlook, and he was not alone in this. In September 2016, at the Krynica Economic Forum, when he was praised as the man of the year for his stance toward the migrant crisis in Europe in 2015, he even spoke about the need for a conservative counterrevolution, which the Hungarians along with the Poles should, and could, offer to Europe. This idea was then “specified” by his supporter and associate, the “grey eminence” of the Polish conservative government, Jarosław Kaczyński, when he added that it would be more of a conservative revolution, not a counterrevolution. Regardless, both men had seemingly very similar ideas when it came to what changes Europe needed to enact. This anti-liberal camp has broader European ambitions, as confirmed recently when a group of MEPs, on behalf of Fidesz, left the European People’s Party. Viktor Orbán then announced that MEPs Fidesz intend to set up a new club in the European Parliament with like-minded nationalist and conservative MEPs from Poland, France, and Italy. Political changes in a similar direction can also be seen in Czech politics. Undoubtedly, the concept

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3 “From the diarchic perspective, liberal democracy is a pleonasm and illiberal democracy is a contradiction in terms, an oxymoron. Moreover, the concept of ‘liberally hyphenated democracy’ plays into the hands of those who claim that populism is democracy at its highest.” *Ibid.* That is why the argument, which is liked by Schmittians, that liberalism brings about the depoliticization of democracy is exaggerated.

of illiberal democracy started to gain a particular vehemence. Nonetheless, the political meaning of this concept is still unclear. In 2014, Viktor Orbán attempted to explain to a group of Hungarian students his vision of a Hungarian democracy that will not be liberal, but Christian, stating “Liberal democracy is liberal, while Christian democracy is, by definition, not liberal: it is, if you like, illiberal.”<sup>4</sup> The question is, what does Viktor Orbán mean by such a statement, not only on the practical but also on the theoretical level?

We can also point to some theoretical attempts made recently to tackle illiberal democracy as a threat to democracy. Famously, Fareed Zakaria coined this concept in his book *The Future of Freedom*.<sup>5</sup> And not too long ago in his book *The People vs. Democracy*, Yascha Mounk impressively exhibited that liberal democracy is now dissolving into its essential components: illiberal democracy and undemocratic liberalism.<sup>6</sup> Interestingly enough, both Zakaria and Mounk focus on the dangers that the demand for more democracy brings to the liberal rule of law.

Nevertheless, it should be noted that similar concerns about the ability of the people acting collectively to threaten the liberal freedoms and rights embodied in the *rechtsstaat* are as old as liberal democracy itself. These concerns have repeatedly appeared in the history of political thought whenever

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- 4 Orbán, V., Prime Minister Viktor Orbán’s speech at the 29<sup>th</sup> Bálványos Summer Open University and Student Camp, 28 July 2018, Tusnádfürdő (Băile Tușnad). Available online at [www: http://www.misztterelnok.hu/prime-minister-viktor-orbans-speech-at-the-29th-balvanyos-summer-open-university-and-student-camp/](http://www.misztterelnok.hu/prime-minister-viktor-orbans-speech-at-the-29th-balvanyos-summer-open-university-and-student-camp/) [cit. 29. 5. 2023].
  - 5 Zakaria, F., *The Future of Freedom. Illiberal Democracy at Home and Abroad*. New York, W. W. Norton & Company 2003. Fareed Zakaria pushed for ascribing a specific meaning to this concept during a time (particularly after 9/11) when it was clearly visible that the fall of communism would not be enough to bring a final victory for liberal democracy, as liberal democracy still had its enemies and could still fall into decline. Under the illiberal democracy heading, Zakaria characterized the internal weakness of the liberal regime, which has, in its attempts to bring about a greater degree of democracy, in fact started to threaten its own freedom. He pointed to the excessive democratization of the economy, culture, public administration, information technology and even of violence over the course of the last century. The consequence of this excessive democratization has been the disintegration of power, and because of that, the ruling elites committed to freedom, that is, the liberal elites, are gradually losing their ability to rule.
  - 6 Mounk, Y., *The People vs. Democracy. Why our Freedom is in Danger and How to Save It*. Cambridge, Harvard University Press 2018. According to Mounk, on one side we can see “the rise of illiberal democracy, or democracy without rights”, and on the other side, “undemocratic liberalism, or rights without democracy” (p. 14). Adding onto this, he argues that illiberal democracy gains its strength and influence from the illiberal views of the people, the political influence of which Mounk (not unlike Zakaria) links to the technological changes in political communication and organizational changes within political parties, but he also mentions other things, mainly the expanding influence of populism. However, he also says that undemocratic liberalism is based on the convictions of the economic and political elites, which have lost their bonds to the common people, crossed the framework of national states, and have based their growing power on new technologies and expert knowledge which know no borders.

liberals felt that they were in some sort of unpleasant situation; one such example would be the rise of mass democracy around the beginning of the 20<sup>th</sup> century. Back then, liberals began to fear for the future of their liberal freedoms, when they noticed how the masses of people, previously exiled from politics, were now so vehemently trying to enforce their democratic demands through the political process. As a reaction to this, they started talking about an illiberal democracy looming on the horizon. At the turn of the 19<sup>th</sup> and 20<sup>th</sup> centuries, the concept of illiberal democracy began to form, usually originating from conservative positions, but also from individualistic liberal positions at the time of the twilight of classical liberalism and the rise of mass democracy.<sup>7</sup>

So was the case, but we should put aside this unreflected liberal bias in order to make our deliberations about illiberal democracy both clear and convincing, especially when the antiliberal assault is now on the stage. With this in mind, the key theoretical question is how to think about the relation between the liberal and democratic principles in the framework of liberal democracy which always tries to compose somehow liberal rights and democratic self-rule.

## 2. The Threefold View of the Relationship Between Liberal and Democratic Principles

Theoretically, we should distinguish three perspectives on the relationship of liberal and democratic principles.

As mentioned before, we can speak about the primacy of liberalism in the theory of democracy. However, we can also think about two specific liberal and democratic principles with tension in between that could lead to their confrontation, and thirdly, we can consider their relation from the perspective of the primacy of democracy. Within this third perspective, there is no antagonism between these two principles, rather, it is presumed that they are mutually compatible and interdependent. There is no place for any pre-political individual rights and freedoms in such a theory. Rather, it is presumed that democracy, by itself, requires civil rights and freedoms to achieve its truly representative and self-ruling form. Liberal freedoms and the *rechtsstaat* thus become the political condition (or requirement) of representative democracy. From this perspective, democracy and liberalism essentially belong together.

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7 For example see Femia, J. V., *Against the Masses. Varieties of Anti-Democratic Thought Since the French Revolution*. Oxford, Oxford University Press 2001; Hirschman, A. O., *The Rhetoric of Reaction. Perversity, Futility, Jeopardy*. Cambridge, Belknap Press of Harvard University Press 1991.

These three perspectives lead to three different conceptions of illiberal democracy.<sup>8</sup> To shed some more light on this issue, we will look at the three different theories of democracy that can be considered authoritative on this topic. Firstly, we will look at the meaning of “liberally tamed democracy” within the competitive democracy theory of Joseph Schumpeter. Through this theory, Schumpeter gave way to various liberal concerns about the nature of mass democracy, when it had begun to prevail with a particular vehemence in the early 20<sup>th</sup> century. Schumpeter’s interpretation then had become authoritative for the empirical study of democracy in the 1950s, inspiring many to this day. Secondly, an analysis of the democratic theory of Carl Schmitt will help us in understanding liberal democracy as a mixed regime in which liberalism is a system of legal and moral limitations put on the state power that limit the political content of an otherwise dynamic democracy based on the collective acts of a politically unified people. Confronted with these theoretical perspectives, we will try to show how and in what respect Nadia Urbinati’s theory surpasses these approaches to democracy, and to what extent the primacy of democracy and her normative proceduralism allow us to speak quite convincingly about the internal dangers of liberal democracy in the present day. By the same token, we hope that the usefulness of the concept of illiberal democracy in deliberations about the current crisis of democracy will be revealed, despite Nadia Urbinati’s doubts.

### 3. Schumpeter’s Liberally Tamed Democracy

Joseph Schumpeter claims that his “another theory of democracy” drops the shortcomings of all earlier theories of democracy. He describes these as the classical doctrines.<sup>9</sup> It is essential to point out that Schumpeter’s theory of competitive democracy was formulated in continuity with a critique of democracy that appeared beside the interwar supporters of elite theory. We would also like to point out that his theory has notable liberal foundations and its own democratic content, however minimal the latter may be.

Schumpeter’s view is close to that of the proponents of elite theory in that he considers classical democratic concepts to be ideologies that are useful for elites to rule the many while claiming to be realizing the common good and the will of the people.<sup>10</sup> He similarly rejects concepts intended to justify

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8 We do not distinguish between illiberal and antiliberal democracy here, however, it is possible to make such a distinction in a more detailed conceptual analysis.

9 See Schumpeter, J., *Capitalism, Socialism and Democracy*. New York, Harper and Brothers 1942, chap. XXII.

10 Compare Michels’s view: “Those who do not believe in the god of democracy are never weary of affirming that this god is the creation of a childlike mythopoeic faculty, and they contend

collective action. The common good and the will of the people are seen as chimeras, which ultimately cannot be rationally justified.<sup>11</sup> Schumpeter even claims that the classical democratic doctrines, which rely on such terms, can transform into a defence of dictatorship.<sup>12</sup> However, Schumpeter fundamentally differs from the elite theorists in his rejection of the idea that an elite should hold a monopoly on political power, as he considers this to be a dictatorship. Regarding all of this, he proposes “another theory”, which views democracy from a procedural viewpoint. The key question for this democratic theory is not how the people can democratically govern themselves through representatives, but rather through what procedures the elite can gain a democratic justification for its own rule without falling into dictatorship. As known, Schumpeter views these democratic procedures as a competition for the people’s vote.<sup>13</sup>

The concept of political competition is undoubtedly founded on liberal principles. Schumpeter explicitly compares this competition to market-based competition. However, he does not mean the classical liberal trope of the invisible hand of the market, which would arrange an optimal distribution of goods behind the backs of rational actors. Rather, he untraditionally claims that this is a more or less perfect competition, which still takes place in a non-monopolistic environment. Indeed, his theory of political competition is a theory that describes how to defend against the establishment of a monopoly on political power. A monopolization of political power always

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that all phrases representing the idea of the rule of the masses, such terms as state, civil rights, popular representation, nation, are descriptive merely of a legal principle, and do not correspond to any actually existing facts.” Michels, R., *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*. Kitchener, Batoche Books 2001, p. 224.

- 11 To a certain extent, Schumpeter’s argumentation is not unlike that of Max Weber. Both believe that conflicts about what various people consider to be good are ultimately not rationally decidable. “...the much more fundamental fact that to different individuals and groups the common good is bound to mean different things. This fact... will introduce rifts on questions of principle which cannot be reconciled by rational argument because ultimate values – our conceptions of what life and what society should be – are beyond the range of mere logic.” Schumpeter, J., *Capitalism, Socialism and Democracy*, p. 251.
- 12 It is not by coincidence that Schumpeter’s objection reminds us of Berlin’s paradox of (positive) freedom. “We have seen that the classical theory meets with difficulties on that score because both the will and the good of the people may be, and in many historical instances have been, served just as well or better by governments that cannot be described as democratic according to any accepted usage of the term. Now we are in a somewhat better position partly because we are resolved to stress a *modus procedendi* the presence or absence of which it is in most cases easy to verify.” *Ibid.*, pp. 269–270.
- 13 Following this I will be using the term procedural democracy in a wider sense, particularly the one that Norberto Bobbio gave it, when he defined democracy as “a set of rules which establish who is authorized to take collective decisions and which procedures are to be applied.” Bobbio, N., *The Future of Democracy: A Defence of the Rules of the Game*. Cambridge, Polity Press 1987, p. 24.

means the end of liberal freedom in an economic and political sense. Significantly, he related this process of monopolization to the rise of socialism. In this respect, the theory of competitive democracy is an ingenious defence of liberal freedom. Schumpeter emphasizes the proceduralism and realism of his theory, but he does not mention its normative foundations, even though it is quite clear that individual freedom is a value that gives his procedural democracy a certain normative content.<sup>14</sup>

In the background of these ideas, we find the argument that is of primary interest to us. Democracy should be “liberally tamed” because dictatorship is a real threat that can hide behind democratic demands for the realization of the common good and the will of the people; an eminent danger in mass democracy. This leads to the idea that whenever the limits of democracy (which are given to it by the pluralism of political competition) are broken, the threat of illiberal democracy becomes a reality.

Schumpeter seems to think that liberal pluralism is a reliable criterion for recognizing the dangers that lurk within a democracy. But is this truly a sufficient and satisfactory criterion? Unfortunately, the arguments that Schumpeter uses in favour of his theory reveal how close his democratic theory is to the elite theory of his time and how limited the democratic content of his theory really is. Schumpeter emphasizes that leaders, not the people, play a decisive role in politics. Leaders decide political matters, while the only democratic virtue of the people is to choose their representatives in competitive elections, this way, to entrust elites with temporary political power. He also has a sceptical view of such terms as the common good and the will of the people, though he does not deny the existence of group interests and identities. However, he argues that group interests come to be in such a way that leaders, to gain the votes of voters onto their side, appeal to their latent desires and ideas and transform them into conscious group opinions and beliefs. In connection to this, he uses an economic argument to emphasize the importance of advertising in influencing consumer behaviour. In the broader sense, he deliberates about the use of propaganda in influencing human behaviour.<sup>15</sup> The model of political competition is undoubtedly the key

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14 Characteristic of Schumpeter’s liberal proceduralism is the fact that he does not presuppose any kind of pre-political, moral, and binding human rights, nor the concept of the *rechtsstaat*. He bases his theory on the liberal model of economic and political competition. Carl Schmitt was a proponent of the idea that morality and economics were essentially bound together in liberal political theory, and Schumpeter would certainly not disagree. However, Schumpeter did not point to mere discussion in politics, as has been ascribed to liberalism by Schmitt, rather, he looked to elevate the model of the competitive market to the political level.

15 “What we are confronted with in the analysis of political processes is largely not a genuine but a manufactured will. ... The ways in which issues and the popular will on any issue are being manufactured is exactly analogous to the ways of commercial advertising. We find the same



liberal aspect of Schumpeter's democratic theory. What is noteworthy, however, is that he rejects several classical liberal preconceptions about human behaviour. Instead of the individual rationality of the *homo economicus*, the irrational nature of the collective takes centre stage. Schumpeter believed that the classical conception of the competitive market was outdated. Although he remained a supporter of the economic rationality of action, he did not hesitate to restrict this rationality to personal experience (the private sphere), so that in the field of remote experience (which reaches to politics and especially foreign policymaking) this human rationality is limited and can easily become subject to ideological manipulation and demagoguery.<sup>16</sup> He refers in this connection even to G. Le Bon, but also to S. Freud and, last but not least, to V. Pareto.

When one examines the vital role that Schumpeter's theory of democracy played in political theory, it is impossible not to see its fundamental strengths.<sup>17</sup> Having said that, we cannot stay blind to its shortcomings which can be summarized in three points.

Primarily, Schumpeter's theory is elitist. It leaves the power to make political decisions exclusively in the hands of the ruling elite and the role of the people is merely to select its political leaders, which will then tell the people what is and is not in their political interest. The democratic content of politics is reduced to a competition between elites. This may prevent a political monopoly from coming into being, but it cannot prevent an oligarchy to rule, as we see in the case of a market economy.<sup>18</sup> Secondly, it offers a very narrow concept of representation. The responsibility of representatives is merely formal.<sup>19</sup> Leaders must account for the fact that they may lose their power in the next election, but there is no way to think about the influence

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attempts to contact the subconscious. We find the same technique of creating favourable and unfavourable associations which are the more effective the less rational they are. We find the same evasions and reticences and the same trick of producing opinion by reiterated assertion that is successful precisely to the extent to which it avoids rational argument and the danger of awakening the critical faculties of the people. And so on." Schumpeter, J. A., *Capitalism, Socialism and Democracy*, p. 263.

- 16 With these arguments, Schumpeter entered a polemical discussion in the American political theory of the time about the so-called common man and his (limited) ability to understand politics on a higher level, particularly in the area of foreign policy. Here we can see Schumpeter's departure from classical liberalism to conservatism.
- 17 I. Shapiro claims that Schumpeter's competitive democracy is still a better foundation for deliberations about the responsibility of the elites toward the people than the foundations which are offered by the classical liberal, republican, or deliberative approaches. Compare his *Politics Against Domination*. Cambridge, Belknap University Press 2016.
- 18 Compare Mackie, G., Schumpeter's Leadership Democracy. *Political Theory*, 37, 2009, No. 1, pp. 128–153.
- 19 In the sense that Hanna F. Pitkin gives it in her seminal book *The Concept of Representation*. Berkeley, University of California Press 1972.

the represented can have on them. Because Schumpeter thinks that leaders can create a demand for their rule using propaganda, this appearance of responsibility becomes primarily a subject of political marketing. And thirdly, in his attempts to liberally tame democracy, Schumpeter expresses the fact that he shares all the same prejudices about the irrationality and manipulability of the ordinary people as we find among the conservative theoreticians of the early 20<sup>th</sup> century. Democracy striving to trespass liberal limits necessarily becomes illiberal.

#### 4. Schmitt's Unsustainable Mix of Democracy and Liberalism

Carl Schmitt understood liberal democracy as the mix of liberalism and democracy, which is not historically sustainable. This connection, he claimed, is contradictory, compromising, unstable, and ultimately disastrous. He asserted that this alliance came into being alongside mass democracy at the beginning of the 20<sup>th</sup> century when liberal parliamentarism lost its ground against democracy. Schmitt, however, did not suggest that democracy should be “liberally tamed”. On the contrary, he viewed the political content of liberalism with scorn. In his way, he appreciated some of the great figures of classical liberalism in the time of liberal parliamentarism, but in the 20<sup>th</sup> century he considered liberalism as a negative concept which weakens the capacity of the people to act politically. He argued that liberalism destroys the political and effectively dissolves the state as the political form (which would give a higher existential meaning to the particular political community) by protecting privatism. He paints a gloomy and rather tragic picture of the future: either liberalism will triumph and transform democracy according to its own needs, where it will create an almost inhuman world of spiritless technics and consumerism devoid of any real political content, or democracy will triumph, which he likewise feared, especially if it was the result of a class struggle and its political form would be bolshevism. He hoped instead for some nationalistic third way.<sup>20</sup> Whether liberal or bolshevist universalism triumphed, in both cases the great political tradition of that which he described as the *Ius Publicum Europaeum* based on the pluralist national states would be destroyed.

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20 The depoliticization of the human realm, which liberalism brings about, is an important topic in Schmitt's thought, and it runs like a red thread throughout his work. In his seminal book *The Concept of the Political* (*Der Begriff des Politischen*, 1932), Schmitt attempted to “theoretisch encadrieren” this paramount issue, as he himself reminds us later in the Introduction to the new edition in 1963.

For Schmitt, a political existence is always a higher existence of a particular mass of people which are capable of creating political unity (with the help of leaders, of course). As is known, Schmitt defines the formation of such a unity as the extreme degree of association on the axis of friend and enemy.<sup>21</sup> Regarding this definition of the political, how are we to understand the compromising connection of liberal and democratic principles, which took place in Europe during the interwar period? We will refer primarily to Schmitt's exposition in his *Constitutional Theory*,<sup>22</sup> though these theoretical topics can be found throughout all his Weimar-era works.

Schmitt thinks that political unity can exist in two forms: either as a group of politically identified people capable of collective decision-making or indirectly through the acts and decisions of a few leaders that represent the entire political grouping. The first way is characterized by Schmitt as the principle of identity, and the second as the principle of representation.<sup>23</sup> These are extreme, in a way ideal, types of what political form a community can take on. Between these poles lie all the possible forms of government; these mostly being specific combinations of these two principles. In every political community, there is a group of people that functions as representatives of others, and likewise, there may be a group consisting of those that are capable of collective decision-making. Schmitt thinks that it is possible to understand all classical constitutional forms that have been known to us since ancient times (democracy, aristocracy, monarchy) as different combinations of the principles of identity and representation. Monarchy is founded only on the principle of representation, the purest expression of which is the absolutist "L'État, c'est moi", while democracy is primarily founded on the principle of identity, a proper example of which was the direct democracy in Athens, even though we find elements of representation there, as Schmitt also admits.<sup>24</sup> Of course, in modern times, representative democ-

21 Schmitt, C., *The Concept of the Political*. Chicago, University of Chicago Press 1996, p. 26. There is always a political theology in Schmitt's thoughts here which we are not to discuss here. The political unity of any grouping of people is based on the consciousness of the public enemy, and this consciousness gains its energy and vitality from the political vision, which has certain metaphysical and theological roots.

22 Schmitt, C., *Constitutional Theory*. Durham, Duke University Press 2008.

23 *Ibid.*, § 16, part II, p. 239.

24 Schmitt most often refers to Rousseau's conception of the general will as the model case of democratic identity. Identity is defined as the immediate presence of the assembled people in decision-making. Representation, on the other hand, is defined as the public presence of a person as a citizen, which transcends his natural existence. In a democracy, therefore, representation can occur for example in the case of acclamation – that is, public voting, where, according to Schmitt (*Ibid.*, p. 240). The same can be said on the plebiscite or referendum where there is

racy prevailed, which Schmitt ascribes to the influence of liberal parliamentarism.<sup>25</sup> Somewhat classically, Schmitt defines democratic representation as the political presence of an absent people.

Why is the connection of the principles of identity and representation unsustainable in the liberal *rechtsstaat*? Schmitt outlines his arguments in many variations, but the primary line of thought stays the same. According to him, liberalism has no political content. It is a universalistic doctrine of individual rights, and its only political aspiration is to protect the freedom of choice of the individual against intervention by others, especially the state. Liberalism then seems to be a kind of individualistic economic and moral doctrine getting its political content from its enemy. At first, it was monarchy, then democracy, both of which liberalism tried to manage and negotiate with in order to get space for its liberal morals and economics. However, as Schmitt sees it after the First World War and especially in the Weimar Republic, the liberal connection to democracy is coming to an end; a source of great worry for Schmitt. Liberalism is transforming into a universal pacifistic morality and global economy, the political consequences of which are inhuman and technocratic. When democracy embarks on an anti-liberal path, it becomes radicalized, which can be the way history is heading. Schmitt argues that political (and intellectual) leaders of radical democracy are able to think politically and know who their (class) enemy is, even though they place their political class struggle into the area of economics. Paradigmatically, Schmitt describes this tension between liberalism and democracy shortly after the First World War in *The Crisis of Parliamentary Democracy*, where he expresses the uncompromising view that the future belongs to illiberal democracy, still unknown what kind of democracy this will be.<sup>26</sup>

Fortunately, history played out differently, despite this apocalyptic vision. The catastrophes of the 20<sup>th</sup> century passed away, and the liberal moderation of democracy in the form of the welfare state prevailed in Europe. However, it was still the antiliberal democracy on the one side and the global liberalism on the other that continue to attract Schmitt further in his thought.

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only a question of “yes” or “no”. As can be seen, Schmitt ignores in his thoughts on representation all aspects of discussion and the coming into being of public opinion. He even considers acclamation as an essence of public opinion (*Ibid.*, p. 302).

25 In his *Constitutional Theory*, Schmitt discusses liberal parliamentarism as the bourgeois *rechtsstaat*.

26 “A democracy can be militarist or pacifist, absolutist or liberal, centralized or decentralized, progressive or reactionary, and again different at different times without ceasing to be a democracy.” Schmitt, C., *The Crisis of Parliamentary Democracy*. Cambridge, MIT Press 1985, p. 25.

## 5. Urbinati's Democracy as a Diarchy

In contrast to Schumpeter and Schmitt, Nadia Urbinati does not consider liberal democracy to be a synthesis of two different sets of principles, but, on the contrary, she points out that democracy is internally compatible with liberalism and that, in fact, democracy cannot properly develop without it. The threat that she is contemplating, then, is not democracy getting out of the control of liberalism, but rather disfigurations of democracy, which mark a decline of democratic processes, i.e., the processes in which the political will and public opinion are formed.<sup>27</sup> She gives primacy to democracy but does not consider liberalism to be a mere protective shell for it, nor a limitation, but, as we will see, an essential ally. Liberal principles do not play the role of a theoretical a priori, which defines limits of democracy. They are rather implied by democratic procedures, without which the particular democratic will of the people could not come into being in given circumstances, and neither could public opinion be appropriately articulated in processes of actual democratic representation.

Urbinati does not claim that some pre-political and natural human and civil rights exist and that these define the limits within which democracy can function. That, however, does not mean that liberal rights do not have an essential meaning for democracy. Her argument in favour of them focuses on the procedures through which democracy functions. Urbinati adheres to the proceduralism mentioned above, but she emphasizes normative proceduralism, the primary value of which is the free self-rule of citizens in which each has an equal opportunity to participate in the political process of shaping the will and opinion of the political community, which presupposes a set of liberal rights and freedoms.<sup>28</sup>

## 6. Advantages of Urbinati's Democratic Theory

Firstly, democracy as a diarchy is inherently anti-elitist. Urbinati does not limit democracy to elections and the ability to depose those that are currently ruling, although she recognizes their importance, and she does not deny that the establishment of political authority is an essential task for democracy. She even defines these processes as one of the poles of democracy – as

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27 Urbinati, N., *Democracy Disfigured: Opinion, Truth, and the People*. Cambridge, Harvard University Press 2014. Will and opinion are two ways, through which the self-rule of the people manifests itself in democracy. For this reason, democracy is referred to as a diarchy.

28 Saffon, M. P. – Urbinati, N., Procedural Democracy, the Bulwark of Equal Liberty. *Political Theory*, 41, 2013, No. 3, pp. 441–481.

an area of political will. But foremost she attributes a key role in the functioning of democracy to the area of public opinion, which she describes as the second pole of democracy. The free self-rule of the people occurs in these two areas, in which they both mutually reinforce and limit each other.<sup>29</sup> The emphasis on democracy as a diarchy allows Urbinati to discover dimensions of politics that Schumpeter has displaced from his deliberations. Those that are ruled, and non-parliamentary political groups in general, that is, ordinary citizens, their ability to engage in politics, the opportunities they have or do not have to shape their opinions and to articulate them in public, are all areas of political behaviour that co-create the way democracy works, and the representatives are responsible to the represented. Urbinati claims that political equality is the chief value through which democracy is held together. Indeed, she does not merely mean equal suffrage, nor equality before the law, but rather full equality implied by democratic procedures in all the areas of politics mentioned above.<sup>30</sup>

Secondly, normative proceduralism includes a wide array of liberal civil rights and freedoms. These rights and freedoms may not be the chief end of democracy, but democratic procedures nonetheless imply them. The shift from substantive theories of democracy (with their notions of the common good and the will of the people) to procedural theories is undoubtedly linked to Schumpeter's reversal of democratic theory (as a whole) with his theory. However, Schumpeter assumes that his proceduralism is a realistic theory, not a normative theory, even though he defends the value of political freedom. Urbinati, on the other hand, highlights the normative foundations of her proceduralism – based on the demand for political equality in full shape – in the formation of political will and public opinion. This procedural demand for equal political freedom includes equal suffrage and equality before the law, but primarily equality of opportunity when it comes to the public articulation of one's interests, participation in the broader public debate about

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29 Urbinati considers the deformation of diarchy to be a disfiguration of democracy. She sees this not only in the attempts to subordinate the formative process of will and opinion to epistemic standards of 'truth' or 'good', but also in the effort to overcome the dualism of will and opinion in the name of direct democracy, as we see in contemporary populism.

30 With her reflections on the role of public opinion in democracy, Urbinati belongs to the broader theoretical stream of deliberative democracy, where the demand for equality in discussion is always first. In thinking about political will, which is an area where institutions are hierarchically arranged, the demand for political equality does not seem to mean that all inequalities in the relationship between rulers and ruled will be "smoothed out". However, unlike proponents of elite theory, proponents of democracy demand that proper political space be supplied and legally ensured for the ruled to freely articulate their demands and opinions in opposition to the ruling elite, not only during elections, but also (and especially) in the public.

political matters, and the formation of public opinion.<sup>31</sup> This freedom is very inclusive, as it includes not only civil, political, and social rights.

Thirdly, Urbinati rejects the notion that democracy should be understood as the collective actions of a politically unified people according to the pattern of direct democracy, as we see among the right-wing and left-wing followers of Carl Schmitt, for democracy, as she emphasizes, is always and originally a representative democracy. She interprets Schmitt's expositions about representation in democracy (where he, for example, speaks about acclamation) as a "technique for achieving a (mystical) unity of the community",<sup>32</sup> and she places her conception of political representation in opposition to it. However, Schmitt and Urbinati can agree on some aspects. Schmitt connects his modern conception of representation with liberal parliamentarism, and he criticizes it for the depoliticization that liberalism leads to. Urbinati likewise arrives at a critique of the liberal theory of representation, but her reasons are different. Urbinati finds the liberal conception of representation far too juristic, for it is based on the concept of the contract, and in this way, representation within it signifies an entrusting, and it implies a decision based on the freedom of choice.<sup>33</sup> On the other hand, Urbinati understands representation as a type of political judgment which serves as a defence of the ruled against the rulers. It is not a matter of identity or contract but of a mediation of interests and opinions where liberal rights and freedoms are still the conditions for free and equal communication.

Representation should not be understood as an almost mystical identity of the political grouping ready for collective action. It should instead refer to a unity that is mediated during the process that forms the political will and public opinion. In both areas, it is an institutionally mediated relationship between leaders and citizens, where the citizens influence the behaviours of leaders, with these being accountable to the citizens. Direct democracy is a kind of mirage from this perspective, and this mirage leads to the destruction of democracy. Representative democracy is therefore not some sort of

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31 As part of her theory, Urbinati mentions two kinds of equality: *isonomia*, which she connects with equal suffrage, and *isegoria*, which refers to an equal opportunity to express oneself in the public space. A fair representative democracy includes the dialectic of both equalities which themselves are in fact attributes of the democratic process taken as a whole. It is for this reason Urbinati can claim that "It is thus incorrect to posit a dualism between individualism (one head/one vote) and actually situated individuals (interest-group pluralism) and refer them to liberal and democratic representation respectively since democracy entails both." Urbinati, N., *Representative Democracy: Principles and Genealogy*. Chicago, University of Chicago Press 2006, p. 41.

32 Urbinati, N., *Representative Democracy*, p. 22.

33 *Ibid.*, p. 20, and onwards.

second best solution to the problem of the free self-rule of the people; it is the only solution.<sup>34</sup> Populism threatens democracy as it breaks down mediatory institutions, such as the political parties, the administrative elements of the state, and public media. Without these mediatory institutions, the equal and free communicative relationship between the represented and their representatives cannot develop fully democratically. Populism is only one example of the internal dangers democracy is now facing. Other dangers are also looming in areas of political will and areas of public opinion. Why not speak about illiberal democracy in this regard?

### **7. What Good is the Concept of Illiberal Democracy?**

We have seen that Urbinati does not place liberal principles in opposition to democracy, nor does she recognize any need for liberalism to be viewed as a way of limiting democracy. On the contrary, while arguing in favour of the primacy of democracy, she gives liberal principles a prominent place in the democratic process, as without them, the political will and public opinion of a democratic society could not freely and with political equality come to be.

So how do we describe a situation where, in a malfunctioning democracy, liberal rights and freedoms are being weakened and some are even being eliminated? Urbinati mentions the disfiguration of democracy, and she posits several arguments through which such a declining democracy can be criticized. Nonetheless, as mentioned above, she refuses to use the concept of illiberal democracy, because even a disfiguration is still some form of democracy, no matter how insufficient or malfunctioning it may be. It is our view that the concept of disfiguration becomes too broad when we are specifically looking at a decline of liberal principles at a point of decisive decline. Suppose the weakening of liberal principles is systematic and the decline of representative democracy will begin to show this anti-liberal tendency, in the end, an authoritarian regime appears. In that case, the application of the concept of illiberal democracy may be proper. Rejecting this concept robs us of having a proper term to designate the decline of real democracies in their ability to form political will and public opinion. On the contrary, this concept can help us to underscore the anti-liberal tendencies pushed forward by contemporary populism and plebiscitarianism on their way from representative democracy to authoritarian regime.

Regarding the three models of liberal democracy discussed above, we should distinguish three meanings that illiberal democracy can take on in

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34 Compare Urbinati, N. – Warren, M. E., *The Concept of Representation in Contemporary Democratic Theory. Annual Review of Political Science*, 2008, No. 11, pp. 387–412.



the context of differing democratic theories. Within Schumpeter's theory, illiberal democracy is seen as a potential threat to democracy which can arise whenever large groups of citizens in their longing for direct democracy deviate from liberal discipline, and start entering politics with all their irrationality, affects, and intolerance. Within Schmitt's theory, illiberal democracy is essentially direct democracy that eventually surpasses its liberal bonds. Democracy then becomes either a boogeyman for conservatives or an attractive ideal for the radical left, as the requirement of liberal discipline will not satisfy any of the Schmittians.

Urbinati offers another perspective, in which we are especially interested. The co-originality of liberal and democratic principles (which have their proper place in forming political will and public opinion) will be the starting point for such considerations. From this democratic point of view, we can also speak about an illiberal democracy which brings about the weakening of liberal principles in a democracy and thus moves it closer to authoritarianism.

Urbinati explains how the rise of populism in its various forms, and democracy's strengthening oligarchical leanings, visibly lead to the devaluation of the liberal content of democracy. This devaluation of the liberal content of democracy is undoubtedly a threat that must be pointed out and studied, for it opens the way for the deformation of democracy and the formation of an authoritarian regime. That is the reason why we need the concept of illiberal democracy besides the concept of populism. Urbinati allows us to think about lower or higher degrees of democracy, according to how democracy as a diarchy realistically and democratically functions. The concept of illiberal democracy is then helpful in pointing out a situation in which democracy loses its liberal content. It slowly ceases to be a democracy altogether and becomes an authoritarian regime. Why do not refer to this as illiberal democracy? Illiberal democracy need not necessarily be understood only as an oxymoron with an unclear meaning, especially when it is a real threat to democracy as it should function.