The Bureaucratic Mentality in Democratic Theory and Contemporary Democracy

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ABSTRACT

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This project draws attention to a contemporary exaltation of competence and swift decision-making that emphasizes the moment of executive power in democratic political practice and within democratic theory. Drawing on Weber's concept of rationalization and his opposition between the mentalities of the official and the politician, I develop a distinct conception of bureaucracy as a mode of thought. Bureaucratic thinking involves the application of technical knowledge and skills, with a claim to universality and objectivity, in order to produce results and promote consensus and social harmony. I argue that this conception allows us to better recognize the contemporary diffusion of a flexible, decentralized type of bureaucracy and situate it within the history of affinity and tension between bureaucratic and democratic principles. I focus on a tradition within continental democratic theory, which tends to downplay politics by replacing it with administration and regulation. French political theorist and historian Pierre Rosanvallon is its contemporary representative, building on Hegel and Durkheim as well as Saint-Simon and Léon Duguit. Initially, Rosanvallon offered a theory of participation and democratic legitimacy that would work within the administrative state, taking into account his own strong critiques of bureaucracy. I argue that significant shifts evident in his later works, which respond to new realities, explicitly and/or implicitly mobilize bureaucratic thinking and practice to buttress democratic legitimacy within the nation-state and the European Union. I then play Rosanvallon's earlier anti-bureaucratic arguments against his modified position in order to argue against attempts to reconcile bureaucracy and democracy, understood in its procedural form with equal freedom at its core. My claim is that bureaucratic thinking aims at consensus, encourages passivity, undermines the democratic value of political equality, and obscures values and interests behind policy decisions that are presented as neutral, technical, and fact-based. Methodologically, I use the history of ideas to develop the concept of the bureaucratic mentality, tracing it through the work of exemplary thinkers from the nineteenth and twentieth centuries, including Hegel, Durkheim, and Weber.

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"I got entangled in my own data, and my conclusion directly contradicts the original idea from which I start. Starting from unlimited freedom, I conclude with unlimited despotism. I will add, however, that apart from my solution to the social formula, there can be no other."

—Dostoevsky, *Demons*

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For my incarcerated students

Introduction

While bureaucracy was a popular topic of study, public discourse, and criticism in the 1960s and 1970s, it fell out of favor in the 1990s despite the fact that our lives and governing structures have arguably become *more* bureaucratized. In returning to this topic, I aim to draw attention to a contemporary exaltation of competence and swift decision-making that emphasizes the moment of executive power in democratic political practice and within democratic theory. It is worth examining this phenomenon—along with the rise of the regulatory state, the emergence of new forms of public and private partnerships in governance, the discourse of "deregulation," and the extension and solidification of post-national governing structures like the EU—through the lens of bureaucracy, even though these developments are sometimes presented as alternatives to traditional bureaucratic administration.

They can only be presented as anti-bureaucratic remedies insofar as we retain a specific notion of bureaucracy that derives from the 1960s imaginary. This involves ideas about large, centralized, hierarchical, sometimes state-owned firms and perceptions or fears relating to the technocratic welfare state as well as soviet-style central planning. The persistence of this—older, institutional—view has obscured the emergence of new phenomena which indicate that, along with the capitalist firm, specifically, bureaucracy in general has managed to adapt. It has subsumed demands for individuality and participation in order to continue to function as a structure of domination while appearing to do the opposite. Instead, I propose the adoption of a new perspective on bureaucracy, which would emphasize the type of thinking that is involved. Drawing on Weber's concept of rationalization and his opposition between the mentalities of the official and the politician, I will develop a distinct conception of bureaucracy as a mode of thought. Bureaucratic thinking involves the application of technical knowledge and skills, with a claim to universality and objectivity, in order to produce results and promote consensus and social harmony. I argue that this conception allows us to better recognize the contemporary diffusion of a flexible, decentralized type

of bureaucracy and situate it within the history of affinity and tension between bureaucratic and democratic principles.

Shifting our understanding of bureaucracy for this purpose entails recognizing an alternative, non-Weberian, tradition of theory about the bureaucratic state. I develop the concept of the bureaucratic mentality by reconstructing a tradition within continental democratic theory, which tends to downplay politics by replacing it with administration and regulation. Pierre Rosanvallon (the focus of Chapter 3) is a contemporary representative, and he builds on the foundation laid by G. W. F. Hegel and Émile Durkheim as well as Claude-Henri de Saint-Simon and Léon Duguit, among others (Chapter 1). Durkheim constructs what I term a theory of "bureaucratic democracy," the goal of which is to domesticate politics and harmonize social relations at a particularly turbulent time in French history. Indeed the function of bureaucracy in Hegel, Durkheim, and Duguit is to neutralize politics and interest in favor of objective knowledge. It can be understood as democratic in that it is opposed to inherited privilege. Bureaucracy counterbalances particular interests in favor of universal concerns, represented by objectivity and impartiality. In this view, democracy, which Durkheim defines as the degree of closeness that exists between the state and society, should facilitate social peace. This should be achieved by finding the objectively best and thus universally acceptable way of organizing society in order to channel, subdue, or obviate disruptive critique. Emblematic of this type of theory is the system constructed by Saint-Simon, which Durkheim largely seems to endorse.

One major aim of the dissertation is to recover this alternative tradition of bureaucratic theory, in which bureaucracy appears as an organizing principle rather than a specific institution, in order to reestablish a line of continuity that has gone ignored between the bureaucracy of the modern liberal state, welfare state technocracy, and the newer ways in which the bureaucratic mentality manifests itself. We will also see, though, that the standard characterization of Weberian bureaucracy is not all that Max Weber has to offer. Drawing on his understanding of rationalization and the opposition he frames between the mentalities of the official and the politician, we can also identify a distinct Weberian conception of bureaucracy as a mode of thought (Chapter 2).

Thinking about bureaucracy in this way ultimately helps us to address current trends within democratic theory, which, in various ways, attempt to reconcile and combine bureaucracy and democracy. At stake are the critical standards to which we hold political life and our governing institutions. While democracy and bureaucracy developed in tandem within the modern state, both emphasizing general equal treatment under law, they are in many ways opposed and have functioned together in tension. My claim is that bureaucratic thinking aims at consensus, encourages passivity, undermines the democratic value of political equality, and obscures values and interests behind policy decisions that are presented as neutral, technical, and fact-based. Even while administrative structures work alongside political procedures in order to realize the democratic will in practice, democracy, understood in its procedural form with equal freedom at its core, must maintain theoretical autonomy against the bureaucratic principle.

In the remainder of this introduction, I will not systematically trace the various steps in my thinking as they appear within the chronological narrative structure of the dissertation. I will instead, first, contextualize the argument within democratic theory, both contemporary and historical, and second, clarify certain necessary conceptual distinctions that are crucial for moving forward. The guiding ideas within each chapter of the dissertation will emerge organically during this process, and I will conclude with a chapter outline.

Democratic Theory

Democracy is currently facing multiple challenges, both in theory and in fact. It is threatened by enemies, but also by a sense of fatalism in reaction to changing circumstances. In response to all of this, there have been various rescue attempts, some of which pose new threats or challenges. Certain endeavors coming from within democratic theory to address the "crisis of representation" and strengthen democracy fall within this category. Neo-republican theories (Phillip

Pettit, Pierre Rosanvallon), theories of epistemic democracy (David Estlund), and theories of plebiscitary democracy (Jeffrey Green) can all be included. All of them, in some sense, attempt to depoliticize democracy by replacing political judgment on the part of citizens with a form of spectator judgment, an emphasis on impartiality and institutions that might embody this principle, or a quasi-scientific form of judgment based on the truth and efficacy of outcomes of the democratic process. As such, they correspond to certain real life challenges that are presented by: the rise of the regulatory state, media concentration and distortion in the realm of opinion formation, the development of post-national formations, and the rise of populist movements. Their solutions, attempting to modify democratic institutions and standards to accommodate shifting realities, seem in many ways to blend democracy with technocracy or bureaucracy. The importance of procedural democracy—understood as the procedural establishment of political equality through the expression of will as well as the process of its formation via the realm of opinion and interest—is either left out of the picture or strongly deemphasized.

Procedural conceptions of democracy have suffered from guilt by association over the course of the twentieth century. Following Schumpeter, minimalist theorists sought to use formal procedures in order to restrict democratic participation out of concerns for safety and peace. The masses needed to be controlled and, at the same time, soothed by the promise of some semblance of participation. In practice, this minimal form of proceduralism, combined with technocratic legitimacy, worked at mid-century in industrial democracies to do just this. It is understandable, then, that participatory democrats like Carole Pateman and Pierre Rosanvallon would look beyond elections for the means of expanding and deepening democratic participation. The problem, as I will argue, is that their remedies engender problems that eventually come to resemble the ones they were trying to solve in the first place.

Initially, Rosanvallon offered a theory of participation and democratic legitimacy that would work within the administrative state, taking into account his own strong critiques of bureaucracy. I argue that significant shifts evident in his later works, which respond to new realities, explicitly

and/or implicitly mobilize bureaucratic thinking and practice to buttress democratic legitimacy within the nation-state and the European Union. He is an interesting figure to examine in this regard because he was such a staunch critic of bureaucracy—within the state as well as the political party—during the 1970s. I claim that we can understand this shift by focusing on the definition of bureaucracy that is operational in Rosanvallon's thought. His implied notion of the concept is centered on specific institutional features of an organizational structure: centralization, impartiality, standardization, and hierarchy. This impedes him from recognizing the managerial bent of key parts of his new theory of democracy.

In the face of the "crisis in representation," Rosanvallon exhorts his readers to adopt the view that democracy is not in danger but rather simply changing form. He invests a great amount of faith into impartial administration and executive attention to particularity, but as I mentioned above, he places limited stock in elections. Instead, he emphasizes the intrinsically democratic character of constitutional courts and independent regulatory authorities (grouped under "indirect democracy"). The implications of this enterprise are not fully clear. If executive functions and regulatory authorities are intrinsically democratic, why not do away with elections altogether? Would that amount to the disqualification of a polity as democratic, or not? Rosanvallon's democratic theory, read in light of his intellectual trajectory, will be the subject of Chapter 3.

Phillip Pettit, for his part, looks to depoliticization for remedies to many of democracy's ailments. He is concerned about the ways in which "electoral interests can indirectly jeopardize the ideal of deliberative democracy."[1] To give a concrete example, a politician may consult his constituents so as to choose a position and defend it "on the basis of which lobby represents itself most effectively." However, it is paradoxically easier for a smaller marginalized group to organize an effective lobbying campaign, which means the outcome will be distorted. As a potential remedy, Pettit endorses a proposal from James Fishkin which involves deliberation among a randomly

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[1] Philip Pettit, "Depoliticizing Democracy," *Ratio Juris* 17, no. 1 (March 2004): 57.

selected statistical sample of the target population. This is meant to depoliticize the selection of inputs, and their relative magnitude, to the deliberation process. If the goal here were to devise a way of restricting distortions of political equality in the realm of opinion formation, it might be consistent with proceduralism. However, the goal, for Pettit, is "the empowerment of public valuation," as opposed to political will. He is concerned about relative political equality, but only so as to facilitate the emergence of a "right answer" via deliberation. We must also note that even this preliminary concern for political equality is only directed towards opinion formation, not the expression of a democratic will. The citizen panels only have a consultative role. The proposition seems like a very effective polling or focus-group strategy for politicians rather than a method for enhancing the democratic quality of US election campaigns, which was Fishkin's original intention.[2] Other than increased accuracy and precision of information, it is unclear how the results of these panels would differ from polling information that previously existed. This is the revealing point.

At issue here is the question of input versus output legitimacy. Is it the process that matters, or the result? Pettit cares about the input only as a means to the rational output. Fishkin's method of selection is not meant to help bring political equality to fruition. Rather, the process of rational deliberation, including the impartial means of selection, is supposed to culminate in the production of a rationalized collective judgment. Nadia Urbinati argues that both Rosanvallon and Pettit are "inspired by an ideal of deliberative democracy as a process of rationalization of collective decisions that is meant to promote a gradual, but significant, contraction of the sphere of democratic politics as a sphere in which decisions are made by majority rule because rational consent is missing."[3] While Rosanvallon was a critic of proceduralism in the 1970s because it was exclusionary, stifling, and promoted a "contraction of the sphere of democratic politics," he now seems to be reaching towards this same result, only through non-electoral means.

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[2] James S. Fishkin, *When the People Speak: Deliberative Democracy and Public Consultation,* (New York: Oxford University Press, 2009).

[3] Nadia Urbinati, "Unpolitical Democracy," *Political Theory* 38, no. 1 (2010): 65-92.

Instead of seeking out rational or true outcomes, proceduralism holds freedom to be both a means and an end for democracy. Hans Kelsen, the jurist, who is less well known as a democratic theorist, explains that this entails the acknowledgement of a fundamental distinction between freedom and truth, which, to him, corresponds to the distinction between democracy and autocracy.[4] He explains:

> "In fact, the very assumption that knowledge of absolute truth and insight into absolute values are possible confronts democracy with a hopeless situation. For what else could there be in the face of the towering authority of the absolute Good, but the obedience of those for whom it is their salvation? There could only be unconditional and grateful obedience to the one who possesses—i.e., knows and wills—this absolute Good."[5]

Truth is coercive, and democratic autonomy corresponds to the modern condition characterized by the loss of absolute referents, the absence of political truths, by Weber's disenchantment of the world, and by the "war of the gods." Kelsen explains that the conflict between the democratic and autocratic worldviews regards the question as to "whether knowledge of absolute truth and insight into absolute values are actually possible."[6] The modern context, in which previous 'epistemic' grounds for legitimacy have been questioned, invites a response in the negative. According to the worldview associated with the "democratic disposition,"

> "… only relative truths and values are accessible to human cognition and…, consequently, every truth and every value must—just as the human individual who finds them—be prepared to abdicate its position and make room for others. This standpoint leads to a critical or positivist worldview … [which] rejects the assumption of an Absolute which transcends experience. … The metaphysical-absolutistic worldview is linked to an autocratic, and the critical-relativistic to a democratic disposition."[7]

Yet, at the same time, appeals to truth within modern democratic theory have often been presented as opportunities for *liberation* from a history of arbitrary force. Durkheim and Saint-

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[4] Carlo Invernizzi-Accetti and Nadia Urbinati, introduction to *The Essence and Value of Democracy,* by Hans Kelsen, ed. Nadia Urbinati, Carlo Invernizzi, trans. Brian Graf (Maryland: Rowman & Littlefield Publishers, Inc. 2013) beautifully explains this issue.

[5] Hans Kelsen, *The Essence and Value of Democracy,* ed. Nadia Urbinati and Carlo Invernizzi, trans. Brian Graf (Maryland: Rowman & Littlefield Publishers, Inc. 2013), 102.

[6] Ibid., 102.

[7] Ibid., 103.

Simon's scientistic appeals to technique were meant to cleanse government of will, which they associated with arbitrariness, command, and violence. Their claims fit squarely into the narrative according to which the passage into modern society entailed a sublimation of overt control and domination. From this perspective, Hobbes had been sublimated into Adam Smith, and military command was replaced with "the power of purchasing; a certain command over all the labour."[8] Condorcet had touted this development as progress, which also reflected the fact that "the 'dignity and estimation' of the public was measured by 'the prosperity or happiness of the general body of the citizens'."[9] In Smith, we can see this through the introduction of per capita income at the very beginning of *The Wealth of Nations* as the measuring standard of general wealth.[10] As commerce supposedly replaced contest by physical force, however, John Stuart Mill cautioned that increasing societal complexity would require *increasing* regulation and a more active state, which could pose a different but just as dangerous threat to liberty. In order to fight against the risk of "pedantocracy," he advocated a shifting of attention towards the newly developing bureaucratic activities of the state.

Duguit and Durkheim would soon thereafter direct their analyses precisely against this sort of argument—that administration in its various forms might pose a risk to individual liberty. Duguit argues that the growth of the civil service in fact increases individual liberty by breaking up the unitary sovereignty of the state. Durkheim uses a different strategy and claims that his corporatist state is not at all bureaucratic in the sense that Mill intends. He presents himself, in fact, as another critic of the mechanistic, bureaucratic state. He promotes his corporatist system as an alternative that should appease both the heirs of the French Revolution and the conservative traditionalists by fostering a type of individualism that is not antithetical to community. His goal is to bring peace and unity, and he aims to do this using an integrated system of intermediary bodies as well as appeals to

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[8] Adam Smith, *Wealth of Nations*, ed. Edwin Cannan (New York: The Modern Library, 2000), 34.

[9] Marquis de Codorcet, *Esquisse d'un tableau historique des progres de l'ésprit humain*, ed. Yvon Belaval (Paris: Librairie Philosophique Vrin, 1970), quoted in Nadia Urbinati, *Mill on Democracy: From the Athenian Polis to Representative Government* (Chicago: The University of Chicago, 2002), 58-59.

[10] Smith, *Wealth*, xxiii.

objective science. If truth is coercive, it is because it is, by definition, universal, which means that there is no argument to be had. It is, thus, appealing as a means to eliminate social and political conflict.

For Durkheim, as for Jeremy Bentham, scientific techniques offered ways to increase transparency, which would increase citizens' ability to monitor the state while also providing them with a greater sense of ownership over it. Systems by which incentives, expectations, and information could be channeled should reduce any sense of friction between the state and the individual. The goal was to construct an almost self-perpetuating machine which could manage risks and obviate conflict instead of deploying brute force as a means of punishment or domination. Bentham's panopticon facility was meant to increase surveillance in order to promote prevention and thus make punishment more humane, or indeed, turn punishment into correction.[11]

Mill, concerned rather than comforted by the shifting state role, counseled caution and vigilance against the development of a bureaucratic despotism. This could arise precisely because commerce, which worked to sublimate powerful and potentially dangerous passions, might have the effect of turning too many eyes away from public affairs towards their own private concerns. Commercial society, then, required an increase in bureaucracy *and* would lead to a decrease in citizen activity in the public realm. Mill called for popular government to work in opposition to both of these developments and the corruption that could result. He explained that representative government could serve as a counterforce against these trends which were leading towards "pedantocracy." Popular government and bureaucracy would coexist and work together in Mill's theory of representation, but he insisted on the crucial conceptual and practical distinction between the functions of politics and administration.

Returning to contemporary theory, Pettit, in contrast with Mill, appears to insist on a kind of monism. He sets up a false choice between extremes, in which, essentially, we either choose his

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[11] Jeremy Bentham, *The Panopticon Writings* (London: Verso, 1995): 29-114. See also Nancy L. Rosenblum, *Bentham's Theory of the Modern State* (Cambridge: Harvard University Press, 1978).

depoliticized model, or we commit to a conception of democracy in which "the collective will of the people rules, via representative government." If we opt for the latter, he claims that we must oppose as undemocratic all instances of depoliticization, including the delegation of authority to any unelected body. If, instead, we do not reject all unelected, depoliticized bodies, then we should give up entirely on democracy as collective will and instead focus on engineering institutions that will give us the 'right answers.'

It must be said that, despite certain commonalities between them, Rosanvallon argues forcefully against Pettit's brand of binary thinking. This is evident in his very choice of method, "the conceptual history of the political." Indeed, a major source of appeal in his approach to the study of democracy is his insistence on its historicity, against the more strictly normative approaches of Rawls and Habermas. Democracy cannot be approached through an either-or lens when its very definition relies on its long history of practical and philosophical experimentation. As Rosanvallon explains, "History enters the project … to make the succession of presents live again as trials of experience that can inform our own."[12] Additionally, a major conceptual thread in his democratic theory involves the difficult yet necessary navigation between the poles of revolutionary voluntarism and liberal rationalism.[13] It is not a question of strict choice.

Against Pettit's either-or proposition, I argue, along with Mill, that democracy and bureaucracy actually need each other and work together in opposition. Bureaucracy is a tool of control and implementation, which democracy requires because it cannot purport to exist if its decisions are never made real. Mill argues that representative government, in turn, acts as a restraint against the development of the specific form of despotism he terms pedantocracy—"the despotism

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[12] Pierre Rosanvallon, "Inaugural Lecture, Collège de France," in *Democracy Past and Future*, ed. Samuel Moyn (New York: Columbia University Press, 2006), 38.

[13] See Samuel Moyn, introduction to *Democracy Past and Future*, by Pierre Rosanvallon, ed. Samuel Moyn (New York: Columbia University Press, 2006), 14-19.

of aristocracies of public functionaries."[14] Mill associates despotism with stagnation, routinization, and the inactivity of all but a small group of electors. While routinization is one of the risks that bureaucracy poses to representative government, it also risks undermining bureaucracy, itself. "Popular government" is needed as a counterforce, and it can also work to revitalize bureaucracy:

> "In the profession of government, as in other professions, the sole idea of the majority is to do what they have been taught; and it requires a popular government to enable the conceptions of the man of original genius among them to prevail over the obstructive spirit of trained mediocrity. Only in a popular government (setting apart the accident of a highly intelligent despot) could Sir Rowland Hill have been victorious over the Post Office."[15]

In this case, Mill claims that the popular government installed a leader of "genius" at the head of the post office bureaucracy, injecting vitality into a stagnant structure. This notion of revitalization through politics also corresponds to Max Weber's assertion that bureaucracy, as a tool of implementation, cannot generate its own ends. It requires an external force in order to set it in motion. On the other side, Mill argues, "free government" will also undermine itself without the benefit of expertise. They need to work together, separately and in opposition, which suggests the need for a definition and theory of democracy that recognizes this dynamic. By collapsing political democracy and administrative implementation into one dimension, we lose this productive tension, and we invite a situation in which a part of the democratic-administrative structure may take over the whole, essentially by stealth. This is where I identify a potential weakness in Rosanvallon's approach: If everything is brought under the large umbrella of the history of democratic experimentation, it may become difficult to identify dangers, even those that Rosanvallon has, himself, identified in the past.

Mill understood this risk and distinguished between politics and administration according to the form of communication that should take place within each sphere. As I will explain in Chapter 2,

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[14] John Stuart Mill, *Considerations on Representative Government* (London: Parker, Son and Bourn, 1861), quoted in Nadia Urbinati, *Mill on Democracy: From the Athenian Polis to Representative Government* (Chicago: The University of Chicago, 2002), 59.

[15] Mill, *Representative Government*, ch. 6.

one of Weber's key strategies for keeping bureaucracy at bay while maintaining its utility was to keep a clear line of separation between the bureaucratic and the political. Perhaps paradoxically, we must work to keep them separate *precisely because* it is impossible to separate them completely. It is impossible to manage human affairs in a completely neutral way, but the goal of separation at least forces the problem into the open so that it can be subjected to surveillance and discussion.

Conceptual Distinctions

In terms of conceptual definitions, I have focused thus far on establishing the distinction I have drawn between the bureaucratic mentality and the classic Weberian institutional understanding. While theories of institutional bureaucracy illuminate the structure of state and private administrative organizations and its causes and effects, "bureaucratic thinking" refers to the mode of thought that is fostered within these structures but which, at the same time, is not dependent on a particular form of institution in order to exist. It involves perceiving human affairs through the lens of problem solving, which includes the application of objective science and technique in order to obtain results. Its focus is expediency. Ultimately, and pushed to its logical extreme, it rests on the belief that it should be possible to administrate human beings so as to create a harmonious society in which conflict becomes superfluous because everyone is organized according to a 'right answer' that is indisputable.

The purpose of this concept is to allow us to establish important lines of continuity across time; however, we must note that the distinction between "institutional bureaucracy" and the "bureaucratic mentality" does not map onto the distinction between actually existing "old" and "new" forms of bureaucracy. The bureaucratic mentality is, rather, a conceptual lens through which we can perceive and judge these real world phenomena. In addition to further clarifying the function of this concept, I must also justify my use of the term "bureaucracy," to begin with. I will do this by examining the theoretical distinctions that have historically been made between bureaucracy and

technocracy, which capture the reality of rupture and transformation in the history of administration in the nineteenth and twentieth centuries.

The "bureaucratic mentality," as an idea, may be understood as working similarly to something like an "ideal type." It is related to Weber's ideal-typical "monocratic bureaucracy" and overlaps with it, but it takes different elements to be essential, allowing us to see the historical dimensions of rupture and continuity from another vantage point. In his introduction of the ideal-type methodology, Weber pointed out that these concepts or types—for instance, "capitalism," in *The Protestant Ethic*—would purposefully only provide one possible way of looking at a phenomenon. It would always be possible, then, to look at the same thing from a different standpoint and define completely different characteristics as essential. He explained, "…this is a necessary result of the nature of historical concepts which attempt for their methodological purposes not to grasp historical reality in abstract general formulae, but in concrete genetic sets of relations which are inevitably of a specifically unique and individual character."[16] Researchers necessarily form concepts and questions in relation to things they deem significant, according to their own socio-historical position, values, and ideas. Weber advocated the value neutrality of science, or the strict separation between the normative and the analytical-empirical, precisely because he knew that it could not be practiced in a completely neutral way. Science does not create its own ends, meaning that it can help us to learn things, but it cannot tell us why these things are worth knowing. Consequently, since the goal of the researcher is not to reproduce reality but to understand it, it is up to them to make choices about focus and scope. Looking at the evolution of bureaucracy from a contemporary standpoint, we can find different essential characteristics, which may even accord with those that Weber originally enumerated, but not always and not completely.

My focus on bureaucracy as a mentality draws on another aspect of Weberian methodology, which has to do with his interest in the types of people who would come to inhabit (and be produced

[16] Max Weber, *The Protestant Ethic and the Spirit of Capitalism,* trans. Talcott Parsons (Mineola: Dover Publications, Inc., 2003), 48.

by) the various social configurations he studied. His overlapping concepts, "ethic," "ethos," and "spirit," describe "the ability and disposition of men to adopt certain types of … conduct," as well as a conception of one's role and the corresponding duties and expectations.[17] As with the political "ethic of responsibility," for example, they involve specific *ways* of engaging in certain activities. The terms do not refer to ways of thinking, on their own, but to modes of thought that are linked to practical conduct and yet are not confined to particular social structures that they cannot outgrow.[18] At the end of *The Protestant Ethic*, the spirit of capitalism takes on a life of its own, transcending its original religious foundations and helping to create new structures. These, in turn, restrict and shape the normal range of dispositions, behaviors, or ways of thinking, in a rather oppressive way, as Weber would have it. Similarly, the bureaucratic mentality transcends the classic structure of modern-state- or private-firm-type bureaucracy, which Weber, himself, explains when he discusses the figure of the "bureaucratized" politician, which we will discuss in chapter two.

I will be using the term, "bureaucratic thinking," to cover a range of elements or characteristics that have variously been associated with both "bureaucracy" and "technocracy" over the course of the nineteenth and twentieth centuries. While neither of these terms has been applied consistently, either in theoretical academic work or practical political discourse, "bureaucracy" has mostly been used to characterize the state administration of the ideal-typical liberal state of the nineteenth and the beginning of the twentieth centuries, whereas "technocracy" has mostly been understood as an early-to-mid-century development of the welfare state and industrial management.

Jürgen Habermas uses this kind of chronological framework in order to characterize bureaucracy and technocracy in his 1968 essay, "Technology and Science as Ideology." Systematically working through his narrative will allow us to understand the historical distinction between these terms and then, ultimately, establish conceptual contiguity between them with regard to the challenges that the bureaucratic mentality poses for democracy. Habermas' account is

[17] Ibid., 26.

[18] Peter Ghosh, *Max Weber and the Protestant Ethic: Twin Histories* (New York: Oxford University Press, 2014), 227.

especially interesting for my purposes since he treats technocracy as an ideology, which characterizes a specific relationship of legitimacy, rather than a fixed institution. The label, however, specifically refers to a form of domination based mostly on substantive rationality, to use Weber's language, with science and technology as its basis. This is distinct from bureaucracy's formal rationality, based on correct procedure. Technocracy represents a continuation of bureaucracy in that the purposive rationality, or instrumental means-ends thinking, that characterizes bureaucratic action becomes an end in itself. We might say, then, that technocracy is an indicator of true belief in the original bureaucratic promise of mastery, raised to consciousness. However, technocracy, as outlined by Habermas, does not completely overlap with the bureaucratic mentality. The latter is meant to encompass action, institutions, and relationships that rely on formal as well as substantive rationality and combinations of the two. It is, thus, a larger category, which is appropriate since the aim is to capture hidden continuity over time across various forms of bureaucratic-type social relations. The identification of technocracy as a discreet phenomenon was, instead, meant to mark an important rupture.

Accordingly, Habermas begins his essay precisely by recognizing a new political and social dynamic: Instead of fostering critique, as per historical materialist understanding, technological development was being used in order to halt social change. Herbert Marcuse had pointed this out in his 1965 critique of Weber, in which he emphasized the political content hidden within Weber's purportedly neutral 'rationalized' technology. Marcuse had also shown that the development of the productive forces at mid-century was actually serving to legitimize existing structures rather than serving as a critical standard by which existing social relations might be judged.

In the historical narrative that follows, Habermas gives his own interpretation of the capitalist-bureaucratic nexus existing in the earlier context of the liberal state. He reworks Weber's concept of rationalization, which he redefines as a process of adaptation of the political system to the new economic reality. Capitalism had achieved two important things within the liberal state: 1) the "establishment of an economic mechanism that renders permanent the expansion of subsystems of

purposive-rational action," like bureaucracy, and 2) the generation of legitimacy for property relations, in which bureaucracy played a part. The property structure was no longer properly political, in the sense of coercive force, but came to be derived directly from the logic of social labor, or the principle of reciprocity embodied in exchange. In large part through the legal-bureaucratic form of domination, the liberal state saw "the creation of an economic legitimation by means of which the political system [could] be adapted to the new requisites of rationality brought about by these developing subsystems."[19] Bureaucracy, as a form of legitimate domination based on formal rationality, corresponded to the formal procedure of the exchange.

The liberal state, legitimized via the notion of the social contract, had been drawing directly upon the capitalist system of production and exchange relations, but as Habermas explains, this model came into crisis when it became apparent that the market could not run itself. This was already happening towards the end of Weber's life. He was witnessing the beginnings of the welfare state, which needed to find a new basis for legitimacy once it began to intervene in order to deal with economic crises and negative externalities of the market. For this, it turned to the notion of scientific truth. This was a substantive form of legitimation rather than a formal one, which the contractarian-bureaucratic model had been. The state was now "intervening in the market" in order to produce some end, so the form of legitimation could no longer be formally rational—exchange and contract—and had to be substantively rational. Habermas explains that technical control became the substantively rational means of justification. If the social democratic goal had been to regain control over the market—the market qua sorcerer's spell that had taken on a life of its own and enslaved its creator—, it seems that there must have been two possible types of strategy for reaching this objective: the one involving political / communicative action, and the other mobilizing purposive-rational action. Technocracy represents the selection of the latter option as well as the use of purposive-rational action to generate legitimacy:

[19] Jürgen Habermas, "Technology and Science as 'Ideology'," in *Toward a Rational Society: Student Protest, Science, and Politics*, trans. Jeremy J. Shapiro (Boston: Beacon Press, 1970), 97.

> "Marx, to be sure, viewed the problem of making history with will and consciousness as one of the practical mastery of previously ungoverned processes of social development. Others, however, have understood it as a *technical* problem. They want to bring society under control in the same way as nature by reconstructing it according to the pattern of self-regulated systems of purposive-rational action and adaptive behavior. This intention is to be found not only among technocrats of capitalist planning but also among those of bureaucratic socialism."[20]

The problem with this configuration is that the means of controlling the market themselves take on a life of their own:

> "The ideological nucleus of this consciousness is *the elimination of the distinction between the practical and the technical.* It reflects, but does not objectively account for, the new constellation of a disempowered institutional framework and systems of purposive-rational action that have taken on a life of their own."[21]

In other words, the technocratic ideology, according to which scientific truth can replace political conflict, is a *symptom* of the fact that we have become slaves to our tools; it does not provide an independent explanation for this situation.

Drawing on Habermas, we can see that technocracy is, in some ways, the completed means-ends inversion of bureaucracy that Weber feared. Weber was worried about the encroachment of bureaucracy into the sphere of politics, the arena in which the ultimate values of a community and culture must be set. Bureaucracy should be a tool in the hands of politics, but bureaucracy as technique, or means, should not become an end in itself. Technocratic consciousness embodies precisely this moment, when bureaucracy, as a system of purposive-rational action, self-consciously becomes its own justification. It represents a continuation of bureaucracy insofar as it is technique raised to the status of political end:

> "The new ideology consequently violates an interest grounded in one of the two fundamental conditions of our cultural existence: in language, or more precisely, in the form of socialization and individuation determined by communication in ordinary language. … Technocratic consciousness makes this practical interest disappear behind the interest in the expansion of our power of technical control."[22]

[20] Ibid., 117.

[21] Ibid., 113.

[22] Ibid., 113.

To summarize, Habermas claims that the rise of technocratic consciousness is the result of the increasing intervention of the state in order to deal with market failures. While the liberal state had been legitimated via the system of production and exchange relations, the welfare state needed to legitimate itself otherwise. The market was clearly not self-perpetuating and self-sustaining and, therefore, proved to be an unstable foundation for political legitimation.

We have to recognize, however, that the market was *always* a political creation that was politically and administratively regulated and maintained. This did not originate with the technocratic welfare state, and the notion of the self-regulating liberal market was never an accurate representation.[23] Conversely, this schematic historical narrative might suggest that reasserting human agency over market forces is merely a matter of technique, but we know that it is not. This was also Habermas' point.

Technical expertise is plausible as a substantive justification (technocracy) only if one believes that providing maintenance for the market is about coming up with the right answer and applying the correct technique. To see it this way is to take technocratic rhetoric at face value and to fall for the ideology of the technocrats, themselves. This was forcefully brought to our attention again recently when the economist Thomas Piketty showed that wealth distribution over the nineteenth and twentieth centuries has been determined by politics and contingency (mostly war) rather than any calculable inherent nature of capitalist development.[24] This runs directly counter to the mid-century technocratic narrative, in which the exceptional experience of relatively low levels of inequality was reified in economic science via the "Kuznets curve" and modernization theory, predicting that inequality would continue to recede.[25]

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[23] See Bernard Harcourt, *The Illusion of Free Markets: Punishment and the Myth of Natural Order* (Cambridge: Harvard University Press, 2011), 1-52.

[24] Thomas Piketty, *Capital in the Twenty-First Century*, trans. Arthur Goldhammer (Cambridge: Belknap, 2014), 1-35.

[25] According to the technocrats, inequality should have followed an inverse-U shape, tracing the "natural" development and industrialization process, to which they had finally discovered the key. This prediction has been violently disproven by our contemporary situation.

Habermas argues, in 1968, that politics were always to be found beneath the technocratic veneer. In so doing, he points to a difference in the legitimacy relationships generated by bureaucracy and technocracy and described by these terms. He also implies similarity between the two concepts insofar as they both purport to replace politics with administration, and neither is actually capable of doing so. The difference is that technocracy believes itself to have succeeded. Both terms refer to the use of technical tools towards political ends—neither tool being capable of actually defining those ends, despite the pretentions of technocratic rhetoric. Both technocratic and bureaucratic tools are simply means, despite the shift in the legitimacy relationship, which placed "technique" in the role of substantive good.

Technocracy grew out of bureaucracy, chronologically and, I argue, conceptually. Weber's original concept contained conceptual ambiguities that technocracy seems to resolve. The *substantive* legitimation provided by real scientific knowledge and expertise is distinct from the principle animating the bureaucratic structure, which is *formal* rationality. In other words, bureaucracy is about knowledge of "the files," official certification, and correct procedure, not necessarily real substantive expertise. At the same time, the possibility of real knowledge, coexisting with the formal, is not excluded. Herein lies the ambiguity. The actual effectiveness of bureaucracy constituted its original appeal for the European warring princes that Weber describes. Thus, if not within the bureaucratic officials themselves, Weber often implies the existence of substantive rationality, residing in the overall structure. The technocratic consciousness focuses directly on substantive rationality via "technology and science as ideology." With the bureaucratic mentality, I intend to address the combination of the two. Durkheim and Hegel are much more explicit about the complementarity and coexistence of substantive and formal rationality within an administrative structure purporting to replace politics. It is with them that we can locate the origins of the bureaucratic mentality that is at the heart of contemporary projects of governance as well as neoliberal management, which is based on the systemic injection of competition at all levels.

It is also logical to combine bureaucracy and technocracy within the concept of the bureaucratic mentality because, for the purposes of democracy, the issue is the same. Both approach human affairs from a behaviorist deterministic perspective, as if they can be managed in some objective manner or according to an objective standard of observable and measurable progress. Habermas' technocrat will claim to be following objective scientific principles in order to achieve measurable progress, but, as we learn with Weber, science cannot define its own ends, which means that the notion of progress is necessarily undefinable in an objective scientific manner. Bureaucracy and technocracy are antithetical to political equality in that they accept and promote the idea that truth and perfect impartiality in politics are possible. Both also approach politics as a series of technical problems to be solved, which is the perspective of purposive rationality, rather than a never-ending process of self-constitution.

Bureaucracy and technocracy are intertwined and reach into many different fields, which is why the deployment of these terms is inconsistent in the vast literature on the subject. More importantly for my purposes, proposals for purportedly better and radically different alternatives to these models, often grouped under the label of "governance" as opposed to "government," refer to them almost interchangeably. Insofar as I am attempting to show that these "alternatives" are actually reproducing the problem, it seems strategically wise to engage this discourse on its own terms.

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In developing the bureaucratic mentality as a concept in the work that follows, I use the history of ideas as a methodology. I trace the idea through the work of exemplary thinkers from the nineteenth and twentieth centuries, beginning with Hegel and Durkheim, in Chapter 1, and then Weber, in Chapter 2. My reconstruction of the Hegelian-Durkheimian model of bureaucratic democracy will then become a tool in my evaluation of Rosanvallon's contemporary theory in Chapter 3. His seemingly perplexing intellectual trajectory will come into clearer focus once it is read with the understanding that bureaucracy is a mode of thought. I will, finally, play Rosanvallon's

earlier anti- bureaucratic arguments against his modified position in order to argue against attempts to reconcile bureaucracy and democracy, understood in its procedural form with equal freedom at its core.

Corporatism and Impartiality in Durkheim, Duguit, and Hegel

Bureaucracy is about applying expert techniques in order to resolve questions and develop policies for action. In appealing to scientistic objectivity, bureaucracy seeks to ground action on a universal foundation that is by definition unimpeachable and, in theory, acceptable to all. This is a particularly useful strategy for avoiding conflict, especially in times of great tumult and crisis. It is also potentially democratic in that an objective bureaucracy can provide transparent information to democratic publics seeking to evaluate their governments. Unfortunately, this feature also makes bureaucracy extremely susceptible to capture by usurpers seeking to create a false sense of legitimacy for their rule.

The unquestionable appeal of bureaucratic governance during crisis periods makes it clear why late nineteenth century French theorists like the sociologist Émile Durkheim and the jurist Léon Duguit would have relied upon it heavily in constructing their idealized visions of the modern industrial state and society. Nineteenth century France had witnessed multiple revolts, changes of regime, and coups d'Etat, and the contours of political life reflected this chaos and polarization.

Prior to the Third Republic, French liberalism had been unstable and failed to establish itself as the dominant doctrine. The new republic was essentially a liberal social order. Liberals remained allied to the conservatives, apparently thinking that conservatism would become less reactionary and the revolutionary impulse would eventually peter out. The Dreyfus Affair and the Paris Commune and its repression showed that both ideas were illusory. Liberalism was attacked from both the left and the right. While there was an early alliance between the radicals and the socialists, this eventually fell apart, which intensified socialist critiques of the liberal order.[26] On the right, anti-rationalist and anti-modernist critiques were linked to anti-individualism and anti-intellectualism.

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[26] Steven Seidman, *Liberalism and the Origins of European Social Theory* (Berkeley: University of California Press, 1984), 154-156.

In this context of crisis, Durkheim's sociology was an important attempt to elaborate a unifying doctrine in support of the Third Republic. Duguit's jurisprudence and the political doctrine of solidarism shared this underlying motivation. Durkheim, Duguit, and important political groups like the Solidarists, sought to defend the secular, individualist, and rationalist underpinnings of liberalism, which were under attack, by combining or reconciling liberalism with the French tradition of radical thought on the left.[27] The result was an endorsement of democracy with a focus on social justice, backed up by a scientistic account of the workings of society.

A stated goal of this type of democratic theory is the facilitation of social peace and harmony. This should be achieved by finding the objectively best and thus universally acceptable way of organizing society in order to stifle or obviate any need for critique. An almost caricatural model for this type of configuration can be found in Saint-Simon's theory, which Durkheim largely endorses. As Durkheim explains it in his writings on socialism, Saint-Simon's industrial society is organized under a council of elite producers that will take the place of government, without taking on its traditional and dogmatic methods. "It would not have to impose the ideas or even the simple desires of a predominant party, but to say what is in the nature of things, and it would be spontaneously obeyed. It's role would be not to discipline subjects but to illuminate minds."[28] Instead of imposing an ideology, the government will automatically gain obedience simply by explaining things as they are, "illuminating the minds of subjects" in a supposedly objective way.

This scientistic appeal to objective technique allows Saint-Simon, Durkheim, and Duguit to cleanse government of will, which they associate with arbitrariness, command, and force. According

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[27] The 19th century witnessed several attempts to fuse liberalism and more radical theories into liberal democratic and social democratic currents of thought. Liberal democrats included Condorcet, Tocqueville, Saint-Simon, Lamartine, Michelet, Renouvier, the Solidarism of Fouillée and Léon Bourgeois, and Durkheimian sociology. Seidman writes that they fused "liberal themes (individualism, pluralism, political centralization, industrial progress) and revolutionary ideas (social equality, social solidarity, decentralized community control, socialized property)." Social democrats differed mainly in that they focused on the abolition of private property: Blanc, Malon, Jaurès, Millerand. (See Seidman, *Liberalism*, 159)

[28] Émile Durkheim, *Le socialisme* (Paris: Presses Universitaires de France, 1928; reprint, Paris: Presses Universitaires de France, 1992), 196.

to Durkheim, government has always been based on command: “At the same time that it is imperative and because it is imperative, government action is necessarily arbitrary, because men who command command as they want … the arbitrary is in the very essence of all will.”[29] In this, they clearly share an objective with Hegel, the paradigmatic theorist of the modern bureaucratic state. All seek to minimize political turbulence and create harmony by reconciling all parts of society to the state.

Aside from scientific government management carried out by the Hegelian "universal" bureaucratic class, reconciliation should be achieved through the organization and thus domestication of interest within corporatist intermediary bodies. These form a critical part of the unified state-society structure. We will see that intermediary bodies are crucial to Hegel, Durkheim, and Duguit's projects for achieving social harmony. This is a key point of convergence between their theories and Pierre Rosanvallon's normative arguments about democracy since the appearance of his trilogy on democracy between 1992 and 2000.

In *La démocratie inachevée*, Rosanvallon presents intermediary groups as a modern innovation that, by introducing increased pluralism, could resolve the tension between democracy and liberalism as well as the extremist tendencies within each of these.[30] He explains that both political voluntarism and liberal rationalism sought to exclude intermediary bodies for different reasons. For democrats, intermediary bodies are partial and thus distort the unity of the people. For liberal rationalists, their partiality and inclusiveness based on interest run counter to political rationalism in that they thwart the goal of governance based on reason, fact, and technique. Thus, liberalism and democracy conspired at the time of the French revolution to exclude intermediary bodies. In his new book on democratic legitimacy, Rosanvallon fills in the theoretical background of his positive position

[29] Ibid., 177. On competence versus will, see *Le socialism*, 177-178.

[30] Andrew Jainchill and Samuel Moyn, “French Democracy between Totalitarianism and Solidarity: Pierre Rosanvallon and Revisionist Historiography,” *Journal of Modern History* 76 (March 2004): 107-154. This marks a rupture with Rosanvallon's earlier critiques of political parties and their oligarchic nature. Samuel Moyn claims the democracy trilogy marks an evolution in Rosanvallon's thinking about political parties in that he came to believe that increased pluralism also meant increased oligarchy and that it was inevitable. This shift also seems to move in the direction of the complacency toward bureaucracy that I find in Rosanvallon's recent book on democratic legitimacy. See my chapter on Rosanvallon’s work.

regarding intermediary bodies, using Duguit and Durkheim. This appeal to intermediary bodies as a bulwark against extreme projects of both democratic unity and liberal rationalism seems misplaced, however, when we examine Duguit and Durkheim in detail and in light of Hegel. As we will see, these theorists instrumentalize intermediary bodies precisely for the purposes of social harmony and rational organization.

In this chapter, I reconstruct and criticize the positive historical accounts of bureaucracy in the work of Hegel, Durkheim, and Duguit. Rosanvallon has used their ideas about A) objective governance techniques carried out in the public interest and B) the integration of private interest within the state via intermediary bodies in order to argue that democracy and bureaucracy are complementary and compatible. My goal is not solely to reconstruct but also to show that these ideas do not actually do the work of reconciling bureaucracy and democracy in a complete way. We will see that these accounts solely portray bureaucracy as bringing the state and society closer together, which is not *necessarily* democratic.

Rosanvallon uses Duguit to claim that bureaucratic institutions can help bring the state closer to society or integrate it more thoroughly. However, active democratic public participation is potentially left out of the picture. Without this, one may claim that bureaucracy is representative of or responsive to society, but many forms of government can claim to achieve this without meeting politically democratic standards. Indeed, Hobbes claims that the leviathan state is ultimately a representative of the people: Once the state exists, presumably created by a past covenant, he argues that we must assume the people have authorized the state to act in their stead. Thus, the people must own all of the actions of the state and its representatives and forfeit their right to protest.[31] Representation and democracy are clearly distinct concepts. In *The German Constitution*, Hegel makes it explicit that his notion of representation comes from feudalism and thus has nothing to do with

[31] Thomas Hobbes, *Leviathan*, (Cambridge: Cambridge University Press, 1996); See Quentin Skinner, "Hobbes and the Purely Artificial Person of the State," *The Journal of Political Philosophy* vol. 7, no.1 (1999): 1-29.

participatory politics.[32] Representation and proximity—Durkheim's term—of state and society are not sufficient conditions for democratic politics.

I examine Rosanvallon's use of Duguit and Durkheim by looking at their theories in conjunction; they were in close contact and shared a similar approach. Duguit and Durkheim were working in a democratic context and were self-proclaimed republicans, but their conceptions of democracy, as well as the prevalent ideas about democracy at the time, left out the political conflict and intensive participation that we would and should consider central today.

Durkheim's relationship to Saint-Simonianism is particularly instructive in understanding Durkheim as a bureaucratic thinker. A detailed critical analysis of his work, *Socialism and Saint-Simon*, along with his lectures on the state will help us to understand the particularly mechanistic or technocratic nature of his state and democracy concepts.

Durkheim's account of the state and its relationship to society builds heavily upon Hegel, who was clearly not a democratic thinker in many ways. Hegel's influence and the provenance of some of their ideas is certainly not enough by itself to "taint" their work, and that is not my claim. Democracy in practice and theory has been able to import non-democratic features and make them work for the democratic state.[33] My central critique is rather that the goal of bureaucracy in Hegel, Durkheim and Duguit is to neutralize or domesticate politics and interest in favor of objective knowledge. It can be understood as democratic because it neutralizes interest in favor of the universal concern of objectivity. It aims to do away with arbitrariness based on such things as special favors. The concern, however, is that interest and politics still creep in, and bureaucracy simply gives them the cover of legitimacy, presenting them as objective knowledge.

By pointing out similarities between Hegel and Durkheim, we can better see the bureaucratic nature of Durkheim's political thinking, which may seem less apparent otherwise. Hegel's celebration

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[32] G.W.F. Hegel, "The German Constitution," *Political Writings* (1999), 65-66.

[33] I agree with Rosanvallon's claim to this effect.

of the universal class is obvious, whereas Durkheim's positive valuation of bureaucracy is often more integrated or buried within his description of the role of the state and the organization of society. Comparing the organicism of Durkheim and Hegel will allow us to see the analogous ways in which they seek to sublimate the political underneath social harmony.

I will begin the chapter with a preliminary analysis of state and society as they are conceptualized by Durkheim and Duguit. I will then point out important and illuminating similarities between the Durkheimian and Hegelian theories of the state. Finally, I will challenge Durkheim's portrayal of democracy as an exemplary model for contemporary notions of democratic legitimacy.

The State as Administration and Progress for the Individual

The central component of Durkheim's benevolent bureaucratic state is the promotion of the individual through state machinery. His state is meant to be individualist while simultaneously maintaining an extensive positive role in collective life. Individuals should be able to collaborate with the state while realizing that the end goal of their actions is truly their own realization.[34] Along with Duguit, Durkheim denies the existence of an antinomy between the state and individual rights. It is the state that is responsible for the very institution and upholding of individual rights, and, for him, a stronger state translates into increasing respect for the individual.[35] Individual rights are not natural; in fact, they are born of the social condition and the state, itself:

> "Thus, history certainly seems to prove that the state was not created, and does not simply have the role of preventing the individual from being troubled in the exercise of his natural rights, it's the state that creates them, organizes them, makes them a reality. And, in effect, man is only man because he lives in society."[36]

This claim unites Durkheim with social democratic and welfare-liberal theorists as well as political actors in his time, especially the solidarist movement.

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[34] Émile Durkheim, *Leçons de sociologie* (Paris: Presses Universitaires de France, 1997), 99.

[35] Ibid., 93.

[36] Ibid., 95-96.

Durkheim's main line of inquiry in the *Division of Labor* addresses the process through which the individual comes to depend more and more strongly upon society as a whole while simultaneously becoming more autonomous.[37] Although modern society and division of labor had been blamed for social dislocation, Durkheim suggests that the division of labor might actually be a higher form of social solidarity and thus represent progress in society on more than simply economic terms. The solidarity-enhancing role of division of labor is one of the most important components of modern social and political thought, present in the works of Smith, Sieyes, Condorcet, and later the Saint-Simonians. Durkheim belongs to this tradition, suggesting that the division of labor was not a source of dislocation but rather a moral source of solidarity without which society could not exist.

His logical-proof style argument begins with the distinction between mechanical solidarity, or solidarity by similitude, and organic solidarity, or solidarity produced by the division of labor. Using law as a questionable proxy measure for types of social links, Durkheim asserts that mechanical solidarity should be associated with penal law while organic solidarity corresponds to civil law.[38] The proportional quantities of different types of law should in fact reflect the relative importance of different types of social links. Thus, the increasing importance of civil law provides evidence of the increasing importance of social solidarity created through the division of labor.

In mechanical solidarity, individuals are attached to each other because they are similar to each other and the collective consciousness. Their individual consciences are analogous to each other, and each is in turn analogous to the collective consciousness as a whole. The collective consciousness is defined as "the psychic type of the society" that "does not change at each generation, but on the contrary it links successive generations to one another. It is thus something completely different from the particular consciences, although it is only realized within individuals."[39]

[37] Émile Durkheim, *De la division du travail social* (Paris: Presses universitaires de France, 1998), xliii.

[38] Ibid., 28.

[39] Ibid., 46.

Individuals under mechanical solidarity are attached to each other as well as the society as a whole, and society reinforces similarity because similarity is the cause of its cohesion. This creates a *sui generis* solidarity that comes from resemblance and directly attaches the individual to society. This is also the kind of solidarity that is expressed in repressive law.[40]

The state or a "directive power" that is newly established must first and foremost protect the common beliefs, traditions, and practices, in other words, defend the collective consciousness. The state is actually "the collective form [*type*] incarnated." In fact, "it must not be said that an act disturbs the common consciousness because it is criminal, but that it is criminal because it disturbs the common consciousness."[41] Yet it also develops the power to guide society autonomously. Its power can be measured via its authority over citizens, and this tends to be the strongest in "inferior" societies that also have the most powerful collective consciences.[42] Using his method, we should measure the quantitative importance of penal law in proportion to the entire legal system. This should, in theory, tell us the importance of this kind of solidarity in a given society.

Organic solidarity, by contrast, is described through the metaphor of the living being in which each part is specialized and thus affords more "individuality" to the being as a whole.[43] A social body held together by mechanical solidarity is compared to an inanimate object in that the body can only move as each part moves together, without individual movements of their own. Perfect mechanical solidarity would mean that the collective consciousness completely overlaps with each individual consciousness such that no separate individual consciousness exists. This metaphor seems extreme, but it is the one Durkheim uses. The strength of the different types of solidarity can be measured through their relative fragility, and organic solidarity is stronger than mechanical: "Here, then, the individuality of the whole increases at the same time as that of the parts; the society

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[40] Ibid., 74.

[41] Ibid., 48.

[42] Ibid., 52.

[43] Ibid., 79.

becomes more capable of moving as an ensemble, at the same time that each of its elements has more of its own movements."[44] Organic solidarity is more flexible and thus less fragile than mechanical. This is a variation on his central claim in *Division of Labor*.

Durkheim uses his social solidarity typology in order to trace the historical development of the modern state. The predominant type of law shifts from penal to restitutive sanctions in the modern state as the predominant form of social solidarity passes from mechanical to organic. Parallel to this evolution, the place of the individual in society grows, and the state grows by adding public services "which administer but do not command."[45] Thus, the state and the place of the individual grow reciprocally, contrary to the idea that a large state necessarily reduces individual liberty.

Durkheim's thought is permeated by a philosophy of history and a vision of the direction of historical progress. Like Tocqueville with democracy, Durkheim believed that the march of individualism was practically unstoppable. The only way to halt its progress would be to stop the continued development of division of labor, which is also impossible for humanity. Thus, the question becomes "not how to achieve social order by restraining or combating individualism, but rather how to complete and extend it."[46]

A society held together through organic solidarity produces a specific kind of state. Durkheim derives political organization from the underlying social structure, somewhat bucking the trend of sharply differentiating between state and society in nineteenth century social theory.[47] He is an outlier in this sense, along with Saint-Simon and Comte who also make of the state a subsidiary category under society in general.

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[44] Ibid., 101.

[45] Melvin Richter, "Durkheim's Politics and Political Theory," K. Wolff, ed., *Émile Durkheim: 1858-1917* (Columbus: Ohio State University Press, 1960), 192.

[46] Richter, "Durkheim's Politics and Political Theory," 181.

[47] Frederick Neuhouser, "The Concept of Society in 19th Century Thought," in *Cambridge History of Philosophy in the 19th Century*, ed. A. Wood (Cambridge: Cambridge University Press, 2012), 651-675.

In Durkheim's mechanical societies, the collective consciousness is monolithic and imposing, which produces a large and imposing state that holds the rest of society in a subordinate position. The more flexible collective consciousness of organic solidarity will not necessarily produce a smaller state, however, because the "necessity of a supreme regulatory function would not be less." It is rather the relationship between state and society that will be fundamentally changed, and Durkheim claims this is more important. Under organic solidarity, the different parts of society are "coordinated and subordinated to one another around a common central organ that exercises a moderative action on the rest of the organism."[48] These different pieces depend on the state, but the state depends upon them in a reciprocal manner. The state occupies a privileged position, but this is due to its coordinating function, not imposing force.

This echoes Duguit's claim that the structure of the state matters much more than the size if we wish to measure state power or sovereignty. Both theorists agree that large states will not necessarily be more authoritarian. In fact, a more expansive public service actually brings the state closer to the needs of society, which should make it less so. This will be a key part of Duguit's argument in favor of civil service as an instrument for social solidarity since bureaucratic administration theoretically breaks apart centralized absolute sovereignty.

A corollary of Durkheim's subsumption of the state under societal categories is the absence of a conception of political repression in modern society. He associates repression exclusively with the earlier mechanical societies and their corresponding political forms. This idea appears in altered form in his article, "*Deux lois de l'évolution pénale*," where Durkheim admits that a political authority might acquire and exercise force independently of the social form.[49] The correction seems to be more of a footnote to the larger work, though, and does not result in a fundamental shift in his focus on moral consensus. This is highly unfortunate because it is precisely this type of independent

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[48] Durkheim, *De la division du travail social*, 157.

[49] See Émile Durkheim, "Deux lois de l'évolution pénale," *l'Année sociologique* IV (1901): 65-95, cited in Richter, "Durkheim's Politics and Political Theory," 192-194.

politically coercive force that must be countered in a democratic society that relies on a bureaucratic state. Durkheim's focus on social mores seems to have prevented him from seeing the problem of political power. Mores, attached to the level of historical development of society, were the focus of his work, and this predisposed him to see them as the main determinant of everything in his political sociology. Political power is not an independent variable here, which is one of several common elements that link Durkheim and Montesquieu in the French Republican tradition.[50]

The positive valuation of intermediary bodies is another key point of agreement between them. For Durkheim, the occupational groups that mediate between citizens and the state serve two purposes at different points in the theory: one liberal and the other statist and integrationist. On the liberal side, occupational groups are to act as counterbalancing forces against political tyranny.[51] This is the one possible exception to the claim that Durkheim is blind to the independent force of political power. The secondary groups are to check the power of the state, while, reciprocally, the state performs the jacobin duty of checking the potentially tyrannical authority of secondary groups. There is a balancing act to be done between the state and the secondary groups. Without the state, Durkheim fears, these groups tend to absorb individuals completely within them. The state must represent the total collectivity to these particular groups, the assumption being that the interests of the total collectivity coincide with the interests of individuals abstractly conceived. "The essential function of the state is to liberate individual personalities."[52]

The liberal function suggests that Durkheim might have understood the possibility of political tyranny even within a modern society. He seems to have developed a theory of pluralism here, whereby the conflict amongst the state and the corps could have a positive outcome in terms of

[50] See Melvin Richter, "Durkheim's Politics and Political Theory."

[51] See Durkheim, *Leçons de sociologie* and Richter, "Durkheim's Politics and Political Theory," 194.

[52] Durkheim, *Leçons de sociologie*, 98, my translation.

individual liberty.[53] This idea provides a rapprochement with Tocqueville and seems to mark a tension with Durkheim's statist stance. He certainly does not emphasize the liberal side of this equation, however, and, as we will see, the occupational groups seem to function mostly as tools for harmonizing interest and reconciling citizens with the state.

Dividing the State and Incorporating Civil Society through Intermediary Bodies

Durkheim sees occupational groups as providing the moral fiber of society. They should provide moral guidance in areas that need more effective regulation, like the relationship between employees and employers**.** Class conflict is anarchical and abnormal for him, and he remains unconvinced by the liberal argument that it is a condition of individual liberty.[54] "Genuine liberty can be guaranteed only by authority, a moral authority."[55] In modern society, the family and organized religion are no longer suited for this task. Occupational groups are the only answer, and he leans heavily on them, even to provide a solution to suicide caused by *anomie* generated within the division of labor.[56]

The state is cited as ill suited for this role because it "is a cumbersome machine made only for making general decisions rather than for adjusting itself to the detailed circumstances of social and economic life."[57] The occupational groups should do the work of reconciling individuals to the state instead of the bureaucracy, which Durkheim negatively associates with the hierarchy of the Catholic Church. However, he provides the occupational groups with an established institutional status, essentially within the state, itself.

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[53] Ibid., 99.

[54] Marcel Mauss, introduction to *Le socialisme*, by Émile Durkheim (Paris: Presses Universitaires de France, 1928; reprint, Paris: Presses Universitaires de France, 1992), 27-31.

[55] Richter, "Durkheim's Politics and Political Theory," 195. See also Durkheim, *De la division du travail social*, 2-6.

[56] Émile Durkheim, *Le suicide*, (Paris: Presses universitaires de France, 1999).

[57] Richter, "Durkheim's Politics and Political Theory," 195.

It is at times difficult to tease out the specific role to be played by these bodies in relation to state bureaucracy. In certain moments the corps even seem like a proposed alternative to state bureaucracy. Durkheim explicitly criticizes state bureaucracy and an overly mechanized vision of the state. However, the *corps intermediares* in conjunction with a well-functioning bureaucracy fulfill the same role as the civil service in Duguit's theory. They incorporate interest inside the state in order to neutralize and harmonize it.

Melvin Richter describes Durkheim's occupational groups as functioning like a sort of quasi bureaucracy in tandem with a state bureaucracy that would still have a number of roles.[58] The state would share its power with the somewhat autonomous occupational groups but also regulate them. An elected assembly would govern each group, and Durkheim foresees that these organizations could even come to replace territorial groups as the basis for suffrage. According to Richter's interpretation, "the state would lay down general principles which would be applied to particular cases by the corporations affected."[59] At the same time, the state would have a strong positive role in areas like the legal regulation of social welfare and business competition. In fact, in his lectures on the state Durkheim places the occupational groups on the same level as the public services and the justice system. He keeps all three conceptually separate from the state, itself. He writes, "We always say that the public services are the services of the state; justice, army, Church, where there is a national Church, pass as parts of the state," and declares that these "secondary organs" are solely "organs of execution" which form part of the administration and must be distinguished from the state.[60]

It can be tempting to interpret Durkheim's professional groups as the outgrowth of grassroots action within civil society, which might put in question their status as a bureaucratic

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[58] Richter notes the similarity to Tocqueville's treatment of associations and Montesquieu's view of intermediary bodies. He does not mention Hegel, although there is clearly similarity there, as well.

[59] Richter, "Durkheim's Politics and Political Theory," 196.

[60] Durkheim, *Lecons de sociologie*, 85.

appendage of the state. In the preface of *Division of Labor*, he promotes these corps as a remedy for the social pathology of anomie with the implication that they are not to be a source of coercion. The division of labor must ideally be the result of a spontaneous order in which each member has a function. The spontaneous growth of associations, professional and otherwise, should accompany this process. These associations should help to maintain solidarity through the regulatory channel of "cooperative law based upon restitutive sanctions" as opposed to the coercive force of the state.[61]

Is Durkheim, then, simply positing social harmony via some sort of invisible hand-like mechanism, suggesting that it will occur spontaneously, rather than trying to create it? There is certainly a tension between official regulation and the value of spontaneity in this account. Durkheim does posit harmony, but he does so under certain very specific conditions. These conditions necessitate a mechanism for manufacturing social harmony, relying on bureaucratic activity. Indeed, Durkheim's rationalist state is to play a key role in economic matters. He agrees with Proudhon that the industrial economy is too complex to be directed by a centralized bureaucracy, but the state should still be present and a more flexible official structure made up of the occupational groups should compliment its action. His writings on the history of socialism are all about this issue.

A clearer conception of the relationship between Durkheim's occupational groups and state bureaucracy can be gleaned from some of his writings on contemporary issues of his time. These will allow us to see that occupational groups would make up a kind of reformed bureaucratic state structure as a remedy for the "bad bureaucracy" that he critiques. Particularly instructive are his contributions to the discussion, "Sur l'Etat, les fonctionnaires et le public: le fonctionnaire citoyen; syndicates de fonctionnaires," in *Libres entretiens* from 1908. They address administrative syndicalism, which began as a movement to protect the legal status of the civil service against political interference. It later metamorphosed into a movement dedicated to dismantling the public administration in favor of more loosely grouped and autonomous syndicates. This was based on the

[61] J. E. S. Hayward, "Solidarist Syndicalism: Durkheim and Duguit," *The Sociological Review* vol. 8, no. 2, (1960): 29-30; See Durkheim, *De la division du travail social.*

late nineteenth century idea according to which all work was social work and the syndicates could help to instill a "sense of the social character of economic functions. … The hope was that the social interests served by each occupation would increasingly predominate over particular interests."[62]

Crucially, Durkheim opposed this movement, explaining that the syndicates were only a poor substitute for the real public administration. The syndicates would dissolve the state into the corporations rather than bring the corporations into the state in the spirit of public good. Durkheim was instead in favor of "'vast administrative corporations, strongly organized and unified.'"[63] Durkheim's state was not to be dissolved into civil society; rather, it should gather civil society into itself in order to harmonize sources of potential conflict.[64] He writes in *Socialism and Saint-Simon* that the professional group:

> "… will not weigh heavily on industry, it is sufficiently close to the interests it will have to regulate not to repress them excessively. Furthermore, like every group formed of individuals united by ties of interest, ideas, and feelings, it is capable of being a moral force for its members. If it were made a formal social organ, whereas it is as yet only a private society; if some of the rights and duties which the State is increasingly incapable of exercising and carrying out were transferred to it; if it were put in charge of administering things, industries and arts which the State cannot run because of its remoteness from material things; if it had the necessary power to resolve certain conflicts, to vary the general laws of society to suit particular kinds of work, gradually, through the influence that it will exercise through the rapprochement between the work of all, it will acquire the moral authority which will enable it to play the role of brake without which economic stability would be impossible."[65]

Thus, Durkheim's network of occupational groups is not so much a substitute for bureaucracy as a bureaucracy that is better organized. As he asserts, these groups should be granted official status by and within the state in order to take over important administrative functions.

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[62] Steven Lukes, *Émile Durkheim* (New York: Penguin Books, 1973), 537.

[63] Émile Durkheim, "Contributions to discussion: 'Sur l'Etat, les fonctionnaires et le public: le fonctionnaire citoyen; syndicates de fonctionnaires'," *Libres entretiens* 4e série (1908): 261, quoted in Lukes, *Durkheim,* 538.

[64] See Pierre Birnbaum, "La conception durkheimienne de l'Etat: L'apolitisme des fonctionnaires," *Revue française de sociologie* vol. 17, no. 2 (April-June 1976): 247-258.

[65] Durkheim, *Le socialisme*, 229-230, translation from Hayward, "Solidarist Syndicalism," 33.

This description of occupational groups and their role has close ties to Léon Duguit's argument supporting bureaucracy, which reappears in Rosanvallon's theory on bureaucracy and democratic legitimacy. Duguit was a jurist who studied social solidarity or the reconciliation of the individual and society from the perspective of legal theory. His starting point was the same concern that drove the *Division of Labor*, and he was eventually strongly influenced by Durkheim's ideas. The two thinkers shared a belief in the power of economic associations and the state to create and maintain social harmony. Both sought to replace the antagonism of revolutionary proletarian syndicalism with a conciliatory reformist syndicalism based on professional groups that would mediate class conflict.

Duguit was highly critical of the jacobin 1791 *Loi le Chapelier* which had outlawed professional organizations in favor of a centralized state with a direct connection to citizens, lacking the interference of intermediary bodies. Republican politicians forming a movement called "solidarism" shared this critical stance even though they presented their ideas as a prolongation of the revolution.[66] Professional associations and, later, associations in general were only legalized in 1884 and 1901. In 1911, Duguit regarded this development in "the juridical organization of social classes" as "the principal event in the social evolution during the second half of the nineteenth century and of the twentieth century."[67] The professional groups, conceived as a quasi-part of the state, were to be the main instrument for achieving social solidarity.

The advent of rational administration in tandem with a decentralized "syndicalist federalism" was a progressive development because it signaled the undoing of "imperialist" sovereignty, originating in Roman law. The state was no longer a sovereign subject ruling by will; rather, it was in the process of becoming the subject of citizens' demands for the provision of public services. Duguit was not, in fact, arguing in favor of democracy so much as a change in the nature of socio-

[66] Serge Audier, *La pensée solidariste: Aux sources du modèle social républicain*, 37; See also Durkheim, "The Principles of 1789 and Sociology" in Robert Bellah, ed., *Emile Durkheim on Morality and Society* (Chicago: University of Chicago Press, 1973) and Th. Ferneuil, *Les principes de 1789 et la science sociale* (Paris: Hachette, 1889).

[67] Léon Duguit, "La Représentation Syndicale au Parlement," *Revue Politique et Parlementaire* vol. 69 (1911): 33, translation from Hayward, "Solidarist Syndicalism," 186.

political and legal obligation. The doctrine of popular sovereignty was, for him, nothing but the translation of sovereignty as command into democratic form, leaving the people's government in the place of the king. His goal was to dismantle "the regalian, Jacobin and Napoleonic conception of the State as power" and replace it with "a fundamentally economic conception of the State, which becomes the cooperation between public services functioning under the control of the government."[68]

Duguit wished to propose a scientific understanding of law based on public services that would render obsolete the myth of sovereignty that had been necessary for government in the past. His efforts were part of a jurisprudential conversation that also included solidarists like Léon Bourgeois. Both sought to use the "normative fact" of solidarity as the basic foundation for the legal edifice, eschewing both statism and individualism.[69] Public law, in Duguit's construction, would actually ensure that state agencies performed the services expected because solidarity was the very origin of all state law. The practice of rule would be stripped of sanctification. The myth of sovereignty had simply assumed the existence of a right to rule, whereas modern public law defined governmental control as the power to act and the obligation to serve. The main purpose and function of the state was to protect and promote social solidarity, and its legitimacy rested on this foundation.

Furthermore, the division of bureaucratic competences through Duguit's reformist social syndicalism would divide sovereignty in a way that would protect citizens from an arbitrary state. He explicitly claimed that expanding state intervention did not imply an increased right to control or even increased state power because this "power is counterbalanced, if not outweighed, by the movement towards decentralization which is becoming one of the main characteristics of

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[68] Léon Duguit, *Traité de Droit Constitutionnel*, 3rd ed., vol. II (Paris: Ancienne Librairie Fontemoing & Cie, 1928), 756-757, and Duguit, "La Représentation Syndicale au Parlement," 44, translation from Hayward, "Solidarist Syndicalism," 193.

[69] J. E. S. Hayward, "The Official Social Philosophy of the French Third Republic: Léon Bourgeois and Solidarism," *International Review of Social History* vol. 6, no. 1 (April 1961): 27, 31.

governmental evolution."[70] Like Durkheim, Duguit did not wish to see the state dissolved into associations; rather, he wanted the associations to become parts of the state in order to regulate social affairs and moderate interest for the purpose of social harmony. In response to the creation of a governmental Economic Council, pushed by the C.G.T., he wrote, "I summarize my whole attitude when I say that in the near future the trade unions ought to be integrated into the State."[71]

Rosanvallon draws on Duguit in order to show that the bureaucracy of the civil services has an important place in the history of democratic theory and practice. For him, the important point is that Duguit's system replacing sovereignty-as-command is purportedly more democratic *because* it is more bureaucratic. However, neither Duguit nor Durkheim emphasizes political participation as a democratic benefit of the *corps intermédiaires*. They were interested, instead, in democracy as social solidarity, and they emphasized the way in which state-administered corporations or occupational groups could serve to articulate pieces of society within the state in a concordant fashion.

The State as Thinker and Organizer Above Society

In Durkheim's thought, intermediary bodies work together with a rationalized state to form a self-regulating republic, free from political turmoil. Like Comte and Saint-Simon, Durkheim derives his explanations of political power from social organization, but at the same time, he describes the state as a clearly delineated entity above the rest of society. It is the guiding organ of social organization in society, not simply society's mirror image.

In his lectures on the state collected in *Leçons de sociologie*, he paints us a picture of a rational state over and above society whose role it is to think and organize. The state does not incarnate the collective consciousness, rather it remains in communication with society while thinking rationally

[70] Léon Duguit, *Law in the Modern State* (New York: H. Fertig, 1970), 52.

[71] Duguit, *Traité*, 762, 764, translation from Hayward, "Solidarist Syndicalism," 194.

and making decisions on its behalf.[72] State and society are in contact, but it is the state that leads. The state "is not a simple instrument of canalization and concentration. It is, in a certain sense, the organizational center of the subgroups themselves. … It is a group of functionaries sui generis, at the heart of which representations and volitions that engage the collectivity are elaborated."

It would be incorrect to claim that the state simply "incarnates" the collective consciousness because this consciousness is widely diffused across society. Instead, the state is the seat of a more reflective, "higher, clearer" type of thinking.[73] The state represents society to itself and acts as the manifestation of its true self-consciousness. It draws information from society and rationalizes it. His very definition of the state underlines this rationalized representative element: "We can thus say in summary: the state is a special organ charged with elaborating certain representations that are valid for the collectivity. These representations distinguish themselves from other collective representations by their higher degree of consciousness and reflection."[74] The state as self-consciousness clearly overlaps with Hegel's theory, which we will examine later, as we can see here: "The representations that come from the state are always more conscious of themselves, their causes, and their aims."[75]

In addition to representing, the rationalizing state thinks and guides the administration that acts for it, just as the brain guides the activity of the muscles. The extension of government involvement in society means for Durkheim that more "obscure" or shadowy "things" come into the light of the societal consciousness. Tradition and reflex are thought through rather than directly

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[72] Richter, "Durkheim's Politics and Political Theory," 191.

[73] Durkheim, *Leçons de sociologie*, 86.

[74] Ibid., , 87. My translation. This representational function is one of the major benefits of the democratic state, which includes the bureaucracy, according to Rosanvallon. This is the legacy of Lefort's symbolic conception of the political in Rosanvallon's thought.

[75] Ibid., 86.

acted upon. This idea is common to Hegel, Durkheim, as well as Weber in their accounts of the development of the modern state.[76]

Durkheim's is an administrative view of the state as opposed to a political one. The state is the guiding organ in the division of social labor, and everything is conceived in terms of effectiveness of organization and functionality. It is like the central nervous system coordinating the rest of the political body, to use a metaphor to which Durkheim often returns. This is, of course, a direct echo of Hegel's description of civil servants as the universal class, acting like "nerves" in the body.[77] The state is made up of bureaucrats who think for society, and the growth of government implies increased rationalization: more ideas emerge from the shadows to reach clarification in the societal consciousness.

Durkheim's endorsement of many of Saint-Simon's ideas in his history of socialism further illustrates the type of highly organized society he envisions for a peaceful future. Saint-Simon describes a society driven by and unified around industrial progress, with political questions managed by technical experts with scientific training. Durkheim finds fault with the system only to the extent that Saint-Simon leaves morality mostly out of the picture. On the positive side, Durkheim goes so far as to say that, besides Cartesianism, Saint-Simon's positive philosophy might be the most important element in the history of French philosophy. Indeed, as he explains and describes Saint-Simon's theories, it is often difficult to differentiate Durkheim's own voice from the one he attributes to his subject.

The definition of socialism Durkheim provides in the book is particular; he defines it in such a way that he can subsume it under his own concerns: "*We term socialist any doctrine that calls for the attachment of all economic functions, or certain ones that are currently diffuse, to the directive and conscious centers of*

[76] See Peter Knapp, "Hegel's Universal in Marx, Durkheim and Weber: The Role of Hegelian Ideas in the Origin of Sociology," *Sociological Forum* vol. 1, no. 4 (1986): 586-609.

[77] See Shlomo Avineri, *Hegel's Theory of the Modern State* (London: Cambridge University Press, 1972), 108.

society. We should remark right away that we are discussing attachment and not subordination."[78] Thus, socialism is about the integration of economy and society within the state, which should guide and regulate but not dominate. Durkheim differentiates socialism from communism in that communists seek to isolate economics from the rest of social life, whereas socialists wish to bring economic relations to the very center of social relations. Communists believe wealth is the source of public corruption because it stimulates private egotism, which eventually challenges public interest and tears the state apart. Wealth must therefore be quarantined in order to protect public life.[79] In opposition to this idea, socialists (and Durkheim) seek to use the state mechanism in order to pacify private interest. The goal is to bring interest inside the state so as to defuse it.

Instead of stifling wealth production, the goal of the Saint-Simonian state is to encourage it for the sake of human progress. Indeed, progress is the key principle of Saint-Simon's social physiology. In this, he is following Condorcet, who he sees as his master and precursor. For Saint-Simon, progress dominates human life "with absolute necessity,"[80] and the new industrial system of the nineteenth century was an expression of providence and historical development.

His social theory is a theory of industrial colonization of all aspects of life. He recognizes imperfections and insufficiency in industrial society, but directs blame toward the incomplete development of industry, which does not yet "embrace all of social life." His solution is to extend and generalize the industrial principle and make sure it is not subordinated to other ideals or impeded by vestiges of the *ancien regime*. The goal of complete industrialization betrays a Saint-Simonian obsession with coherence that is left unexplained. Durkheim simply reports this logic without questioning or clarifying why all of society should be centered exclusively on industry and why the politics of managing industry must be modeled on industry itself. It is as if the principle of

[78] Durkheim, *Le socialisme*, 49. My translation; italics original.

[79] Ibid., 62.

[80] Ibid., 128.

coherence, itself, were obviously therapeutic. This obsession with coherence seems to run parallel to the desire for harmony and stability, on the part of Saint-Simon as well as Durkheim.

For Saint-Simon, "… the essential trait of this spontaneous organization [industry] is that it has as its entire goal, and for its exclusive goal, to increase the mastery [*empire*] of man over things." Thus, "instead of seeking to extend the national domain, instead of turning the attention of men away from the goods of this world," the sole goal of the new, post revolutionary, social community should be to "peacefully increase their well-being through the development of arts, sciences, and industry. It has as its unique function to produce useful things for our earthly existence."[81]

Belief in human progress, defined as increasing human control over the natural environment, is an essential element of positivism in general, of the Comtian as well as the Saint-Simonian type. Human mastery is to be extended through continuous specialization and coordination of the organs within society. This sort of rationalization, which entails differentiation and coordination for the sake of control and harmonization, is central to bureaucracy.

Durkheim explains that for Saint-Simon, economic affairs are the only subject of interest for deliberation, politics, and common action in this new society. "Society must become a vast society of production."[82] It is founded upon industry, and industry guarantees its existence, so whatever is good for industry is good for society. As the only useful members of the collective, "producers" should detain all political power including the power to legislate. Durkheim points out that Saint-Simon does not include all property owners in this category, only property owners who are productive and do not live from their rents.

The totality of socialist doctrine is already contained in the Saint-Simon's work, according to Durkheim. Remember that socialism, for him, is the attachment of economic life to a central regulatory organ. Particular enterprises run by private persons still make up Saint-Simon's industrial landscape, but "he esteems that this aggregate is a system that has its unity, in which all parties must

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[81] Ibid., 161.

[82] Ibid., 162.

function harmoniously" and consequently accept submission to directive action, which would be social.[83] The "regulative organs" would "maintain unity and assure the harmony of the system."[84] All members of the directive organ should be recruited from among the industrialists and scientists in society. The directive structure must be constituted in such a way that it can be run based on competence. This means that "collective affairs necessitate special competencies as do private affairs, and that, consequently, the system formed by the ensemble of industrial professions could only be usefully administered with the help of professional representation."

Durkheim makes it clear that Saint-Simon had thereby rejected "...the revolutionary principle that attributed universal competency to each person regarding social matters..."[85] This appears to be a tacit recognition on Durkheim's part of a central democratic / bureaucratic tension regarding the issue of competence, disappointingly without further comment. This is not surprising, however, because it reflects his judgment that the revolutionaries had focused on the wrong problem. The principle of universal competency addressed the question of who rules rather than problematizing the concept and practices of rulership. Saint-Simon criticizes the revolutionaries for having emphasized regime type when industrial organization was more important. Remember that we found a similar theme in Duguit's critique of sovereignty and popular sovereignty. It was the disorganized state of industry, according to Saint-Simon, that had caused the ongoing crisis, and economic questions do not depend on "constitutional particularities. ... It is necessary to renounce this method and put all of these purely political problems in their veritable place, which is secondary."[86] Saint-Simon goes so far as to claim that it would be better to leave all political or constitutional questions aside and simply adapt to circumstances. This would mean conserving existing types of government-

[83] Ibid., 166.

[84] Ibid., 169.

[85] Ibid., 172.

[86]Ibid., 174.

-aristocracy, monarchy, republic, etc.--as long as they do not hinder the establishment of the new industrial society.

Saint-Simon's government is composed completely of technical administration, with no space for political participation. There is a complete substitution of bureaucracy for politics here, with no middle ground. But Saint-Simon doesn't call the directive organ the "state" or the "government." He explicitly claims that the government has always damaged industry when it has intervened in economic affairs, so the government's role should be restricted to defending producers against those "who want to consume without producing."[87] The government is granted only this negative policing function, which is arguably even more restrained than the standard liberal role for the state. Only the "industrial councils" as he defines them—not the "government"—will "have the quality for determining as sovereigns the direction [*marche*] of society."[88] One could thus claim that Saint-Simon's story is not about bureaucracy or state administration, but that assertion would rest entirely on a linguistic trick. Bureaucracy as the application of technical knowledge and practices to political affairs certainly corresponds to Saint-Simon's "directive organ" even if he does not call it "the state."

This theory of technical administration rests on Saint-Simon's positivism, which sought to fuse science and philosophy in order to understand the world and man's place in it. Two goals of positivism were reconciliation with reality and understanding the supposed universally valid laws that governed existing reality. The given was to be exalted and accorded positive status. Social theory needed to concentrate on understanding real facts in a practical sense in order to create the most favorable environment for industry. The model of the natural sciences was to be imported into the study of society because facts should be studied through observation, not through speculative

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[87] Ibid., 173.

[88] Ibid., 174.

reasoning.[89] Positivism, solidarism, and Durkheimian sociology have in common their attempt to ground their political ideas on science, turning science into a political ideology.

Solidarism as a political movement sought to marry science and politics in a practical as well as theoretical sense.[90] In his major 1896 work, *Solidarité*, leading theorist and politician Léon Bourgeois relied heavily on the ideas of renowned chemist Marcellin Berthelot, the "official scientist of the Third Republic." Author of "Science et Morale," former Foreign Minister, Life-Senator and Secretary of the Académie des Sciences, Berthelot was "second in renown only to Pasteur among French nineteenth century scientists."[91] As a promoter of solidarity through a framework of scientism, he had explained,

> "'The superior and more illustrious notion of human solidarity had been paralyzed for so long by that of Christian charity,' but the time had come when rules of conduct had to be based upon ineluctable laws of natural determinism which could alone command the free consent of rational beings and at the same time provide an impregnable consent of rational beings while also providing an impregnable, objective foundation for ethics."[92]

Pasteur's revolutionary discoveries on bacteria and infection were also used to support social theory, especially by solidarists like Bourgeois and Charles Gide. Their vision of society as an organic whole rather than a simple collection of individuals was hereby given scientific sanction. Illness now took on an unquestionably social dimension, requiring preventive public intervention.[93] Léon Bourgeois was an active participant in several associations, which came together in 1904 to form

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[89] See Herbert Marcuse's discussion of positivism in *Reason and Revolution* (London: Routledge, 1986).

[90] See Serge Audier, *La pensée solidariste: aux sources du modèle social républicain* (Paris: Presses universitaires de France, 2010).

[91] Hayward, "Official Social Philosophy," 25.

[92] Marcellin Berthelot, *Science et Morale* (Paris: Calmann Lévy, 1897), 28; see also XI-XII, 34-43, quoted and paraphrased in Hayward, "Official Social Philosophy," 25.

[93] Pierre Rosanvallon, *l'État en France de 1789 à nos jours* (Paris: Editions du Seuil, 1990), 130-131. Rosanvallon devotes a few pages to the "Pasteurian revolution" and mentions several organizations founded by "Pasteur's disciples" to promote public health policy. See also Serge Audier, *La pensée solidariste*, and Marie-Claude Blais, *La solidarité: Histoire d'une idée* (Paris: Gallimard, 2007).

l'Alliance d'hygiène sociale. He was the founder of the *Association Centrale Française contre la tuberculose* and became the president of the alliance in 1907.[94]

The role of philosophy in society, for both Durkheim and the positivists, is to gather together and systematize knowledge as it progresses. While the increasing fragmentation of the sciences threatened to destroy the idea of human knowledge as a unity, positivism showed that "the eternal ambition of the human spirit had not lost legitimacy" and progress in the specialized sciences did not represent the negation of this dream.[95] The solution was for philosophy to turn positive like the specialized sciences, such as astronomy, physics, and chemistry. Philosophy is the synthesis of everything else, and as such, it is itself a science. For Saint-Simon, "a social system is nothing but the application of a system of ideas": Scientific revolutions and political revolutions follow and cause each other, but at bottom, "It's the idea, that is to say science, that is … the initial motor of progress. … A society is above all a community of ideas. … Institutions are nothing but ideas in action."[96] Philosophy is the special system that links all of the fragmentary knowledge about different parts of the world into one whole. We should note that this is Hegel's concept of philosophy, as well.

However, still according to Saint-Simon, philosophy cannot be the unifier of the positive physical sciences unless it becomes positive, as well. Failing this, it can only summarize current results and produce nothing but an ambiguous system, lacking unity. Durkheim inserts himself in the narrative at this point to proclaim,

> "But it is precisely this equivocation, as we will see, that is responsible for the critical state of modern societies, that, in preventing them from being in agreement with themselves, from unburdening themselves of internal contradictions, obstructs all harmonious organization."[97]

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[94] Hayward, "Official Social Philosophy," 40.

[95] Durkheim, *Le socialisme*, 132.

[96] Ibid., 118-119. Durkheim is paraphrasing Saint-Simon here.

[97] Ibid., 123.

If we do not update the ambiguous and non-unified system of philosophy, Saint-Simon contends that philosophy itself will be pointless. By simply clumping together all current knowledge, we can't discover "the means of holding men united in societies."[98] Philosophy cannot just group knowledge together; it must also "complete" this knowledge "by founding a new science, the science of man in societies."[99] Saint-Simon does not use the word, "sociology," here, which Comte will invent later, but he uses "social physiology." Durkheim describes the development of science as the progressive abandonment of the anthropocentric view, first in the natural sciences and then, with Comte, in the human sciences. Scientific knowledge is about creating something objective, thus, by definition, it eliminates the human element.[100] The "science of man in societies" should, then, remove human judgment in order to find the objective natural determinants that shape human existence within society. From this, it should derive the "ought," which is necessarily existent within and limited by the "is."

Saint-Simon—and Durkheim via Saint-Simon—makes a series of strong assertions here that we must examine in order to grasp the different facets of bureaucratic thinking at work. First of all, we see again that harmonious organization is always assumed to be the ultimate goal of society. In fact, the words, "harmony" and "harmonious," appear throughout the text. Saint-Simon claims that the systematization of all human knowledge as well as the creation of positive human science will help us to maintain a harmonious organization of the social world and "keep men united in societies." It is implied that a foundational goal of philosophy and science is to discover the means of social unification. Rationalization explicitly serves the purpose of social unity for Saint-Simon.

Durkheim also forcefully asserts that chaos in ideas somehow translates to chaos in society, or at least that the absence of a harmonious, coherent, and unified system of ideas is a hindrance to the harmonious systematization of society. This statement could actually serve as a metaphor for his

[98] Ibid., 123.

[99] Ibid., 124.

[100] Ibid., 141.

entire intellectual project. In the face of political upheaval in France during the second half of the 19th century, Durkheim sought to create a unifying doctrine in support of the Third Republic. He sought to defend the secular, individualist, and rationalist underpinnings of liberalism, which were under attack from conservatives on one side and revolutionaries on the other. The crises were occurring in the political, social, and cultural spheres, not the intellectual one, but Durkheim saw a necessary link between intellectual doctrines and social life. He

> "believed that these disparate intellectual doctrines and theories embodied presuppositions and social ideals that perpetuated the social political, and cultural polarization of the Third Republic. It was crucial, Durkheim thought, to discredit the legitimating function of their ideas by criticizing and reconstructing social theory. Durkheim's analytical debates, in other words, with Comte, Spencer, the socialists, and the economists must be read, in part, as conflicts of world-view and politics."[101]

Significantly, Durkheim chose to sort out these intellectual, and by translation, political clashes in a very specific way: by appealing to science and objective knowledge. This is evident in his sociological work as well as his endorsement of Saint-Simon's ideas here. The advantage of objective scientific knowledge is that it cannot be questioned but yet does not take on the appearance of brute force because it is, by definition, universal. Durkheim looks to science as the salvation of social peace, disregarding the possibility of reasonable disagreement based on political value judgments.

In this respect, it is interesting to compare Durkheim to the aforementioned solidarist politician Léon Bourgeois. Bourgeois' political career was defined by a spirit of comrpomise and reconciliation, built on a doctrine that emphasized the common elements among liberalism, Marxism, Catholic corporatism, and anarchist syndicalism. Fearing violent upheaval if the social reforms implicit in the principles of 1789 were not put in place, Bourgeois thought the solidarity doctrine could be "the 'open sesame' that was to exorcise the demon of social conflict that haunted this period despite the 'belle époque' façade."[102] He claimed to be applying the scientific method to

[101] Seidman, *Liberalism*, 158.

[102] Hayward, "Official Social Philosophy," 22.

social affairs and even suggested that the "more scientific" concept of solidarity should replace fraternity in the revolutionary "liberté, égalité, fraternité." For both Durkheim and Bourgeois, science provides an objective foundation for an argument that is indisputable and thus conciliatory, unifying, and pacifying. Science as a political ideology is about finding an objective foundation for policy so as to rid the political realm of both interest and conflict. This is what bureaucracy is all about.

Like Durkheim, Saint-Simon meant his philosophy to have an explicitly social purpose. Positivism was his reaction against eighteenth century philosophy, which he saw as mainly critical without attempt at reconstruction. As a result, the Revolution was destructive, responding only to the need to remove the burden of the past without providing a new foundation for society. It destroyed stability by taking away the old foundations of political authority and social relations without providing anything new, which is why the revolutionary period was characterized by "a sort of incertitude, an exasperated anxiety."[103] The restoration of the monarchy provided proof of the partially abortive nature of the Revolution.

Saint-Simon contended that philosophy should not only function in a negative way. Instead, it should serve as "the guardian of the social conscience" during calm periods and, in times of crisis, take responsibility for the elaboration of "a new system of common beliefs."[104] Again, this mirrors Durkheim's goal for his own work. The figure of Saint-Simon in these chapters clearly embodies Durkheim's own projections and preoccupations in revealing ways.

In claiming for science the place of the most important social function, Saint-Simon, according to Durkheim, was only forcing science to recognize itself for what it had already become. Science is nothing other than "the eminent form of the collective intelligence." [105] This portrayal of

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[103] Durkheim, *Le socialisme*, 148.

[104] Ibid., 121.

[105] Ibid., 172.

science and philosophy recalls Durkheim's state. The state, like philosophy, should collect and systematize all specialized and differentiated knowledge from the different corners of society. It is not a simple clearinghouse, however, in that it rationalizes this knowledge and thus acts as a manifestation of society's true self-consciousness. It is as if, for Durkheim, science and state were fused.

This is clearly the case regarding Saint-Simon. In his ideal industrial society, science would provide answers to all political questions, which would only be addressed by trained experts. Once "social physiology" is advanced enough, Saint-Simon writes, "politics will become a science of observation and political questions will be treated by those who would have studied the positive science of man, by the same method and in the same way that we today treat questions relative to other phenomena."[106] Durkheim continues: "And it's only when politics will be treated in this manner and when, following this, it can be taught in schools like other sciences, that the European crisis can resolve itself."[107] Objective knowledge and technique are to be the salvation of European politics.

If this is the case, what happens to value judgments and morality? Are they determined by science and the collective intelligence as it has progressed thus far, guided by providence? Is there no place for autonomous reflection and critique? This kind of rationalization could be linked with democracy insofar as democratic government requires transparency so that state processes can be monitored, restricting the free reign of private will. However, rational administration is inherently anti-political in that it shrinks the role of the will in general, even one that is democratically constituted.

The major criticism that Durkheim levels against Saint-Simon involves the neglect of moral questions, but Durkheim is not concerned with the possibility of critique so much as the need for societal moral constraint on potentially divisive selfishness. Although Saint-Simon emphasizes the

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[106] Claude Henri de Rouvroy, comte de Saint-Simon, *Mémoire sur la science de l'homme et Travail sur la gravitation universelle*, 1813, quoted in Durkheim, *Le socialism*, 127. My translation.

[107] Durkheim, *Le socialisme*, 127.

supposedly "moral" tasks of industrial society, Durkheim points out that these are completely contiguous with the paradigm of productive self-interest. For example, Saint-Simon highlights the redefinition of property rights as a key moral issue, but this is so because society must make sure that the most capable can profit from their capabilities. Indeed, Saint-Simon appeals to morality in his system in order to help ensure that industry is as productive as possible.

As Durkheim points out, the very definition of morality as a concept is ambiguous in Saint-Simon's work. At times, he seems to equate it with politics, which is of derivative interest. His system also rests on the idea that in a well-organized society, the particular interest would automatically coincide with the collective. In that case, egotism would be a beneficent force in the moral realm as well as the economic one. The problem is then not to combat egotism but to figure out how to organize society so that it can be harnessed in a productive way. In *Système Industriel* (1821), Saint-Simon seems to have modified his view and realized that particular interest could become a divisive force. Durkheim points out that Saint-Simon's solutions were limited, however, by the absence of any conception of a transcendent force that could be used as a counterweight. The answer, then, had to be philanthropy, or particular interest directed towards others. This addition does not contradict the Saint-Simonian assumption that personal and collective interest will naturally coincide because the claim is that the rich will give to the non-property-owning workers in order to give them a stake in the system. The poor must be "directly interested in public tranquility" through an invitation "to participate more in the benefits of the association."[108] This is in the interest of all because repression is costly and inefficient. Repressive activity produces nothing and detracts resources from industry. The conditions of the "laborious classes" must thus be improved so that they respect social organization without repressive imposition. This means that everyone has an interest in avoiding dangerous or pure egotism because avoidance is the necessary "price" for a "truly fecund social peace."[109]

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[108] Ibid., 194.

[109] Ibid., 195.

Durkheim attacks this construction from a couple of different directions. He first identifies a contradiction, which then leads him to question the very idea that economic interests are or should be the main drivers of society. Saint-Simon had assumed that progress was synonymous with the unleashing of the industrial principle since he had witnessed the progressive crumbling away of religion and tradition as limiting forces. Durkheim contends that the necessary conclusion to be drawn was rather that new moral limits needed to be constructed:

> "This is what seems to have escaped Saint-Simon. It seems to him that the means to realize social peace is to emancipate economic appetites from all brakes, on the one hand, and, on the other, to satisfy them by filling them. But, such an enterprise is contradictory. Because they cannot be filled unless they are limited (to be partially filled), and they can only be limited by something other than themselves. From which it follows that they could not be considered as the unique end of Society, because they must be subordinated to some end that transcends them…"[110]

Durkheim does not have a problem, however, with the idea that society needs a unifying, guiding end, be it industrial productivity and economic interest or something else that transcends these. As I mentioned above, he is not concerned with the possibility of autonomous critique any more than Saint-Simon. He cares about values and morality, but society as he constructs it would domesticate any possibly conflictual thrust of value judgments.

If we think about Durkheim in the context of the Republican tradition of political thought, we can situate him at the end of a chain of the progressive depersonalization of virtue. In Durkheim's republic, virtue—or morality—is a property of the rationally organized system. It is not a personal attribute to be cultivated, which means also that it is not in danger of getting out of control and causing conflict, violence, or terror. It is a type of virtue that is automatically produced and self-regulating. There is no need to stimulate a passion for freedom or virtuous action since the rational organization of the state takes the place of the virtuous citizens and leaders. Durkheim's state turns out to be just as mechanical as Saint-Simon's. He includes morality in his picture of society, but morality simply forms another objective piece of the puzzle; it is the glue holding everything together. Morality and value judgments are important for him, but the whole system of

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[110] Ibid., 225-226. My translation.

society that he constructs domesticates their conflictual potential. Morality allows the system to maintain itself, but it is a morality that gets domesticated through the chutes and sluices of the system, which include the intermediary bodies or "occupational groups." There is no room here for conflict based on judgments of political value.

To locate Durkheim within the republican tradition, we are considering republicanism as a body of political theories based on liberty and peace. His rationalized state is supposed to allow citizens to take conscious ownership of the laws, meaning they are autonomous and not living under domination. We can understand him as posing the question, "How is virtue possible in the industrial era?" He answers this at least partially with reference to science. Science does not remove our communal or social obligations as citizens, but it allows us to reconcile ourselves to them in order to increase our autonomy. Science increases our freedom from the arbitrary. This is only possible in society since scientific progress is the result of division of labor. Thus, autonomy is only possible in society—a republican idea.

Durkheim claims that the state, and the democratic state in particular, allows citizens to accept the laws of the country with more intelligence and less passivity. It exists above and thinks for society, gathering statistical and administrative information that is not generally accessible in order to centralize it and form "the point of departure for a new mental life."[111] In this way, it allows citizens to take conscious ownership of the laws. The state no longer seems like an exterior force that makes them act in an impulsive, mechanical way. There is a kind of organic unity between state and society, and this is the very essence of democracy for Durkheim.

Durkheim, Saint-Simon, and the later Saint-Simonians like Bazard are all concerned with freedom as non domination when they laud the benefits of a society in which men cease to rule over each other and instead rule together over the realm of things. They interpret history as a movement in this direction. Narrating Bazard's account of social history at the end of the socialism book, Durkheim writes:

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[111] Durkheim, *Leçons de sociologie*, 126.

> "… What determines this progressive appeasement is that, more and more, the role of force in social relations is diminishing. In principle, it's this [force] that is at the base of all social organization, which consists in the subjecting of the weakest to the strongest, and then in the exploitation of the first group by the second. But more and more it loses ground, as industry reveals itself to be more productive than war. 'The exploitation of man by man, this is the state of human relations in the past; the exploitation of nature by man associated with man, this is the picture that the future presents.' The end that humanity pursues and must pursue is thus not in doubt. It must reach towards a state where all of its members, cooperating harmoniously, will be united in exploiting the globe in common."[112]

This regime is supposed to constitute itself "spontaneously" and hold together without recourse to anything approximating military force:

> "In the industrial society, there will not be a government in the way that we understand this word. This is because he who says, 'govern,' says, 'power to constrain,' and here, all is spontaneous. Saint-Simonian society is not an army that only has unity through submission to its leaders and that evolves through docilely following their precepts. To speak precisely, it doesn't have leaders. Each person takes the rank that it is in his nature to occupy, and only executes movements that are commanded by the nature of things."[113]

All of this comes together, supposedly without the need for leadership, but Saint-Simon does recognize the authority of science. To explain the role of Saint-Simon's directive councils, Durkheim uses the metaphors of the invalid following the doctor, the engineer following the chemist and the mathemetician, and the worker following the engineer.[114] These clearly reference images from Plato, a philosopher who wanted to exorcise politics from the republic because he was afraid of its tumultuousness. This is exactly what we see here with both Saint-Simon and Durkheim.

The story of the progressive whittling away of force in society is familiar to us from Durkheim's Division of Labor. It also recalls glimpses Marx gives us of the final stage of communism: politics would give way to the administration of things.[115] This account relies on the assumption that it is possible to rid human relations of exploitation and domination by finding an objective understanding of the world. With the help of this tool, men can agree to exploit and manage only the things that are external to them. However, his appeal to an objective understanding

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[112] Durkheim, *Le socialisme*, 237.

[113] Ibid., 180.
[114] Durkheim, *Le socialisme*, 182.

[115] Saint-Simon actually coined the expression, "The government of men gives way to the administration of things," and Engels adopted it.

of the world in all its facets is impossible to reconcile with the fact of human plurality. In claiming that governments should access it and apply it to all human affairs, we actually put a tool at the disposal of potential usurpers and exploiters who seek to hide or justify their dominance. The appeal to deliverance via objective knowledge also betrays a mistaken understanding of the political as a fight, often petty, about who will be on top. Instead, I contend that the political involves discussion, disagreement, and the never-ending working out of a common vision of ourselves and the world. Both bureaucratic assumptions rely on a distorted, one-dimensional vision of politics that ignores value pluralism. The resulting conclusions seem to reveal a deep fear and desire to relinquish human freedom in exchange for a false hope for reassurance.

Democracy as a Matter of Degree

In his most widely read works, Durkheim analyzes the state as a secondary transhistorical institution that undergoes transformation in conjunction with social changes. However, in his lectures devoted to the state he also specifically discusses democracy. It is not surprising that Durkheim does not emphasize deliberation and participation as a major component of the modern state since even his account of democracy largely leaves participatory and conflictual political communication out of its frame of vision. Of course, Durkheim's view of democracy is particular to his time and context. He was engaging in intellectual and political debates that led him to emphasize democracy as a social concept rather than a political one. When importing Durkheimian features into contemporary theories of democracy, we must take this into account.

The term, "democracy," had mostly been used in a pejorative and critical sense until about the 1840s in France. Things changed largely due to the reception of Tocqueville's Democracy in America. For Tocqueville, of course, democracy was a social condition that was forever advancing in history with the help of providence. The goal of his work on America was to understand how political activity within American democratic society had been able to avoid tyranny, which Tocqueville saw as a risk brought on by the equalizing of conditions.

At that point, the term took on a social connotation in addition to the legal and political ones attached to it via the *Déclaration des droits de l'homme et du citoyen* and the doctrine of popular sovereignty. Socialists, anarchists, and republicans in France began to discuss democracy as a social idea. Certain republicans became promoters of democracy, especially the radical socialists and the solidarists.

The equalization of conditions rather than political choice became the primary emphasis in French discourse on democracy. The solidarists, with whom Durkheim maintained close ties, championed the democratic cause as a reaction against the conceptual and practical gap created by the establishment in 1848 of universal male suffrage and the continued inequality of social conditions. Social democracy was meant to be a completion of the republican project in a social sense. Thus, crucially, it was not a properly political concept during the time in which Durkheim was writing.

In fact, insofar as it was a political concept, Durkheim judged it to be of little importance because, like Saint-Simon, he believed regime type had little impact on modern society.[116] Social and economic questions stemming from the purportedly deplorably disorganized state of industry had become much more prominent, and debates over regime type were irrelevant to their solution.[117]

This claim corresponds to his theory of historical evolution in which the state progressively loses its function as repressive guardian of the *conscience commune*. As organic solidarity takes over, social unity comes from overlapping interdependency within a system of functional specialization. In modern society, Durkheim remarks, "Government is but one of these functions. It thus no longer plays the great moral role that it fulfilled in the past." He goes so far as to conclude from this that, "…what best characterizes our current democracies, what accounts for their superiority over other

[116] This is true of the Durkheimians, as well. Their journal, the Année sociologique had no separate section for political sociology according to Steven Lukes', email message to author, September 30, 2012.

[117] Durkheim, *Le socialisme*, 175.

sorts of governments, is precisely the fact that governmental forms are reduced to the minimum."[118] Politics and government for Durkheim mean explicit moralizing and repression, thus modern democracies are characterized by less government and less politics. In this, they differ from "primitive democracies," which can be found on the other end of the chronological spectrum in the historical narrative. This is why Durkheim refuses to define "democracy" as the participation of all in the governance of communal life. This definition would be consistent with "the most inferior political societies that we know": tribal organization.[119]

As he discusses it in his lectures on the state, democracy does not constitute a regime type; it merely forms a point on the continuum that measures the closeness of communication between society and the state. Durkheim defines democracy as having two characteristics: "1 The greater extension of the governmental consciousness. 2 Tighter communication of this consciousness with the mass of individual consciences."[120] Communication with society is meant to be "tight," but direct democracy falls outside the bounds of his definition because it would entail a collapse of the state into society. A political form in which the people govern themselves is simply a form of society that completely lacks a state. Instead, the state must remain the societal organ of thought, detaching itself from society in order to achieve a clearer quality of thought. Social thought emanates from the various sources within society, but the state elaborates a clear consciousness on top of this. "If the state is everywhere, it is nowhere."[121] The expansive reach of the democratic state is important because it signifies that governmental consciousness includes and pervades more and more subject areas.[122] Durkheim concludes that a larger and deeper-reaching state is necessarily more democratic.

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[118] Ibid., 176.

[119] Durkheim, *Leçons de sociologie*, 112.

[120] Ibid., 121.

[121] Ibid., 116. My translation.

[122] Ibid., 117.

Parallel to his continuum for regime classification, Durkheim describes the development of democracy as a long-standing process of historical evolution, emphasizing continuity over rupture. According to his account, the monarchy not only prepared the way for democracy, it was actually a "democratic government" by comparison with feudalism. The monarch at the head of state is almost irrelevant; the important thing to consider is the communicative relationship between the state and the entirety of the society:

> "The monarchy, in centralizing collective forces more and more, in extending its ramifications in every direction, in penetrating more tightly the social masses, prepared the future for democracy and was itself, relative to what existed before, a democratic government."[123]

Given that even the monarchy can be declared to be "democratic" in Durkheim's conception, we should question the exemplary democratic character of his corporatist picture of the state. Certainly, we must problematize the nature of communication between the state and society in evaluating democracy, but Durkheim does not fully achieve this. He seems to measure "communication" in a quantitative way while ignoring the quality and kind of communication, namely, whether it is of an administrative or political character. He neglects the possibility that bureaucratic thinking might actually distort the reflection of society to itself in certain ways.

Deliberative assemblies play a role in his narrative, but they are not discussed as essential features of a democratic system. He claims that deliberative assemblies are increasingly becoming general institutions since they are the organs by which societies reflect upon themselves;[124] however, the direction of causality in the story is problematic. It is as if participatory expression through these assemblies were a side effect of democratization rather than a manifestation of democracy, itself.

Political freedom is a means in Durkheimian democracy, not an end:

> "… its worth lies in the manner in which it is used. If it does not serve some end which goes beyond itself, it is not simply useless; it becomes dangerous. It is a battle weapon; if those who wield it do not know how to use it in fruitful struggles, they soon end by

[123] Ibid., 123.

[124] Durkheim, *Lecons de sociologie*, 124.

> turning it against themselves. … Thus, we cannot limit ourselves to this negative ideal. We must go beyond the results achieved, if only to preserve them. … Let us therefore make use of our liberties to seek out what we must do and to do it, *to smooth the functioning of the social machine*, still so harsh on individuals, to place within their reach all possible means of developing their abilities without hindrance, to work finally to make a reality of the famous precept: to each according to his labor!"[125]

Political freedom is thus subordinate to the "smooth functioning of the social machine," which should promote equality to the extent that a true meritocracy is realizable. As an end in itself, the political is dangerous and destructive, so it must be domesticated through integration in an organized social structure.

The idea that democracy is a matter of degree is a crucial point. Pierre Rosanvallon, following his intellectual influence, Claude Lefort, instead highlights rupture and emphasizes the clear distinction between democracy and monarchy on a symbolic level.[126] For Lefort, there is a difference between communication and representation that happens in a monarchy and the communication and representation that takes place in a democratic symbolic system. This is what Durkheim's idea of the continuum neglects. While Rosanvallon clearly does not share Durkheim's view, it is worth mentioning that the effort to define democracy through its historical manifestations and future fluidity presents the drawback of failing to provide clear lines of demarcation. This drawback is taken to its logical extreme in the case of the continuum.

Durkheim's model of the state recalls Hegel's in that both are describing an apolitical type of representation that happens through the effect of a kind of corrective mirror. The state recognizes and reflects a "corrected" vision of society back to itself. Corporations or occupational groups mediate the process. Both authors seek to avoid the alienation that could result from a direct relationship between abstract individuals, like atoms bouncing off of each other, and the state.

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[125] Durkheim, "Individualism and the Intellectuals," in *Émile Durkheim on Morality and Society*, ed. Robert Bellah (Chicago: University of Chicago Press, 1973), 55-56, emphasis added.

[126] See Claude Lefort, "Permanence du théologico-politique?" in *Essais sur le politique: XIXe et XXe siècles* (Paris: Seuil, 2001).

Occupational groups should give individuals a sense of belonging and grounding. Members of corporations are afforded recognition as such, which Hegel considers to be a basic good.

Hegel's account of recognition ultimately underlies his theory of the state as representative. The state represents because it recognizes. In recognizing, it also subsumes or integrates within its own order. Patchen Markell parses out two parallel strands in Hegel's account of recognition: the "diagnostic" account and the "reconciliatory" account.[127] He explains the first in light of Arendt's notion of the actor as both "doer and sufferer." Essentially, because people live in a plural world, the person as actor can never fully have sovereign control over her actions. Outward expression is always interpreted and used by others in ways that the actor cannot anticipate or influence. This conception lies in tension with Hegel's reconciliatory account in which equal recognition is portrayed as a fundamental human good. The problem with recognition in this second sense is that it assumes the existence of fixed identities that actors can play as roles, yet the diagnostic account shows that identities are always changing through the agency of the actor and her ongoing interaction with the world. While the diagnostic account leaves open the possibility for contingency and contestation, the reconciliatory one is very static. It is the latter that seems to win out in his theory of the state.

It is important also to remember that representation is not synonymous with democracy, which Hegel demonstrates. He explicitly notes that the French revolution did not invent representation; rather, the decay of representation in France made its reintroduction through revolution necessary.[128] Hegel is clearly interested in theorizing the concept of the modern state and not democracy. Durkheim imports many characteristics of Hegel's state, and although he is speaking within a democratic context, he mostly presents a theory of the state as a symbolic representative, like Hegel does, rather than a theory of a politically participative *democratic* state. Indeed, he is only barely interested in discussing democracy as a political form. He only writes a few essays on it. He is mostly concerned with social forms.

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[127] Patchen Markell, *Bound by Recognition* (Princeton: Princeton University Press, 2003), 90-95.

[128] Avineri, *Hegel's Theory of the Modern State*, 51.

According to Durkheim, the nineteenth century had witnessed a "progressive erasure of political questions," with public attention focusing less and less on political questions and turning almost completely toward the social realm.[129] The "social question," which had asserted itself during the revolution, became more and more acute with the increasing importance of economic and industrial affairs. The revolutionaries had failed to resolve the issue because they destroyed the old system without organizing the new one. "It is this," writes Durkheim, "that precisely constitutes the social question."[130] Thus, it is Durkheim's thesis that the most pressing issue for modern society had arisen from this need to organize society in a situation of crisis. The social question is ultimately rooted in the need for industrial organization of society. If this is the case, and democracy is about finding a solution to the social question, it is not surprising that democracy for Durkheim is about organization rather than politics.

A Hegelian-Durkheimian Reconciliation

Durkheim's social theory is an attempt to reveal a relationship of synergy between the individual and the modern state. His narrative of historical development explains how this relationship may have evolved over time, and his model for the modern state displays the mechanisms through which synergistic harmony should be maintained. Durkheim mirrors Hegel in his endeavor to reconcile the individual and the whole, provide a moral foundation for individuals and society, and illustrate his theory through a description of historical evolution. The similarity in general projects between Durkheim and Hegel underlies a crucial convergence in their models of the state and bureaucracy. Both thinkers embrace corporatism as a way of differentiating and recomposing parts of the state in a more harmonious way, and both represent the state as the thinker and organizer of society.

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[129] Durkheim, *Le socialisme*, 175.

[130] Ibid., 149.

Despite these striking points of convergence, a clear line of influence between the two thinkers is lacking, and the connection between them is a contested one. Their relationship is actually the subject of historical debate, with some historians taking it upon themselves to defend Durkheim against a supposed accusation of Hegelianism.[131] My claim is not that Hegel influenced Durkheim directly, I simply want to emphasize the strong affinity between their ideas on the state and administration. These similarities will help us to fully understand the nature of Durkheim's state, which will in turn aid in clarifying the underpinnings of Rosanvallon's recent ideas on bureaucracy in relation to democratic theory.

Hegel's political theory is about the pacification of conflict and the reconciliation of interests within the state, as an institution as well as a moral phenomenon. He is attempting to provide a philosophical justification for the existence of the state from the point of view of freedom. Like Durkheim, he was a supporter of the French Revolution but a critic of its excesses. Just as Durkheim responds by creating a republican system of self-regulating virtue embedded within the state mechanism, Hegel conceives of a state structure that channels and domesticates potentially conflicting interests. Integration of interest is achieved via the Estates and the impartiality manifested in the universal bureaucratic class.

Estates and corporations are institutional mediators between the particular and the universal; they serve as links between civil society and the state. The three estates are the landed or agricultural group, the commercial estate, and the universal estate, which contains the state bureaucracy. Corporations exist only within the commercial estate as more specific groupings representing narrower branches of commerce. The landed and the commercial estates are present within the state legislature, with representatives of the commercial estates being elected within the corporations. Landed Estate representatives are appointed.

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[131] See Spiros Gangas, "Social Ethics and Logic: Rethinking Durkheim through Hegel," *Journal of Classical Sociology* 7 (2007): 315; See also Peter Knapp, "The Question of Hegelian Influence upon Durkheim's Sociology," *Sociological Inquiry* 55 (1985): 1-15, and Ivan Strenski, *The New Durkheim* (New Brunswick: Rutger's University Press, 2006).

According to Hegel, the Estates are historically necessary because modern society has reached an advanced stage of differentiation, and this pluralism needs to be recognized and expressed within the state structure. Like Durkheim after him, Hegel defends this point of view using a theory of historical evolution. Bertrand de Jouvenel writes that Durkheim's *Division of Labor* is a mixture of "Hegelianism and organicism," and

> "… In Durkheim's thesis, which is in that respect inspired by Hegel, society starts from a strong moral solidarity, to return by way of a process of differentiation to an even completer solidarity; it follows that authority, after a period of enfeeblement, must in the end acquire new force."[132]

(We should read authority here as emphasizing solidarity or cohesion as opposed to repression.) Durkheim's description of societal evolution from mechanical to organic solidarity can be compared to Hegel's story about the breaking down of the immediacy of the Greek polis. Modern society—like a society predominantly characterized by organic solidarity—implies mediation and differentiation as well as increased freedom without any loss in terms of order. Indeed, order and freedom go together for both Hegel and Durkheim.

Hegel idolizes the Greek polis for its societal order achieved without perceived reliance on rigid and externally imposed "positive laws." Society is well ordered, but people do not feel restrained because they would not even think of living otherwise. Greek freedom is in this sense the opposite of the "positive" or external restraints of Judaism as Hegel presents it.[133] However, the polis is not an ideal to which society can return, and he resists this romantic tendency.[134] Social differentiation renders Greek freedom impossible, but it helps to recompose society on an even stronger footing. His analysis of "ethical life" or *Sittlichkeit* is an attempt to understand what kind of new ethical life is possible after the breakdown of unity that occurred with Socrates and then

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[132] Bertrand de Jouvenel, *On Power: the natural history of its growth* (Indianapolis : Liberty Fund, 1993), 58. See note 28. This is a good way to characterize the historical evolution Durkheim describes from mechanical to organic solidarity.

[133] See G. W. Hegel, *Early Theological Writings*, trans. T. M. Knox and Richard Kroner (Philadelphia: University of Pennsylvania Press, 1971).

[134] Avineri, *Hegel's Theory of the Modern State*, 22.

Christian individualism. This is clearly very similar to Durkheim's analysis of the evolution from mechanical to organic solidarity. As Bertrand de Jouvenel explains:

> "Hegel turned it [the idea that individual specialization us good for the production of the community] to good account: recalling that Plato in his Republic had rigorously stressed the importance of the citizens remaining undifferentiated and had seen in that the essential condition of social unity, Hegel asserted that the characteristic of the modern state was, contrariwise, to allow a process of differentiation, by which an ever growing diversity could be ranged within an ever richer unity. This anticipated what Durkheim says in our time; he sets off the 'mechanical' solidarity of a primitive society, in which the individuals are held together by their similarity, against the 'organic' solidarity of a mature society, the members of which have, just by reason of their being differentiated, become necessary to each other."[135]

For Hegel, the modern state must be differentiated into Estates and corporations, which form an intermediary step between civil society and the state. These are the equivalents of Durkheim's occupational groups. Hegel opposes this model to his distorted interpretation of Rousseau's theory of the general will and the purportedly radical idea of freedom contained within it. For him, Rousseau's social contract represented a dangerous attempt to return to the Greek polis without integrating the acquisitions of the enlightenment. Rousseau placed citizens on an equal footing as members of the sovereign body without differentiating between them based on their particularities. On the contrary, identity conceived as individuality and not membership in a tradition or group was a benefit of the enlightenment that had to be preserved. Bourgeois civil society reflects in actuality the consciousness of the individual, which allows persons to supersede that which is solely given, like the family and tradition.[136] State recognition through the Estates and corporations affords recognition for particularity and thus provides a necessary step between the complete individuality of bourgeois civil society and the universality of the state. These groupings allow for the expression of particular interest, but they also make individuals understand that they share solidarity with others and that they are not simply the bearers of private self-interest. Hegel is interested in finding a symbiosis between individuals and the state, just like Durkheim after him.

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[135] Jouvenel, *Power*, 52.

[136] Charles Taylor, *Hegel and Modern Society* (Cambridge: Cambridge University Press, 1979).

With this goal in view, he presents a defense of individuality against rigid rules and organization in his writings on religion. He abhors the "positivity" of Judaism and interprets early Christianity as a progressive development in terms of freedom and the individual.[137] Hegel's commitment to individuality is also clear from his analysis of religion within the state: It must remain a private affair.[138] He is committed to linguistic pluralism, as well. The state must leave room for individuality in its citizens, and public authority should be regarded as strongest "… if it can be supported by a greater spirit of freedom, untainted by pedantry, among its people."[139] The state thus needs institutional guarantees and social forces that can help maintain this spirit. The Estates and corporations as *corps intermédiaires* are meant to serve this purpose.

Although Hegel thinks of them as voluntary associations that are not static like medieval guilds, the Estates are not really associations with the sole purpose of expressing the plural identities of individuals. In their politico-institutional incarnation, they form an integral part of the state within the legislature. Like Durkheim's occupational groups, they perform both liberal and integrationist functions. Through them, the interests within civil society are represented in a legitimate way. This keeps the state from encroaching on civil society or economic relations.[140] At the same time, they reconcile individuals to the state by educating their members in solidarity, they harmonize private interests within the state, and they bring society into the state in a harmonized way. Hegel writes, "The proper significance of the estates is that it is through them that the state enters into the subjective consciousness of the people, and that the people begins to participate in the state."[141] Like

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[137] Avineri, *Hegel's Theory of the Modern State*, 28. Christian religion later also becomes solidified and institutionalized into a positive faith, and Hegel accepts this with resignation, ascribing it to fate. His idea of fate here supersedes his earlier critiques of the institutionalized established Church based on his notion of positivity.

[138] Avineri, *Hegel's Theory of the Modern State*, 30.

[139] G. W. F. Hegel, "The German Constitution," in *Political Writings*, ed. Laurence Dickey (Cambridge: Cambridge University Press, 1999), 25. See also Avineri, *Hegel's Theory of the Modern State*, 46-47.

[140] G. W. F. Hegel, *Elements of the Philosophy of Right*, Allen Wood, ed. (Cambridge: Cambridge University Press, 1991) §295.

[141] Ibid., §301.

Durkheim's occupational groups, Hegel's intermediary bodies serve an essentially bureaucratic interest-neutralizing function within the state structure. The purpose of the corporations in Hegel, as in Durkheim, is to integrate society and the state so as to bring interest within the harmonized state structure in order to keep it from being disruptive. This is their bureaucratic character.

Participation through the Estates makes people *feel* like their particular subjective wills are being expressed and heard. This is important even if the legislature is unimportant in actual policy making or in actually determining the content of the universal interest. Public opinion has this same expressivist role for Hegel: No opinions should be suppressed, but the immediate result of their expression is nothing but a cacophony of interests. The statesman must take public opinion into account while knowing how to separate the true from the false.

Hegel clearly writes that the added benefit of the Estates is not their superior “insight” or “skill” in governing:

> “It can be seen with a little reflection that the guarantee which the Estates provide for universal welfare and public freedom does not lie in any particular insight they may possess. For the highest officials within the state necessarily have a more profound and comprehensive insight into the nature of the state’s institutions and needs, and are more familiar with its functions and more skilled in dealing with them, so that they *are able* to do what is best even without the Estates, just as they must continue to do what is best when the Estates are in session.
> …
> But as for the [belief that there is] particular *good will* on the part of the Estates towards the universal welfare, we have already noted (See Remarks to § 272) that it is characteristic of the rabble, and of the negative viewpoint in general, to assume ill will, or less good will, on the part of the government. If this assumption were to be answered in kind, it would invite the counter-accusation that, since the Estates have their origin in individuality [*Einzelheit*], in the private point of view and in particular interests, they are inclined to direct their efforts towards these at the expense of the universal interest, whereas the other moments in the power of the state are by their very nature [*schon für sich*] dedicated to the universal end and disposed to adopt the point of view of the state.”[142]

If anything, these representatives of the Estates make for worse governors than the civil servants because they are poisoned by private interest. They may provide some *additional* specialized knowledge pertaining to needs observable within the Estate, but this is only necessary because this

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[142] Ibid., §301.

specialized knowledge is not directly observable by the higher functionaries of the state.

The Estates function as an expressive forum as well as an educative apparatus. Again, citizens' role here is passive. Public deliberation of Estate representatives in the legislature educates the public as to the content of the universal interest and even concerning the objective content of their particular interests.[143] Corporations and Estates are meant to educate the public on matters of solidarity and turn them towards the state. This educative role relates to the fact that the state for Hegel is not just a set of institutions; it also requires a certain disposition on the part of its citizens.[144] Through membership in the estates and corporations, people become conscious of their link to the universal interest. This conscious acknowledgement contrasts with their experience in civil society, where they are willing the universal through a kind of invisible-hand mechanism, without being conscious of it. As Michael Hardimon claims,

> "The modern political state makes it possible for ordinary citizens to identify with the common ends of the politically organized community by providing a set of institutional structures—the assembly of estates in particular—that enables them to understand and identify with these common ends and to view themselves as citizens."

As subjects of education through state procedures, citizens take on a primarily passive role. This is also true of the citizens in Durkheim's state structure, in which the state gathers information from society in order to rationalize it and reflect it back to society on a higher level of consciousness. Recall that Durkheim's occupational groups also serve an educational or moralizing role in reconciling individuals to the public good and thereby maintaining social harmony. He even suggests that occupational groups might replace territorial units for organizing suffrage, which would make their similarity with Hegel's Estates even more striking.

Estates as units of representation serve an important organizing function for Hegel and prevent the formation of an undifferentiated mass of atomized individuals. Organization within

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[143] Ibid., § 315. See also Avineri, *Hegel's Theory of the Modern State*, 164.

[144] Michael O. Hardimon, *Hegel's Social Philosophy: The Project of Reconciliation* (Cambridge: Cambridge University Press, 1994), 213.

Estates ensures that individuals do not form a "crowd or aggregate, unorganized in their opinions and volitions, and do not become a massive power in opposition to the organic state."[145] Bureaucratic harmonization is the goal here.

A direct relationship between citizens and the state, without the mediation of the Estates, would leave political life "hanging in the air."[146] By this, Hegel means that it would separate political life from civil society, whereas the one is supposed to be the outgrowth of the other. In his historical narrative, civil society grows out of the state through a process involving the assertion of individual will. It has to be guaranteed and protected by the state, thus it needs the state in order to exist in the first place. However, Hegel's logical explanation of the inherent rationality of the state in the *Philosophy of Right* places the state at the end of the book as the culmination of the weaving together of particularity and universality through the family, civil society, and finally the moment of the state. The constitution is an organic entity that fits together as a harmonious whole. None of the parts should be artificially broken apart. For this reason, the abstract appearance of individuals in political life would be pathological. They must be organized within social groups in order to be harmoniously integrated within the state. With reference to this logical sequence, Hegel writes:

> "this atomistic and abstract view ceases to apply even within the family, as well as in civil society, where the individual makes his appearance only as a member of a universal. But the state is essentially an organization whose members constitute circles in their own right, and no movement within it should appear as an unorganized crowd."[147]

Political life should be built upon civil society through the continued existence of the groups that are already there. The Estates and corporations are meant to serve this function. The spheres of civil society and the state should not be separated and placed in opposition to each other. Again, Hegel is seeking to achieve harmony.

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[145] Hegel, *Philosophy of Right*, § 302.

[146] Ibid., § 303.

[147] Ibid., § 303.

The vote within the legislature is supposed to be based on objective interests, not arbitrary will. In this sense, as well, political life should not be "hanging in the air." Individual representation as opposed to representation through corporations would imply that voting was based on the caprice of individual whims rather than objective relationships in society. The role of representatives is not to make independent political judgments. While elected officials should display some amount of superior skill, Hegel implies that the election itself is almost superfluous since representatives are supposed to embody the objective interest of their respective corporations.[148] Estate representatives express their views in the assembly in order to achieve truth through deliberation.[149] The mention of deliberation here belongs to the unpolitical tradition of emphasizing reason over passion, with the aim of excluding active politics.[150] We should thus not mistake this for active participation based on political judgment.

Without the corporations, Hegel believes, disassociation of voting from the function that people hold within society would also instigate apathy and absenteeism, causing atomization. Political rights and obligations should be linked to social function so that members have a stake in voting and in their rights as citizens. In some sense, the corporations and Estates fill the role of the extended family in modern society, in which extended family has dissolved as an important institution. We could also understand Hegel as translating Rousseau into a more modern, socially differentiated context with large states instead of small republics akin to Greek city-states.

Regarding atomization, apathy, and the need to deal with modern social particularity, he sees the Estates and corporations as providing solutions to specific problems that he identifies via his critiques of Rousseau, natural law theorists, social contract theorists, the Prussian state, and Jacobin France. These theorists and political entities, in his estimation, all commit the fault of aggregating masses of individuals based on artificial relations.

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[148] Ibid., §311.

[149] Hardimon, *Hegel's Social Philosophy*, 211.

[150] See Nadia Urbinati, "Unpolitical Democracy," in *Political Theory* 38: 65 (2010): 69-76.

He uses Prussia and Jacobin France to attack a certain type of hierarchical and centralized ordering on the grounds that it provides an artificial, unharmonious, and unstable way of composing the state:

> "The mechanistic hierarchy, highly ingenious and dedicated to noble ends, extends no trust whatsoever towards its citizens, and therefore cannot expect any from them in return. It has no confidence in any achievement whose direction and execution it did not itself organise; it therefore prohibits voluntary donations and sacrifices, and displays to its subjects its conviction of their lack of understanding, its contempt for their ability to judge and perform what is conducive to their private welfare, and its belief in universal depravity. It therefore cannot hope for any lively activity or support from the self-confidence of its citizens."[151]

Both regimes forced society to submit to a central state that was like a "machine 'with a single spring'." Both called for "the utter subordination of social activity to the power of the state, the attempt to stifle every and any voluntary form of association."[152] This judgment mirrors Durkheim's rejection of the *Le Chapelier* law of 1791 banning intermediary bodies.

Crucially, it is not always the overly centralized state that Hegel refers to as mechanical and cog-like. He also targets the self-interested natural law account of the state, with which he dealt explicitly in his writings up until 1796. He believes the state should transcend the empty foundation of property securitization and private interest alone. Hegel writes in the *Systemprogramm*, "Only that which is an object of freedom may be called an idea," and the idea of the state must be found in something other than the self-interest of an aggregate of individuals. It must be based on something more universal that can form a united whole.

In his thinking, the intermediary bodies, along with the state and his version of bureaucracy, are meant to be the solution to the alienating and machine-like state. It is as if he were pitting his own version of bureaucratic organization against the cog-like, artificial state structure that he criticizes. While we might normally identify machine-like artificial order as the very essence of bureaucracy, we must also see that the desire to "harmoniously" compose the various parts of society

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[151] Hegel, "The German Constitution," 24.

[152] Avineri, *Hegel's Theory of the Modern State*, 49.

within the state, thus neutralizing conflictual politics, is a crucial part of the bureaucratic mentality. This is what we see via Hegel and Durkheim, and it is an important component of the new kind of bureaucracy that is being advocated as the future of democratic legitimacy by Rosanvallon.

In "The Württemberg Estates" essay from 1817, Hegel voices his opposition to direct suffrage and undifferentiated representation on these same grounds—it provides an artificial and unstable foundation for the state.[153] He claims that direct suffrage leads to estrangement from the state because it implies that the individual has no real connection to it. The alienated individual feels powerless in the face of the political power of the state that confronts him as an external force.[154] In addition, representation based on property qualifications alone leads to the privatization and economization of life and politics. Instead, representation should be based on expressing the interests of groups in society, not private self-interest. This would help to integrate individuals into the state via their social position and peers.[155]

The contractarian state that Hegel opposes is an aggregation of individual wills as self-interest, and the state serves the people by protecting property.[156] This means that all pieces of the configuration are set up in opposition to each other, including the state and the population. A permanent struggle is built into the system. By contrast, the emphasis in Hegel's state is on consensus rather than conflict. The relationships between the Estates and the executive are not relations of opposition.

Legitimacy might be located in the general will à la Rousseau, but for Hegel, the sovereign people as undifferentiated mass has no objective basis on which to ground its judgments. Supervisory organs and protections through rights could help to shape and control the will, but

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[153] Ibid., 73-75

[154] Ibid., 76-77.

[155] Avineri, *Hegel's Theory of the Modern State,* 77-78.

[156] Hegel brings this up during his critique of Rousseau, who he (wrongly) groups together with natural law theorists and contractarians. He fails to appreciate Rousseau's distinction between the general will and the will of all.

Hegel fears that this only extends the struggle between the will as ideal and the will as effective expression. Instead, the two should be merged in an objective way. Again we see that Hegel seeks to build the state upon a consensual and objective and thus harmonious foundation. As Avineri explains, "the problem is twofold: firstly, how does one prevent the government, which claims to stand for the general will, from imposing itself on the citizens; and, secondly, how does one prevent the people from directly imposing their unstructured control over the government. To Hegel, Natural Law theories failed to find a middle way between Hobbes and Robespierre."[157] The newly created dichotomy between the sovereign people and its government simply prolongs the negation rather than bringing a resolution or reconciliation.

Hegel's "absolute ethical life" (*Sittlichkeit*) is meant to be a response to this dilemma.[158] The reference to the "absolute" signifies the idea that membership in the community is its own end rather than a means to a self-interested end like personal security. In that sense, membership is an absolute rather than a relative good. The community should not be seen in merely instrumental terms, which means that life should not be completely privatized and based on the false freedom of self-interest. Instead, freedom should be realized through conscious solidarity. Hegel praises the ancient polis as the antithesis of the contractarian configuration. In the presence of social differentiation in the modern era, he wants to find a new kind ethical life that can achieve this kind of integration while maintining individualism and particularity. Government and population should be reconciled and grow together instead of standing in permanent opposition and tension. Estates and corporations help to achieve this, as we have seen, along with the impartiality manifested in the universal class composed of official state administrators.

The universal class of civil servants exemplifies the demand for impartiality and objectivity that is essential to the bureaucratic mentality. Hegel directly opposes the "absolute class" of the state

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[157] Avineri, *Hegel's Theory of the Modern State,* 83.

[158] Hegel, "On the Scientific Ways of Treating Natural Law," in *Political Writings* (Cambridge: Cambridge University Press, 1999), 109-114. See Avineri, *Hegel's Theory of the Modern State*, 83-85.

administration to the commercial class and its particular interests. Because of social differentiation, not everyone can live a fully public life, but at the same time, all of life should not be governed by the rules of the market. The answer is to divide society into two classes (Stände), with one devoted to public life while the other is involved in economic activity. The former is free in that it abstracts from the material conditions of life in order to serve the whole. In this way, bureaucracy in Hegel's framework is meant to ground the state in objective and universal concerns instead of private interest. Interest is reintroduced, instead, in a sanitized and neutralized way through intermediary bodies that integrate potentially conflictual civil society within the state, itself. Hegel's Estates are analogous to Durkheim's occupational groups, and the universal class functions in the same way as Durkheim's rationalized state. The civil servants of the universal class act like nerves in the body, just as Durkheim's state is the brain of society, organizing thought from above.[159]

The subjective attitude of the civil servant exemplifies bureaucratic thinking:

> "… the fact that a dispassionate, upright, and polite demeanor becomes customary [in civil servants] is (i) partly a result of direct education in thought and ethical conduct. Such an education is a mental counterpoise to the mechanical and semi-mechanical activity involved in acquiring the so-called 'sciences' of matters connected with administration, in the requisite business training, in the actual work done, etc."[160]

The universal class objectively applies technical knowledge in order to manage the affairs of the state.

The separation between the public and private realms is crucial for maintaining objectivity. Public readiness for common action in defense of the state with recourse to arms is what defines the state for Hegel. It is this common will, regardless of the outcome of conflict, that forms the foundation of the state. He criticizes the Empire because of its lack of common defense machinery and thus its lack of common political will. "The impotence of political life in Germany, according to Hegel, lies in the fact that instead of a common universality there is in Germany nothing but an

[159] Hegel, *Philosophy of Right*, §263.

[160] Ibid., §296.

aggregate of particular interests."[161] As a vestige of feudalism, political rights are understood in the rubric of private rights, which means that public and private law become impossible to differentiate. This distinction is, however, crucial to Hegel's conception of the modern state.

Hegel's story of the introduction of the modern state via the bourgeoisie is similar to the version later elaborated by Marx and Weber. In the feudal state, private and public power was indistinguishable, and those who held private power imposed their views as the law of the land. The nascent bourgeoisie of the towns introduced social differentiation. The individualism of bourgeois society encouraged a focus on private affairs, which necessitated a division between public and private in order to ensure good management of public affairs and avoid their negligence.[162] Within this account of historical evolution, Hegel welcomes the arrival of the modern state and criticizes pre-Napoleonic Germany as a collection of private entities rather than a public state. The development of a strict public / private distinction is a marker of an advanced stage in the development of human freedom in history because true freedom must be cleansed of arbitrary self-interest. While the Estates and corporations help to use interest in order to recompose society in a harmonious way, bureaucracy founded on objective standards eliminates the private interests that had perverted the state in the past:

> "At one time the administration of justice, which is concerned with the private interests of all members of the state, was in this way turned into an instrument of profit and tyranny, when the knowledge of the law was buried in pedantry and a foreign tongue, and knowledge of legal processes was similarly buried in involved formalities."[163]

Napoleonic meritocracy is important in Hegel's model of a rationally organized modern bureaucracy:

> "Between an individual and his office there is no immediate natural link. Hence individuals are not appointed to office on account of their birth or native personal gifts. The objective factor in their appointment is knowledge and proof of ability. Such proof guarantees that

[161] Avineri, *Hegel's Theory of the Modern State*, 41.

[162] See Avineri, *Hegel's Theory of the Modern State,* 50-51.

[163] Hegel, *Philosophy of Right*, §297.

> the state will get what it requires; and since it is the sole condition of appointment, it also guarantees to every citizen the chance of joining the class of civil servants."[164]

Civil servants should never conceive of the state as their private property, and their place in the structure is determined through universalistic and objective criteria of achievement.[165] Hegel wants to ensure that bureaucracy acts as a brake on civil society and guarantees that the state does not simply reflect interests from civil society. At the same time, he is wary of bureaucrats who could come to view themselves as owners of the state, and he describes the corporations as possible restraints on the bureaucracy, itself. Professional groups fulfill this same function as checks on the state in Durkheim's model.

Hegel's emphasis on the public character of the state as an embodiment of the universal, cleansed of private interest, is repeated in Durkheim's refusal to allow the state to be dissolved into the private sphere via independent syndicates that are not drawn into the state.[166] Durkheim and Hegel share the objective of grounding the state in mechanisms created through the objectivity of science and reason. This ensures the universality of the state. It is important to recognize that, like Durkheim, Hegel is grappling with a period of great historical and social upheaval. Born in 1770, he lived through the American and French Revolutions, the terror, Napoleon, the counterrevolution, and the industrial revolution. His philosophy reflects a desire for order within a harmonious state as well as a reverence for the dawning of a new era of freedom.

Durkheim, Hegel, and Max Weber all describe the transition between feudalism / patrimonialism and the modern state in similar terms. Hegel's analysis of the universal and the particular provides the grounding upon which Marx, Durkheim, and Weber theorize the change from feudal society to capitalism and the modern state, which was accompanied by the creation of a

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[164]Ibid., §291.

[165] Ibid., §277.

[166] See Birnbaum, "La conception durkheimienne de l'Etat."

bureaucracy to apply rules in an objective manner.[167] While the relationships between these theorists are complicated and contested,

> "What is not contested is that Hegel believed that the central thrust of Western history was the development of freedom in law that is rational and universal (i.e., general, common, public and universalistic). Hegel's analysis centers on a view of history as growth of interdependence and positive valuation of the human as such. Despite obvious differences, this view parallels key aspects of Durkheim's analysis of the transition from mechanical to organic solidarity."[168]

And yet, Durkheim explicitly tries to distinguish his own ideas from Hegel's "*conception mystique de l'Etat*" by claiming that his state works *for* individuals instead of using them to achieve some supposedly higher purpose. He condemns Hegel in his lectures on the state, although not explicitly by name, and declares that the positive function of his own state is not "transcendent" because the goal is "essentially human. … Individuals can, without contradicting themselves, make themselves instruments of the state because the action of the state tends in the direction of their own realization."[169] Susan Stedman Jones (2001) repeats this assertion when she claims that Durkheim rejects, "the false view of the whole and of finalism, in contrast to which he uses the concepts of human ends and 'humanity'."[170] However, I would argue that "the place of the whole" is filled by individualism in Durkheim's thought. Individualism becomes the public religion, felt and endorsed

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[167] See Knapp, "Hegel's universal in Marx, Durkheim and Weber."

[168] Ibid., 598.

[169] Durkheim, *Leçons de sociologie*, 104. My translation.

[170] Susan Stedman Jones, *Durkheim Reconsidered* (Cambridge: Polity Press, 2001), 170. Anti-Hegelian defenders of Durkheim often make reference to Durkheim's 1915 piece, *L'Allemagne au-dessus de tout*, in order to differentiate his ideas from Hegel, but the critique of absolute sovereignty that Durkheim deploys in this text has really nothing to do with Hegel. He is criticizing the German nationalist historian Heinrich von Treitschke, specifically, and the 'hypertrophy' of the will that occurs in absolutist sovereignty models. Stedman Jones claims that this "'pure will' … leads directly to Hegelian absolutism and oppressive politics," but this is a mischaracterization of Hegel. Jones seems to be confusing Hegel with Carl Schmitt. In Hegel's state, will is integrated within the different parts of the state that function together, and it is limited by the interaction of these different parts and the law. This is precisely what Jones claims for Durkheim, in false opposition to Hegel. The confusion here could have come from what Avineri describes as the misinterpretation of Hegel's phrase, "The state consists in the march of God in the world, and its basis is the power of reason actualizing itself as will." Hegel, *Philosophy of Right*, addition to §258.

by the whole. In addition, Hegel's "finalism" is defined by the realization of freedom, a distinctly human end.

Durkheim engages in a very Hegelian intertwining of religious-like sentiment and the state. He treats individualism in modern society explicitly as a social religion—and the only one available since, "… nothing remains which men can love and honor in common if not man himself. That his how man has become a god for man and why he can no longer create other gods without lying to himself."[171] Durkheim expressly states that the state should replace "les cultes d'autrefois," which adds a religious purpose to his own conception of the state. He writes, "…the fundamental duty of the state ... is to progressively call the individual to a moral existence."[172] This sounds exactly like Hegel in the sense that the state is working in the *best* interest of individuals, whether they agree or not. It may be true that individualism is an essentially human and non-transcendental aim to the state, but this does not prevent this "sacred" goal from standing above individuals and acting as a limitation upon them:

> "The cult, of which he [the individual] is at once both object and agent, does not address itself to the particular being which he is and which bears his name, but to the human person (*la personne humaine*) wherever it is to be found, and in whatever form it is embodied. Impersonal and anonymous, such an aim, then, soars far above all individual minds (*consciences particulières*) and can thus serve them as a rallying point. The fact that it is not alien to us (by the simple fact that it is human) does not prevent it from dominating us. Now, the only thing necessary for a society to be coherent is that its members have their eyes fixed on the same goal, concur in the same faith."[173]

Indeed, Durkheim's belief in the necessity of a "rallying point" above and beyond individuals, acting as a restraint, forms the basis of his critique of Saint-Simon. The latter attempts to ground society on a solely economic foundation, which will not work, according to Durkheim, because material desires and economic interests know no bounds:

> "What is necessary in order for social order to reign is that the generality of men rest content with their lot, it's not whether they have more or less, it's that they must be convinced that they don't have the right to have more. And, for that, there must of

[171] Durkheim, "Individualism and the Intellectuals," 52.

[172] Durkheim, *Leçons de sociologie*, 104.

[173] Durkheim, "Individualism and the Intellectuals," 48.

> absolute necessity be an authority, of whom they recognize the superiority, who declares the law."[174]

"Collective forces," including organized religion, have always constituted the "temporal and spiritual powers" that have moderated industrial activity via recognized superior authority. "Normally, they didn't impose themselves by material violence, but by their moral ascendancy."[175] Durkheim suggests that occupational groups should take over the role of organized religion in acting as the instillers of transcendent moral force.[176]

At times, individualism seems to provide the content for this moral force, but Durkheim often shies away from declaring any absolute value for society. He rejects material welfare as an end goal, and he claims that freedom is only a means and not an end of human activity. The ongoing functioning of the societal system, itself, seems to serve as both the means and the end for Durkheim, and this constitutes a defining difference with Hegel, for whom freedom is the declared goal of humanity and providence. This distinction actually serves to highlight Durkheim as a bureaucratic thinker to an even greater degree than Hegel. If Hegel's "mystical conception" of the state works toward a transcendent rather than human end, Durkheim's system-state arguably works toward the mechanism as an end in itself rather than the citizens who live within it.

A Common Methodology of Consensus

A common methodological attitude unites Hegel, Saint-Simon, and Durkheim. The method mirrors the content of their theories in that it aims at consensus or the smoothing out of potential conflicts.

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[174] Durkheim, *Le socialisme*, 226.

[175] Ibid., 227.

[176] Interestingly, Hegel makes a similar argument regarding recognition within the corporations as an essential element to satisfaction within civil society. Since egotism is the principle of civil society and exchanges are measured on a quantitative basis, there is a tendency for egotistical drives to become infinite. Like Rousseau, Hegel thinks this is inimical to satisfaction. Members of a wealthy society that had eradicated poverty might ultimately be dissatisfied if their wills are constituted in this way. There must, thus, be a limiting principle in society. Membership in the corporations provides recognition of particularity that is informed by an ideal rather than a purely quantitative measure of achievement, and this is a form of satisfaction that can lessen the intensity of the egotistical drive toward infinity.

In this way, it can tend to neutralize radical critique. The historical method that Rosanvallon today uses to explain democratic legitimacy belongs to this organicist tradition of socio-political analysis, with Hegel and Durkheim as its most representative thinkers. All of these theorists seek a middle road between prescription and description. Indeed, this is the meaning of the famous dictum, "What is rational is actual; and what is actual is rational," as well as the entire preface of the *Philosophy of Right*.

In the preface, Hegel's straw figures of Kant and the romantics want to derive philosophy from pure thought or feelings, but he argues that this would ground it on the shaky foundation of opinion. Philosophy should instead imitate the natural sciences by seeking to discover rational principles *within* its object of study. Nature is seen as already embodying these principles. Likewise, the ethical world or the state is for Hegel, "reason as it actualizes itself in the element of self-consciousness … it is reason itself which has in fact gained power and authority [*Gewalt*] within this element, and which asserts itself there and remains inherent within it."[177] The philosopher's role is to find the eternal and rational truth within the real world. With regard to his analysis of the state, Hegel explains his methodology clearly:

> This treatise, therefore, in so far as it deals with political science, shall be nothing other than an attempt *to comprehend and portray the state as an inherently rational entity*. As a philosophical composition, it must distance itself as far as possible from the obligation to construct a *state as it ought to be*; such instruction as it may contain cannot be aimed at instructing the state on how it ought to be, but rather at showing how the state, as the ethical universe, should be recognized.[178]

Philosophy can only explain the truth after the fact by culling the essence out of fleeting appearances. This is possible because the rational, eternal truth has the power to actualize itself or become real in the world. Thus, as a corollary to this premise, what is actual or real includes the rational within it.[179] Hegel is not simply describing existing reality and claiming that it's

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[177] Hegel, *Philosophy of Right*, Preface, 12-13.

[178] Ibid., 21.

[179] See Avineri's interpretation of this phrase, *Hegel and the Modern State*, 125-126.

rational; rather, he is attempting to get a sense of what is lacking in the social world and find potential for healing it in what already exists.

Like Hegel, Durkheim also differentiates his own method from what he considers to be pure abstract thought. He criticizes political philosophy in general as a sort of arbitrary psychological speculation into human nature and the "good." He makes the same remarks regarding "communist utopian theories" and Plato's *Republic*. Instead, he argues that what *should* be is already imminent in what *is*. Social science must study actually existing societies in their specificity in order to develop recommendations. Prescriptions should not be too detailed because the social world is too difficult to anticipate, which means that definite recommendations can only be the result of imagination run wild. At the same time, social science is necessarily political and normative for him. He wanted his work to be politically relevant, and he closely associated with the reformist socialists led by Jean Jaurès as well as the solidarist movement, which had goals similar to those of the British Liberals at the time, such as T. H. Green.[180]

Positivism clearly fits into this same pattern. For Saint-Simon, progress dominates human life "with absolute necessity," which means that the best we can hope for is to obey the law of progress and follow the path revealed to us instead of simply being pushed along blindly.[181] Philosophy, then, is about discovering what is already there and what is always already to come, according to the law of progress. This is obviously very Hegelian, with progress substituting for the actualization of the spirit in history. Saint-Simon's narration of historical development includes ideas like, "In reality, it's the Middle Ages that prepared modern times. It contained them in seed form."[182] While it may seem that "*grands hommes*" make history and progress, they are really just the products of

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[180] See Richter, "Durkheim's Politics and Political Theory," 185-188.

[181] Durkheim, *Le socialisme*, 128.

[182] Ibid., 140.

this movement; "they do not but summarize all that this spontaneous march of the human spirit has prepared before them and without them."[183]

Saint-Simonianism, as Durkheim presents it, is all about accepting what is: "Since humanity first existed, it has been marching towards the same goal; it is thus in its nature to go in this direction, and it is vain to seek to drive it back."[184] All social forms serve a necessary function in their time. On this basis, Saint-Simon criticizes Condorcet for calling religion an obstacle to human progress. He writes—in a very Panglossian and functionalist manner—that progress "cannot be otherwise than it is, and it is always, at least in the aggregate, all that it has to be. ... The natural course of things brought into being the institutions that were necessary for each age of the social body."[185]

Following this same general methodological path, Rosanvallon claims to be recovering the historical existence of democracy instead of its abstract, normative definition. Peculiar to the organicist approach is the establishment of normative guidelines for society that are immanent to the existent configuration. Thus, the analysis of society is not properly normative or critical but explanatory instead. This should not, however, be mistaken for a descriptive stance. It is rather a question of whether the thinker has a mainly normative goal or a scientific-descriptive one with normative implications. Durkheim and Rosanvallon explicitly state that social sciences are inherently normative, and they use their studies of society to make normative claims. The way they characterize actually existing reality also carries the imprint of their normative goals. At the same time, their normative goals are shaped by and match the form of their methodology in that the emphasis is on acceptance rather than radical critique. The result in terms of democratic theory is a conciliatory and broadly accepting account.

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[183] Ibid., 128.

[184] Ibid., 158.

[185] Saint-Simon, *De la physiologie appliquée aux améliorations sociale*, quoted in Durkheim, *Le socialisme*, 129.

Harmony versus Politics

Ultimately, Hegel and Durkheim seek harmony over politics and consensus over conflict. They elaborate their specific versions of the bureaucratic state to this end. For both, the integration of partial class interest into the political structure is the way to reintegrate the unpredictable energy of civil society into the comprehensive whole. Durkheim reconciles society and the individual in his quest for a religion without God based on "a sociological equivalent of natural law," concord, and moral consensus.[186] He promotes individualism as the means by which the state can hold society together, thus reassuring a turbulent society that this revolutionary value will have the conservative effect of achieving harmony and stability instead of explosive, unpredictable, and uncontrollable change. This is because individualism implies free thought in order to achieve rational ends, and authority justifies itself through its superior rationality in order to subsume individuals underneath it.

If we conceive of bureaucracy in a way that emphasizes the type of thinking involved, we can clearly trace its path through the work of Saint-Simon, Durkheim, and Hegel. Bureaucratic thinking is managerial in nature and aims to create stability through the objectivity of science and reason. Technique based on scientific reasoning is indisputable and thus conciliatory, unifying, and pacifying. As such, it can rid the political realm of conflict and domination; potentially conflicting interests can be harnessed in order to produce a living harmony. Political expression in conjunction with the state as supreme thinker should allow the citizens to take conscious ownership of the laws, creating an organic unity between state and society. This kind of harmonious organization is the essence of democracy for Durkheim.

These thinkers look to science as the salvation of social harmony, but this is at the expense of the participatory politics that is crucial for a different, active, and essentially political form of democracy. Their models of the state allow for the expression of a plurality of political values, but this happens in such a way that they are domesticated through the chutes and sluices of the system,

[186] Richter, "Durkheim's Politics and Political Theory," 203.

which include intermediary bodies. In this way, their state mechanisms act to neutralize all conflict, and in so doing they encourage passive conformity instead of promoting the emergence of radically new political ideas. Theirs is a revisionary conception of democracy, the point of which is to circumvent active citizen participation in favor of an alternative model based on consensual and symbolic representation. Distressingly, this is the conception that Pierre Rosanvallon appears to be championing as a new and improved form of democratic legitimacy that can confront the challenge of the crisis of representation in our time. This is the problem we will explore in the following chapter.

Durkheim and Hegel appear to advance preliminary critiques of bureaucracy only to promote it under a different form. In a similar reversal, Rosanvallon's anti-bureaucratic theories from his early career seem to have given way to a celebration of the politics of management. Perhaps these theorists' own equivocations are symbolic of the greater tension that necessarily exists within any conception of democracy. Democracy needs the state administration in order to function, but democracy is not simply about the state. It is also a form of politics that contests this sort of bureaucratic management.

Weber's Bureaucracies

Weber identifies a conflictual relationship between bureaucracy and democracy and sets up the problem for generations of social theorists to come. He describes a paradox in which the process of democratization, defined specifically in terms of social equalization and the breaking of traditional status hierarchies, actually fosters new forms of social hierarchy in the form of bureaucracy. There is a conceptual and practical affinity between the two in that democratic equality before the law can be realized through the replacement of relatively arbitrary, personal power with impersonal, rule-bound bureaucratic authority. However, the creation of privileged strata seems to flagrantly violate the substantive value of equality, which is essential to Weber's understanding of democracy.[187]

His framing of the issue as bureaucracy both *with* and *against* democracy is also significant given his own historical context. His narrative went against the conventional view of bureaucracy as a Prussian, monarchical political system, distinct from the parliamentary systems of Western Europe. Weber's account is novel in that he shows bureaucracy to be a phenomenon that these democracies cannot avoid as a type of administrative organization. These governing forms—bureaucracy and democracy—had now to be understood as "competing dimensions of one and the same political order."[188]

In this chapter, I aim to address two separate issues related to this problem. First, I argue that his conception of bureaucracy is much broader than the specific institutional ideal type of monocratic bureaucracy. It also encompasses his ideas on the rationalization of modern life in general, bureaucracy within capitalism, as well as the opposition he frames between the mentality of the politician and that of the official. I aim to link these different elements in order to develop a concept of bureaucracy as a mode of thought rather than a specific and limited institutional form. Bureaucratic thinking involves the application of technical knowledge and skills, with a claim to

[187] Jean Cohen, "Max Weber and the Dynamics of Rationalized Domination," *Telos* 14 (Winter 1972): 87-105.

[188] David Beetham, *Max Weber and the Theory of Modern Politics* (Cambridge: Polity Press, 1974; reprint, Cambridge: Polity Press, 1985), 4.

universality and objectivity, in order to produce results and promote consensus and social harmony. I argue that this conception allows us to better recognize the contemporary diffusion of a flexible, decentralized type of bureaucracy and situate it within the history of affinity and tension between bureaucratic and democratic principles. Establishing continuity over time, linking present administrative forms to Hegel, Durkheim, and Weber, also allows us to evaluate the significance of historical critiques of and proposed solutions to the challenge of bureaucratization for our current situation.

My second aim in this chapter, beyond giving an enlarged reading of Weber's concept of bureaucracy, is to understand and mobilize certain elements of his multifaceted critique. We can group his concerns into three categories. First, he makes a descriptive causal claim about the way in which democracy-as-equality necessarily fosters and yet comes into conflict with bureaucracy as a hierarchy and manifestation of formal rationality. In response to this problem, he advances his theory of plebiscitary democracy. This is a type of democracy in which citizen-spectators would respond to and be led by leaders in a competitive electoral system structured by bureaucratically organized political parties. This is the synthesis he offers as the only type of "democracy" that will be viable in the modern world. Plebiscitary democracy is also meant to be a response to the way in which Weber believes that bureaucracy damages or even crushes individual autonomy and creativity. This is his second concern. The electoral competition taking place between candidates and party machines is meant to foster political charisma, which embodies these qualities, according to Weber. The third category of problems he identifies relates to corruption or the idea that bureaucracy, in presenting its process and findings as neutral, effectively covers up the values and interests that lay behind policy choices and methods.

It is in response to these last issues that Weber makes the case for an essential distinction between bureaucracy and politics. This provides an important argument against contemporary democratic theorists, like Pierre Rosanvallon and Phillip Pettit, who turn to executive administration as a potential buttress for democratic legitimacy, thus attempting to collapse bureaucracy and

democracy into one. In addition to his characterizations of the official and the politician, Weber's ideas on the value neutrality of science also shed light on the way in which he understands the relationship between bureaucratic and political thinking. According to him, the spheres of science and values (political, moral, or other) should be clearly demarcated, but science, like bureaucracy, can never provide its own foundation. Values of some type always underpin social scientific research, just as values are always at the root of so-called technical decisions of policy. This calls attention to the necessity of political thinking in a democratic polity. Indeed, interest, conflict, and politics will exist under the surface whether we like it or not; it is then a question of how we address it.

His description of bureaucracy, both the institutional form and the mentality, also reveals significant connections between government administration and the capitalist firm regarding their joint attempts at calculation and control. Weber's discussion of the co-development of capitalism and bureaucracy is important since 'regulation' is often presented as a capitalistic alternative to bureaucratic state control. By understanding their commonalities in terms of bureaucratic management, we can understand that attempts to replace government with private bureaucracy only beg the bureaucratic question.

Weber characterizes modernity as the result and continuation of a process of increasing rationalization and the spread of bureaucracy to all areas of life. "Modern loyalty is devoted to impersonal and functional purposes."[189] This is Weber's characterization of the way in which bureaucracy, emblematic of the modern world, has sublimated virtue within the functional and the systematic. The tension between bureaucracy and politics involves attempts to subsume politics in the same way. In this sense, Weber's analysis of bureaucracy mirrors Durkheim's bureaucratic theory of the state, as I characterize it elsewhere. As a modern republican, Durkheim devises a state system that will channel citizen virtue into a harmonious whole, which is like an impersonal self-perpetuating

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[189] Max Weber, "Bureaucracy," in *From Max Weber: Essays in Sociology*, ed. and trans. H.H. Gerth and C. Wright (New York: Oxford University Press 1946), 199.

machine. Against Durkheim, though, Weber's normative evaluation of the situation is decidedly pessimistic, especially with regard to democracy and autonomy.

Ultimately, I want to make a Weberian point about the necessary and productive tension between the principles of democracy and bureaucracy. In some ways, the relationship can be compared to a dynamic Weber identified in his sociology of music, in which rational and affective motivations confront each other to produce a sort of dialectical progressive trajectory.[190] Weber's analysis of the development of western music provides a narrative that tracks a process of rationalization, using the work of Greek and Latin music theorists as a point of departure. The Greeks had discovered an arithmetic relationship between pitch intervals, allowing them to express musical ideas in mathematically "rational" terms. Anomalies, however, prevented them from establishing a completely harmonious pitch system, and they were forced to work around these inconveniences, to the eventual benefit of their music. Michael Fend explains:

> "The arithmetical method of investigating the relations between sounds and subsequently elaborating these relations to a tuning system for compositional purposes revealed an *irrepressible, 'irrational' element.* Crucially, the problem motivated the ancient music theorists to seek various solutions which resulted in different tunings, musical genera and modes all enriching musical culture. Despite the setback of not finding a coherent system of terms for the conceptualization of the musical material, musical culture thrived nevertheless, after a more complex manner in conceiving of sound systems was embraced." [191]

In his story, Weber equates the search for harmony with the drive to create order and rationalize, but the subsumption of all irrational elements, or impulses towards unfettered expressivity, is never quite possible. Weber sees this, for example, in the ongoing tension between harmonic and melodic

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[190] This kind of dialectic is also present in his sociology of religion.

[191] Michael Fend, "Witnessing a 'Process of Rationalisation'?" *Max Weber Studies* 10:1 (2010). See also Max Weber, "The Meaning of Ethical Neutrality" in *The Methodology of the Social Sciences*, trans. and ed. Edward A. Shils and Henry A. Finch (Glencoe: The Free Press 1949), 31-32.

principles. It is precisely this confrontation and the subsequent *Aufhebung* that results in the most dramatically compelling expressions of western music, according to him.[192]

The dynamic interaction between bureaucracy and charisma in Weber's political work functions in a similar way. Central to the concept and historical development of bureaucracy is the idea that it serves a dual function in human life. Our desire for absolute control works alongside our simultaneous wish to absolutely give up control, both of these out of fear of uncertainty, contingency, and yet ultimate responsibility under those unstable conditions. Bureaucracy, as an artifice of control, offers us both things at the same time. Weber makes this argument, but despite his fears about bureaucratic overreach, he refuses to believe that this kind of order will ever fully take over. It cannot triumph in the end simply because it cannot work. Bureaucracy is ultimately the expression of a utopian view according to which human affairs can be objectively and harmoniously regulated. Instead, Weber asserts an essentially conflictual vision of politics in which society can never be completely reconciled to itself without internal divisions. In this situation, complete legitimation is never possible, and there is always space for contestation. Charisma is the main counterforce Weber sets forth against bureaucracy. It is to be carried via the charismatic politician who should be cultivated through plebiscitary democracy. If we analyze the twentieth century in terms of Weber's dialectic between charisma and rationalization/bureaucracy, however, we can see that a new synthesis seems to have been achieved, which he did not anticipate. A sort of Weberian individualistic charismatic heroism has been instrumentalized in the service of a new form of bureaucracy. Weber proposes plebiscitary democracy as a response to the problems posed by bureaucracy, but it is only meant to counter these negative effects by fostering charisma in a small number of individuals in an individualistic way. This proposition seems to have turned back on itself, which becomes clear through an examination of new forms of bureaucracy within both government and private firms.

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[192] Joachim Radkau, *Max Weber: A Biography,* trans. Patrick Camiller (Malden, MA: Polity Press, 2011), 371.

Partially in response to this development, I want to shift the focus away from the individual and argue that Weber's category of charisma captures something important in the democratic principle, namely the force of initiative to break through the status quo and create something new. Taking this view as a starting point, we can begin to understand how democracy and bureaucracy might work together in mutual opposition. Democracy needs bureaucracy in order to give the will of the people its practical and material form in the world, but it must also oppose it in order to avoid undermining itself and to allow for the emergence of the radically different and new.

Bureaucracy as an Institution

In terms of the institution of monocratic bureaucracy, described in detail especially in *Economy and Society*, the tension between democracy and bureaucracy hinges on the difference between formal and substantive rationality, the formal rules versus substantive ends. Also crucial is the question of equality and the different ways in which this principle might be embodied. Here, Weber emphasizes a social conception of democracy in which the equality of social conditions is paramount. Bureaucracy furthers equality in that it enables equal treatment under the law, rules, and regulations. Yet, the bureaucratic edifice fosters the creation of a new mandarinate, which directly negates the spirit of social equality.

In Weber's description of institutional bureaucracy, he emphasizes impartiality and technical competence, which are interlinking qualities. All of the classical features of Weberian bureaucracy—the selection of officials, salary terms, and strict adherence to rules—are connected to these essential and basic principles. These are also the source of the affinities and tensions Weber uncovers between bureaucracy and democracy.

In *Economy and Society*, Weber does not so much define bureaucracy, or "modern officialdom," as give a description of its key characteristics. The "fixed jurisdictional areas" to be addressed by the bureaucracy are delineated by rules, as are the activities to be carried out and the authority of the various bureaucratic officials. The bureaucracy is methodically organized so that its

duties may be performed in a continuous and stable way. Hierarchy is the structuring principle of the offices.

Officials are chosen based on training, qualification, and expertise where qualification is usually determined through education certificates. According to the ideal type, the bureaucrat is appointed based on these standards and not elected. Appointment is one of the characteristics that are meant to guarantee impartiality.

> "The official who is not elected but appointed by a chief normally functions more exactly, from a technical point of view, because, all other circumstances being equal, it is more likely that purely functional points of consideration and qualities will determine his selection and career."[193]

Impartiality is a defining feature of the bureaucratic ideal. Rules that govern all matters abstractly and not on a case by case basis have the purpose of enacting it. Impartiality, in its relation to equality, is the major basis for both the affinity and the tension between bureaucracy and democracy as Weber describes it. The impartial, and in this sense equal, treatment of all is both a democratic and bureaucratic principle. "This stands in extreme contrast to the regulation of all relationships through individual privileges and bestowals of favor, which is absolutely dominant in patrimonialism at least in so far as such relationships are not fixed by sacred tradition."[194] The selection procedures described above manifest the tension. Appointment based on qualification is meant to ensure bureaucratic impartiality, whereas it tends to create a nondemocratic privileged expert mandarinate. On the other hand, the election of bureaucrats would undermine their dependence on the hierarchy and, ultimately, diminish the exactness of their performance:

> "The official who is not elected but appointed by a chief normally functions more exactly, from a technical point of view, because, all other circumstances being equal, it is more likely that purely functional points of consideration and qualities will determine his selection and career."[195]

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[193] Weber, "Bureaucracy," 201.

[194] Ibid., 198.

[195] Ibid., 201.

The status of the modern official as a salaried worker is meant to be another determinant of his impartiality. He does not own his office, contrary to the patrimonial situation, and the office is not to be a source of rent. Instead, the official is accorded a regular salary according to his function and rank within the hierarchical organization. Separation of the official from the means of administration is crucial for impersonal rule. Personal ownership would mean personal rule, which runs counter to the principles of formal democracy based on equal rights.

At the same time, he is supposed to perform his function out of a sense of loyalty and duty, which distinguishes the (public *or* private) bureaucracy from any other "usual exchange of services for equivalents, as is the case with free labor contracts."[196] Indeed, "entrance into an office, including one in the private economy, is considered an acceptance of a specific obligation of faithful management in return for a secure existence."[197] This sense of duty is again differentiated from patrimonialism, however, in that loyalty is "devoted to impersonal and functional purposes" rather than an actual person, as in the relationship between a feudal vassal and lord. This lack of personal relations within the bureaucracy and the separation of the administrator from the means of administration, again, guarantee the impartiality of the institution.

In addition to listing characteristics of the phenomenon, Weber tries to understand the essence of bureaucracy by examining its historical origins. He finds these in the development of a money economy and capitalism, which was concurrent with the growth of the modern state, and the attempt to implement democratic equality.

The money economy is crucial because it allows for the depersonalization of the bureaucratic office. Payment "in kind," which is characteristic of prebendal organization of office, creates a relationship of personal ownership between the official and the office.[198] The consequence of this is a slackening of hierarchy within the administrative structure since personal ownership over

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[196] Ibid., 199.

[197] Ibid., 199.

[198] Ibid., 205.

the means to tax, for example, affords the official a certain degree of independence from his superiors. A further consequence is uncertainty—the official, in Weber's historical illustration, must usually cobble together an income from several sources of rent, none of which are fixed. The advantage of "modern officialdom" over this kind of allocation of rents is an increase in precision within the bureaucracy. The modern official enjoys a secure money salary that is linked to opportunities for career advancement, none of which is dependent on arbitrary contingency, as rents in kind would be. Following from this, Weber writes, the status feeling of the official, generated by his position, supplants his desire to have a will of his own and thus increases his readiness to subordinate himself to official hierarchy and rules:

> "Strict discipline and control, which at the same time has consideration for the official's sense of honor, and the development of prestige sentiments of the status group, as well as the possibility of public criticism, work in the direction of strict mechanization. With all this, the bureaucratic apparatus functions more assuredly than does any legal enslavement of functionaries." [199]

The fixed money salary, as opposed to rent and payment in kind, also ensures the separation, within the person of the official, of the personal and the impersonal or the private sphere of the official and the sphere of the office. This reinforces the impartiality of bureaucracy, as well as its calculability and stability, which should not be affected by individual personal caprice. The money economy is an important background factor here, since a precondition of bureaucratization is a stable source of income to support it. This must come from taxation.

The development of bureaucracy is the measure of the modernization of the state, whether that state takes the form of a democracy or a monarchy. In either case, the modern state dispenses with a reliance on notables operating on an honorary or hereditary basis and replaces them with paid officials.[200] This is analogous to the development of a professional military that is not based on knights or the "tribal chief or Homeric hero." Instead, the military officer is a specific type of state

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[199] Ibid., 208.

[200] Max Weber, "Parliament and Government in Germany under a New Political Order," in *Political Writings*, ed. Peter Lassman and Ronald Speirs (Cambridge: University Press 1994), 146.

official. Weber writes, "The effectiveness of the army as a fighting force rests on the disciplined performance of duty."[201] In turn, the disciplined performance of duty is more effectively carried out when the official is not an honorific servant but rather a trained and paid bureaucratic worker. This is because the honorific servant performs his work as an "avocation," which means it is more formless, less continuous, and performed more slowly.[202]

The first impetus towards bureaucratization within the modern state had to do with maintaining an army and dealing with public finances. In the process of state consolidation in Europe, the princes "who most relentlessly took the course of administrative bureaucratization" were the most successful at accumulating power and territory.[203] But Weber attributes further bureaucratic growth to the increasing complexity of modern life, in other words, the increase in demands directed toward the state regarding standards of living. For Weber, this includes demands for the bureaucratic provision of changing needs including police protection and social welfare policies. He foreshadows the twentieth century development of the administrative welfare state.

Democratization is another historical force tending towards the development of bureaucracy. In *Economy and Society*, Weber presents democracy as a question of substantive justice or the appeal to the substantive value of equality. Attempts to realize this value necessarily confront the question of means, and the technical efficiency of bureaucracy makes it a natural choice for implementation. However, the demand for substantive justice based on the ethical principle of equality will always clash "with the formalism and the rule-bound and cool 'matter-of-factness' of bureaucratic administration. For this reason, the ethos must emotionally reject what reason demands."[204] Weber's presentation of the tension here associates democracy with an emotional

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[201] Ibid., 146.

[202] *Weber*, "Bureaucracy," 214.

[203] Ibid., 211. Weber's assertion that bureaucratic organization provided the best opportunity for success in the contest for power in early modern Europe certainly supports the belief that Weber actually believed bureaucracy was the most effective and efficient form of organization. This view discounts, though, his critique of bureaucracy and the way in which it is a means that constantly threatens to become an end in itself.

ethos that cannot tolerate the impersonal application of rules. Demands for equality appear to be personal emotional motivations that run counter to the bureaucratic practices that ensure effectiveness and success. Bureaucracy would then be opposed to democracy in that bureaucracy relies on a separation between the personal and the political and causes something approaching alienation in a Marxist and Rousseauian sense. Weber will attempt to find a remedy for this disruption of wholeness within the person in his category of charisma, which we will explore later.

Analytically, Weber is pointing to a tension between formal and substantive rationality. Rationalization as exhibited by the institution of bureaucracy is the extension of formal rationality to all areas of life as a form of domination. Formal rationality refers to orientation towards formal rules and an impersonal order in which action is taken with reference to impartial, objective calculation. The opposition with regard to democracy arises with the bureaucrat's preoccupation with formal and impersonal rules instead of substantive ends. Within democracy, the extension of formal rationality appears as an unintended consequence of the realization of the substantive value of equal rights. A means-ends inversion occurs when the bureaucratic focus on formal rules impedes the progress of substantive rationality which might demand, for example, increased social justice.

On a more institutional level, Weber juxtaposes the process of "passive democratization," which takes place through the breaking of traditional status hierarchies, and bureaucracy as the impartial application of rules. A conceptual affinity is revealed in that the equality of status, a democratic goal, is manifested in the very form of bureaucracy, but conflict will eventually emerge. Weber writes:

> "'Equality before the law' and the demand for legal guarantees against arbitrariness demand a formal and rational 'objectivity' of administration, as opposed to the personally free discretion flowing from the 'grace' of the old patrimonial domination."[205]

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[204] Ibid., 220-221.

[205] Ibid., 220.

Democracy as a constitutional development sets limits to the arbitrary personal elements of feudal and patrimonial rule. Weber's concept of democratization here is not about active mass participation. It is related to the extension of equal rights, regulated by abstract norms affecting all. Exclusion of rule by notables entails the abstract and formal regulation of the exercise of authority and equality before the law. Impersonal rule, which is crucial for democracy in this sense, can only happen if the official is separated from the means of administration and power, if he does not own them personally. Because of these conceptual and practical affinities, the pursuit of equality actually works to extend formal rationality. Equality, as a value, represents substantive rationality. Constitutional democracy as the leveling of status hierarchies and equality before the law embody substantive goals. While democracy promotes selection based on merit rather than privilege as a means of realizing substantive concerns, democratic principles are opposed to the resulting creation of a privileged mandarinate. In this way, they must be opposed to technical qualifications for official positions, as well. The pursuit of substantive rationality in the form of equality thus paradoxically results in the extension of formal rationality, as a form of domination, to virtually all areas of life.

Weber did not see the transcendence of bureaucracy as a possibility. Rather, the best we could do was balance or counter it in a continuous way. This being the case, he thought capitalism would be more likely to preserve individual liberty than socialism. Contrary to Marx, he thought a change in ownership of the means of production would not be enough to overcome the problems of domination in capitalist society because domination through bureaucracy would still exist. At the same time, while he thought some (charismatic-competitive) features of capitalist organization could work to counter the spread of bureaucracy, he also recognized the development of capitalism as another key impetus to bureaucratization.

Capitalism and Bureaucracy

While capitalism and bureaucracy historically originated from different sources, they grew to be interdependent. Alongside democracy and the formation of the modern state, capitalism actually

becomes one of the major impetuses towards bureaucratization. Capitalism supplies the monetary resources necessary for the payment of officials' wages. Bureaucracy within the state is also necessary for the functioning of the market because it provides stable, calculable administration and law. The success of a capitalist enterprise presupposes the existence of stable, predictable law that can be factored into its rational accounting.[206] Bureaucracy within the business enterprise is also necessary because the firm rests on production and profitability calculations of market results. This need on the part of entrepreneurs actually provided a major stimulus in the further development of bureaucracy.

As a sociologist, Weber is concerned with capitalism as a social form rather than the abstract intellectual construction of "the market" as an economic system. As such, he is interested in the political relations that take place in the economic sphere as well as the forms of social organization. He asserts that bureaucracy is necessary in order for the firm to succeed within the struggle for power and market share. The analogy between the business bureaucracy and the state bureaucracy—instrumental in the prince's struggle for power—is clear. The extension of bureaucracy and capitalism both entail the concentration of the means of administration and means of production as well as the separation of the worker from the means of labor. This is due to technical considerations as well as increases in efficiency gained through this form of human cooperation. The discipline Weber deems necessary for efficient outcomes within both state bureaucracy and the capitalist firm's administrative structure would be impossible without this concentration and separation. The calculation of opportunities for profit within capitalism necessitates "free labor," in other words, labor that can be accounted for via wages. Concentration and separation are necessary for the impartial, disciplined, unadulterated pursuit of ends, in an instrumentally rational sense.

Certainly one of the similarities Weber identifies between bureaucratic administration (in the state or political parties, for example) and the capitalist firm regards the structure of the firm, itself. Weber writes, "…from a social-scientific point of view, the modern state is an 'organisation' (*Betrieb*)

[206] Weber, "Parliament and Government," 147.

in exactly the same way as a factory…"[207] Insofar as firms were organized as status hierarchies that executed tasks according to means-ends and formal rationality, they certainly resembled state and party bureaucracies. Looking at the world today, this structural similarity seems much less evident. The monolithic, hierarchical firm of mid-century capitalism has given way to more flexible and decentralized modes of organization. This shift has allowed proponents of deregulation, on both the right and the left, to present market organization and state bureaucratic administration as radically different or even essentially opposed. However, we could also interpret these developments differently and claim that bureaucracy, itself, has become less centralized, hierarchical, and rigid, and therefore less susceptible to recognition and critique. Working through Weber's understanding of both capitalism and bureaucracy as manifestations of rationalization in action, we can see that the market is not opposed to bureaucracy. Rather, it develops and furthers it; it could not do without it.

Fundamentally, both capitalism and bureaucracy are impersonal or objective systems, without regard for persons, structured by calculable rules.[208] Calculability also means reliability and control, which are additional foundational principles of both. In this way, capitalism and bureaucracy are still linked through Weber's concept of rationalization. While control within the firm no longer actualizes itself through hierarchy and explicit command, it is achieved by other means. Outcomes are still calculated, and processes are controlled through incentive structures and the channeling of individual motives. So-called 'new management' works through the individualization of objectives as well as competition based on repeated quantitative evaluation and "benchmarks."[209] The individualization of performance facilitates competition between employees, which represents the internal extension of the logic that obtains between firms. The sources of discipline within the firm have simultaneously shifted inwardly—self-constraint is exercised within the mind of the employee—

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[207] Weber, "Parliament and Government," 147.

[208] Max Weber, *Economy and Society*: *An Outline of Interpretive Sociology,* ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press 1978), 1156.

[209] See Pierre Dardot and Christian Laval, *The New Way of the World: On Neoliberal Society,* trans. Gregory Elliott (London: Verso, 2013), 177.

and outwardly—clients have become the key source of legitimate and unavoidable constraint. Changes in public administration have moved in a similar direction, framed within a logic of modernization and reform.[210]

Weber's critics within the sociology of organizations have questioned the continuing relevance of his bureaucracy concept, claiming either that he is wrong about how bureaucracy works in reality or that bureaucracy has changed so that the Weberian model is no longer relevant. Democratic theorists like Pierre Rosanvallon make the related claim that bureaucracy, itself, has been surpassed as the mode of contemporary governance. Focusing on rationalization and bureaucracy as a mentality and more general logic in Weber's work should allow us to recognize crucial bureaucratic elements, from Weber's account, within contemporary structures.

We can delve deeper into the connections Weber made between capitalism and bureaucracy by working through rationalization as a way of understanding Weber's broader conception of bureaucracy. Both bureaucracy and capitalism fell into the more general category of rationalization in which Weber was interested. We have already invoked institutional similarities, but in Weber's analysis of the "spirit of capitalism," he discusses a particular mentality—rather than an institutional structure—that facilitated the development of this modern economic system. Strict discipline, asceticism, anti-emotionalism, and methodical thinking characterize this ethos, and these are key logics in Weber's conception of bureaucracy, as well.

Rationalization and Bureaucracy

The central polarity in Weber's thought has variously been characterized as one between the "rational" and the "irrational," rationalization and charisma, or even simply bureaucracy and

[210] See Dardot and Laval, *New Way*; See also Bruno Jobert, ed., *Le Tournant néo-libéral en Europe. Idées et recettes dans les pratiques gouvernementales* (Paris: L'Harmattan, 1994), 15.

charisma.[211] On the side of charisma stands individuality and creativity, whereas routinization and rationalization characterize bureaucracy. "Routinization and rationalization embody a trend towards the emergence of rigid and ultimately ossified social structures that are dominated by purely instrumentally-oriented forms of social interaction."[212] While the two are certainly distinct—bureaucracy is one central manifestation of the larger process of rationalization—the concept of rationalization captures something essential about bureaucracy while allowing for more fluidity within the characterization of the concrete institutional form. And indeed Weber writes explicitly about bureaucracy in a broader sense, which we can see if we look beyond the "bureaucracy" section of *Economy and Society*.

This is true, for example, in the way that he contrasts the mentality of the bureaucratic official with that of the politician or true statesman. Bureaucratic structures are significant, not just in themselves, but because they shape the kind of person who lives within them. Weber's worry was that people living during the bureaucratic age would "no longer strive for goals which lie beyond their intellectual horizon, which is in any case likely to be exclusively defined by their most immediate material needs." For him, bureaucracy is the antithesis of creativity, whereas the charismatic principle, injected within bureaucratic society, could constantly help to check bureaucratic thinking. This central opposition of bureaucracy contra charisma infuses Weber's appreciation of politics.

Exploring his exposition of rationalization through the Protestant ethic will help us to better understand the concept and, in turn, how it relates to bureaucracy. We will see that the structure of the rationalized protestant ethic and spirit of capitalism mirrors certain important traits that Weber identified in the mentality of the official and the principles underpinning the institution of bureaucracy.

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[211] See Hans Gerth and Don Martindale, "Preface" in *Ancient Judaism*, by Max Weber, ed. Hans H. Gerth and Don Martindale (New York: Free Press, 1967), x; Wolfgang Mommsen, *Age of Bureaucracy: Perspectives on the Political Sociology of Max Weber* (NewYork: Harper & Row, 1974), 20.

[212] Mommsen, *Age of Bureaucracy,* 20.

He references bureaucracy specifically in the beginning of the book, where he writes that the "trained official" is "the pillar of both the modern State and of the economic life of the West." He then uses this "type" as the illustration of the "rational, systematic, and specialized pursuit of science, with trained and specialized personnel" that "has only existed in the West in a sense at all approaching its present dominant place in our culture."[213] Officials have existed in societies of the past, but the specificity of modern Western Europe derives from the complete dependence of the entirety of a society on organizations of these specially trained officials. "The most important functions of the everyday life of society have come to be in the hands of technically, commercially, and above all legally trained government officials."[214]

Logics that unite these trained officials in both the private and state sectors include the removal of the human element, emotional or otherwise, from systemic action. The methodical organization of economic activity, freed of human fallibility, is meant to allow for the use of calculation and foresight directed toward economic success so as to surpass the "hand-to-mouth existence of the peasant." One possible meaning of "economic rationalism," itself, is "the extension of the productivity of labour which has, through the subordination of the process of production to scientific points of view, relieved it from its dependence upon the natural organic limitations of the human individual."[215] The productivity of labor is extended beyond human capability; exact calculation and foresight are prized against human speculation. "Rationalization," in general, is a logic of social action by which society is subjected to abstract formal means-ends calculation so that it becomes increasingly predictable. It produces social interactions that can be "counted on" for the purpose of being controlled. Weber illustrates this logic in his essay, "Science as a Vocation," using the example of the streetcar. Intellectual rationalization does not mean that we necessarily know

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[213] Max Weber, *The Protestant Ethic and the Spirit of Capitalism,* trans. Talcott Parsons (Mineola: Dover Publications, Inc., 2003), 15-16.

[214] Weber, *Protestant Ethic*, 16.

[215] Ibid., 75-76.

more about the "conditions of life under which we exist," he says, rather, we care only that we can "count on [*rechnen*]" the behavior of the streetcar and orient our own behavior toward it. The streetcar becomes predictable. The point is also that things are, in principle, knowable and susceptible to mastery through calculation.[216]

In the *Protestant Ethic*, Weber is careful to note that we cannot understand this process as the linear outcome of Enlightenment rationality, a view he attributes to Werner Sombart. Instead, Weber wants to explore the ways in which religious doctrine may have shaped individual action in such a way that capitalist behavior became an unintended result. "Rationalization" in the religious context did not proceed directly in the direction of capitalist acquisition, and rationalization in one sphere of life may appear to be clearly irrational from a different point of view. In his exploration of protestant religious doctrine, he is inviting us to understand rationalization by looking in the direction of the ultimate goals and values towards which action is oriented. In the case of Calvinism, Weber's ideal type of the rationalized Protestant religion, the goal had to do with serving God—in a very particular way—and allaying one's fears about predestination.

The rationalized form of this religion created a mentality within individual participants, which facilitated the rise of the capitalist work ethic as a sort of side effect. Through his causal story, Weber works through protestant doctrine in order to arrive at a characterization of rationalization as exemplified in the capitalist spirit. This characterization, taken as a whole, including the pieces of protestant doctrine that Weber emphasizes as most influential, could also be a picture of rationalization as exemplified by bureaucracy. The homologous elements of the two principles are evident through the picture Weber provides.

Protestant religious practice involved a systematized way of life and, above all, discipline as the individual's sole mode of access to God. What is unique to Protestantism, and especially Calvinism, is the removal of the possibility of grace through worldly human activity in the sense of doing good works. Even sacraments were powerless as a means to salvation, according to Calvinists

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[216] Max Weber, "Science as a Vocation," in *From Max Weber: Essays in Sociology*, ed. and trans. H.H. Gerth and C. Wright (New York: Oxford University Press 1946), 139.

and Baptists.[217] This is of a piece with rationalization since, by implication, the methodical and systematic organization of moral life became the sole means of triumphing over sin. By accepting the light of God in this way, a believer could prevent sin as opposed to making up for it. 'Works' thus become powerless to change one's predestined status. However, work in a different sense is still important for the glorification of God, since the earth and human life only exist for His glory:

> "The interest of it [religious thought] is solely in God, not in man; God does not exist for men, but men for the sake of God. All creation … can have any meaning only as means to the glory and majesty of God. To apply earthly standards of justice to His sovereign decrees is meaningless and an insult to His Majesty, since He and He alone is free, i.e. is subject to no law. His decrees can only be understood by or even known to us so far as it has been His pleasure to reveal them. … The Father in heaven of the New Testament, so human and understanding, who rejoices over the repentance of a sinner as a woman over the lost piece of silver she has found, is gone. His place has been taken by a transcendental being, beyond the reach of human understanding, who with His quite incomprehensible decrees has decided the fate of every individual and regulated the tiniest details of the cosmos from eternity."[218]

This doctrine is characterized by an "extreme inhumanity." Indeed, even socially useful labor, even altruistic labor is done for the sake of God, not man or brotherhood. Labor in this context takes on a particularly impersonal form:

> "Brotherly love, since it may only be practised for the glory of God and not in the service of the flesh, is expressed in the first place in the fulfillment of the daily tasks given by the *lex naturae*; and in the process this fulfillment assumes a peculiarly objective and impersonal character, that of service in the interest of the rational organization of our social environment. For the wonderfully purposeful organization and arrangement of this cosmos is, according both to the revelation of the Bible and to natural intuition, evidently designed by God to serve the utility of the human race. This makes labour in the service of impersonal social usefulness appear to promote the glory of God and hence to be willed by Him."[219]

If Calvinists could not work in order to save themselves or even in order to know whether or not they had already been saved, pastoral advice had to deal with the resulting religious anxiety.

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[217] Weber explains that this devaluation of the sacraments was a means to "the religious rationalization of the world in its most extreme form." Weber, *Protestant Ethic*, 147.

[218] Weber, *Protestant Ethic*, 103-104.

[219] Ibid., 108-109.

Weber identifies two connected types of advice regarding feelings of anxiety about predestination: 1) it was a matter of duty for a person to consider himself chosen and to reject doubts as temptations from the devil, 2) work was the best way to fight off the temptation of doubt and to attain confidence of grace.[220] The Calvinist had to work towards the glory of God, not as a means of earning his own salvation, but in order eliminate his own fear of damnation. This could not, however, resemble the Catholic concept of "good works" which should be a sum total of positive actions. Rather, it had to be judged as a systematic whole over the course of one's entire life, in other words, "a systematic self-control which at every moment stands before the inexorable alternative, chosen or damned."[221] Thus, the believer's own life had to be planned and organized in a systematic way as one small piece within God's glorious system. Emotion and irrational impulse had to be eliminated. This is what Weber means when he writes, "Only a life guided by constant thought could achieve conquest over the state of nature."[222]

While Lutheranism stressed the feeling of emotional unity with God as a sign of grace, this solution was closed off to Calvinists who believed in "the absolute transcendentality of God compared to the flesh." Instead, Calvinists could only find communion with God through their consciousness that He "worked through them… That is, their action originated from the faith caused by God's grace, and this faith in turn justified itself by the quality of that action."[223] While Lutheranism encouraged mysticism and emotional intensity, Calvinism led to ascetic activity as a regular lifestyle. Calvin, himself, was extremely suspicious of emotions and judged objective, empirical results to be a more reliable foundation for religious certainty. The suppression of the mystical and emotional side of religion is key because emotion is not something that can be calculated, systematized and relied upon. In the end, it is caprice, which cannot provide reliable

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[220] Ibid., 111-112.

[221] Ibid., 115.

[222] Ibid., 118.

[223] Ibid., 113.

proof of election. Weber emphasizes the concept of proof as a framework linking faith and conduct in several of the denominations he studies.[224]

Relatedly, Protestant ascetics were known to have preferred empirical sciences, "rationalized on a mathematical basis," over metaphysical speculation.[225] Since God was unknowable and revelation was limited, the best they could hope for was knowledge of God's works in nature. "The empiricism of the seventeenth century was the means for asceticism to seek God in nature. It seemed to lead to God, philosophical speculation away from him." Accordingly, physics was the favored science among Puritan, Baptist, and Pietist Christians (followed by the natural sciences using a similar mathematical method). Again, in this framework, the powers of human speculation are discounted in the face of objectively measured knowledge, which is deemed more reliable. Empiricism is thus a means of *disciplining* human caprice. Puritans, according to Weber, also hated scholasticism and held the fine arts and non-scientific literature in disdain.

> "The conceptions of idle talk, of superfluities, and of vain ostentation, all designations of an irrational attitude without objective purpose, thus not ascetic, and especially not serving the glory of God, but of man, were always at hand to serve in deciding in favor of sober utility as against any artistic tendencies."[226]

The human as such is thus discounted twofold: 1) human interpretation of reality is deemed unreliable and capricious, and 2) anything serving human ends instead of God is understood as vain and superfluous. For Weber, the Calvinist doctrine combined "faith in absolutely valid norms with absolute determinism and complete transcendentality of God…"[227] This left empirical science as the sole mediator. If humans are helpless in the face of determinism, with no direct access to God, the regulation of life through objective science—which provides indirect access—can be our only recourse.

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[224] Ibid., 126.

[225] Ibid., 249, note 145, from 136.

[226] Ibid., 169.

[227] Ibid., 126.

Objective science and technique play a similar role in bureaucratic thinking. Bureaucracy seeks to eliminate human emotion and caprice in favor of objective standards, which are, by definition, impartial. Both Calvinism and bureaucracy rely on the idea that there is an underlying truth in nature and human affairs. According to Calvinism, salvation is predetermined, which means there is nothing to be decided or worked out, there is only something to be discovered. This is also the principle of bureaucracy—there is knowledge to be discovered, not political decisions to be made. The Calvinist vision of the universe recalls the perfectly rationalized and regulated world of Saint-Simonianism, in which everything is organized according to objective truth, therefore the element of human (arbitrary, capricious) will is removed. Bureaucracy is characterized by extreme inhumanity in a similar way. The difference between Calvinist and bureaucratic thinking is that for Calvinists the workings of the universe are necessarily obscure while bureaucratic management implies the possibility of making society transparent to itself. In addition, the Calvinist believes that he is not in control, while, using similar procedures, bureaucratic society believes that it is, at least to the greatest possible extent. In both cases, though, the goal is the discipline and elimination of the *arbitrariness* of the human (free) will. This removal corresponds to the principle of impartiality within bureaucracy, which is so emphasized by Weber elsewhere.

The common theme of discipline is readily apparent in the Baptist idea that the believer must silently wait for the voice of God to descend because "…the idea that God only speaks when the flesh is silent… The purpose of this silent waiting is to overcome everything impulsive and irrational, the passions and subjective interests of the natural man."[228] According to this idea, revelation, i.e. objective truth, can only come through the disciplined removal of all irrational, human elements. The generally Protestant systematic rational ordering of life as a whole follows the same logic, dictating "constant self-control and thus … a deliberate regulation of one's own life," and "the destruction of spontaneity of the *status naturalis*…"[229]

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[228] Ibid., 148-149.

[229] Ibid., 126-127.

The discipline of that which is human for the sake of what is useful to God readily translates into the capitalist discipline of human labor for the sake of wealth accumulation. While for the ascetics, the pursuit of wealth as an end in itself was reprehensible, wealth accumulation was viewed as an acceptable byproduct of work with a calling. The Protestant, thus, had a responsibility towards his possessions just as the capitalist did later; the religious intermediary simply dropped out over time. In both cases, to use Weber's terminology, inhuman goals were sought using inhuman means. The wealth was necessarily inhuman in the Protestant case because, as we noted above, the labor that created it was meant to serve the glory of God only. Wealth as a byproduct was acceptable only insofar as it did not cause the laborer to relax in his possessions and succumb to the temptation of idleness instead of leading a systematically righteous life.

Accumulation could be a sign of good, but human enjoyment and consumption were necessarily evil. "The campaign against the temptations of the flesh … was … not a struggle against the rational acquisition, but against the irrational use of wealth."[230] At the same time, mortification of the flesh was not required. The rational use of wealth included necessary practical care for the individual and the community, just not luxury or ostentation. Even sport was permitted, but only as a necessity for maintaining physical fitness, not for "the spontaneous expression of undisciplined impulses…"[231] This is like and Olympic athlete who may begin practicing a sport for fun but who ends up living for the sport instead of using the sport for his own life.

Means-ends inversion is a key concept linking the capitalist ethic and bureaucracy. The protestant lives for God, as opposed to using religion as a tool for human life; bureaucracy becomes the end rather than a tool to be used in the pursuit of a goal. The emphasis on "discipline" throughout provides crucial insight into the relationship between bureaucracy and democracy, as well. Human judgment, which is institutionalized within democracy, is devalued here in the favor of

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[230] Ibid., 171.

[231] Ibid., 167.

disciplined systemic calculation as a means for reaching toward the true order of the universe. And while religious belief fueled the methodical pursuit of accumulation at first, the modern capitalist economic order became a machine which fueled itself.[232] Weber describes capitalism here as a self-propelling mechanism that works on its own, without the need for human support. Bureaucracy constitutes another such impartial, inhuman self-perpetuating machine. Weber referred to capitalism generally as "a system of masterless slavery," which is precisely how critics characterize bureaucracy.[233]

At the beginning of the *Protestant Ethic*, Weber describes bureaucracy as an emblematic feature of the modern age. Bureaucracy was also necessary for the development and extension of capitalism because it gave entrepreneurs something stable on which they could count, and it was stable because, like capitalism, it was founded on the calculable rather than the capricious. This stability and accountability is the unity of form linking bureaucracy and capitalism, and rationalization as Weber describes it is its basis.

Rationalization creates predictability, and bureaucracy aims to create predictability in human affairs.[234] In this sense, rationalization embodied in bureaucracy does not simply mean that officials and clients orient their activity according to effective means-ends rational action. More important, it represents the imposition of predictable behavior on all of society. Bureaucrats and clients certainly look to this type of administration as the most efficient technical means of realizing their ends, but bureaucracy is also the best way of making society itself into something that is calculable and thus susceptible to purposively rational manipulation. This is achieved through a form of "dehumanization" in which substantive values and personal and irrational motives are eliminated.

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[232] Ibid., 181-182.

[233] See Gerth and Martindale, "Preface" in *Ancient Judaism*, ix-xxvii. There is obviously a parallel to be made between Weber and Marx here. Marx identifies the masters, but he also explains how they are compelled within and by the mechanism as well.

[234] "He [Weber] designates as rationalization every expansion of empirical knowledge, of predictive capacity, of instrumental and organizational mastery of empirical processes." Jurgen Habermas, *The Theory of Communicative Action* vol. 1 (Boston: Beacon Press, 1984), 159.

Bureaucracy treats values as irrational emotional reactions that should be excluded in favor of "facts":

> "'Facts,' according to the rational understanding of subjectively meaningful action constituting bureaucracy as a 'social relation,' are coextensive with the predictable behavior achievable through domination according to specialized expertise and formal rules."[235]

Reliance on facts alone implies predictability and the idea of an objectively valid universe of knowledge that can be accessed in order to regulate human affairs. Facts are reality, reality is the source of objectivity, and objectivity is by definition universal.

The Bureaucrat Versus the Politician

The confrontation between the bureaucratic official and the ideal politician provides us with a different view on Weber's multidimensional theory of bureaucracy. In his analyses of social structures, Weber was always interested in the types of persons who would come to live within them.[236] In the inaugural lecture at Freiburg, he declared,

> "The question which stirs us as we think beyond the grave of our own generation is not the well-being human beings will enjoy in the future but what kind of people they will be, and it is this same question which underlies all work in political economy. ... a science concerned with human beings ... is concerned above all else with the quality of the human beings reared under those economic and social conditions of existence."[237]

In other words, he interrogated the mentalities or spirit that would facilitate certain types of social interaction as well as the kind of thinking that would be favored or rendered possible by social arrangements, hence his depiction of the Protestants and their descendants, the "specialists without

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[235] Peter Breiner, *Max Weber & Democratic Politics* (Ithaca: Cornell University Press, 1996), 138.

[236] See Karl Löwith, *Max Weber and Karl Marx*, ed. Tom Bottomore and William Outhwaite, trans. Hans Fantel (London: George Allen & Unwin, 1982). This is an important point of convergence for Weber and Marx. Both were guided by their ideas of "man," specifically man under capitalism.

[237] Max Weber, "The Nation State and Economic Policy," in *Political Writings*, ed. Peter Lassman and Ronald Speirs (Cambridge: University Press, 1994), 15.

spirit, sensualists without heart."[238] The iron cage was also a "style of life."[239] As such, Weber's concerns regarding bureaucracy reached beyond institutional mechanics. He believed the bureaucratic refashioning of man lay at the heart of Germany's cultural and social crisis at the turn of the century, which his sociology was meant to address.

Weber's theory of a bureaucratic mentality is embodied in the ideal type of the official, which he contrasts with the mentality, behavior, and honor of the politician, most notably in "Politics as a Vocation." The role of the official is essentially defined by its supposed impartiality. By definition, then, the official should not engage in politics because he is part of an impartial administration. The principle governing the action of the politician, by contrast, is responsibility through his willingness to take a stand.[240] Not meant to be a leader, the civil servant is judged on his ability to follow orders, "as if the order agreed with his own conviction." This is even, or perhaps especially, true when the order runs contrary to his beliefs. If orders are not followed, the entire administrative edifice could fall apart. Thus, the ethos of the civil servant is one of obedience and submission. Personal responsibility is the emblematic domain of the politician, which leads Weber to conclude that civil servants make for irresponsible politicians or "politicians of low moral standing." "The honor of the political leader, of the leading statesman, however, lies precisely in an exclusive *personal* responsibility for what he does, a responsibility he cannot and must not reject or transfer."[241]

The official-versus-politician opposition serves to clarify the two categories in pitting them against each other. Weber also uses it as a standard with which to judge the state of contemporary (mostly German) politics. His essayistic political writings appear to be guided by the notion of a spectrum lying between the two extremes. For example, he writes that the party system in England

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[238] Weber, *Protestant Ethic,* 182.

[239] Lawrence Scaff, *Fleeing the Iron Cage* (Berkeley: University of California Press 1991), 88.

[240] Max Weber, "Politics as a Vocation," in *From Max Weber: Essays in Sociology*, ed. and trans. H.H. Gerth and C. Wright (New York: Oxford University Press 1946), 95.

[241] Ibid., 95. It is interesting to note that Weber conflates political subjectivity with the nature of a leader here.

has turned MPs into mere "well-disciplined 'yes' men,"[242] which places them much closer to the officials than the politicians. In Germany, the hybrid category of the bureaucratized politician was the creation of the Bismarckian era. In "Parliament and Government in Germany," Weber tells the story of the destruction of the National Liberal party as representative of the political legacy left by Bismarck:

> "[Bismarck] left behind a nation *entirely lacking in any kind of political education*, far below the level it had already attained twenty years previously. And above all a nation *entirely without any political will*, accustomed to assume that the great statesman at the head of the nation would take care of political matters for them. Furthermore, … he left behind a nation accustomed to *submit passively* and fatalistically to whatever was decided on its behalf, under the label of 'monarchic government', without criticizing the political qualifications of those who filled the chair left empty by Bismarck and who seized the reins of government with such an astonishing lack of self-doubt."[243]

The bureaucratized politician is important as a figure because it explicitly makes the link between Weber's institutional concept of bureaucracy and a broader mentality.

The institution and the mentality interact in that political qualities must be cultivated and institutionally supported. The intellectual quality of a parliament depends specifically on the function and decision-making power of that institution. Important matters must not only be discussed in parliament, they must also be decided. A parliament that "is merely the reluctantly tolerated rubber-stamping machine for a ruling bureaucracy" will be infected with the bureaucratic mentality.[244] We could say that it is bureaucratized even though it has not, itself, become a bureaucracy. This is important because it shows the pervasiveness of bureaucracy or a bureaucratic mentality beyond the bounds of the concrete institution.

One of the facilitators of bureaucratization that Weber identifies in Germany is the emphasis on technical expertise, which can be certified by diplomas, and the admiration of the high moral standards supposedly set by the bureaucracy. As Weber describes in *Economy and Society*, the official is

[242] Ibid., 106.

[243] Weber, "Parliament and Government," 144-145.

[244] Ibid., 145.

willing to submit to his superiors because he is moved by status. He craves and relies on the kind of status derived from official diplomas. This motivation is combined with a willingness to obey and submit to a functionally rational system of orders. For Weber, this is a subjectivity that is formed and cultivated within the bureaucracy, but it also permeates society as a whole. Weber's description of this process of subjectivation can certainly be compared to Foucault's analysis of the creation of the subject in *Discipline and Punish* and other works.[245]

Weber specifically uses the term, *Ordnungsmensch*, in his description of the way bureaucratic thinking undermines political activity by changing subjectivity in an all-encompassing way.[246] The *Ordnungsmenschen* are "cogs" who "cling to a little post and strive for a somewhat greater one." Weber is worried that the bureaucratic *Lebensideale* will become an all-pervasive mindset because people *want* it. He introduces the term in a speech at the *Verein für Sozialpolitik* that begins as a response to those who appear to applaud bureaucracy in an uncritical way. He later points to another more insidious and pervasive way in which people might invite bureaucratization out of their own psychological need for order:

> "This passion for bureaucratization … makes one despair. It is … as if we should become, with knowledge and will, men who need 'order' and nothing but order, who become nervous and cowardly if this order wavers for a moment, and helpless if they are wrenched out of their exclusive adaptation to this order. That the world may know nothing further than such *Ordnungsmenschen*—we are engaged in this development all the same, and the central question is not how we can promote and hasten it still further but rather what we have *to set against* this machinery to keep a remnant of humankind free from this parceling out of the would, from this exclusive mastery of the bureaucratic ideal of life."[247]

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[245] Harvey Goldman, *Politics, Death, and the Devil: Self and Power in Max Weber and Thomas Mann* (Berkeley: University of California Press, 1992), 171. See also Wilhelm Hennis, *Max Weber: Essays in Reconstruction* (London: Allen & Unwin, 1988); Colin Gordon, "The Soul of the Citizen: Max Weber and Michel Foucault on Rationality and Government," in Max Weber*, Rationality and Modernity*, eds. S. Lash and S. Whimster (Milton Park: Routledge, 1987), 293-316; David Owen, *Maturity and Modernity: Nietzsche, Weber, Foucault and the Ambivalence of Reason* (Milton Park: Routledge, 1997).

[246] This appears in Weber, "Debattereden auf der Tagung des Vereins für Sozialpolitik in Wien 1909 zu den Verhandlungen über 'Die wirtschaftlichen Unternehmungen der Gemeinden'," in Gesammelte Aufsätze zur Soziologie und Sozialpolitk, ed. Marianne Weber (Tübingen, 1988), 412-416, http://www.zeno.org/nid/20011442093; Wolfgang Mommsen also claims that, from Weber's point of view, history is a struggle between "the *Ordnungsmenschen* and the *Kulturmenschen*," *Age of Bureaucracy*, 112.

[247] Weber, "Debattereden auf der Tagung des Vereins für Sozialpolitik in Wien 1909," translated and quoted in Goldman, 172.

It is as if the methodical order of bureaucracy could provide an alternate source of certainty and authority in a disenchanted world. Value pluralism in the modern world increases the gravity of human choice, which increases the temptation to flee from choice. One way of doing this, as Jan-Werner Müller explains, is to appeal to

> "a political utopianism where all human beings (and all values) would be reconciled. Such temptations increased, as the means-ends rationality suggested by science for dominating nature invaded other spheres of life—leading to the domination not just of nature, but also of human beings. In particular, according to Weber, together with modern business, bureaucracy was busy fabricating a kind of bondage that might make the moderns one day as powerless as 'the fellas of ancient Egypt'. The modern self, then, might become entrapped in a structure of its own making—long, it seemed, discredited by the Enlightenment—might return in secular fashion, as the impersonal, dehumanizing forces that regimented individuals."[248]

Weber's reasoning is reminiscent of that of Tocqueville, who advanced a similar logic to explain the religiosity of the Americans in the nineteenth century. According to Tocqueville, men under democracy needed the certainty provided by religion in order to tolerate the responsibility and chaos that they found in the political realm. If they had not found authority in religion, they would have had to deliver their freedom to some other authority and welcome a life of servitude:

> "When there no longer exists any authority in a religious sense, nor in a political sense, men are soon frightened at the prospect of this independence without limits. This perpetual agitation of all things worries and fatigues them. Since all things stir in the world of intelligence, they desire, at least, that all rest firm and stable in the material order, and, no longer able to take back their old beliefs, they give themselves a master."[249]

Weber's depiction of bureaucracy takes this paradox one step further in that man gives up his control in the very moment that he thinks he has strengthened it. While religion provides an escape, bureaucracy provides an escape that hides its true identity. Thus our quest for control through

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[248] Jan-Werner Müller, *Contesting Democracy*, (New Haven: Yale University Press, 2011), 30.

[249] Alexis de Tocqueville, *De la démocratie en Amérique*, vol. 2 (Paris: Gallimard, 1961) 38-39. See also Pierre Manent, *Tocqueville and the Nature of Democracy*, trans. John Waggoner (London: Rowman & Littlefield, 1996), 96.

bureaucracy, to put an end to the unbearable human condition of uncertainty and contingency, leads to a loss of both control and freedom.

"Political Science": Value Neutrality and the Mentality of the Political Man

Two responses Weber mobilizes in the face of this challenge are the separation of bureaucracy from politics and, relatedly, the figure of the charismatic politician with a calling. These proposed counterforces provide us with further insight into the nature of the problem as he diagnosed it.

The persona of the politician is most extensively described in "Politics as a Vocation" with reference to the famous distinction between the "ethic of ultimate ends" and the "ethic of responsibility." After describing the dismal state of German party and parliamentary politics, Weber asks nevertheless, "what inner enjoyments can this career offer and what personal conditions are presupposed for one who enters this avenue?"[250] In other words, what sort of person is the politician and what drives him or her? Politics can be enjoyable, first, because it gives a feeling of power, which "can elevate the professional politician above everyday routine." Charisma and the political state of being are necessarily intertwined for Weber, and this comes out here. Both politics, as a pure category, and charisma are about transcending the everyday, which is associated with bureaucracy. Politics gets perverted when this element is watered down. Weber shares with Arendt a notion of the purity of "politics"—not pure in the sense of pure intentions, but rather pure in category. At the same time, the politician who is "allowed to put his hand on the wheel of history" must "do justice to the responsibility that power imposes upon him," and this requires three personal qualities: "passion, a feeling of responsibility, and a sense of proportion."[251] Passion refers to devotion to a cause rather than passionate excitement for its own sake, and it must be tempered by or channeled through a psychological state of calmness and sense of proportion. Politics is, after all,

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[250] Weber, "Politics as a Vocation," 114.

[251] Ibid., 115.

an intellectual activity. It is "made with the head, not with other parts of the body or soul." It requires intellectual distance. Weber is very clear about this.

This characterization of the political challenges Marcuse's accusation according to which Weber has abandoned politics to the irrational and arbitrary.[252] Weber very clearly separates "reason" in the sense of "reasonableness" and political judgment from "rationalization." The fact that Weber places politics and rationalization in opposition does not imply that politics is necessarily an irrational enterprise. At the same time, politics is not solely intellectual. In order to count as meaningful human action, it has to be driven by passion. Otherwise, it risks becoming abstract intellectualized emptiness. Later in the essay, he writes, "Surely, politics is made with the head, but it is certainly not made with the head alone." The feelings and sense of meaning that come along with true political action derive not only from the devotion to a cause, but also from the sense of enormous weight and responsibility involved. This is what it means to say, "Here I stand; I can do no other."[253]

Weber calls this stand taken by a true politician "genuinely human and moving." Genuineness is a norm for the political man in a way that it can never be for the official. The bureaucrat, motivated by orientation toward a goal, could, by definition, never be "genuine" if that means being moved by human passion. A politician must always act with passion toward a cause, otherwise "the curse of [*creaturely worthlessness*] overshadows even the externally strongest political successes."[254] External, instrumental success can never be fully human. Or rather, the "creaturely" or animal side of human beings is "worthless" without the passion that alone can bring meaning to our material existence and successes. The bureaucratic is meaningless material cause-and-effect action, even in success, while the political should be meaningful. Politics, associated with the ethic of

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[252] Herbert Marcuse, "Industrialization and Capitalism in the Work of Max Weber," in *Max Weber and Sociology Today*, ed. Otto Stammer, trans. Kathleen Morris (New York: Harper & Row, 1971), 133-151; See also Georg Lukács, *The Destruction of Reason*, trans. Peter Palmer, (Atlantic Highlands: Humanities Press, 1981).

[253] Weber, "Politics as a Vocation," 127.

[254] Ibid., 117. Gerth and Mills actually translate "*kreatürlicher Nichtigkeit*" as "the creature's worthlessness," but I find this to be confusing.

responsibility in "Politics as a Vocation," concerns values even though it is distinct from the *Gesinnungsethik*. If it were value-less, it would be fully *Zweckrational* and inhuman.

The opposition of mentalities corresponds to Weber's insistence on a cognitive and functional separation between bureaucracy and politics, which, in turn, has its roots in Weber's thinking on the necessity of value neutrality of science. In my view, Weber argues for a strict separation between politics and bureaucracy specifically because he sees that they can never be totally separate. In other words, because bureaucracy can never be pure practical or technical knowledge—politics always lies beneath it—we need a separate political domain in which value conflicts can be recognized in a transparent way rather than hidden behind a supposedly scientific discourse of the common good. This entails a critique of bureaucracy that is distinct from the identification of a means-ends inversion: Bureaucracy is simply a man-created cultural object, a means, which has come to dominate its original ends. This first argument brings Weber close to his contemporary, Georg Simmel. The "tragedy of culture," exemplified in Simmel's *Philosophy of Money*, involves the increasing autonomy of man-made cultural forms from the human beings who originally created them for their own purposes. Weber makes the additional point that bureaucracy is, in fact, *partial*, while it presents itself as impartial and objective. Indeed, one of the key problems with the German bureaucracy that he identifies in his political writings is the partisan nature of it and the infiltration of the Junker mentality. The Bismarckian bureaucracy had succeeded in imposing Junker values upon all of society, against the national interest.

Max and Alfred Weber specifically made this argument against conservatives, typified by Gustav Schmoller, within the *Verein für Sozialpolitik*. The conservatives held a Hegelian view of the state administration, according to which the bureaucracy was a neutral force embodying the universal interest of society. Weber argued, instead, that bureaucracy reflects the class structure of society; it is not neutral. His judgments on the partiality of bureaucracy are undergirded by his basic view that conflict is ineradicable in human society. Where we cease to see this, it is simply because the conflict is hidden:

> "Conflict cannot be excluded from social life. One can change its means, its object, even its fundamental direction and its bearers, but it cannot be eliminated. … It is always present and its influence is often greatest when it is least noticed … 'Peace' is nothing more than a change in the form of the conflict or in the antagonists or in the objects of the conflict, or finally in the chances of selection."[255]

The substantialist Hegelian view assumes, instead, that social peace is able to transcend conflict at some higher level. Weber mobilized his strictly technical definition of bureaucracy against this. Focusing on his technical description of bureaucracy might lead readers to believe that Weber celebrated bureaucracy as the neutral apex of human technology or organization, but his political essays tell a different story. In the "bureaucracy" chapter in *Economy and Society*, the emphasis is on what bureaucracy can achieve, whereas Weber's political writings speak to its limitations. Even when he describes bureaucracy as a precision technical tool, his point is to argue that it is *only* a technical tool.[256] It does not consist of a 'universal class,' imbued with magic. The political and intellectual context of his arguments, highlighted especially by David Beetham, helps to underscore this point.[257]

The idea that Weber held an ideal, mechanical, or closed vision of bureaucracy may stem from a misunderstanding of the "ideal-type" concept and its use in *Economy and Society* and/or Parsons' skewed introduction of Weber's work on bureaucracy in the United States. Parsons seemed to think that the ideal-type of bureaucracy was meant to be a normative prescription rather than an explanatory device.[258] This would imply that Weber's goal was to explain to managers how they might best structure their organizations. This reading was prevalent in major works on bureaucracy around mid-century, including those by Parsons' student Robert Merton and Merton's students Alvin

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[255] Max Weber, "Ethical Neutrality," in *The Methodology of the Social Sciences*, trans. and ed. Edward A. Shils and Henry A. Finch (Glencoe: The Free Press, 1949), 27.

[256] On the Neo-Kantian background to Weber's separation of the "is" from the "ought" see Jurgen Habermas, *The Theory of Communicative Action*, vol. 1, (Boston: Beacon Press, 1984), 154.

[257] See Beetham, *Theory of Modern Politics*, 63-66.

[258] On the construction of the ideal type as a methodological issue, which has nothing to do with creating an ideal. See Paul Honigsheim, *On Max Weber*, trans. Joan Rytina (New York: The Free Press, 1968) 115.

Gouldner and Peter Blau.[259] However, this neglects Weber's concern with bureaucracy as a form of domination. These authors believed they were providing a corrective to Weber by showing that bureaucracy's inefficiencies could undermine its own stated goals, but this was already present in Weber's work. They did amend his account by describing additional ways in which bureaucratic structures could work as mechanisms of control, but these really provided updates or complements rather than a reformulation. Again, they had been assuming that Weber's bureaucracy was meant to be the most efficient and effective method for reaching organizational goals, but looking at his focus as domination, instead, we see that his account is consistent with their additions.[260] For example, if bureaucracy was meant to promote equal treatment under the law during democratization, Weber shows that it has unintended undemocratic consequences. He also recognizes that politics are present *within* bureaucracy, and his goal regarding the regulative ideal of separating bureaucracy and politics is to unmask this.[261]

The juxtaposition and separation of formal and substantive rationality, calculation and values, or bureaucracy and politics penetrates even Weber's own methodology as he explicitly lays it out. Jürgen Kocka argues that he constructed his notion of politics precisely in opposition with bureaucracy, and his "demand for a clean conceptual as well as practical separation of politics and bureaucracy has its methodological counterpart in his insistence on a sharp distinction between

[259] See Robert K. Merton, *Social Theory and Social Structure* (New York: Free Press, 1968); Peter Blau, *Bureaucracy in Modern Society* (New York: Random House, 1971); Alvin W. Gouldner, *Patterns of Industrial Bureaucracy* (New York: The Free Press, 1954).

[260] Richard M. Weiss, "Weber on Bureaucracy: Management Consultant or Political Theorist?" *The Academy of Management Review*, vol. 8, no. 2 (April 1983): 242-248.

[261] There is indeed an ambiguity in the way Weber presents the two sides of bureaucracy. On the one hand, it is about the rational rulership of society, rational in the sense of scientific truth. However, it may be the case that it only appears to be rational in this way and is able to present itself as such because bureaucracy relies heavily on secrecy regarding the justifications for its decisions. See Breiner, *Max Weber & Deomocratic Politics*, 138. The stress that Weber places on the formal rationality of bureaucracy—procedure rather than real expertise—may also express Weber's critical attitude towards bureaucracy's ability to embody real efficiency and objectivity.

normative and analytical statements, and in his position in the dispute on value-freedom."[262] Just as politics always lies beneath bureaucracy, science always has an underpinning, which is outside of itself. Science cannot declare its own ends, according to Weber, which means there must be something outside of scientific technique.[263] In making this point, Weber is differentiating between a sphere of technique and a sphere of values that is potentially political. By analogy, bureaucracy can be understood as a sphere of science while politics is the sphere of values and conflict. Science, and bureaucracy, should be value-neutral, but there are always values that underlie its exercise at the beginning. This also allows us to see that, while bureaucracy claims to be ruling in an interest-free and impartial way, values always lie behind it so this can never be true. Claims to impartiality can, thus, actually serve to mask interest by attempting to hide underlying value judgments.

For Weber, a science of human beings cannot exist without value presuppositions because scientific inquiry requires the making of choices about focus and scope.[264] Since science aims at an understanding of reality, it cannot simply reproduce it in all its chaotic detail. Instead, the researcher forms concepts and questions in relation to the parts of reality that are of particular significance to her, depending on her own socio-historical context and personal value positions. Weber writes,

> "The *objective* validity of all empirical knowledge lies exclusively upon the ordering of the given reality according to categories which are *subjective* in a specific sense, namely, in that they present the *presuppositions* of our knowledge and are based on the presupposition of the *value* of those *truths* which empirical knowledge alone is able to give us."[265]

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[262] Jürgen Kocka, "Otto Hintze and Max Weber: Attempts at a Comparison," in Max Weber and His Contemporaries, eds. W. J. Mommsen and J. Osterhammel (Boston: Allen & Unwin, 1987), 293.

[263] Weber, "Science as a Vocation," 141-143; Weber, "Ethical Neutrality," 7-8, 14-15.

[264] Weber, "Ethical Neutrality," 22.

[265] Max Weber, "Objectivity" in *The Methodology of the Social Sciences*, trans. and ed. Edward A. Shils and Henry A. Finch (Glencoe: The Free Press, 1949), 110.

We study things empirically, first of all, because we think this specific empirical knowledge is meaningful to us in some way. Scientific inquiry must be guided by our ideas about what constitutes the meaningful.[266]

Weber's sociology was meant to provide self knowledge vis à vis how we have become who we are, in our historical specificity. This necessarily involves questions of meaning. On this point, Tracy Strong refers to Weber's claims at the beginning of the *Sociology of Religion*, in which he intimates that it is "impossible to do social science without acknowledging who and what one is in one's own history … More accurately, doing social science must at the same time also be an acknowledgment of one's place in the history one is investigating."[267] Weber's entire essay on objectivity in science revolves around this idea; thus, it is hard to follow critics like Herbert Marcuse when they claim that Weber was entirely unaware of his own bourgeois context and presuppositions or that he was blind to the idea that the "reason" he dealt with was a product of the capitalist period.[268] Weber explicitly writes that belief in science is the product of particular values.[269] Science is not meant to replace ultimate cultural values, and scientific truth is not trans-historical or universal. It is itself the product of history. After all, it is only a "hair-line which separates science from faith," and "the belief in the value of scientific truth is the product of certain cultures and is not a product of man's original nature."[270] If science always entails value presuppositions, value-neutrality is meant as a regulative ideal in order to force the researcher to recognize underlying value judgments.[271] Weber has the same view regarding teaching because he "does not wish to see the ultimate and

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[266] Löwith, *Max Weber and Karl Marx*, 52. See also Honigsheim, *On Max Weber*, 115.

[267] Tracy B. Strong, *Politics Without Vision: Thinking Without a Banister in the Twentieth Century*, (Chicago: University of Chicago Press, 2012).

[268] Herbert Marcuse, "Industrialization and Capitalism," 149.

[269] Weber, "Objectivity," 110; See also Löwith, *Max Weber and Karl Marx*, 53.

[270] Weber, "Objectivity," 110; See Cohen, "Rationalized Domination," 67; Löwith, *Max Weber and Karl Marx*, 53.

[271] Weber, "Ethical Neutrality," 9.

highest personal decisions which a person must make regarding his life, confounded with specialized training." It is a matter of freedom and responsibility for the student.[272]

The role of science vis à vis value ideas should thus also be radical demystification. This is the purpose of Weber's critiques of Roscher and Knies, in which he contends that they do not recognize the non-scientific assumptions and underpinnings of their work. Weber aims to uncover what has been taken for granted. Towards this purpose, science can be used in order to "arrive at a rational understanding of these 'ideas' for which men either really or allegedly struggle."[273] This is necessary because, in an age of specialization, "the value of the individual facts in terms of their relationships to ultimate value-ideas" will cease to be taken into account. Research in the "cultural sciences … will lose its awareness of its ultimate rootedness in the value-ideas in general." Weber actually believes that this—and the inevitable consideration of "analysis of the data as an end in itself"—to be a good thing at certain times. However, since "life with its irrational reality and its store of possible meanings is inexhaustible," and since "the *concrete* form in which value-relevance occurs remains perpetually in flux, ever subject to change in the dimly seen future of human culture," there are moments when the standard, "unreflectively utilized [methodological] viewpoints" must be reevaluated.[274] Researchers often forget the foundations of their research in favor of pure technique, but methodological reformulation becomes necessary in light of broader cultural changes because science can never be pure technique. This reevaluation is precisely what he undertakes in his essays on Roscher and Knies, in which he brings to the fore their implicit pseudo religious interpretation of history. Against this, he proposes value-neutrality as the standard of scientific judgment, which corresponds to the disenchanted age.[275]

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[272] Ibid., 3, 10. See also Weber, "Science as a Vocation," 146.

[273] Weber, "Objectivity," 54. See also Weber, "Science as a Vocation," 151-152; Löwith, *Max Weber and Karl Marx*, 56.

[274] Ibid., 111-112.

[275] See Löwith, *Max Weber and Karl Marx*, 57-60.

Weber's critique of ("vulgar") Marxism similarly centers on the claim that Marxists collapse value judgments into science by displaying an uncritical faith in scientific progress.[276] Referencing historical materialism, he explicitly denounces attempts at importing natural science methods and goals into the social or "cultural" sciences. The search for reliable repetition in human affairs in order to establish iron-clad "laws" can provide dubious results at worst and mere jumping-off points at best. When the researcher seeks to explain individual historical phenomena, these supposed laws will always be too general, and the more reliable the "law," the more general and thus less useful it will be. The attempt to collapse politics into an economic or instrumental framework actually masks the value judgments that are inevitably there, both in the political situation under analysis and in the mind of the analyst. Attempting to separate the scientific from the value-laden presuppositions of the researcher should instead force him or her to recognize both the limits and the uses of his or her own methods.

Weber knew there were limits to scientific specialized knowledge, and he was happy they existed. Former student and friend Paul Honigsheim wrote, "…Weber breathed a sigh of relief as soon as someone once again demonstrated the limits of knowledge, the impossibility of making objective, valid value judgments. … He demanded instead that men strive for the goals given them by their god or demon."[277] These "god or demon"-given goals fall under the category of the charismatic or political. Yet Weber also placed a certain faith in science and its uses in service of charismatic politics: "Science was a means, a possibility, namely of controlling a technical apparatus for the realization of goals that arose from an extra-scientific establishment of purposes which a god or demon had given human beings."[278] Science, as a dictator of ends, could be destructive of freedom, but as a means, it could be an enabler.

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[276] Ibid., 54. See also Mommsen, *Age of Bureaucracy*, 49-55.

[277] Honigsheim, *On Max Weber*, 131-132.

[278] Ibid., 131.

Science cannot dictate its own ends, but its purpose is rather to act in the service of some external end by providing useful knowledge. Karl Löwith asserts that Weber seeks freedom within rationalization by trying to understand how the progression of rationalization can be put in the service of individual freedom. It is at the same time a constraint and a source of freedom for Weber, in the sense that it helps us to understand means-ends relationships and thus helps us to realize our intentions. This is freedom: having an intention and then realizing it or making it real. This requires rationalization, in order to be increasingly effective. "This link between rationality and freedom … can be perceived … in the inner impulse behind Weber's practical attitude towards all rationalized institutions, organizations and forms of order in modern life: he fights against their claim to metaphysical reality and uses them as a means to an end."[279] For example, bureaucracy is not the Hegelian universal class, but it can be extremely useful for the pursuit of certain power goals. In the same way, science must be value neutral and then placed in the service of ultimate goals, like nationalism, which was Weber's argument in his "Inaugural Lecture" at Freiburg.[280]

These methodological views are directly connected to Weber's judgment of his own epoch as a "disenchanted" world. As we have seen, the science of sociology cannot avoid values, but simultaneously, science cannot create meaning on its own.[281]

> "The fate of an epoch which has eaten of the tree of knowledge is that it must know that we cannot learn the *meaning* of the world from the results of its analysis, be it ever so perfect; it must rather be in a position to create this meaning itself. It must recognize that general views of life and the universe can never be the products of increasing empirical

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[279] Löwith, *Max Weber and Karl Marx,* 64.

[280] See Mommsen, *Age of Bureaucracy*, 108-109. "He worked hard to eliminate all value judgments, not so much in order to get rid of value judgments as such altogether, but rather to enable the individual or groups of individuals to bring them to bear all the more powerfully on a given social context and a given situation." Ernest Kilker takes issue with Mommsen's insistence on Weber's nationalism. For Kilker, Weber was more interested in Germany's potentiality than its actuality, and the nation-state was simply a vehicle for use in the struggle for freedom rather than an expression of German superiority. However, I believe Mommsen captures precisely this issue in *The Age of Bureaucracy*. See Ernest Kilker, "Max Weber and Plebiscitarian Democracy: A Critique of the Mommsen Thesis," in *International Journal of Politics, Culture, and Society* vol. 2, no. 4 (Summer 1989): 429-465.

[281] Weber, "Science as a Vocation," 129-158.

> knowledge, and that the highest ideals, which move us most forcefully, are always formed only in the struggle with other ideals which are just as sacred to others as ours are to us."[282]

Because man has eaten from the tree of knowledge, because of the disenchantment of the world, he must now create his own meaning and recognize the subjectivity and plurality of values. Science cannot generate meaning for him, and it cannot take questions of meaning for granted because there is no longer a singular collective subjectivity. Scientific research should proceed in a value-free manner once these initial concepts and questions have been set, but then values enter the picture again in order to bestow meaning upon the results.

The demand for value freedom in science is linked to Weber's idealized vision of the politician with a calling, such that they are in some sense one combined response to the challenge of rationalization. "…What does science actually and positively contribute to practical and personal 'life?'" This is the question posed by Weber's imagined interlocutor in "Science as a Vocation." Among other things, he answers, it contributes to the technical control of life, and more importantly it can help one to "gain *clarity*" as to the practical stand one wishes to take and its relationship to an "ultimate *weltanschauliche* position."[283] This is political language, even if not exclusively so. Science must be scrubbed of values so that we can understand what the fight is really about, so that the values themselves are laid bare, and so that we face up to the truth of the "war between the gods" and rise to the occasion. At the same time, science—that is minimally diluted by value content and therefore also minimally deluded—and rationalized technique should be used as tools in the struggle. The demand for value neutrality comes from a desire to lay bare the necessary extra-scientific foundations of scientific propositions and to clarify our own value positions. The responsible political actor, as described especially in "Politics as a Vocation," should then use the acquired technology in taking his own practical stand and fighting for his cause. In this way, discipline and rationalization can be made to serve charisma.

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[282] Weber, "Objectivity," 57.

[283] Weber, "Science as a Vocation," 150-151.

Charisma

In the same way that the bureaucrat and the politician represent opposing mentalities in Weber's universe, the broader categories of bureaucracy and charisma are juxtaposed. The broader charisma/bureaucracy distinction within Weber's thinking is interesting if we think about it operating as two different mentalities or ways of thinking about political questions. Charisma represents a radical form of freedom that rejects fixed rules, conventions, principles, and values. As such it is the very opposite of bureaucracy as a principle and a mentality. Charisma, in its individualized form within the figure of the politician, is also the only hope that Weber holds out against a rationalized future of all-encompassing discipline. If we read Weber against himself, charisma could serve as the potential basis of a political mentality on a collective and democratic level. This is all the more promising and necessary since Weber's individualized version, I argue, has successfully been coopted within logics of 'new management' and governance. His historical dialectic between rationalization and charisma seems to have sharply swung in the direction of rationalization, requiring a new charismatic moment if we stay within his frame of thought.

According to Weber, the problem of bureaucracy for politics is related to bureaucracy's effects on autonomy. He claims that bureaucracy results in a complete loss of self-determining power for both the bureaucrats and subjects.[284] The autonomy-crushing outcomes of bureaucracy become the central feature that Weber attempts to counter with charisma. Weber's plebiscitary democracy is ultimately built upon this. The charismatic political figure is completely self-determining. As a pure type, the charismatic politician can be seen as a symbolic figure that stands for self-determination, as opposed to the bureaucrat who is determined by external criteria. "Charisma is self-determined and sets its own limits."[285] Because of this, the charismatic is not bound

[284] "Moral autonomy, even in Weber's reduced understanding of it as choosing values and taking responsibility for the effects of acting on them, and bureaucratic claims to legitimacy are incompatible..." Breiner, *Max Weber*, 138.

[285] Weber, *Economy and Society,* 1112.

to his followers. In order to exist, he must be recognized, but the followers then have a *duty* to follow him, on the basis of his mission, as long as his charisma is recognized. He is not dependent on their will; this would be external determination, as opposed to self-determination. Similarly, Weber writes that charisma is not a form of popular sovereignty. Charisma is an individual quality, and "the mission and power of its bearer is qualitatively delimited from within, not by an external order." The individual character of charisma seems to be an aesthetic symbolic feature, in that it is meant to serve as the polar opposite of bureaucratic rationalization. If charisma represents the apotheosis of self-determination, it is because Weber conceives of this principally in individual terms. The fact that individuality seems to play an especially symbolic role here is illustrated by Weber's self-contradictions. Not two pages later in *Economy and Society*, he claims that the charismatic ruler is "*responsible*" to the ruled because he must prove himself through his heroic deeds and also by bringing about their well-being.[286] He also refers to the early Christian congregations in order to support his claim that charisma cannot be a form of popular sovereignty, but he tells a different story in his *Ancient Judaism*. In contrasting the solitary pre-exilic prophets to the early Christians, he writes that "the spirit" in the apostolic age came "upon the faithful assembly or upon one or several of its participants." "Ecstatic crowds" characterized early Christianity, and "the prophet could experience holiness only in public under the influence of mass suggestion..."[287] The community "engaged in mass ecstasy or mass-conditioned ecstasy or ecstatic revivals as a path to salvation."[288] Further,

> "The 'spirit was poured out' to the community when the Gospel was preached. Speaking in tongues and other gifts of the spirit including, also, prophecy, emerged in the midst of the assembly and not in a solitary chamber. All these things obviously resulted from mass influence, or better, of mass gathering and were evidently bound up with such, at least, as normal precondition. The culture-historically so extremely important esteem for the religious community as depository of the spirit in early Christendom had, indeed, this basis.

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[286] Weber, *Economy and Society*, 1114.

[287] Max Weber, *Ancient Judaism*, 292.

[288] Ibid., 294.

> The very community, the gathering of the brethren was especially productive of these sacred psychic states."[289]

The ecstasies of the prophetic salvation community "have always inclined men towards the flowing out into an objectless acosmism of love."[290] This also fits with Weber's declaration that the paradigmatic moment of charisma is the orgy, obviously a collective enterprise.[291] While the image of individual charisma is important for illustrating the self-determining nature of it, the collective dimension will be important for democratic theorists, like Andreas Kalyvas and Jeffrey Green, who want to salvage Weber's category of charisma from its potentially dictatorial trappings.

Ecstasy is the subjective condition that mediates or manifests charisma. Ecstasy, and so charisma, occurs in social form within the orgy, which is also "the primordial form of religious association."[292] It is in the nature of the charismatic revelation to create a vision of "the world as a meaningful totality," including "both social and cosmic events."[293] Weber's "objectless acosmism of love," into which the ecstatic religious community melds together, recalls Freud's "oceanic feeling," that he identifies at the base of human religious inclination and sociability (Eros). In a secularized world, political legitimacy takes the place of religious justification as an explanation for people's place in a social structure.[294] Charisma has the power to define the foundational attitudes of "the ruled." It has a bearing on the "sacred" in that it "overturns all notions of sanctity."[295] The nexus of charisma,

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[289] Ibid., 292.

[290] Max Weber, "Religious Rejections of the World and Their Directions," in *From Max Weber: Essays in Sociology,* ed. and trans. H.H. Gerth and C. Wright Mills (New York: Oxford University Press 1946), 330. Originally published in "Zwischenbetrachtung," in *Gesammelte Aufsaetze zur Religionssoziologie*, vol. 1, 436-473.

[291] Weber, *Economy and Society*, 401.

[292] Ibid., 401. We may say, then, that charisma refers to the foundational symbolic condition of our living together, which constitutes "the political" in Claude Lefort's sense.

[293] Ibid., 450-451.

[294] See Andreas Kalyvas, *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt, and Hannah Arendt (Cambridge: Cambridge University Press, 2008)* 54.

[295] Weber, *Economy and Society*, 1117.

culture, and values, in Weber's conceptual universe, is crucial for his notion of "politics." Understanding this will, in turn, help us to reach the essence of his opposition between the political and the bureaucratic and its relevance in the contemporary period, in which bureaucracy has shifted form.

Weber's discussion of charisma pushes us towards a broader understanding of his conception of politics, beyond the dry description of the immediate *rapport de forces* between competing interests that is often attributed to him.[296] Politics is about fighting for power, using an instrumental logic, but it is also, at bottom, a fight for the power to define the cultural values at the base of a society. Politics, for Weber, is ultimately about values, in the same way that violence is ultimately always possible in politics, even if it is not directly engaged in every interaction.[297] At times, Weber will define politics as the power struggle over the control of the state, which is, of course, "the monopoly of the legitimate use of physical force within a given territory."[298] However, he will also describe the state, itself, as the "most important form of the normative regulation of cultural life."[299] Culture, by definition for him, is what allows human beings to give meaning to the world.[300] Meaning and the realization of values is crucial in politics; power is solely the inevitable means. Politics is a distinct value sphere, "the values of which can ... be realized only by one who takes ethical

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[296] For example, Peter Breiner claims that "value-rational motives have only a contingent relation to politics…" (128) because Weber separates the moment of value selection from the moment of strategic choice of means for the realization of these value. Breiner contends that this renders Weber blind to the idea that the means of politics might be the same as the ends, that both might be constitutive of "politics" as such, which would be Breiner's argument for the importance of collective--rather than individualistic--political action. Politics for Weber is then solely defined in terms of purposive rationality: "An association may claim legitimacy on the basis of some value-rational end; but for Weber it does not become a political association until it organizes an administrative staff and seeks to back up its orders by using force." (127) Breiner ignores the fact that the strategic means would be rendered meaningless without the ends, which makes it nonsensical to restrict Weber's notion of politics to the purposively rational version alone. Jürgen Habermas and Axel Honneth have criticized Weber along similar lines.

[297] Kalyvas suggests separating the power struggle element of Weberian politics from the value-based notion, associating them, respectively, with normal and extraordinary politics. I would argue, instead, that both are always present in Weber's discussions of politics because politics presupposes values even if they are not overtly discussed or challenged with every "normal" political action.

[298] Weber, "Politics as a Vocation," 78.

[299] Weber, "Objectivity," 67-68.

[300] Ibid., 81.

'responsibility' upon himself."[301] This is "political action." The power politician, driven by vanity and "power for power's sake without a substantive purpose," is in fact "irresponsible," according to Weber. "The mere 'power politician' may get strong effects, but actually his work leads nowhere and is senseless. ... inner weakness and impotence hides behind this boastful but entirely empty gesture."[302] To view politics as power alone is to mistake the means for the end, which must always involve the definition of values and culture.[303] The definition of values and culture, conversely, requires power politics, otherwise more powerful neighbors are likely to impose their own culture upon you. And the modern polytheism of values means that "at all times [man] will find himself engaged in a fight against one or other of the gods of this world."[304] Weber's essayistic reflections on World War I, from which this is drawn, neatly show the relationship between the "'power pragma' that governs all political history" and the values that power exists in order to realize. Power, itself, according to Weber, "in the last analysis means the power to determine the character of culture in the future."[305]

Charisma is characteristic of the genuine political mentality in opposition to the bureaucratic, and Weber continuously contrasts the two in very general terms. Bureaucracy is about managing everyday economic needs. It is also dependent on economic circumstances in ways that charisma is not. "Charisma lives in, not off, this world," and this is again a matter of independence and self-determination. Weber declares that it is wholly consistent for modern artistic charismatic movements to require independent means as a condition for membership and, at the same time, for

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[301] Weber, "Ethical Neutrality," 15.

[302] Weber, "Politics as a Vocation," 116-117.

[303] See Weber, "Science as a Vocation," 150, in which Weber discusses politics as a struggle over the influence of culture and Weltanschauung.

[304] Max Weber, "Between Two Laws," in *Political Writings*, ed. Peter Lassman and Ronald Speirs (Cambridge: University Press, 1994), 78-79.

[305] Weber, "Between Two Laws," 76.

medieval monasteries to demand the opposite—the vow of poverty. Both are conditions of independence.

While bureaucracy fulfills its tasks based on pre-determined value structures, charisma offers the possibility of revolutionizing these value structures. It ushers in a Nietzschean revaluing of values.[306] This has to do with its self-determining nature. "Genuine charismatic justice does not refer to rules; in its pure type it is the most extreme contrast to formal and traditional prescription and maintains its autonomy toward the sacredness of tradition as much as toward the rationalist deductions from abstract norms."[307] Instead, "in a revolutionary and sovereign manner, charismatic domination transforms all values and breaks all traditional and rational norms: 'It has been written ..., but I say unto you....'" Thus, politics must also hold out the possibility of radically altering and fighting for fundamental values. While successful politics always takes into account "the possible," and likewise, the politician must take responsibility for the consequences of his actions, Weber writes that the possible can often only be reached by striving for the impossible. Mere adaptation to the possible is not politics, but rather, "the bureaucratic morality of Confucianism."[308] Charisma, in its ideal and extreme form, refers to the symbolic institution of society and to radical symbolic creativity, whereas bureaucracy applies given frameworks, taking them as neutral. We can see the combination of two important elements of charisma in these passages: 1) it deals with extraordinary and foundational needs rather than everyday maintenance of affairs, and 2) again, charisma is wholly self-determining.

Charismatic domination constructs itself precisely in opposition to the everyday. It is the opposite of the administration of everyday needs, bureaucracy, and rational domination. The

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[306] According to Charles Lindholm, Nietzsche presented a challenge to 19th century utilitarian interest politics in that he highlighted a type of emotionalism or energy that could not be subsumed under calculations of preference. Weber took Nietzsche seriously and incorporated this challenge into his category of charisma. See Lindholm, "The Sociology of the Irrational: Max Weber and Émile Durkheim," in *Charisma* (Cambridge: Blackwell, 1990), 22-23.

[307] Weber, *Economy and Society*, 1115.

[308] Weber, "Ethical Neutrality," 24.

"official" deals with the "day-to-day management" of things.[309] By contrast, "All *extra*ordinary needs, i.e., those which *transcend* the sphere of everyday economic routines, have always been satisfied in an entirely heterogeneous manner: on a *charismatic* basis."[310] Charismatic figures are often the "'natural' leaders in moments of distress," in other words, in extraordinary times. They are the "bearers of specific gifts of body and mind that were considered 'supernatural' (in the sense that not everybody could have access to them)..."[311] Politics, as a pure concept, is also about transcending the everyday. The feeling of power enjoyed by the professional politician, according to Weber, "can elevate" him "above everyday routine."[312] Again, charisma and politics are intimately and necessarily intertwined, and this comes out here. A true political leader must have "inner charismatic qualities."[313] If charisma is meant to provide a limited escape route from all-encompassing rationalization, then Weber must devise a way of bringing charisma into the world. This is the role of the vocational politician with a calling, to be cultivated within plebiscitary democracy, as we will see. This connection again illustrates the intimate link between charisma and politics or the political mentality. Charisma *is* the political mentality in archetypical form.

Charisma and politics are opposed to the economic and the bureaucratic in that their values are not solely instrumental. Weber argues, for example, that the strikes and struggles involved in union politics are "very often not just for wages, but also for ideal things, for honour, as the workers happen to understand it (and each man claims to know for himself what it means)."[314] Political struggles between parties often have material objectives, but they are also conflicts over substantive

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[309] Weber, "Parliament and Government in Germany," 145.

[310] Weber, *Economy and Society*, 1111.

[311] Ibid., 1112.

[312] Weber, "Politics as a Vocation," 115.

[313] Ibid., 113.

[314] Max Weber, "Socialism" in *Political Writings*, ed. Peter Lassman and Ronald Speirs (Cambridge: University Press 1994) 275.

goals and world views.[315] This is why Weber rejects what he deems to be the crass economism of both the liberal and Marxist analyses of politics. It is also why he believes that the peaceful regulation of the world through the calculation of aggregate desires is a false hope:

> "Only if one takes the semblance of peace for its reality can one believe that the future holds peace and a happy life for our descendants. As we know, the vulgar conception of political economy is that it consists in devising recipes for universal happiness; in this view, adding to the 'balance of pleasure' in human existence is the only comprehensible purpose our work has. Yet the somber gravity of the population problem alone is enough to prevent us from being eudaemonists, from imagining that peace and happiness lie waiting in the womb of the future, and from believing that anything other than the hard struggle of man with man can create any elbow-room in this earthly life."[316]

Weber was suspicious of the appearance of "peace" because power relations must lie beneath it, and thus, it could only ever be a cover or mask. The "balance of pleasure" is a reference to Bentham's utilitarianism, but it could just as well refer to St. Simon and his desire to replace the rule of men over men with the technical rule of men over things. Because charisma is sovereign and unpredictable, there is no reason to believe that human motivations and actions could fit together like neat puzzle pieces, only waiting for the correct technique to complete the picture. Charisma and politics burst the bonds of the quantifiable and therefore controllable.[317]

Predictability and impartiality are dependent on the rejection of subjective values as irrational emotional factors needing to be weeded out. The charismatic figure, as the opposite of the figure of the official, is characterized by a heightened emotional intensity and expressivity. Weber gives us the examples of the berserk, the warrior unleashed, and the epileptic.[318] Emotional intensity is enjoined to charisma and excluded from bureaucratic rationalization insofar as it is creative and extraordinary,

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[315] See Weber, "Politics as a Vocation," 87; Weber, "Science as a Vocation," 150.

[316] Max Weber, "The Nation State and Economic Policy," in Max Weber, *Political Writings*, ed. Peter Lassman and Ronald Speirs (Cambridge: University Press, 1994), 14.

[317] Weber's vision of politics here is in accord with his judgments on social scientific methodology. Since individual decision is so crucial in the development of historical phenomena, according to him, it would be impossible to attain the predictive power that the natural sciences claim to hold. See Honigsheim, *On Max Weber*, 114-115.

[318] See Lindholm, *Charisma*, 25-26.

which therefore means it is also unreliable for the purposes of calculation. Weber seems to validate emotional intensity as freedom enhancing (as opposed to heteronymous) by connecting it with both creativity and the meaning that human beings are capable of bestowing upon their existence within the world.

The raw emotionalism contained within charisma appears to be a remedy for the emotionlessness dictated by bureaucracy. The exclusion of emotion and substantive values from the bureaucratic process, "dehumanization," which approaches Marx's concept of alienation, is a specific restriction of freedom caused by rationalization, as identified by Weber. Alienation involves separation. Both bureaucracy and mass democracy entail the separation of the public and private realms, which also means a separation of the personal from the political. This separation is what allows for the neglect of substantive democratic concerns and thus the protection of privilege under the guise of neutral impartiality. Subjectively, rationalization involves a similar process of separation within the person. Charisma, on an individual basis, is proposed as a response to this in that it affirms the person as a reunited whole. As Jean Cohen writes, Weber's individual charismatic, responsible politician is presented as,

> "the only possibility of salvaging human freedom. ... The point is to salvage the soul against the impersonal, calculating formal rationality of domination. Self-responsibility is determined by the individual who acts according to chosen values ... The self-responsible individual, although a 'specialist' like everyone else, is *engagé* in every specialty and therefore remains human. He never conforms to the set role but brings his individuality to it, thus enriching his acts. Thus, Weber opposes the political leader to the bureaucratic official (who symbolizes impersonal selfless rule). The political leader takes a stand, he is passionate in his activity. His honor lies precisely in an exclusive personal responsibility for what he does. ... All that the self-responsible individual can do is place himself in moral opposition, abstractly negating this bondage through his subjective attitude."[319]

The "lost unity" of the person is thus to be recaptured through the self-determining acts of the charismatic individual who exhibits genuine emotion and judgment on a *personal* and not solely "rational" level. The term, "personal responsibility," might then be reinterpreted not

[319] Cohen, "Rationalized Domination," 82.

solely as responsibility assumed by the individual, but responsibility assumed by the reintegrated person, unstripped of its wholeness by formal rationality.

On the other hand, though, Weber condemns a type of romantic emotionality that upholds emotional expression for its own sake. This is what he terms "sterile excitation" or the "'romanticism of the intellectually interesting,' running into emptiness devoid of all feeling of objective responsibility."[320] The passion of the vocational politician must instead be harnessed to a genuine cause, and it must be tempered by his "cool sense of proportion" and sense of personal responsibility. Thus, while charisma is made up of an emotionalism that is foreign to bureaucratic discipline, it is an emotionalism that must be channeled and mastered, at least in order to be politically effective. The discipline of Weber's ideal politician is different from the discipline necessary for rational administration, which is foreign to it, but discipline is still present in some sense.[321] The charismatic politician with a calling is a "mastered self," not unlike the protestant personality. There is ambiguity in the way Weber evaluates the protestant ethic. He certainly admires the Puritan in that he still has "meaning" in his life. The Puritan is conscious of the discipline he places on himself, whereas bureaucratic discipline is for "specialists without spirit, sensualists without heart."[322]

The New Routinization of Charisma

Weber holds a pessimistic view of rationalization, but since he understands it to be an inevitable development, the task he sets for himself is to conceive of human freedom from within it. He sees freedom as emerging from a dialectic between rationalization and its counterforces, constantly in tension with each other. Freedom involves creativity in positing values and goals, but it also entails the ability to responsibly realize these goals. He admits, then, that rationalization has

[320] Weber, "Politics as a Vocation," 115.

[321] Weber, *Economy and Society*, 1149-1150. See also Cohen, "Rationalized Domination," 81.

[322] "The Puritan wanted to work in a calling; we are forced to do so." Weber, *Protestant Ethic*, 181-182.

actually served the cause of individual freedom in that it helps us to more effectively realize our intended purposes by better understanding relationships of cause and effect. The individual freedom that Weber advocates in the end is the heroic freedom of personal responsibility and self-reliance. The ideal heroic figure was made possible by the particular conditions of modernity: the disenchantment of the world has given individuals the freedom to create their own meaning, and advances in technical rationality allow us to better bring our values into being in the world.[323] The problem is the potential for means-ends inversion or the fetishism of rationalization, itself. Charisma is about the continued ability to posit our own goals instead of taking our instruments to be the goals, themselves. I will argue later that Weber's insights into charisma as a particularly political mentality are still helpful in opposing the encroachment of bureaucratic management. However, the restrictive way in which he thought charisma might manifest itself *individually* may have actually played into the further development of bureaucracy. This is an especially Weberian twist. He did not see that the individualistic, heroic, personal-repsonsibility-focused mentality could and would be coopted by systems of management.

Weber prophesied that democracy and socialism could not help but foster bureaucratization as an unintended consequence, even when democrats and socialists were strictly opposed to it. In order to avoid this development, he advocated the cultivation of competition and conflict—between capitalistic firms in economic society, between bureaucratically structured political parties and their leading politicians within parliament, between the firms and the state, and even between nation-states on the world stage.[324] He did not foresee that the idea of cultivating charisma through competition could itself be instrumentalized for the purposes of rationalized bureaucracy.

To understand what I mean, it will be helpful to recall that bureaucracy for Weber functions similarly within the modern state and the capitalist firm. The modern state, for him, is a *Betrieb* just

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[323] This idea is reminiscent of Nietzsche and the "death of God." For links between Nietzsche and Weber, see Hennis, *Essays in Reconstruction*.

[324] Mommsen makes this key point throughout *The Age of Bureaucracy*.

like the factory. Both involve the separation of the worker from the means of production and the instrumental calculation of means in relation to ends. The mentality is the same, as well. He writes that "… it is quite ridiculous for our littérateurs to imagine that there is the slightest difference between the mental work done in the office of a private firm and that performed in an office of the state."[325] The way that competitiveness can be instrumentalized for purposes of control is most apparent in new management techniques intended for use within organizations generally, often importing techniques from private enterprise to "reform" supposedly inefficient public bureaucracies. It is also a question of the way in which citizens relate to each other and the state, including the way in which public services are reorganized such that citizens must compete over the realization of their life projects. As public resources become subject to competition between citizens for access, citizens become "clients" and competition is fostered between public agencies and public employees, as well.

Of course, in his time, Weber recognized status concerns as a major source of motivation for bureaucratic officials, which is consistent with Taylorist advice to managers from the beginning of the twentieth century. What is different about management via charismatic-competitive drive is that it specifically draws on anti-bureaucratic concerns about individual freedom in order to construct its method. New theories of management within government, attempting to replace public bureaucracy with private-like management, purport to increase efficiency by introducing competition and thus incentive. I argue that this is also bureaucratic; it simply uses competition as a technical tool for managing people.

In critiques of Weberian bureaucracy as an actually existing entity in the mid-twentieth century, much emphasis has been placed on the impersonal nature of it, and thus attempts have been made to "personalize" or "humanize" the workplace. This critique originates in Weber's use of formal rationality as the defining essence of bureaucracy. Formal rationality describes action that is oriented towards formal, abstract, impersonal norms, in other words, "to an *impersonal order* such that

[325] Weber, "Parliament and Government in Germany," 146.

calculations can be made 'without regard for persons'."[326] Weber explains how formal rationality is "extended" "to all areas of life as a *form of domination*." This results in a means-end inversion, which is illustrated by the bureaucrat's preoccupation with impersonal rules rather than substantive ends. Jean Cohen, writing in 1972, explains the problems Weber identifies regarding the dehumanizing tendencies of bureaucracy thusly: "Formal calculation, 'means', becomes the 'end', of human activity while man becomes a by-product of 'rationally' functioning machines. The irrationality of rationalization lies in the creation of impersonal, meaningless forces which tend to function independently and despite man. It implies the impotence of subjectivity when confronted with these impersonal forces."[327] Further:

> "Substantive rationality, or action according to particular human needs, is precluded. The official is the perfect embodiment of formal rationality—he is a specialist whose activity depends not on his own personal subjectivity but on an objective impersonal order which denies and fragments subjectivity."[328]

As a response to these problems, participatory democrats and proponents of self-management attempted to humanize modern organizational forms. Alvin Gouldner, a student of Talcott Parsons, drew on Weber's conception of bureaucracy in constructing his empirical studies detailed in *Patterns of Industrial Bureaucracy* (1954). His goal was to empirically study the functioning of actual administrative structures, including the real people who made up these structures. He argued that social scientists, including Weber, had ignored the human element and had thus emerged with distorted representations of bureaucracy. A key problem with this, according to him, was that "this has colored some analyses of bureaucracy with funereal overtones, lending dramatic persuasiveness to the pessimistic portrayal of administrative systems."[329] Gouldner, instead, refused to throw the baby out with the bathwater. Instead of accepting a bleak dichotomy between an unrealistic utopian

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[326] Cohen, "Rationalized Domination," 66.

[327] Ibid., 66.

[328] Ibid., 71.

[329] Gouldner, *Patterns of Industrial Bureaucracy* , 16.

democracy and the existing democracy which had been deeply undermined by bureaucracy, he hoped to find forms of bureaucracy that might work better from a democratic point of view.

To do this, he constructed a typology of different forms of bureaucracy, two of which he claims to find directly in Weber. The first model, "representative bureaucracy," is based on expert knowledge and obedience through consent regarding the application of expert knowledge. "Punishment-centered bureaucracy," by contrast, involves obedience seemingly for its own sake. Gouldner separated Weber's pronouncements about expertise and discipline in order to create these two distinct ideal-types. He emphasized the importance of consent in the representative model, pointing out that the presence of expertise would not be enough to generate obedience on its own, whereas he equated the punishment-centered model with pure "imposition" or coercion. In this differentiation, it seems as though he was unable to see how the representative model might become coercive *without* the withdrawal of consent by either lower functionaries or bureaucratic subjects.

The problems Gouldner identified with punishment-centered bureaucracy have to do with homogenization, discipline, and lack of regard for persons, which he saw as less present in the representative form, associated with expert knowledge. In his case study based on the workings of a Gypsum factory, he focuses on the miners within the firm as a group that had been able to resist bureaucratization by pushing back against these specific problems. For example, the miners demanded a certain amount of independence in their jobs and justified it on account of the physical danger involved in their work. The "physical dangers of the mine … allowed the miner to feel that he had a right to make his own decisions, and to resist encroachment on his autonomy that would be brought about by a centralized bureaucracy."[330] The division of labor was also more flexible compared to the organization of workers above ground, allowing miners to perform jobs as needed, often responding to ad hoc crises. The interactions between workers themselves and between workers and bosses took on a less impersonal nature in the mine, as well. Gouldner concludes from these and other factors that "bureaucratic organization was more fully developed on the surface than

[330] Gouldner, *Industrial Bureaucracy*, 236.

in the mine" and that the miners had relatively succeeded in pushing back the onslaught of bureaucratization.

Interestingly, though, the lesser degree of bureaucratization corresponded to a more intense degree of motivation in the mine as opposed to on the surface. Supervisors saw miners as working both faster and better than their counterparts on the surface. The only sign of motivational problems in the mine was frequent absenteeism, against which superiors attempted to establish strict rules. They eventually decided that these rules could not be enforced in the mine, however, because "they did not view strict rule enforcement as an expedient solution to the problem."[331] In general, the miners seem to have resisted hierarchical administration more than the surface workers. "The miners' behavior reflected informal norms of conduct which tended to resist almost any formal authority in the mine."[332] But this behavior was not the result of laziness. "On the contrary, it was not uncommon for miners to assert that the only thing they were concerned about was getting enough 'empties' (i.e., empty cars on which to load the gyp)."[333] Ultimately, then, the miners were extremely disciplined, just not in a way that reflected the formal hierarchical bureaucracy as Gouldner expected to find it (according to the Weberian "punishment model" type). They were instead disciplined by their own confidence in their competence and by their motivation to produce. Greater independence was not something that was solely demanded by the miners, either. Supervisors saw the advantages of it in terms of their own abdication of responsibility for injuries or deaths that could result in this dangerous working environment.

According to Gouldner, peculiarities in the rhythm of work also explained the lesser degree of bureaucratization in the mine: "As Max Weber recognized, bureaucracy is a method for the administration of routine affairs, or at least for problems deemed routine. The mine, though, because of the imminence of dangers within it, was viewed as a place of ever-present

[331] Ibid., 142.

[332] Ibid., 108.

[333] Ibid., 108.

'emergencies.'"[334] This points to a need for a more flexible form of organization, which would also better suit the type of people who tended to work in the mine:

> "In general, it would appear more difficult to force the highly spontaneous personalities, typical of miners, to follow a pattern of formal rules and rigid discipline. On the other hand, individuals accustomed to continual suppression of impulse, such as was customary among surfacemen and typified by the manner in which they handled their aggression, probably found conformance to rules and discipline comparatively easier."[335]

Again, this suggests the need for a more flexible and individualized bureaucratic approach, which we now have, rather than the idea that bureaucracy could not exist in this environment at all.

In fact, Gouldner's account could have been used as a manual for more effective management rather than resistance to it. He was particularly interested in the ways in which different types of bureaucratic structures might "reduce tensions." He discussed "the problem of 'close supervision'" as a vicious cycle of resistance and punishment. A more effective form of management would base itself on the self-motivation of the workers, themselves: "As John Stuart Mill remarked in this connection, 'Nor are the greatest *outward* precautions comparable in efficacy to the monitor *within*.'"[336] The epigram at the beginning of the section is the rather crass quote from Poor Richard: "If you ride a horse, sit close and tight. If you ride a man, sit easy and light."[337] Beliefs about equality constitute a condition favoring this specific type of management within the mine:

> "…ours is a culture in which great stress is placed upon the *equality* of persons, and in such a cultural context *visible* differences in power and privilege readily become sources of tension, particularly so if status differences do not correspond with traditionally prized attributes such as skill, experience, or seniority."[338]

Presumably, then, attention to *perceptions* of equality, if not the reality of it, could remedy some of the problems of bureaucratization. Gouldner also explained that strict bureaucratic rules could actually promote worker apathy in that they "served as a specification of a *minimum* level of acceptable

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[334] Ibid., 150.

[335] Ibid., 153.

[336] Ibid., 160.

[337] Ibid., 155.

[338] Ibid., 161.

performance. It was therefore possible for the worker to *remain* apathetic, for he now knew just how *little* he could do and still remain secure."[339] This clearly suggests that more flexible rules that could be applied in a looser manner could serve to *increase* discipline. He explained that, "… bureaucratic rules … permit 'activity' without 'participation;' they enable an employee to work without being emotionally committed to it."[340] This suggests that more effective discipline could be achieved if participation and emotional commitment could be somehow stimulated. Gouldner seems to have assumed that emotional commitment and self-motivation exist outside of the bureaucratic structure. By his own account, though, these factors work to *increase* discipline, in a real sense, rather than decrease it, which is paradoxical if he holds onto discipline as the defining characteristic of the "bad" form of bureaucracy.

Gouldner's seemingly humanistic concerns came full circle in the 1990s. In their survey of management texts, Luc Boltanski and Eve Chiapello explain that 1990s literature takes aim at hierarchy and discipline in the name of autonomy and individuality. Cadres and workers alike were to be liberated from domination and, instead, work out of their devotion to the "vision" to be realized in their various "projects." The literature also emphasizes the importance of sovereign individual choice, both on the part of the autonomous—and responsible—employee and the customer who is the object of service. Flexibility in response to new challenges, more difficult to address with "rigid" hierarchy, is also prized, as it was in Gouldner's mine. The "new spirit of capitalism" is meant to reinject soul into capitalism, which is still, however, organized within competitive firms that have not completely dissolved into egalitarian networks.[341] Control is still taking place, but the structure of control has shifted inwards, towards the internal disposition of the person. "Neo-management" is a response to demands for freedom and authenticity, and as such it

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[339] Ibid., 174-175.

[340] Ibid., 176.

[341] Luc Boltanski and Eve Chiapello, *The New Spirit of Capitalism*, trans. Gregory Elliott (London: Verso, 2007) 70-80.

aims to "facilitate a return to a 'more human' *modus operandi*, in which people can give full vent to their emotions, intuition and creativity."[342]

While Weber characterizes discipline as bureaucratic and anti-emotional, at times he also recognizes that discipline can make use of emotional forces, making them *calculable*. This can happen especially in a military context, in which morale is a key element for effectiveness.[343] Soldiers must be inspired. Even religious discipline makes use of emotion, and Weber refers here to "the *exercitia spiritualia* of Ignatius of Loyola." How can emotion and discipline be combined? For Weber,

> "The sociologically decisive points, however, are, first, that everything is rationally calculated, especially those seemingly imponderable and irrational emotional forces--in principle, at least, calculable in the same manner as the yields of coal and iron deposits. Secondly, devotion is normally impersonal, oriented toward a purpose, a common cause, a rationally intended goal, not a person as such, however personally tinged devotion may be in the case of a fascinating leader."

The second point seems to bring this idea more in line with Weber's original institutional concept of bureaucracy, but the first one rings true for what I am calling, "new bureaucracy," as well. Even the emotional, the seemingly irrational, can be brought into the system and accounted for. Although Weber emphasized the status-striving of bureaucrats in his time, he didn't foresee the sublimation of a more personal, creative, individualized drive within a rationalized system. For him, the entrepreneur at the head of the bureaucratized firm had the possibility of remaining outside the system. He didn't understand that the bureaucrats could be made into mini entrepreneurs, themselves, and manipulated based on their predictable competitive behavior. Weber claims that discipline within capitalism is based on military discipline but diverges from this in that it takes on a completely rational form.[344] He didn't see that it could take on a completely rational form but retain this emotional element, even still.

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[342] Ibid., 98.

[343] Weber, *Economy and Society*, 1149-1150.

[344] Ibid., 1156.

The extension of the entrepreneurial form to all aspects of life is a defining feature of what Pierre Dardot and Christian Laval call neoliberal society. Within the enterprise, itself, "neoliberal discipline" translates as "the individualization of objectives and rewards on the basis of repeated quantitative evaluation" so as to render "competition *between wage-earners* as the normal type of relations in the enterprise."[345] Dardot and Laval claim that the 'new management' represents a challenge to the bureaucratic model as defined by Weber, but in fact, it fits perfectly with a looser conception of Weberian bureaucracy based on rationalization. They later admit this:

> "Neo-management is not 'anti-bureaucratic'. It corresponds to a new, more sophisticated, more 'individualized', more 'competitive' phase of bureaucratic rationalization … We have not emerged from the 'iron cage' of the capitalist economy to which Weber referred. Rather, in some respects it would have to be said that everyone is enjoined to construct their own individual little 'iron cage'."[346]

If Weber analyzed social phenomena in terms of a dialectic between rationalization and charisma, I argue that 'new management' represents a continuation of this pattern. Charisma, as individual virtuosity, cultivated through competition and hardship, which Weber posed as a *counterforce* to rationalization, has instead been subsumed within it. The sovereign individual is valorized but also produced and manipulated as such. This can be illustrated through the "do what you love" philosophy exemplified by Apple's Steve Jobs. In his commencement address at Stanford in 2005 he proclaimed:

> "You've got to find what you love. And that is as true for your work as it is for your lovers. Your work is going to fill a large part of your life, and the only way to be truly satisfied is to do what you believe is great work. And the only way to do great work is to love what you do."

The focus on the individual here is evident, as Jobs presents his own company as the product of his personal charisma and devotion. The aim is to achieve fusion of the personality with his or her output, at every level, not just at the very top, so as to convince workers that they are not in fact

[345] Dardot and Laval, *New Way*, 177.

[346] Ibid., 262.

working and that their labor serves the enrichment of the self rather than management.[347] This is empowerment for the sake of disempowerment, individuation for the sake of discipline and bureaucratic integration. The integration of emotion into work, far from limiting discipline, becomes a tool in the process. At the extreme end of this, we find emotional labor and the management of affects, by which emotions are produced and commodified.[348] Far from making a person whole, these produced and managed emotions are reified 'things' that are separated from the person, reproducing one problematic dynamic of bureaucratization.

With regard to the state, neoliberal management does not mean a retreat so much as a modification to the modes of intervention. It manifests itself in the 'reforms' of old state bureaucracy through which citizens become consumers and clients who are free to create their own stories, but who are also responsible for their own 'human capital': "The problematics of health, education, employment and old age merge into an accountancy view of the capital that everyone supposedly accumulates and manages throughout their life."[349] While Weber proposed a limited solution to the problems of bureaucracy—counterforce and control by politicians, Weber scholar David Beetham suggested the possibility of "imbuing" them "with the values of the wider society in which they were placed."[350] Democratic theorist Pierre Rosanvallon makes similar claims. According to him, the new regulatory state—as opposed to the classically administered one—is potentially more democratic in that it supposedly takes into account the particularities of the person in bureaucratic decision making, not just the abstract person as bureaucratic client. In Weber's terms, this should mean that 'substantive rationality' comes into play, working against the overall expansion of 'formal rationality'. But attention to particularity and 'substantive' issues can be used for manipulative purposes, as well.

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[347] See Miya Tokumitsu, "In the Name of Love" *Jacobin,* iss. 13, December 19, 2013.

[348] See Arlie Hochshild, *The Managed Heart*, (Berkeley: University of California Press, 2012); and Cinzia Arruzza, "The Capitalism of Affects," in *Public Seminar*, August 25, 2014.

[349] Dardot and Laval, *New Way*, 180.

[350] Beetham, *Theory of Modern Politics*, 89.

Charismatic Politics as Democracy?

If charisma as individual sovereignty over the self has easily been subsumed within new forms of bureaucratic rationalization, what can Weber offer us in terms of hope? The answer may lie with a collective version of charisma. Embodied within the individual, charisma aliments the subjectivity of the self-as-entrepreneur in all aspects of life. Appropriated as a democratic political mentality, however, it could represent the sovereign claiming of values, the questioning of existing frameworks and expert knowledge.

Weber was pessimistic about democracy as a form of resistance against rationalization. He thought it could only lead to more bureaucracy and mobilized his own theory of charismatic or plebiscitary democracy against this vision of the future. Before discussing Weber's normative assessment of democracy, though, we should go back and take a look at what he means by "democracy" to begin with. First of all, he understands it in a Tocquevillean sense, as a social phenomenon as well as an inevitable development. Democracy means the equalizing of conditions, and he refers to its progress as "passive democratization." This is why it fosters bureaucracy—it requires a system of equal application of the law, which implies impartiality, rules, and other features Weber describes. Bureaucracy is sought out because it is efficient at realizing democratically chosen goals, but more importantly, it is a form of domination that is applied equally. Democracy and bureaucracy are opposed, however, because the bureaucracy will eventually give rise to a mandarin class, which negates the principle of equality it was supposed to enact in the name of democracy.

The model of plebiscitary democracy that he eventually develops becomes the only realizable democratic form, according to him, given the indispensability of administrative bureaucracies within large mass democracies, both in order to maintain the state and to structure the political parties vying for votes. In developing the concept of plebiscitary democracy, his aim is to bring charisma and

meaning back into political life by creating a favorable atmosphere that would foster it.[351] Charismatic domination, the polar opposite of bureaucratic domination, should provide a counterforce. The party system and parliament are meant to be the competitive grounds on which a charismatic leader might prove himself. 'The people' participates mostly, and perhaps solely, as a voting public that must arbitrate between titans. In some places, it seems that Weber thinks the interaction with the followers will actually mold and train the charismatic figure—he will be born of the struggle.

While Weber is trying to develop a system which would favor the cultivation of true leaders, he claims that the emergence of true charisma is rare because party bureaucracies will normally succeed in stifling it. It is only "in times of great public excitement" that "charismatic leaders may emerge even in solidly bureaucratized parties, as was demonstrated by Roosevelt's campaign in 1912."[352] Weber himself gives us every reason to question the democratic character of plebiscitarian democracy. For example, he writes, "it has to be clearly realized that the plebiscitarian leadership of parties entails the 'soullessness' of the following, their intellectual proletarianization, one might say."[353] He accepts this, however, because he has framed the situation as a strict either / or determination:

> "…there is only the choice between leadership democracy with a 'machine' and leaderless democracy, namely, the rule of professional politicians without a calling, without the inner charismatic qualities that make a leader, and this means what the party insurgents in the situation usually designate as 'the rule of the clique.'"

This latter situation, according to Weber, was the one that could be found in Germany.

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[351] One way to counter Weber here would be to interrogate his category of 'the inevitable,' versus what it would be possible to change via human intervention. Breiner exploits this divide. Weber claims that democracy is impossible and argues in favor of a more "realistic" plebiscitarian model. However, his own instructions as to how to engineer the political system so as to foster charismatic leaders implies that the plebiscitarian development is not automatic. If this model must be artificially created and fostered, why is it inconceivable that we might foster democracy? Breiner argues that Weber's black-and-white choice—between what we should strive for versus what is impossible—turns out to be arbitrary.

[352] Weber, *Economy and Society*, 1132.

[353] Weber, "Politics as a Vocation," 113.

Jeffrey Edward Green uses Weber's model as a blueprint for his version of an "ocular" rather than "vocal" democracy in which the 'people' does not speak but rather sits in judgment. Green endorses this as properly democratic because citizens, he says, have real control through the exposure and scrutiny they force upon leaders. His goal is to reconstruct and rehabilitate a theory of plebiscitary democracy that is at once normative and realistic in "everyday political experience" in current times.[354] In the past, others have used Weber's plebiscitary democracy as a starting point from which to purposefully design ways to restrain public participation and maintain it at a 'safe' level. This is the Schumpeterian model that became dominant within democratic theory after World War II and went on to be criticized by participatory and then deliberative democrats. Indeed, Weber is mostly viewed as a liberal antidemocratic theorist because of the very limited range of participation he favors.

Weberian democracy is not conceived to be as voice-less as Jeff Green makes it out to be, however. In his essay on parliamentarism in Germany, for example, Weber argues for the expansion of suffrage with the justification that it would be shameful to deny a *voice* to soldiers returning from war.[355] Parliamentarism should give a voice to the people. Of course, the main purpose of parliament for Weber is still to provide an environment for the cultivation of genuine political leaders who live *for* politics rather than solely *from* it. His criticisms of the political legacy left by Bismarck also contradict the standard characterization. Weber laments the nation's lack of political education, political will, and capacity for independent thought. Far from celebrating the submissiveness of the nation, he often deplores passive submission to leaders.[356] Weber additionally makes an important distinction between a functioning parliament and a powerless one, as well as the effects of these differing structures on the general political landscape. A parliament that has a mainly consultative role can only engage in "negative politics" and contributes nothing to the politicization and political

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[354] See Jeffrey Green, *The Eyes of the People* (Oxford: Oxford University Press, 2011), 5-6.

[355] See Weber, *Political Writings*, 132.

[356] See Weber, *Political Writings*, 144-145.

education of the public. This is an important point in thinking about parliaments in Europe, both the European Parliament and national parliaments. If MPs feel that they are powerless with regard to certain issues, they will not discuss them in a serious way. Public discussion will fail to take place, as well. This is how the bureaucratic mentality pervades society. As Jane Mansbridge has shown, it is important not only that citizens actually have the opportunity to influence political decisions, they must also perceive that they have relatively equal opportunity in order for the system to work. Pessimism becomes a self-fulfilling prophecy and a self-perpetuating cycle.[357]

If Weber is certainly not a participatory democrat, his ideas do capture something important about *political* democracy that is particularly important to consider when faced with the cooptation of participation or the bureaucratization of life masquerading as political participation. The challenge of affirming Weber's category of charisma is related to the question of the degree to which we can understand it in a democratic sense despite the individualistic way in which Weber mostly presents it. This is different from Green's project, which is to rehabilitate Weber's plebiscitarian democratic theory but which is not concerned with charisma as a particularly democratic force. Indeed, Weber usually attributes charisma to one individual who then must gain the support of a following, but the individual is seemingly the only one with real political agency. His writings on the sociology of religion provide an exception to this rule.

The question, then, is whether this idea of politics can be reinterpreted in a way that makes it less elitist, or more democratic in the sense of equal liberty. Peter Breiner answers in the negative. For Weber, collective agency can only result in more bureaucracy. Breiner also claims that Weber defines "politics" as a means that is separate from various possible ends and that this facilitates his exclusion of the community as constitutive of politics. Weber rejects collective political action because he detaches the calculation of means in politics from the choice of ends, which should actually be internal to or constitutive of political practice. The *end* of democratic government *is* the

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[357] Jane J. Mansbridge, *Beyond Adversary Democracy,* (Chicago: University of Chicago Press, 1983), 235; See also Nadia Urbinati, *Democracy Disfigured*, (Cambridge: Harvard University Press, 2014), 51.

means. Weber's separation of means from ends leads him to the conclusion that the only way to pursue values within the context of political struggle is through individual "gifted agents." Politics is defined here solely in terms of purposive rationality, which causes "this disjuncture between political community and its ends."[358] Breiner, however, is clearly working with a restrictive definition of Weber's political category, which ignores the ends towards which purposively rational methods are only a means.

Andreas Kalyvas provides another argument against Breiner's view by focusing on charisma as presented in Weber's earlier sociology of religion rather than his work on plebiscitary democracy. Here, Weber refers to charisma as a collective category. It is the source of political creativity within charismatic groups. It describes the ways that groups challenge the dominant paradigm and create a new symbolic universe. Kalyvas also reinterprets power and politics in Weber's work as larger terms, encompassing more than the instrumental pursuit of interest. Instead,

> "the political can be redefined as the central field where collective subjectivities are constructed and actors struggle for the determination of the dominant worldview that will enable individuals to identify with larger collectivities, distinguishable from others according to their substantive values, ethos, life-styles, and enemies."[359]

Of course, Weber did not elaborate upon the collective potential of charisma. Kalyvas conjectures that this might be a by-product of his assessment of modernity and the disenchantment of the world. Indeed, perhaps Weber believed that the bureaucratization of society, in the wide sense, had been so successful at stifling charismatic energy that charisma could only be expected to survive in small enclaves, within a small number of special individuals. It is also possible, though, Kalyvas suggests, that modernity could instead result in the intensification and expansion of charismatic activity because it involves the pluralization of gods and values, not just the loss of God. This is possible to imagine even though Weber did not go in this direction.

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[358] Breiner, *Democratic Politics*, 126.

[359] Kalyvas, *Politics of the Extraordinary*, 45.

If not in this manner, Weber's understanding of modernity as disenchantment and value pluralism actually did, in fact, shape the way he conceived of charisma and its importance in contemporary politics. The opposition between charisma and rationalization, or politics and bureaucracy, is fundamentally a confrontation between self-determination and determinism. The charismatic figure and the politician are self-determined value-positing subjects, whereas the bureaucrat is tied to and determined by a rational structure outside of himself. Freedom as self-determination is something that Weber clearly values, but his worldview, according to which there are no absolute values to anchor us, also requires it. This introduces a fundamental tension in Weber's thought: while he fears the freedom-effacing effects of the advance of rationalization, his metaphysics do not admit the possibility of its completion, in any case.

Bureaucracy is based on objective technique—scientific organization as well as scientific pronouncements on cause and effect relationships that are necessary for functionality. As such, it is a fundamental tool in the hands of the contemporary politician in a mass democracy; however, it could never actually take full control because the reality of human affairs is not shaped by objective principles that are accessible to mankind. Complete takeover by bureaucracy, or the "rule of nobody," would, in fact, have to refer to a situation in which bureaucracy is purporting to govern while actually masking the political values and interests that underpin it, in the last instance. Weber's great appreciation of the literature of Dostoevsky is understandable in this context.[360] Dostoevsky's underground man character in *Notes from Underground* directly dramatizes the contemporary situation, as Weber understands it. We are, as human beings, caught between objective scientific understanding—which provides the foundation for our power over and liberation from the contingency of the external world and nature—and our necessary assumption, based on subjective experience, that free will exists. The absence of absolute values requires us to posit our own value systems, by and for ourselves. If charisma as pure self-determination is the weapon Weber

[360] See Paul Honigsheim, *On Max Weber*, 23, 80-81; Hartmann Tyrell, "Intellektuellenreligiosität, 'Sinn'-Semantik, Brüderlichkeitsethik--Max Weber im Verhältnis zu Tolstoi und Dostojewski," in *Max Weber und Osteuropa*, eds. A. Sterbling and H. Zipprian (Hamburg: Krämer, 1997), 25-58.

brandishes against the advance of bureaucracy, it is also required by the very conditions of modernity that birthed bureaucracy, itself.

What bearing does this have on the relationship between democracy and charisma as a component of the political mentality? Weber's outlook on the disenchanted world and value pluralism, along with his insistence that human experience could never fully be captured by rational science, might be described as fundamentally democratic, in itself. Central to democracy is the idea and practical fact that political decisions are subject to revision. Political equality also entails the equal valuation of individual beliefs and political will. Hans Kelsen explains that democracy is the most appropriate regime for modern industrial pluralist society because it is necessarily based on relativistic world view:

> "In fact, the [very] assumption that knowledge of absolute truth and insight into absolute values are possible confronts democracy with a hopeless situation. For what else could there be in the face of the towering authority of the absolute Good, but the obedience of those for whom it is their salvation? There could only be unconditional and grateful obedience to the one who possesses—i.e., knows and wills—this absolute Good."[361]

Kelsen links this fundamental orientation with the procedures of parliamentary democracy, which are meant to realize autonomy through political equality. This same idea—that "truth" or "the absolute Good" compels obedience—can again be found with Dostoevsky in *The Brothers Karamazov*. In the most famous section of the book, "The Grand Inquisitor" chapter, the inquisitor interrogates and reprimands his prisoner, Jesus, who has come back to earth:

> "Have you the right to proclaim to us even one of the mysteries of that world from which you have come? … No, you have not, so as not to add to what has already been said once, and so as not to deprive people of freedom, for which you stood so firmly when you were on earth. Anything you proclaim anew will encroach upon the freedom of men's faith, for it will come as a miracle, and the freedom of their faith was the dearest of all things to you … you did not want to enslave man by a miracle and thirsted for faith that is free, not miraculous. You thirsted for love that is free, and not for the servile raptures of a slave before a power that has left him permanently terrified."[362]

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[361] Hans Kelsen, *The Essence and Value of Democracy*, eds. Nadia Urbinati and Carlo Invernizzi, trans. Brian Graf, (Maryland: Rowman & Littlefield Publishers, Inc. 2013), 102.

[362] Fyodor Dostoevsky, *The Brothers Karamazov*, Richard Pevear and Larissa Volokhonsky, translators, New York: Farrar, Straus and Giroux, 1990. p. 251 and 256.

The performance of miracles or revelation of mysteries would contradict the goal of human freedom since the truth would force man "to bow down before that which is indisputable, so indisputable that all mean at once would agree to the universal worship of it."[363]

While Weber's concepts of charisma and charismatic legitimation are meant to be demagogic and anti-egalitarian as he presents them, charisma is a manifestation of the democratic worldview according to which man can and must proclaim his own will.

Conclusion

While it was effectively demonized by democratic theorists since the mid-twentieth century, plebiscitarianism is making a comeback as democrats who are disillusioned with participatory and deliberative models seek alternative and "realistic" ways of fostering public participation. Green seems to follow along with Weber's judgment, at least expressed in his narrow description of plebiscitary democracy, that most forms of democratic participation in modern society are simply not achievable. From this starting point, he attempts to discover ways in which a democratic political regime would nonetheless be possible. This is somewhat different from the Schumpeterian interpretation of Weber, which assumed that democratic participation might be possible in modern society but that it would in any case be dangerous and self-undermining and thus required mechanisms to restrain it. In both cases, though, with Green and the Schumpeterians, the outcome is a procedural theory of democracy based on the vote and the judgment of the spectator alone. If our goal is to pursue Weber's intuition that politics should provide a counterforce against the

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[363] Dostoevsky, *The Brothers Karamazov*, 254. In this section, the grand inquisitor is actually claiming that humankind seeks someone to whom they can bow down so that they may be liberated from the burden of choice.

bureaucratization of modern society and, at the same time, to reinterpret his notion of charisma in a democratic sense, this kind of election-centric procedural conception of democracy will not be sufficient. What this conception misses, however, is the centrality of public opinion that is internal to, and not solely outside of, a procedural interpretation of democracy.[364] This is the "voice" dimension of procedural democracy.

The affirmation of the reconstructed charismatic principle should go hand in hand with a renewed defense of procedural democracy, including the dimensions of both will—embodied in the vote—and voice in the public forum. Participatory democrats, like Carole Pateman and Pierre Rosanvallon who we will discuss in a later chapter, seem to have fallen for the Schumpeterian ideological picture of electoral politics in which procedures provide an empty means towards the selection of an elite.[365] In opposition to this, they sought deeper and wider means of political participation, in the form of action within civil society and workplace self-management, for example. This alternative theory of democracy focused on citizen participation that was external to electoral procedures, which were portrayed as almost useless, at best, or an ideological tool for domination, at worst. Universal suffrage and the periodic occurrence of elections could lull citizens into submission and cover up societal and corresponding political inequity. In their construction of an alternative theory of democracy, however, their rejection of electoral democracy went too far and opened the door to new forms of bureaucratic domination and manipulation. This is an argument I will make in part three. What is important for us to recognize here is that the inclusion of public opinion within a theory of procedural democracy gives us the normative resources to respond to the concerns of the participatory democrats. Ensuring the existence of free and fair elections should entail the maintenance of a public forum that provides relatively equal opportunity for political influence.

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[364] Public opinion along with will, expressed via the vote, form the two components of "diarchic" democracy as outlined by Nadia Urbinati in her defense of procedural democracy in *Democracy Disfigured.*

[365] See Gerry Mackie, "Schumpeter's Leadership Democracy," *Political Theory,* no. 1 vol. 37 (February 2009): 128-153.

The procedural theory of democracy, which is based on both will and opinion, as outlined by Nadia Urbinati, allows us to repoliticize electoral contest and representation in a way that could foster charisma as Weber intended, but not within individual leaders alone. In fact, formal democratic procedures already contain a collective dimension in the sense that they embody political equality—one-man-one-vote—in a way that even "reformed" participatory administrative bodies, regulatory authorities, or executive type committees never can. The point is also that the very existence of a real decision making body, as opposed to a series of managerial committees, encourages people in general to think politically because it gives political thinking at least a potential outlet. As noted above, this is an idea Weber also endorsed in his political writings on the parliamentary system.

At the same time, procedural democracy sets forth a difficult ideal to uphold. The participatory democrats were right to criticize the vote-centric procedural model as well as the limited participation that was possible in practice. The resources to respond to this critique come from within procedural democracy, however, and correspond to the conditions in which opinions may be formed and expressed. The violation of equality in the process of opinion formation is a key source of "democratic distortion."[366] The procedural definition is, in fact, very demanding, and the standards to which we should hold the regime are based on the procedures themselves rather than the outcomes. These standards include an open forum for the formation of opinions as well as free elections including more than one competing party.

[366] Urbinati, *Democracy Disfigured*, 21.

Bureaucratic Democracy: Pierre Rosanvallon's Managerial Turn

In the first book of his recently completed trilogy on democracy, Rosanvallon is attempting to understand democratic legitimacy in the context of the crisis of representation. The idea that electoral-representative functions increasingly need to be complemented by other modes of legitimation provides the premise of his *Democratic Legitimacy*.[367] Rosanvallon seeks to identify these supporting governing relationships, which he finds within nonelective institutions of "proximity, impartiality, and reflexivity." According to him, the institutions of indirect democracy have become increasingly important since the 1980s, but they have been undertheorized and have thus failed to find their place in the democratic repertoire. If we can recognize the institutions of "indirect democracy" as serving democratic functions, he believes, we can revive political discourse in these spaces and fight against the depoliticizing tendencies of these presumably passive modes of public life. Here, as in his previous work *Counter-Democracy*, Rosanvallon exhorts the reader to adopt the view that citizen engagement has not dissipated, but taken on different forms.

In *Counter-Democracy* (2008), this argument took the form of the promotion of institutionalized venues for judgment and surveillance on the part of citizens.[368] The outcome would be a democracy of impartiality in which the negative functions of judgment and surveillance would form the very foundation of political activity. Combining his conclusions from both works, we can see that he has mostly given up on the reactivation of electoral politics. Thus, the organization of citizen-judgment and impartial executive institutions become the future of a democracy that is safe from populism.

In making these moves, he is attempting to fold bureaucracy into the very concept of democracy despite important tensions between the two. The result is a theory of bureaucratic

[367] Pierre Rosanvallon, *Democratic Legitimacy: Impartiality, Reflexivity, Proximity* (Princeton & Oxford: Princeton University Press, 2011).

[368] Idem. *Counter-Democracy: Politics in an Age of Distrust* (Cambridge & New York: Cambridge University Press, 2008).

democracy that is stripped of standards for critique. Rosanvallon is careful to differentiate the impartial institutions he promotes from "bureaucracy," but a precise definition of bureaucracy is lacking in his work. I argue that Rosanvallon may not be responding adequately to new bureaucratic challenges to democracy because he is working with an older definition of bureaucracy that fails to capture new phenomena. Like the capitalist firm, bureaucracy has managed to subsume demands for individuality and participation in order to maintain its domination while appearing not to. Bureaucracy aims to supplant politics, based on clashes between political values, with an administrative system that is purportedly neutral. This idea can be implemented in various institutional formats. It does not require a centralized, slow-moving hierarchy.

This suggests the need for a different definition. A modified conception would allow us to see continuity between older and newer forms. The focus should essentially be on the type of thinking that is deployed. Bureaucracy emphasizes stability, impartiality, competence, and functionality. It is part of an imaginative repertoire in which political problems can be managed, channeled, and therefore stabilized by recourse to objective scientific knowledge and the application of the correct techniques.

Like the capitalist firm, bureaucracy has managed to subsume demands for individuality and participation in order to maintain its domination while appearing not to. Colin Crouch's "post-democracy" is a possible illustration of the new bureaucratic society:

> "At one level the changes associated with it [post-democracy] give us a move *beyond* democracy to a form of political responsiveness more flexible than the confrontations that produced the ponderous compromises of the mid-century years. To some extent we have gone beyond the idea of rule by the people to challenge the idea of rule at all."[369]

Challenging the idea of rule is actually a crucial part of the bureaucratic ideal. As Saint-Simon explained, the goal is to replace a government in which men rule over men with a government in which men rule over things with the use of objective knowledge. Bureaucracy aims to supplant

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[369] Colin Crouch, *Post-Democracy* (Cambridge & Malden: Polity Press, 2004), 21.

politics, based on clashes between political values, with an administrative system that is purportedly neutral. This idea can be implemented in various differing institutional formats. It does not require a centralized, slow-moving hierarchy.

I begin the chapter with a critical review of Rosanvallon's attempt to promote impartial institutions and legitimacy by proximity as the future of democracy. I will argue that this amounts to a necessarily unsuccessful attempt to reconcile bureaucracy and democracy. His differentiation between bureaucracy and new institutions of impartiality and proximity will provide a preliminary sketch of two ideal types. I will explain why both models are bureaucratic based on my conception of the bureaucratic mentality. We will see how bureaucracy has managed to change forms in order to adapt to a new social and political context.

To readers of Rosanvallon's earlier work, it should be surprising that he could be accused of imagining a symbiotic relationship between bureaucracy and democracy. He was a fervent critic of bureaucracy in the 1970s with his books *L'âge de l'autogestion* and *Le Capitalisme utopique*.[370] Mining this earlier work allows me to both recover his older critiques that are still valid and understand how his earlier solutions can actually be seen as continuous with the type of technocracy that he is promoting today.

Perhaps paradoxically, the context in which these works were written can also help us to understand why Rosanvallon was predisposed to move in this direction. Participatory democrats in the 1960s and 1970s criticized bureaucracy in both political parties and the state. Instead, they placed their hope in societal associations, workplace participation, and impartial institutions that might represent the common interest better than the deformed parties. Given the context, it makes sense that Rosanvallon would focus on intermediary bodies instead of electoral institutions as the privileged site of the political. In the end, though, his vision of democracy privileges proximity and impartiality over political equality and participation. In his depiction, intermediary bodies of various forms work together as a network, the purpose of which is to integrate society and make of

[370] This was republished in 1989 as *Le Libéralisme économique, histoire de l'idée de marché*.

democracy a stable, self-regulating mechanism. Crucially, elections are left almost completely out of the picture.

It might be tempting to explain a shift towards a theory of "bureaucratic democracy" with reference to developments in global and European "governance." However, his new democratic solutions have more to do with domestic politics and changes in the way democracies operate domestically than any effects that the European construction might have had. In fact, his analysis of the future of democracy at the European level draws heavily on the shifts he observes nationally, not the other way around.[371]

Rosanvallon's move away from self-management ideas coincided with the defeat of the autogestionnaire wing of the Socialist Party, represented by Michel Rocard.[372] The rivalry between Rocard and Mitterrand, standing for two cultures of the left, self-organization versus statism, was ultimately decided in favor of Mitterrand. It was at this point that Rosanvallon moved from politics and union work into academia. At the same time, following the translation and publication of Solzhenitsyn in France in the early 1970s, anti-totalitarianism became a key intellectual current. It was the manifestation of a recognition that the left was in need of re-invention after its twentieth-century failures. Both of these developments pointed Rosanvallon in the direction of theorizing the left in power rather than seeking radical social transformation. This inclination was reinforced by his judgment that the election of the socialists in 1981 did not serve to reinforce the left-right division but actually accelerated and facilitated its breakdown.[373] While he was clearly influenced by anti-totalitarianism, Rosanvallon rejected the solely "negative" viewpoint of the anti-totalitarians who looked at democracy through the lens of its pathologies. Instead, he wanted to find a new way of looking at it and try to theorize democracy from the core rather than the fringe.

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[371] Pierre Rosanvallon, "The Transformation of Democracy and the Future of Europe," in *Democracy Past and Future*, ed. Samuel Moyn (New York: Columbia University Press, 2012), 218-234.

[372] Rosanvallon had co-written Rocard's speech for the July 1977 party congress in Nantes.

[373] Pierre Rosanvallon, *Le peuple introuvable: Histoire de la représentation démocratique en France* (Paris: Gallimard, 2002).

What Rosanvallon *did* clearly draw from anti-totalitarianism was Lefort's idea that democracy is an unfinished project in the course of development. Rosanvallon, thus, "insists … that the goal of reflection and action is not to achieve some mythical and utopian 'realization' of democracy, but to further deepen its possibilities in full awareness of its insoluble quandaries."[374] In the face of changes and crisis, democracy is currently changing form, and, according to him, we are witnessing the "pluralization of sovereignty." Against the language of "capture," Rosanvallon recognizes non-electoral institutions as opportunities to multiply the appearances of the sovereign "people." As we will see, however, he sets up a situation in which it becomes difficult to tell whether these sites of sovereign action are enacting the sovereignty of the people or the regulators. It is possible that Rosanvallon moved too far afield of concerns about democracy's pathologies and, in correspondence with this, failed to include important caveats in constructing this history of positive democratic forms. If democracy is to be defined by its history of experimentation and interpretation, it matters when we exclude important dangers and risks from the story.

Rosanvallon argues that, by failing to theorize it, democrats have abandoned the territory of the executive and administration to democracy's enemies. I will turn his critique on its head and argue that he has abandoned electoral procedures in the same way. Against this, I argue for the repoliticization of electoral procedures. This is especially important as we attempt to extend democracy beyond the confines of the nation state. If Europe is not the catalyst for Rosanvallon's shift, any emphasis on the democratic importance of non-elective institutions is clearly relevant to our evaluation of the democratic character of European institutions.

The Future of Democratic Legitimacy

The concepts of legitimacy by proximity and impartiality are crucial in understanding Rosanvallon's ideal. His is a Durkheimian vision of democracy in the sense that it is partially defined

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[374] Samuel Moyn, "Introduction: Antitotalitarianism and After," in *Democracy Past and Future*, ed. Samuel Moyn (New York: Columbia University Press, 2012), 26.

by the degree of closeness between society and the state, via his "proximity" rubric. This closeness is mediated by a system of institutions that seeks to channel interest into the state in order to *harmonize* and *rationalize* it. The result is to be a democracy that is depersonalized and impartial, privileging the expression of "negative generality" that is generated through impartial institutions. In this section, I reconstruct and criticize the various components of his theory of bureaucratic democracy, focusing on his categories of legitimacy by proximity and impartiality. My standard of critique is a concept of democracy based on political equality and active political judgment, based on values, on the part of citizens.

Proximity

Rosanvallon is enthusiastic about the possibilities afforded by certain administrative techniques for state attention to particularity. He suggests that these will reinvigorate public trust, consequently strengthening democratic legitimacy. However, attention to particularity can easily turn into manipulation and management, and Rosanvallon does not give us the tools to distinguish between the two. As we will see, the techniques he describes represent a continuation rather than a rupture with traditional bureaucracy—in terms of the role of expert knowledge and the attempt to neutralize conflict through the channeling and management of particular interests.

His view rests on his understanding of individualism as it operates in contemporary society and the ways in which it affects political representation. In *Society of Equals*, he makes a distinction between a kind of universalist individualism connected with the French Revolution and the more contemporary individualism related to "singularity."[375] While the earlier version did not threaten to break society into pieces, the later version does. He explains what he means with reference to changes in the social welfare establishment: It is more difficult today to sustain a welfare state based on a kind of veil of ignorance, or relatively equal risk, because our identities are no longer defined by what we *are* but by our particular stories, events in our lives, and things that happen to us. These

[375] Pierre Rosanvallon, *La société des égaux*, Paris: Editions du Seuil, 2011.

things affect our actuarial potential, which poses a challenge to the older welfare state model. Elsewhere, he argues that we are witnessing the "pluralization" of the agents of the political, which is necessary because the general interest and "generality" are now discovered and produced in a different way. "The people" cannot be represented as one whole; rather, the general "is intelligible only as the result of the aggregation and the overlapping of particularities. … This new connection between particularity and generality means that nobody owns the people: the people is simply a function of its different figurations over time, the succession of its inevitably partial representations."[376] This language is significant, in my view, in that it echoes nineteenth century fears about the emergence of individualism associated with the breakdown of the *ancien regime*. Saint-Simon and Durkheim were precisely concerned with the idea that generality must be produced in a new way due to the development of new kinds of particularity that did not correspond to older sociopolitical identities. This should push us to question the assertion that the post-revolution "universalist individualism" was not a threat to social cohesion while contemporary "singularity" is.

Legitimation through proximity is important and democratic, according to Rosanvallon, because it involves directing governmental attention towards particularity. This also means it is particularly suited to the contemporary social environment, in which identities are multiple and fractured. Attention to individual differences today, he posits, would bring government closer to society, increasing trust. Government would no longer seem cold, distant, and abstract.

Of course, the idea that attention to particularity might be democratic is not uncontroversial. As modern democracy emerged out of feudalism, efforts were made to fight against differential treatment by governments because it was understood exclusively under the category of privilege. Impartiality, in the sense that it does not involve attention to particularity, is usually classified as democratic because it corresponds to equality. Alongside the enlightenment view that impartiality would bring freedom by eliminating arbitrary differential treatment, Rosanvallon recovers a Rousseauian emphasis on the regulation of social mores and thus government attention to

[376] Rosanvallon, "Future of Europe," 223.

particularity. Rousseau is part of a group of thinkers who "fully grasped the fact that the ability to regulate social mores was also an important source of power."[377] He "sanctified the role of law, he also examined in great detail ways to influence people's behavior and habits." Similarly, in the nineteenth century Guizot "insisted on the need to understand society's opinions, passions, and interests in order to manipulate them. In other words, he intended to figure out just what it would take to govern the new individualistic society that was just then coming into being."[378]

These views cannot be imported wholesale into a contemporary theory of democratic legitimacy, though, because Rousseau and Guizot were more interested in manipulating populations than gaining trust. For Rousseau,

> "The celebration of the teacher, which went along with this idea, was inextricably linked to a project of social control. The idea was that more effective government required the state to assume the role of teacher--an idea that was in no way integrated into a democratic philosophy of the art of government. The same point applies to liberal thinking about governability in the early nineteenth century."[379]

Rosanvallon makes this point, but he continues to endorse this model without giving us any criteria by which we might distinguish between manipulation on the part of governors and genuine trust-building. Later in the book he does point out the danger "that the demand for interaction will be reduced to a set of formulas for governance, that is, turned into a mere tool of management. Too many experiments with participatory democracy have ended this way."[380] He also emphasizes the fact that 1990s experiments in "interactive democracy" differed from seemingly similar 1960s ideals since they often originated on the governmental side as managerial attempts to remedy the crisis of representation. However, he does not really help us to avoid this danger, and this warning feels like a minimal caveat at the end of a general celebration of potential tools of management.

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[377] Rosanvallon, *Democratic Legitimacy*, 182.

[378] Ibid., 183.

[379] Ibid., 182.

[380] Ibid., 217.

Policies aimed at recognition provide a fitting illustration of the Janus-faced character of "attention to particularity." On recognition and "the politics of presence," Rosanvallon writes:

> "Today, words such as oblivion, indifference, contempt, and relegation are the strongest expressions of alienation and domination. When people feel abandoned, what is at stake is not just their interests but their very existence. Emancipation begins with the feeling that one is heard and the sense that others in similar situations are taken seriously by society. This is what accounts for the politics of presence, the purpose of which is to recognize the existence of people in distress and to validate their suffering. The recognition of their situation restores them to citizenship."[381]

This is a very weak form of freedom, which is not to say that recognition does not have important symbolic value or that it should not be a democratic norm. The issue is, rather, that this should not be substituted for other stronger forms of emancipation. This is too easily manipulated and difficult to gauge. If a regulatory committee or administrative body recognizes a marginalized group and invites members to testify, for example, there is no reason to believe that their interests and point of view will actually be taken into account. Recognition in this instance might simply form part of a savvy political marketing campaign.

The same critique applies to the assertion that independent regulatory authorities might be representative and democratic because they are attentive to diversity and accessible to various particular groups and citizens. An IRA can be representative

> "in a *pragmatic* sense if it is open to social input and attentive to the aspirations and demands of citizens. To be representative then means to be attentive to social problems, conflicts, and divisions. It also means to be concerned about diversity and to show particular solicitude for those citizens likely to have difficulty in making their voices heard. Finally, it means being attentive to certain specific social needs and willing to accord society's least visible members their rightful place and dignity. Accordingly, *accessibility* plays the same role for an independent authority as proximity does in electoral representation."[382]

Rosanvallon recognizes that accessibility is perhaps a weak form of representation, but "it nevertheless ensures that those who would otherwise tend to be neglected or forgotten have a voice." Thus, citizens who may not participate in politics in other ways at least have their voices

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[381] Ibid., 189.

[382] Rosanvallon, *Democratic Legitimacy*, 88.

heard via regulatory bodies that supposedly take into account their point of view. Accessibility is supposed to be complementary to the "delegation-representation model" in this way, but it is unclear why we should assume that independent regulatory authorities really have the interests of the powerless at heart.

In Rosanvallon's model, accessibility should work together with a kind of impartiality achieved through the multiplication of perspectives rather than abstraction from them all. Using the American Interstate Commerce Commission as an illustration, Rosanvallon claims that this type of impartial institution can represent society "by bringing the diversity of social interests into its calculations," and going "beyond a merely formal view of the situation." As part of this line of argumentation, he refers to Hannah Arendt's discussion of impartiality for Kant, which meant, "adopting all conceivable points of view." This is the function of impartial institutions as he sees it. IRAs are representative, then, because they do not make judgments "from a detached and superior view." Instead, "impartiality is … a consequence of 'reflective immersion.'"[383] The implication is again that "representation of attention and presence" or accessibility can give a voice to those who might otherwise not be heard:

> "This 'enlargement of thought' is a way of overcoming the narrowness of particular views and working toward a kind of generality. It stems from an effort to represent all of society rather than just a few dominant voices or highly visible segments of public opinion."[384]

Of course, it is true that IRAs are charged with considering the effects of their decisions on various groups of the population, but there are no real standards governing consultation or the weight given to differing standpoints in which IRA's are supposedly immersing themselves. Self-appointed interest groups claiming to represent affected populations may perform a consultative role in committee meetings, but self-selection and the arbitrary invitation from committee members fly in the face of democratic equality in representation. Pressure groups and causes that lobby various state institutions do not provide a viably strong alternative to electoral politics. The vitality of organized

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[383] Ibid., 88-89.

[384] Ibid., 89.

causes proves that society is strongly liberal, but not necessarily democratic because influence is highly differential and unregulated.[385] One-man-one-vote is not even a regulatory ideal here.

This kind of political activity does not embody the democratic principle of political equality, but more important for Rosanvallon's point, nor does it guarantee that "particularity" will truly be taken into account.[386] In *appearing* to be attentive and accessible, IRAs can subdue and neutralize conflict. In this way, they manifest the bureaucratic modality of managing and reconciling interest. The aforementioned politics of recognition can perform this same consensus-creating function.

Rosanvallon suggests that "attention to particularity" could be democratized simply through incorporation into democratic theory. The main problem with the Rousseau-Guizot approach to "governmentality" is that it is not theorized within the context of democratic theory.[387] Following this argument, democrats have abandoned executive power and left it to reactionary politics, whereas they should appropriate it for their own democratizing ends. Rosanvallon claims to be making the first step in his book by rehabilitating the study of executive behavior and treatment. This effort corresponds to his own shift away from political activity and towards academia after the defeat of Michel Rocard within the socialist party and the election of François Mitterrand. Rosanvallon had worked with Rocard, even writing his speech for the July 1977 party congress in Nantes. The Rocardians and the supporters of Mitterrand represented "two cultures of the left."—the legacy of *autogestion*, on one side, and statism, on the other. Rocard's defeat and Mitterrand's rise to power led

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[385] See Colin Crouch, *Post-democracy*, 16-17. Crouch contradicts himself later in the book when he discusses the prospects of EU democracy: "This situation may improve as time passes. At least an elected parliament has been established, and the European Commission is constructing extensive relations with interest organizations within the nation states as well as Brussels." (108) This link with interest organizations is actually highly problematic because there is disproportionate corporate influence and no enactment of the principle of equality in participation.

[386] On this issue see Michael Th. Greven, "The Erosion of Democracy—The Beginning of the End?" *Redescriptions* 13 (2009): 84-102. See also Greven, "Some Considerations on Participation in Participatory Governance," in *Debating the Legitimacy of the European Union*, ed. B. Kohler-Koch/ B. Rittenberger, (Lanham, Md.: Rowman & Littlefield, 2007), 233-248.

[387] Rosanvallon notes that this term was coined in the 1820s.

Rosanvallon to the realization that the left needed to theorize a culture of government.[388] In *Democratic Legitimacy*, he suggests that great democratic thinkers in the past have shied away from discussing the executive, presumably because the representative-legislative system is considered the true meat of democracy. A democratic theory of executive power would include prescriptions as to how governors should behave. He explains,

> "From the eighteenth century on, the old theories of *raison d'État* crumbled under the 'reign of criticism' and the new insistence on transparency. Democratic and representative institutions insisted on public debate and declared platforms. But the everyday practice of power changed little, remaining as it had been in the age of *arcana imperii*."[389]

Yet Rosanvallon still fails to explain how the negative implications identified in the theories of Rousseau and Guizot might be avoided. He seems to push this question onto future theorists. Without this, it is not clear that the executive would really be democratized, even if his suggestions were implemented. Instead, the project empties democratic legitimacy of critical potential.

In his promotion of a democratic theory of executive behavior, he is calling for respect for the general value of "attention to particularity." In so doing, however, he fails even to give us real standards as to whether the value is respected or not. Perhaps the standard should be public acceptance, but this is problematic when Rosanvallon's purpose in writing this book is precisely to generate acceptance. He claims that democratic legitimacy is not in decline, it has simply shifted bases of support. In this way, he is attempting to palliate disillusionment with democracy. This is a reconciliatory effort and not a critical one, despite the brief recognition of opportunities for executive manipulation.

Impartiality

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[388] Pierre Rosanvallon, interview by Laurent Godmer and David Smadja, *Raisons politiques* 4, no. 44 (2011): 173-199; Samuel Moyn, "Introduction," 1-28.

[389] Rosanvallon, *Democratic Legitimacy*, 184.

In Rosanvallon's model, democratic legitimacy through impartiality roughly corresponds to old and new forms of administrative and expert regulation. As we have seen, he places great faith in independent regulatory institutions and exhorts readers to adopt the view that these are *intrinsically* democratic because they are representative. Impartial institutions are representative to the extent that they are accessible, as we saw above; because they provide certain services for the public good; and because they "act and will *for* the nation."

IRAs are created by law and thus enjoy derivative legitimacy, but Rosanvallon claims they also have direct legitimacy through the services they provide and policy outcomes they generate. This type of legitimacy is defined as output legitimacy, and it has a long career in political theory. By contrast, legitimacy via input would derive from the nature of decision-making processes. Output legitimacy plays a key role in Hegel and Durkheim's theories, as we saw in the previous chapter. For them, the state is legitimate because it reflects a rationalized or corrected version of society to itself, and it is this outcome that renders it legitimate. Recall that participation in Hegel's estates and corporations feels mostly like a pedagogic moment in the construction of the state. This is also true of participation in Durkheim's occupational groups.

The problem with output legitimacy is that it can only be judged using a necessarily controversial conception of the common good or the people's interest. In recent scholarship on the European Union, many scholars claim output legitimacy for European institutions, a claim that is strongly contested.[390] Rosanvallon, himself, was very critical of this type of legitimation in *Autogestion*, referring to it as the theory of "popular democracy." That book's critiques were mainly directed at the French Communist Party, which he placed in the popular democracy category along with the theories of Hegel, Marx, and Lenin. For Lenin, he explained, the party "*is* the proletariat in the sense that it is the knowledge of its becoming, the Reason of its being, the figure of its

[390] See Giandomenico Majone, "Europe's Democratic Deficit: The Question of Standards," *European Law Jounal* 4(1) (March 1998): 5-28 and Fritz Schcarpf, *Governing in the EU: Effective and Democratic?* (Oxford/ New York: Oxford University Press, 1999).

universality."[391] The party is legitimate vis à vis the people because of what it is, knows, and does, not because it was chosen in a specific way or makes decisions through a legitimate process. "In popular democracy, incarnation of the '*totaler Staat*', notions of collective interest and general will should be understood as a reality that is irreducible to any arithmetic of the vote."[392] Participation in the theory of popular democracy—within a state or a political party—has an almost wholly pedagogical function. Members of the PCF party base and their subjective points of view, Rosanvallon charged, were seen as a constraint that had to be managed.

As an illustration of popular democracy in practice, Rosanvallon referred to the constitutional process within the German Democratic Republic. Official declarations had claimed there were 700,000 meetings held throughout the country to discuss the new constitution. However, modifications to the text were not permitted, and the purpose of the meetings was to explain the constitution to people, not to allow for popular input. We should notice that this resembles the European constitutional process of 2005 in uncanny ways. This top-down, pedagogical approach to citizen "participation" characterizes the state systems described by Hegel and Durkheim, which Rosanvallon's *new* vision of democratic legitimacy approaches.

His next attempt at establishing the representativity of independent regulatory authorities involves a resurrection of Raymond Carré de Malberg's theory of organ sovereignty.[393] According to this idea, a representative body can qualify as such if it is acting *for* the people in a situation where the people does not exist as a body until it is represented. The theory, inspired by German jurisprudence as well as Sieyès' arguments defending the first French revolutionary national assembly, was meant to help us understand the difficult-to-establish legitimacy of constitutional founding moments. Carré de Malberg describes a vicious circle in which a constitution making body must be authorized by the people or nation in order to be legitimate, but the people or nation does not exist in a pre-political

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[391] Pierre Rosanvallon, *L'age de l'autogestion: Ou, La politique au poste de commandement* (Paris: Éditions de Seuil, 1976), 61.

[392] Ibid., 61.

[393] Rosanvallon, *Democratic Legitimacy*, 89-90.

state before it is brought into being via representation.[394] Using this theory in order to discuss the *democratic* legitimacy of institutions in an already constituted polity seems a bit strange. Where are the limits to legitimacy? Can any body claim representativity if it claims to be acting for the people? Rosanvallon writes:

> "This … theory is useful for clarifying the status of independent authorities, magistrates, and third-party interveners. Although these powers are not (generally) elected, their function is to act and will *for* the nation. In French law, for example, judges decide 'in the name of the French people.' Today it is these kinds of agencies that most clearly play the role of organic representatives in Carré de Malberg's sense. They can legitimately fulfill this function because of their independent status. They are therefore in a position to will for the nation, in the image of the idealized deputies envisioned by the constituents of 1789."[395]

Certainly, independent authorities act and will for the nation, but in a democratic context they do this in a circumscribed manner that should be defined by the democratic polity. It is thus not fully convincing that Carré de Malberg's theory of sovereignty should apply here if Rosanvallon does not mean to imply that these authorities are sovereign on their own—a scary thought.

Perhaps supporting this latter interpretation is Rosanvallon's argument that nonelective bodies should take over some of the freedom of action that used to be exercised by elected figures. Using the organ theory to understand independent authorities is useful, he claims, because it allows us to think of these bodies as representatives on the trustee model rather than the strict mandate. They can act as a complement to a system of electoral representation that has increasingly tied elected officials down and obstructed meaningful parliamentary deliberation. Elected assemblies have strayed from the trustee model, Rosanvallon argues, because "the notion of a mandate exerts such a grip on the imagination of citizens…" Simultaneously, independent authorities have grown in importance, filling this role.

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[394] See Raymond Carré de Malberg, *Contribution à la théorie générale de l'État* (1922; reprint Paris, CNRS, 1962), 2 vols. See also Andreas Kalyvas, "Popular Sovereignty, Democracy and the Constituent Power" *Constellations* 12 (2005): 293.

[395] Rosanvallon, *Democratic Legitimacy*, 90.

In this discussion, Rosanvallon is partially trying to establish the idea that legitimacy through representation can be uncoupled from elections, even in democratic regimes. This is not new, however. Representation as a political concept has of course existed independently of the electoral method of selection. Think of Hobbes' Leviathan and Hegel's state. We must remember, though, as Rosanvallon himself recognizes elsewhere, that representation in itself is not necessarily democratic. Proving that independent regulatory authorities are in fact representative does not prove that they are *democratically* representative or that they are intrinsically democratic in character. And why should we understand them as democratic institutions in themselves instead of representative, impartial, liberal institutions that serve an important purpose in democratic regimes? If they are intrinsically democratic, we are left with the impression that they are democratic *on their own* when in fact they function in a democratic way in tandem with other *political* institutions.

Rosanvallon presents independent regulatory authorities as an institutional manifestation of Lefort's empty place of power--the symbolic essence of democracy. He claims that elections represent the "positive" figure of this empty place while impartial institutions play the part of the "negative" figure. Elections enact the disembodiment of power through inclusion and the aggregation of wills, while impartial regulatory institutions fulfill citizens' desires to be treated fairly and without discrimination. This is more important today than ever before, according to Rosanvallon, due to the increasing particularization of society and the augmented role of special interest groups in politics. Impartial institutions are needed to rein these in. They are the negative figure of the empty place in that they are literally "without partiality," representing democratic power as a place that has been emptied of particular identities and interests. Because the electoral "subject is always virtual," "...the socialization of power in a negative form is needed as a corrective to the shortcomings of the positive form. That is what it means to say that democratic power designates an empty place."[396]

[396] Ibid., 99.

Rosanvallon is thus advancing impartial regulatory authorities as a potential solution to the problem presented by electoral legitimacy and majority rule. Electoral legitimacy rests upon the fiction of unanimity achieved through majoritarian decision making, but it is crucial to understand that "negative generality" is a fiction, as well. We can learn this directly from Lefort who explains that a "strange slippery slope between: give oneself to no one—the liberal formula itself—, give oneself to something that is like oneself, and rechain oneself to an impersonal and unlimited power, in the sense that it is no longer the power of a grand Other."[397] Lefort tells us that the democratic symbolic shift towards power as an empty place, the disincorporation of power, can be accompanied by voluntary subjection to impersonal forces. Submission is accepted because power does not present an identifiable face. This is instead a sort of "*servitude réglée, douce et paisible*," as Tocqueville describes democracy, in general. While bureaucratic management or regulation by independent authorities may feel like the power of no one, domination by an impersonal power is still domination.

Tocqueville used a similar logic to explain the religiosity of the Americans of the nineteenth century. According to him, democratic man needs the certainty provided by religion in order to tolerate the responsibility and chaos that he finds in the political realm. If he does not find authority in religion, he will deliver his freedom to some other authority and welcome a life of servitude:

> "When there no longer exists any authority in a religious sense, nor in a political sense, men are soon frightened at the prospect of this independence without limits. This perpetual agitation of all things worries and fatigues them. Since all things stir in the world of intelligence, they desire, at least, that all rest firm and stable in the material order, and, no longer able to take back their old beliefs, they give themselves a master."[398]

[397]Claude Lefort, "Démocratie et Avènement d'un 'Lieu Vide'," in *Les temps présents: écrits 1945-2005* (Paris: Belin, 2007), 467.

[398] Alexis de Tocqueville, *De la démocratie en Amérique*, *vol. 2* (France: Impression Brodard et Taupin, 1999), 38-39.

"Lorsqu'il n'existe plus d'autorité en matière de religion, non plus qu'en matière politique, les hommes s'effrayent bientôt à l'aspect de cette indépendance sans limites. Cette perpetuelle agitation de toutes choses les inquiète et les fatigue. Comme tout remue dans le monde des intelligences, ils veulent, du moins, que tout soit ferme et stable dans l'ordre materiel, et, ne pouvant plus reprendre leurs anciennes croyances, ils se donnent un maître."

Pierre Manent sums up Tocqueville's view on this situation:

> "But to appreciate—without his head swimming—this unlimited freedom, which makes him a sovereign individual, he turns schizophrenic and conceives of himself in the image of man naturally subject to God. The American religion is the sigh of the democratic citizen, oppressed by an excess of freedom."[399]

Like religion, bureaucracy can provide an alternate source of certainty and authority in the place of the yoke that democratic citizens have already shrugged off. This is not to say that bureaucracy or religion is necessarily bad for democracy. They are tools that can be used to reach democratic goals, but vigilance is important to keep them from becoming shackles in their own right.

Lefort's Tocqueville-inspired point is also a key theme in Weber's thinking about bureaucracy. For Weber, value pluralism in the modern world increases the gravity of human choice, which increases the temptation to flee from choice using multiple possible avenues. One of these is, as Jan-Werner Müller explains,

> "a political utopianism where all human beings (and all values) would be reconciled. Such temptations increased, as the means-ends rationality suggested by science for dominating nature invaded other spheres of life—leading to the domination not just of nature, but also of human beings. In particular, according to Weber, together with modern business, bureaucracy was busy fabricating a kind of bondage that might make the moderns one day as powerless as 'the fellas of ancient Egypt'. The modern self, then, might become entrapped in a structure of its own making—long, it seemed, discredited by the Enlightenment—might return in secular fashion, as the impersonal, dehumanizing forces that regimented individuals."[400]

The symbolic shift inaugurated by the democratic rupture is a double-edged sword for Lefort. If power is an empty place that can never be completely filled, democratic citizens become the sole source of power and thus the sole bearers of responsibility. Fear and anxiety can result, tempting the people to conjure replacements to fill the empty space. Thus, the loss of absolute foundations presents certain risks and tendencies within democracy that must be countered. Lefort specifically mentions the risk of bureaucratic usurpation in this context.

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[399] Pierre Manent, *Tocqueville and the Nature of Democracy* (Maryland: Rowman and Littlefield, 1996), 96.

[400] Jan-Werner Müller, *Contesting Democracy: Political Ideas in Twentieth-century Europe* (New Haven & London: Yale University Press, 2011), 30.

By contrast, Rosanvallon celebrates the disincorporation of public power and the subsequent augmentation of the functional space occupied by nonelective impartial institutions:

> "The old idea of sovereignty as incarnation, which originated in the transfer to the people of royal power … has thus given way to the more abstract idea of the rule of law. In our own time we have thus witnessed the culmination of a lengthy process of disincorporation of the notions of public good and the general will. This in turn has increased the salience of the category of impartiality as the expression of a negative generality, and with it the importance of judicial powers and powers of arbitration. The movement that led in 1789 to the celebration of the abstract nation as the only fully democratic manifestation of the whole of society has thus culminated in the consecration of new powers of the type described above."[401]

As he explains, the disincorporation of public power has been accompanied by the increasing importance of impartial, non-political governing entities within the state.

However, he should recognize that rule by impartiality can turn into just the sort of usurpation that Lefort describes. We must not delude ourselves into thinking that impartial institutions solve the democratic problem of majoritarian fiction. They simply add another dimension to it. Perhaps by multiplying these performative fictions, we are in a better place than we were with electoral representation alone. To the degree that Rosanvallon's project aims to multiply the types of representation of the democratic people to itself, he is absolutely right to include impartial institutions as *one* of these types.

Negative generality is precisely the kind of legitimacy Durkheim promoted within his organic conception of the state. In *Democratic Legitimacy*, Rosanvallon presents Durkheim's vision as the French nineteenth century version of legitimacy by impartiality. He labels this model, "corporatism of the universal," thus connecting it to the corporatist administrative state that he declares obsolete. Independent regulatory authorities, which are not "ossified" or biased in a way that is favorable to the state, represent a new and improved institutional form of impartiality, according to Rosanvallon. Yet, they seem to present exactly the same risks that Lefort and Tocqueville identify. This "new" bureaucracy—presumably less heavy and homogenizing—is really pursuing the same old goals. In

[401] Rosanvallon, *Democratic Legitimacy*, 91.

the following section, we will describe two ideal types of old and new bureaucracy. In doing so, we will see that Rosanvallon's suggested alternatives to bureaucratic management are often simply manifestations of the new type of bureaucracy that has arisen in adaptation to the contemporary social world.

Old versus New

The term "bureaucracy" is often used in a pejorative sense. At its essence, it aims to achieve stability and maximum functionality through the effective deployment of competence in an impartial manner. It is also associated with centralized control, an inflexible cookie-cutter approach to problem solving, and a cold and calculating approach to human issues. Pierre Rosanvallon has been a critic of bureaucracy throughout his career and continues to use the term in a derisive way in his recent work. Bureaucracy for him is "ossified" and "mechanized," which suggests that it is problematic because its rules and procedures can become automatic and difficult to change even when they are ineffective. In endorsing a "government of proximity" as opposed to standard administration and law, he writes that "law always refers to some objective generality," while proximity "invites consideration of a different kind of generality, based on the search for a decision perfectly adapted to each particular problem or situation."[402] This would suggest that forced homogeneity is the problematic dimension of administration.

A.D. Lindsay gives a similar account of bureaucracy in *The Essentials of Democracy* from 1929. Key characteristics include centralized planning based on so-called scientific fact and reasoning as well as homogenizing treatment of administered populations. Lindsay explains that the planners in this system "will have little use for the eccentricities and personal views or idiosyncrasies which make the mass of men less ready to fit into their scheme of planning," and "they will use all the powers of

[402] Ibid., 186.

mass propaganda to back the forces which are already tending to make men more alike."[403] He refers readers to the dystopic visions found in Nietzsche's *Also Sprach Zarathustra* and Aldous Huxley's *Brave New World* for further illustration. Lindsay was elaborating a theory of democracy in opposition to the emergence of Nazism, which he associates with a "false theory of democracy" originating with Hobbes' "radical egalitarianism" and desire to create a hard science of society. The bureaucratic totalitarian state Lindsay describes takes its influence from "'scientific' business administration" which organizes mass production in a thoroughly undemocratic way. This is a system "in which planning and control are centralized in a few hands—where the fundamental distinction in society is between the few who control and plan, and the many who are controlled and planned."[404]

To this, as we have seen, Rosanvallon opposes the independent regulatory authority (IRA) as a relatively new and different kind of impartial institution. IRAs were originally created, at different periods in Europe and the United States, as an alternative to traditional administration which had come to be seen as partial. If citizens today are repulsed by special interest capture of the electoral system and state administration, Rosanvallon reasons, they should look to these kinds of impartial institutions as a corrective. IRAs are autonomous in relation to the hierarchical workings of the normal state bureaucracy, and Rosanvallon claims they revolutionize the division of powers since their oversight capacities make them hybrids of executive and judicial power.

His differentiation of IRAs from bureaucratic authorities is understandable in the French context, where independent authorities are associated with a pro-market American model of regulation that departs from the Jacobin reverence for state administration. Yet, I argue that we should recognize an underlying similarity in approach. Both seek to apply expert knowledge in order to manage public life in a way that purports to be impartial.

French scholars of regulation emphasize a conceptual change that has taken place, replacing the image of the benevolent sovereign who unilaterally offers benefits to citizens with a relationship

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[403] A. D. Lindsay, *The Essentials of Democracy* (Philadelphia: University of Pennsylvania Press, 1929), 3.

[404] Ibid., 3.

between service provider and client. This supposedly signals a power reversal in the sense that the system must now be at the service of the citizen-client. In addition, the simplicity of the hierarchy of administrative norms has disappeared along with the tutelary relationship between the state and public monopolies. Regulation involves at least two forms of change and dispersal: 1) regulations are more and more often European or even global and 2) the division between public law and private law has been put into question.[405] These shifts make the new system less legible as bureaucratic.

However, it still functions within a bureaucratic logic, implementing bureaucratic thinking. Committees seek to apply technical reasoning in order to make decisions. According to Marie-Anne Frison-Roche, a leading French scholar of regulation and administrative law who is cited by Rosanvallon, the increasing relevance of IRAs can be read as a move from "technical expertise and the art of administration" to "economic expertise and the art of adjudication."[406] The move from administration to regulation should really be understood as a reconfiguration of bureaucratic expertise rather than a separate genre.

Appointment methods and criteria vary from case to case, but competence is always the standard for selection. Administrative and regulative personnel are largely the same, as well.[407] Frison-Roche explains that in France, administrative authorities are put in place as regulators. In other European countries, as well, experts often move between IRAs and the civil service. "IRAs have frequently been created by transferring civil servants from the relevant government ministry—for example, the German and Italian telecommunications regulators, the RegTP and AGCOM."[408] These agencies should really be seen as a part of "expert policy communities" that include government ministries, not as a completely new form of democratic legitimization.[409]

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[405] See Marie-Anne Frison-Roche, "La Victoire du citoyen-client," *Sociétal* no. 30, (4th Qtr 2000): 49-54.

[406] Ibid.

[407] See Mark Thatcher, "The Third Force? Independent Regulatory Agencies and Elected Politicians in Europe," *Governance: An International Journal of Policy, Administration, and Institutions* 18, no. 3 (July 2005): 347-373.

[408] Ibid., 365.

[409] Ibid., 365.

Even the claim that a power reversal has taken place is reminiscent of nineteenth century theories relating to the emergence of the civil service. The jurist Léon Duguit argued in *Les transformations du droit public* (1913) that the state had come under legal obligation to provide services to citizens once the emerging civil service had divided up the centralized "Roman" sovereignty of the state.[410]

In his discussion of IRAs and impartial institutions, Rosanvallon is attempting to theorize a type of impartiality that can be achieved by immersion within the world of interests rather than abstraction. This allows him to claim that the impartial institutions he favors differ greatly from bureaucracy as such. The "indirect democratic" institutions of today must

> "reflect contemporary demands for greater individualization on the one hand (with increased emphasis on the distinctiveness of each individual) and, on the other hand, greater awareness of the general interest (and thus of the need to reduce the influence of special interests on governing institutions)."[411]

We are meant to conclude that abstract generality, as opposed to the generality of multiple particular situations, is associated with bureaucratic rigidity, while attention to particularity indicates flexibility.

Legitimacy by impartiality and proximity overlap on the issues of particularity and flexibility. Impartial institutions must now be concerned with "constituent impartiality." This refers to the creation of conditions of impartiality for individuals within society rather than the establishment of a state apparatus that decides on the common good for all. Constituent impartiality can take particularity into account as it aims to create an "impartial society," meaning individuals are free to make their own histories. Rosanvallon asserts that democracy is becoming a society based on equity rather than equality. An overview of literature on recognition and the politics of care serve as illustrations of the proliferation of particularity in political discourse since the 1980s. A government

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[410] See Léon Duguit, *Law in the Modern State* (New York: H. Fertig, 1970).

[411] Rosanvallon, *Democratic Legitimacy*, 186.

of proximity "invites consideration of a different kind of generality, based on the search for a decision perfectly adapted to each particular problem or situation."[412]

Rosanvallon's impartiality is purportedly distinct, as well, in that it offers an active political component. In an entire chapter titled, "Is Impartiality Politics?" he attempts to theorize "active impartiality" in opposition to "passive liberalism." "The impartiality of independent commissioners," according to him, "is much more demanding" than either liberalism as "simple non-subordination" or republican freedom as non-domination. Non-subordination and non-domination both refer to statuses whereas active impartiality is about "an open promise, a history." "This is tantamount to defining freedom as a permanent right to freedom of choice." This is what constituent impartiality is all about.

However, what is the purpose of a status except to guarantee a foundation for freedom of choice? The concept of liberalism on which he relies here is little more than a straw man. Rawls comes under scrutiny in Rosanvallon's account, as well, but Rawls' ideal polity is actually full of liberal "action" with the purpose of buttressing the underlying conditions for the individual freedom to make one's own history. Rosanvallon seems to think active impartiality is different because it refers to active measures—like affirmative action—that governments can take in order to enforce the impartiality of society. This is still liberal, though, it's just that classical liberals used to believe (and some still do) that it would be enough to remove social barriers in order to create this societal impartiality. Since the turn of the twentieth century, really, many liberals have advocated positive solutions, recognizing that negative measures are not enough.[413] Rosanvallon is well aware of this.

The conception of "active impartiality" is meant to allow Rosanvallon, again, to differentiate the kind of impartiality he promotes from a bureaucratic version. The impartiality of independent commissioners is more demanding than liberal or republican forms of impartiality, supposedly, because it involves proximity and immersion into particularity instead of abstraction and distance. It

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[412]Ibid., 186.

[413] See T.H. Greene and L.T. Hobhouse. See also the French solidarists.

is not about achieving an absolute impartial status for all, but rather creating the possibility for making one's own history even if that involves very particular solutions rather than a bureaucratic cookie-cutter method.

Rosanvallon uses a market analogy in order to illustrate the objectionable character of abstraction and one-size-fits-all solutions:

> "[M]echanical decisions are perceived as inhuman because they treat individuals as abstractions and take no account of particular histories and contexts…. The harsh realities of the market offer the perfect example of a type of generality that is cold, mechanical, and insensitive to individual differences at a time when society increasingly wants to be governed by generality of a different type, one that is attentive to individual diversity and to life's endless variety."[414]

Pursuing this market comparison would, in fact, be fruitful because it could show how the "cold" and "mechanical" market has been able to take individualism into account and manipulate it in a stealthy way. I argue that the new bureaucracy of proximity is achieving this same feat.

Capitalism and capitalist discourse have had to evolve over time in response to a never-ending stream of normative critiques. While the paradigmatic representation of capitalist progress was the "large, centralized and bureaucratized industrial firm" in the 1960's, the 1990's were marked by fragmentation and increased flexibility.[415] This transformation mirrors the evolution of bureaucracy toward a more decentralized, flexible, and proximal category.

The 1960s manager used product standardization and the rational organization of work in order to take advantage of economies of scale and expand the firm. In both public and private sectors, standardization of products characterized the period. Choice was limited under post-war Fordism, and consumers were constrained to purchase what was on offer. Drawing on interviews with German managers from this period, Wolfgang Streeck explains,

> "I even heard managers suggest that the differences between the organized capitalism of the post-war years in the West and the state socialism of the East were not as dramatic as one might have believed at the time: only that delivery periods were even longer in the

[414] Rosanvallon, *Democratic Legitimacy*, 186.

[415] Luc Boltanski and Eve Chiapello, *The New Spirit of Capitalism* (London: Verso, 2005), 18.

East. Nor was there much difference between the private and state sector: applying to the Post Office for a telephone was quite similar to applying to VW for a new car; in both cases there was a waiting period of half a year of more."[416]

The appeal of this configuration for workers and managers was the career security provided by the large firm and the comforts offered by mass production and consumption. Justifications of the system in terms of the common good tended to highlight a civic sense of social solidarity based on "the socialization of production, distribution, and consumption, and collaboration between large firms and the state in pursuit of social justice."[417]

In the 1970s and 1980s, diversification increased. As traditional families and communities lost authority—a source of liberation—new market opportunities appeared:

> "The possibilities for diversified consumption and the rise of niche markets, with the accelerated obsolescence they inflicted on first-generation consumer durables, also helped to motivate renewed work discipline, among both traditional workers and the newcomers to paid employment, not least the women."[418]

Correspondingly, the preferred model of organization for firms in the 1990s was the network. Hierarchical domination and rigid planning based on "cold" quantitative data were targets of rebuke. Flexibility appeared as a principal value. Flexible teams would have a greater capacity to respond to rapid technological change and increased competition on the world market. New challenges identified by 1990s management texts were to be met by a combination of "*lean* firms working as *networks* with a multitude of participants, organizing work in the form of teams or *projects*, intent on customer satisfaction, and a general mobilization of workers thanks to their leaders' *vision*."[419] Large firms combining a multitude of operations were instructed to slim down to their core business and rely on multiple subcontractors. Workers were to be organized in small teams managed by coordinators, not bosses.

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[416] Wolfgang Streeck, "Citizens as Costumers," *The New Left Review* 76 (July-August 2012): 29.

[417] Boltanski, *Spirit of Capitalism*, 18.

[418] Streeck, *Citizens,* 33.

[419] Boltanski, *Spirit of Capitalism*, 73.

Within this literature, "vision" is referenced as the crucial motivational factor, securing the commitment of workers without a need for coercion. "The richest, most inspiring visions are those that possess meaning, that respond to aspirations."[420] Vision imbues each worker's task with meaning, so that he/she does not feel like a cog in a wheel. "Good leaders can inspire others with the power and excitement of their vision and give people a sense of purpose and pride in their work."[421]

"Neo-management" theories sought to control and organize without appearing to do so, and thus to do it more effectively. Because many external controls had fallen away, the solution was to penetrate internal dispositions so individuals would be moved to control themselves. They would work out of their desire to perform and the pleasure they derived from it. "The leader's role is no longer to motivate, but to mobilize. ... to rely on motivation is to continue to accept the idea that employees and workers are 'objects' which can be shaped at will, incapable of discovering inspiration in themselves. Motivation is an infantilizing concept that no longer has any purchase on highly educated people. If they are mobilized, employees mobilize themselves."[422] The internalization of control would also allow firms to economize on the cost of hierarchical supervision.

These changes in the management of the firm were actually congruent with demands for more participatory democracy during the 1960s and 1970s. Carole Pateman devotes about half of her important work, *Participation and Democratic Theory* (1970), to ideas and empirical studies on workplace participation. According to her, "The theory of participatory democracy stands or falls on two hypotheses: the educative function of participation, and the crucial role of industry…"[423] She agrees with guild socialist G.D.H. Cole that "it is industry that holds the key that will unlock the door

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[420] Lionel Bellenger, *tre pro* (Paris: ESF, 1992), quoted in Boltanski, *Spirit of Capitalism*, 76.

[421] Rosabeth Moss Kanter, "The New Managerial Work," *Harvard Business Review* (November/December 1989), quoted in Boltanski, *Spirit of Capitalism*, 76.

[422] Hervé Sérieyx, *Le Big-Bang des organizations* (Paris: Calmann-Lévy, 1994), quoted in Boltanski, *Spirit of Capitalism*, 80.

[423] Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970), 44.

to a truly democratic polity."[424] This is because people spend so much of their time at work and industry is the environment in which they are most exposed to "relationships of superiority and subordination." Her hypothesis is that workplace participation increases feelings of political efficacy, which educates citizens for the purpose of their own liberation through democracy.

The type of work one performs and the relationship of the worker to the authority structure and to technologies can have varying effects on the development of this sense of political efficacy.[425] Pateman actually refers directly to management literature, citing business theorist Chris Argyris' management texts, *Personality and Organization* (1957) and *Integrating the Individual and the Organization* (1964), for the research he conducted on the way bureaucratic organization affects personality:

> "Argyris … has argued that the typical form of authority structure in modern industry fails to meet individual needs for self-esteem, self-confidence and growth and so forth and he cites copious empirical material in support of this argument. … Typically, the rank and file worker in modern industry finds himself in a work environment where he can use few abilities, and exercises little or no initiative or control over his work. This may result in him experiencing 'a decreasing sense of self-control and self-responsibility' and the cumulative effect over a period may be to 'influence the employee's view of himself, his esteem of himself … his satisfaction in his life, and indeed his values about the meaning of work'."[426]

This supports her argument that "an individual's (politically relevant) attitudes will depend to a large extent on the authority structure of his work environment…"[427]

She is interested in showing that workplace participation can produce subjects that are democratically responsible agents because she is arguing against Schumpeterian democratic minimalists who claim the masses should be excluded from politics.[428] Berelson, Sartori, and Dahl, her targets, were worried that the authoritarian personality most often found in lower socio-

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[424] Ibid., 35.

[425] Ibid., 51.

[426] C. Argyris, *Integrating the Individual and the Organisation* (New York: Wiley, 1964), 54 and 87-88, quoted in Pateman, *Participation*, 52-53.

[427] Pateman, *Participation*, 53.

[428] See also Graeme Duncan and Steven Lukes, "The New Democracy," *Political Studies* 2(11) (June 1964): 156-177, which voices the same concerns.

economic groups meant that extensive participation could only lead to instability and even totalitarianism. On the contrary, responds Pateman, participation actually educates good democrats so that participatory democracy becomes a self-sustaining system:

> "The major function of participation in the theory of participatory democracy is therefore an educative one, educative in the very widest sense, including both the psychological aspect and the gaining of practice in democratic skills and procedures. Thus there is no special problem about the stability of a participatory system; it is self-sustaining through the educative impact of the participatory process."[429]

Thus, participation integrates the citizen within the community and the system so that he or she can no longer cause disruption. Empirical studies on workplace participation experiments help Pateman to show that it increases satisfaction, group integration and cohesion, and acceptance of decisions. After surveying empirical studies on workers' self-management in Yugoslavia, she concludes,

> "… the evidence indicates that experience of a participatory authority structure might also be effective in diminishing tendencies toward non-democratic attitudes in the individual. If those who come newly into the political arena have been previously 'educated' for it then their participation will pose no dangers to the stability of the system."[430]

On this basis, I argue that this model of participatory democracy is a systemic, Durkheimian project, which aims at harmonization through education and integration. Participatory democrats criticized the minimalists for conceptualizing democracy as a *system*. In conceptualizing democratic society as a smoothly running mechanism, the Schumpeterians had taken out the human element which was deemed either too apathetic to live up to classical democratic standards or, worse, too dangerous and thus needed to be contained.[431] Participatory democrats simply reproduced this safe systemic model, however, replacing leadership electoralism with participation as the lynchpin. Pateman argues against the minimalists, and in a parallel manner, Durkheim was arguing against critics of the Republic and the French Revolution who blamed the terror on individualism and mass

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[429] Pateman, *Participation*, 42.

[430] Pateman, *Participation*, 105.

[431] See Graeme Duncan and Steven Lukes, "The New Democracy," Political Studies XI, no. 2 (1963): 156-177.

participation. His aim was to show how individualism and certain forms of participation could serve an integrative and pacifying function in society rather than a disruptive one. Pateman has the same goal regarding participation.

Unfortunately, this configuration can easily lend itself to manipulation. Pateman does recognize that "pseudo-participation" could be a problem in the context of the capitalist firm. Management writers aim to increase efficiency using participation as a technique, whether the change actually gives workers more control or not:

> "Participation may, as we have seen, be effective in increasing efficiency, but what is important is that these writers use the term 'participation' to refer not just to a method of decision making, but also to cover techniques used to persuade employees to accept decisions that have *already* been made by the management. ... As Verba points out, often the concern was not to set up a situation where participation (in decision making) took place, but to create a *feeling* of participation through the adoption by the leader (supervisor) of a certain approach or style..."[432]

This kind of manipulation is possible in government as well as industry. Pateman's discussion of pseudo-participation could be directly applied to Rosanvallon's discussion of recognition and accessibility provided by IRAs. These organizations might give some access and recognize various marginalized groups, but this is very different from a standard of participation that ensures equal influence in decision making. In *Democratic Legitimacy*, Rosanvallon briefly points out the danger "that the demand for interaction will be reduced to a set of formulas for governance, that is, turned into a mere tool of management. Too many experiments with participatory democracy have ended this way."[433] He also mentions the fact that 1990s experiments in "interactive democracy" differed from seemingly similar 1960s ideals since they often originated on the governmental side as managerial attempts to remedy the crisis of representation. However, he does not really help us to avoid this danger, and this warning acts only as a minimal caveat.

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[432] Pateman, *Participation*, 68-69.

[433] Rosanvallon, *Democratic Legitimacy,* 217.

From Self-Management to Management

Like Carole Pateman in the U.K., Rosanvallon was one of the defenders of participatory democracy during the 1970s in France under the banner of "self-management" or *autogestion*. This context can help us to understand how his democratic project might have moved in a managerial/bureaucratic direction. Since electoral politics seemed like a sham and the minimalists seemed to have monopolized theories of electoral politics, left democrats at the time sought to expand democratic potential elsewhere. Proposed solutions included networks of intermediary bodies that would serve an educative and integrative function and the further implementation of impartial institutions.

Electoral Ambivalence

Representative democracy as it existed in Western Europe during the 1960s appeared to be a tantalizing illusion, tricking people into thinking their societies were democratic while lulling them into complacency via economic growth. The anti-bureaucratic left instead turned to democratization within unions and the workplace as possible solutions, often looking to developments in Yugoslavia for inspiration.[434] This focus on the social realm fits well with Rosanvallon's current stance which emphasizes the plural expression of social roles and downplays the importance of elections.

Both economic neoliberal ideas and autogestion were reactions against the old-style bureaucracy (within political parties and within the welfare state) that became a key part of what Jan-Werner Müller calls the post-war consensus democracies. Consensus around a certain notion of stability crystallized as many European intellectuals blamed the political emergence of "the masses" for the rise of political evil. As we have seen, this was true of Berelson, Sartori, and Dahl, who were

[434] See Carole Pateman's *Participation and Democratic Theory*, which includes an entire chapter on Yugoslavia.

influenced by Schumpeter, Michels, and Mosca.[435] Political reconstruction thus held out stability as the main goal in West European democracies.

While new institutions were often presented as a return to an earlier form of liberalism, they actually represented a new form of "constrained democracy" that was "deeply imprinted with a distrust of popular sovereignty—in fact, even a distrust of traditional parliamentary sovereignty."[436] The ideas supporting this move, largely associated with dominant Christian Democratic parties, also played a large role in European integration. European integration by stealth can be understood as a purposeful response to fears about popular sovereignty.[437]

The emphasis on productivity, to be achieved through consensus politics, would maintain stability by uniting the working class and employers behind the common goal of efficiency.[438] If problems of efficiency could be solved through technical means, politics would become irrelevant. Workers were persuaded that industrial democracy and self-management were inferior to the good to be attained via expert management. It is precisely this sort of technocratic ideology that Rosanvallon sought to combat with *Autogestion*.

Industrial society under consensus politics seemed to have achieved automatic stabilization through prosperity:

> "…there appeared on the continent an unashamed endorsement of technocracy, or, put differently, of Weber's steely casing—because there seemed actually to be security in that casing. And while it might not have been exactly [Ernest] Barker's 'space for fun', in the new age of consumerism it at least proved comfortable. Never mind that critics such as the French Communist poet Louis Aragon derided it as a 'civilisation de frigidaires'."[439]

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[435] "Tellingly, a book like Ortega's *Revolt of the Masses* remained the philosophical bestseller in a number of West European countries from the early 1930s until the late 1950s." Müller, *Contesting Democracy*, 126.

[436] Müller, *Contesting Democracy*, 128-129.

[437] Wolfgang Streeck, "Markets and Peoples," *New Left Review* 73 (Jan.-Feb. 2012).

[438] Müller suggests that the notion of stability, itself, was industrial in origin. The word only took on a political meaning in the nineteenth century when it was appropriated from engineering.

[439] Müller, *Contesting*, 145.

If consumerism provided the mechanism for stability, the state only needed to play a supporting role via impartial institutions like constitutional courts. Müller quotes German legal theorist Ernst Forsthoff as writing in the late '60s that "the hard core of the social whole is no longer the state, but industrial society, and this hard core is characterized by the notions of full employment and increase of the GNP."[440] It is understandable, then, that renewed democratic energies in the 1960s and 1970s would be directed towards industrial society rather than the state. This is clearly the case with Rosanvallon's *Autogestion* as well as Carole Pateman's focus in *Participation and Democratic Theory*.

Another aspect of consensus politics involved the weakening of legislative parliaments and the strengthening of executives because parliaments could fall prey to demagogues and be persuaded to delegate their authority. This had to be prevented. At this time, then, "Justifications of democracy centered less on having one's views effectively represented in parliament than on ensuring the regular turnover of responsible political elites through elections."[441] This period marked the triumph of the Schumpeterian conception of democracy, as identified by Pateman as the "contemporary theory of democracy" in 1970. Participation was seen as unachievable at best and dangerous at worst; thus, democracy could only mean the alternation of elected leaders but not popular control. This state of affairs helps to explain Rosanvallon's rejection of electoral politics as a resource for democratization. Elections at the time were criticized—and somewhat purposefully set up—as sham democracy. Rosanvallon never quite moved away from this stance and has all but abandoned electoralism as a source of political democratization today.

We might better understand the seemingly peculiar relationship between critique of bureaucracy, disdain for elections, and a creeping move towards managerialism through a reading of Ossip K. Flechtheim's *History and Futurology*.[442] Flechtheim was a reference for German

[440] Ernst Forsthoff, *Der Staat der Industriegesellschaft* (Munich: C. H. Beck, 1971), 164, quoted in Müller, *Contesting*, 145.

[441] Müller, *Contesting*, 149.

[442] Ossip K. Flechtheim, *History and Futurology* (Meisenheim am Glan: Verlag Anton Alain, 1966).

antiauthoritarians who were active around 1968.[443] His essay, "Some Thoughts on the Future of Political Institutions," begins with apprehension about the growth of executive functions within the state and moves on to a critique of the party system that aimed at the maintenance of order. He ends by suggesting solutions involving independent regulatory authorities, impartial offices of ombudsmen, and increased collaboration between government and experts in order to carry out "rational planning" in politics.[444] The trajectory within this single essay from 1966 appears to parallel Rosanvallon's intellectual career from bureaucratic critic to defender of impartial institutions. An examination of the essay could help us to understand how Rosanvallon's current position could have its roots in this past.

Flechtheim explains that militarization (during the Cold War) had caused power to shift towards the executive and civil service. This growth in power was also facilitated by an increase in administrative tasks carried out by the state and, in some countries, by the transfer of political and economic functions to supranational organizations and "their bureaucratic agencies." In his analysis of German politics, he argues that the party configuration in that country simultaneously lead to the rise of a "chancellor democracy" supported by pressure groups and state bureaucracy.[445] German political parties, or the three or four dominant ones who worked together to form a sort of cartel, had become agencies of the state or "agencies of power and domination."[446] Party bureaucracies were agents in the process of creating governing bodies that were "autocratic, centralistic, and monolithic in character." Instead of orchestrating political conflict, these parties were instrumental in integrating society and maintaining order, using an ideology of national unity that had the effect of domesticating class conflict. In this situation, elections could be nothing more than acclamations or plebiscites that approved policy after the fact.

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[443] See Müller, "1968 as Event, Milieu, and Ideology," in *German Ideologies since 1945: Studies in the Political Thought and Culture of the Bonn Republic* (New York: Palgrave, 2003), 117-143.

[444] Flechtheim, *Futurology*, 117.

[445] Ibid., , 114.

[446] Ibid., 113.

Flechtheim was worried that this situation could result in the emergence of an authoritarian "defense state." It was up to social movements, he thought, to take over some of the parties' original functions. Sources of hope included workers' councils and the representatives on boards of directors, "which embody the principle of co-management in West Germany," and the possible creation of something like the workers' and producers' councils in Yugoslavia. In this respect, his project resembles Pateman's and Rosanvallon's.

He also suggests possible institutional remedies, including the creation of "new democratic agencies" like the independent regulatory authorities existing in the U.S.[447] In his estimation, "truly independent advisory commissions" and offices for "impartial investigation" were needed in addition to education and increased collaboration between government and expert scientists.[448] These kinds of impartial institutions would help guide the state through a changing world, whereas the party system's maintenance of order in favor of the status quo would necessarily become reactionary. Impartiality and independence would help these institutions to represent the true common interest as opposed to the deformed will expressed by a party system maimed by internal bureaucracy. Rosanvallon makes the same diagnosis of the party system and turns to these same solutions in *Democratic Legitimacy*. Impartial independent authorities should shore up democratic legitimacy in the face of public distrust of electoral representation. Recall that impartial institutions, for him, are representative through accessibility and because they "act and will *for* the nation" in order to produce good public outcomes.

Intermediary Bodies

Along with impartial institutions, associationalism formed an important component of the participatory democratic repertoire. Intermediary bodies, including participatory organs within

[447] Ibid., 115.

[448] Ibid., 118.

industry, would provide democratic education and experience to all citizens, thereby integrating society and creating a stable self-sustaining democratic system.

Carole Pateman endorsed guild socialist G.D.H. Cole's view that society should be defined as a 'complex of associations held together by the wills of their members'."[449] Cole thought associationalism could form the basis of political organization, with groups delineated according to well-defined functions. For him, this would be an improvement on the national electoral system in which citizens simply chose leaders to govern them. Through participation in functionally differentiated associations, citizens would have a direct say in different functional areas.[450]

Like Cole, Rosanvallon believes "the suppression of groups in the French Revolution was an historical accident…"[451] Intermediary bodies were important to Rosanvallon in *Utopian Capitalism* (1979) because they could thwart the dangerous ideal of political transparency. Under the "utopian liberal" vision he criticized in that work, politics should be simplified and replaced with management.[452] Simplicity and transparency are overlapping terms in Rosanvallon's conceptual imagination. Both describe an idealized social condition in which society can know itself completely. A society that is transparent to itself can be apprehended through objective technique, obviating conflict over values. Simplicity or monism in social relations is always dangerous, according to him, and must always be broken up. This is why he will again and again turn to intermediary bodies as crucial democratic institutions throughout his career.

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[449] G. D. H. Cole, *Guild Socialism Restated* (London: Leonard Parsons, 1920), 12, quoted in Pateman, *Participation*, 36.

[450] This suggestion repeats Hegel and Durkheim's proposals for voting according to corporations or occupational groups. It represents an additional point of convergence between the theories of participatory democracy discussed here and the Hegelian-Durkheimian project of creating social harmony via the integration of society within the state through organized social groups.

[451] Pateman, *Participation*, 37, referring to Cole's *The World of Labour*.

[452] Rosanvallon, Pierre, *Le Capitalisme utopique: Histoire de l'idée de marché* (Paris: Éditions de Seuil, 1999), 160. The market ideology is characterized by "the rejection of the political, the utopia of a transparent society, [and] a critique of autonomous intermediary social structures."

With the rejection of the ideal of transparency, Rosanvallon is building on claims made by Claude Lefort and François Furet. For them, totalitarianism is based on the fantasy of complete social transparency, which can in fact only be simulated via external force. In Furet's work on the French Revolution, he argues that the desire to remake society according to reason had led to the terror. This political voluntarism would always remain latent within the very concept of popular sovereignty and threatened to turn democracy into totalitarianism if not checked by liberal efforts. Rosanvallon amends this account, crucially, by pointing out that harmonizing and rationalizing versions of liberalism can provide an alternative route to totalitarianism. Economic liberalism, largely inspired by Adam Smith, was an additional response to the Machiavellian chaos of politics that Hobbes and Rousseau's contractualism was trying to suppress. In its attempt to exorcise the political from public life, it was similar to extreme versions of popular sovereignty that had led to totalitarianism, and it presented a possible danger for the future in its own right.

As Moyn and Jainchill explain, "…Rosanvallon's account in 1979 of *both* voluntarism and rationalism as latently totalitarian (because they both quashed the political) stems directly from his engagement with Lefort as well as with Furet."[453] They go on to claim that this account "clears the political ground of an apparent alternative to voluntaristic democracy—economic liberalism and even some forms of political liberalism—without explaining what positive vision of politics might respond to the difficulties inherent in both." It wasn't until his late 1990s work, presumably, that he presented a positive theory of democracy based on the multiplication of points of sovereignty. I would argue, instead, that this vision of politics was always latent in Rosanvallon's work, and it develops around his insistence on the importance of intermediary bodies.

In his 1990s-2000s trilogy on democracy and representation in France, Rosanvallon conceives of intermediary bodies as the solution to the tension between liberalism and democracy as

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[453] Andrew Jainchill and Samuel Moyn, "French Democracy between Totalitarianism and Solidarity: Pierre Rosanvallon and Revisionist Historiography," *The Journal of Modern History* 76 (1) (March 2004): 123.

well as the extremist tendencies of both.[454] Political voluntarism and liberal rationalism had conspired to exclude intermediary bodies at the time of the French Revolution, but for differing reasons. From the point of view of democracy, intermediary bodies are partial and thus distort the unity of the people and their direct relationship to the state. For liberals, this same partiality runs counter to political rationalism which aims to base governance on reason, fact, and technique. According to Rosanvallon, intermediary bodies could have maintained the pluralism and Machiavellian conflict that is essential to politics, but in a circumscribed and organized way.

Intermediary bodies can serve both counterbalancing and integrative purposes. There is a strong tradition within liberalism and republicanism that emphasizes the role of these bodies in balancing and limiting the central power, but for theorists like Hegel and Durkheim, these institutions help to create social harmony above all. Rosanvallon occupies an ambiguous position on this issue. While he believes intermediary bodies are crucial for maintaining political space and activity against both voluntarism and rationalism, his conception of the political, itself, is at times open to question.

In *Autogestion*, for example, he suggests that Hegel's system of corporations represented a "return to the political" against damaging aspects of market society.[455] Through these intermediary bodies, he writes, "the economic becomes subordinate to the political and not the inverse."[456] Yet, the system of estates and corporations in the *Philosophy of Right* most certainly serves the purpose of harmonizing society, pacifying it, and integrating it into the state. Later in the same section Rosanvallon implicitly critiques Hegel insofar as the corporations are also part of a holistic strategy aimed at creating a "unified and transparent society."[457] He seems to suggest that these same institutional forms can be reappropriated for different purposes, but it is left unclear how we might

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[454] *Le people introuvable* (1998), *La démocratie inachevée* (2000), and *Le sacre du citoyen* (2001).

[455] Rosanvallon, *Autogestion*, 171.

[456] Ibid., 176.

[457] Ibid., 178.

distinguish between a managerial and a truly political democratic use of these structures. In much of Rosanvallon's continuous discussion of intermediary bodies, it seems that the very introduction of a plurality of structures would suffice to reintroduce or maintain the political. In this sense, he has an almost aesthetic fascination with intermediary bodies, differentiation, complexification, and plurality that is manifested throughout his work.

As an example, in *Democratic Legitimacy*, Rosanvallon promotes Léon Duguit's legal theory according to which the division of administrative labor would have the effect of breaking up absolute sovereignty. For Duguit, the growth of state administration actually represented a gain for individuals because it was necessarily accompanied by a movement towards decentralization in the civil service. Duguit promoted professional associations as tools for achieving social solidarity and argued that they should be integrated as arms of the state, itself. His decentralized system of syndical federalism would purportedly protect citizens from an arbitrary state by dividing it up, while also regulating social affairs and moderating interest for the purpose of social harmony.

Rosanvallon uses Duguit in order to argue that state administration plays an important role in the history of democratic theory and practice. Duguit's system is purportedly more democratic *because* it is more bureaucratic. The increase in civil service and state professional associations would work against unified sovereign rule. However, Duguit was never concerned with political participation as a democratic benefit of these intermediary bodies. Along with Durkheim, he was interested, instead, in democracy as social solidarity, and he emphasized the way in which state-administered corporations or occupational groups could serve to articulate pieces of society within the state in a concordant fashion.

There is no real reason to believe that division, in itself, would eliminate domination. In *Utopian Capitalism* Rosanvallon himself discusses Mandeville and Ferguson's theories on the division of labor as a tool of factory managers for increasing profit. Mandeville also has an extensive theory of the division of labor as a method for increasing control over officials within the state

administration.[458] This provides an interesting contrast to Rosanvallon's championing of Duguit's picture. It also echoes critiques of contemporary management techniques, according to which flexibility and decentralization in business serve to control employees more effectively rather than liberating them from the strong and solid "bureaucratic" organization of the mid-century.

For Rosanvallon, intermediary bodies seem to usher in the political, but a safe version of it. This is evident in his discussion of populism in *Counter-Democracy*. He begins this work by arguing that citizen participation has not declined in recent years, it has simply been channeled toward the activities of surveillance and judgment. He highlights the work of unofficial political groups in this vein, but he also criticizes them because this "negative" democratic activity, in its extreme version, could ultimately lead to a rejection of politics and, further, to populism. His solution is to "repoliticize" the spaces of counter-democracy by eliminating their unorganized, ad hoc, and privatized character. He recommends the institutionalization of negativity and the concretization of the figure of the citizen-judge in order to control it. If the practices of surveillance and judgment are organized within a coherent system of concrete intermediary bodies, they will cease to be a populist threat. Populism in his terminology means both instability and the negation of politic. By implication, politics and stability go together. Organizing surveillance and judgment would, thus, both eliminate instability and "repoliticize" because stability and politics are *one and the same* by this logic.

Repoliticizing democracy means, in this book, the process of making visible and defining a common world. The process would involve a plurality of actors, but their efforts would be channeled into a common system that would work towards defining a common world. He discusses the process of "giving back meaning and form to the political" as the work of explaining [*éclairer* or enlighten] the system of interactions that creates divisions and differences and experimenting with the obstacles to creating a polity founded on reciprocal engagements.[459] He makes a distinction

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[458] Rosanvallon, *Capitalisme Utopique*, 75.

[459] Rosanvallon, *La contre-démocratie*, 318.

between "techniques of management" and "the art of governing," where management is about resolving organizational problems and governing means "to make the world intelligible, to give tools for analysis and interpretation that allow citizens to direct themselves and react effectively."[460] Rosanvallon's description of politics here is completely Durkheimian. The role of the state is to organize society, draw information from it, and then rationalize society's representation of itself:

> "À distance de la vision passive d'un pouvoir qui devrait idéalement être déduit de la société, en constituer le reflet fidèle, l'enjeu est plutôt de révéler la société à elle-même, de donner sens et forme à un monde dans lequel les individus ont une difficulté croissante à s'orienter."[461]

Similarly, according to Durkheim,

> "… the state is a special organ charged with elaborating certain representations that are valid for the collectivity. These representations distinguish themselves from other collective representations by their higher degree of consciousness and reflection."[462]

This project, in both cases, is a response to dislocation and social illegibility attributed to changes brought about by modernity. Durkheim wants to use the state to remedy alienation, folding individualism into the process by making it the guiding spirit of society and the state. For his part, Rosanvallon writes, as a continuation of the citation above:

> "… L'action politique et les sciences sociales recoupent dans cette perspective leurs objectifs et leurs demarches. Elles ont en commun de chercher à surmonter le fait que les individus ne sont plus capables de s'appréhender comme members d'une collectivité et que leur inscription dans une totalité lisible et visible est devenue pour eux problématique."[463]

The functions of intermediary bodies and impartial institutions as tools in Rosanvallon's particular project of "participatory democracy" seem to intersect at this point. Intermediary bodies help to integrate and harmonize society in view of the state's goal of providing an impartial (as the combination of particulars) representation of society to itself. This impartial representation of

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[460] Ibid., 313.

[461] Ibid., 313.

[462] Durkheim, *Leçons de sociologie*, 87. My translation.

[463] Rosanvallon, *La contre-démocratie*, 313.

society is also meant to integrate society by providing individuals with a legible totality in which they can understand themselves.

Revitalizing Old Critiques

The designation of Rosanvallon as a bureaucrat in disguise should seem strange since his early works were meant as frontal attacks on bureaucracy. However, we have seen how the project of bringing society closer to the state (proximity), increasing the institutional space for negative generality (impartiality), and organizing the state-society relationship through the mediation of intermediary bodies lends itself to the project of management governance. This is especially true when electoral politics as a site for political contestation and liberation has largely been given over to those who seek to disarm it. Rosanvallon was often extremely insightful, though, in his diagnosis of the problem in his early work, and his analysis there provides ammunition against bureaucracy today.

While he often attacks a sort of clumsy, centralized, homogenizing bureaucracy in *Democratic Legitimacy*, the issues he describes in *Autogestion* and especially *Utopian Capitalism* point to a potentially different pseudo-scientific governance rationale that more closely resembles the bureaucratic mentality and the amorphous managerial relationships we see today. *Utopian Capitalism* is not explicitly and directly about bureaucracy, but it addresses the "market ideology" as a political idea designed to solve problems of social regulation without violence or rulership through a neutral mechanism. Bureaucracy based on the application of technique and scientistic knowledge is exactly this sort of "neutral" mechanism that is deployed to solve political problems. In this sense, Rosanvallon's critique of utopian capitalism should apply directly to bureaucracy, as well. In exploring this, we will reveal a similarity in logic between the Durkheimian / Saint-Simonian construction of the state, which Rosanvallon advocates in *Democratic Legitimacy*, and the market ideology he earlier exposed.

This market ideology is a social philosophy rather than a strictly economic one, Rosanvallon explains. It "translates the fact that interactions between men are understood as interactions between

market values."[464] Adam Smith originally turned to economics out of philosophical necessity, and his economic thought provided him with a means for understanding the social order. Instead of using the economic perspective to think about society, therefore reducing social life to economics, Smith built a social philosophy in which economics became a tool.

The market society was conceived in the 18th century as an alternative political model to the authority of command. *Doux commerce*, according to Montequieu and Constant, should regulate society in a pacifying way. With the aid of impersonal mechanisms, they believed they could remove human force from the equation. The market idea proposes to take violence and force out of social relations by regulating them neutrally through the abstract power of objective laws instead of subordination and command. As such,

> "The market idea accomplishes a certain ideal of individual autonomy by depersonalizing social relations. The market appears as the archetype of an anti-hierarchical system of organization, a mode of decision making in which no intentions intervene."[465]

This framing of the issue is significant. While Rosanvallon refers specifically to the market here, his description of the idea could just as well apply to the governmental configuration Saint-Simon and Durkheim attempted to construct in the nineteenth century.

An additional element of market appeal was the apparent simplicity it seemed to bestow on the social world. Rosanvallon illustrates this point through his discussion of the Physiocrats, who sought to construct a government that would work in accordance with nature. They pursued an agenda of simplifying the world and doing away with the traditional politics they judged to be barbaric. For them, "it's *évidence* that guides the world and founds it upon the natural order. *Évidence* that in their eyes contrasts with the tortuous character of the political vision of the world."[466] (*Évident* and *evidence* have the connotations of "obvious" and "obvious fact" in French.) Once exact

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[464] Rosanvallon, *Le Capitalisme utopique*, 42.

[465] Ibid., vi.

[466] Ibid., 52.

correspondence with nature had been reached, perfection would be achieved and human affairs would exist in an unchanging way, outside of history.

The problem with this strategy is immediately visible, as Rosanvallon shows, when we realize that the physiocrats embraced the idea of a world despot whose job it would be to suppress politics in order to bring government in line with nature. "Their theory in fact leads to a *forced and imposed liberalism* that has nothing natural about it."[467] This juxtaposition of ideas helps to explain the fact that Quesnay has been portrayed both as an economic liberal and an ancestor of economic planning. "In reality, what the physiocrats defend is *the market through planning*, free competition 'that conciliates all interests' (Le Trosne) within the framework of the despotism of Order."[468] This theoretical reconciliation of supposed natural harmony with intervention helps us to see that the degree of intervention is not the crucial point in considering the relationship between bureaucracy and market ideology. While pro-market libertarians attack heavy bureaucracy for its supposedly obstructive intervention, the market ideology and the bureaucratic mentality *share* a reverence for smooth regulation and the goal of erasing politics. In this sense, current market ideologues echo the technocratic fervor that went into setting up the welfare state in the first place.

With this in mind, it should be less surprising that Rosanvallon treats Marx within the category of utopian capitalism. For him, Marx is Smith's natural heir in that

> "The liberal economic utopia of the eighteenth century and the socialist political utopia of the nineteenth century paradoxically contribute to the same representation of society founded on the ideal of the abolition of the political."[469]

The ideal of a state that should wither away certainly resonates with the liberal theme of political simplicity. Marx criticizes the modern state both as a manifestation of the division of society into classes and as a complicated state apparatus. Within communism, the extinction of class struggle corresponds to the replacement of politics with management. Without the political "government of

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[467] Ibid., 84.

[468] Ibid., 84.

[469] Ibid., vii.

men," the administration of things" would be free to follow reason. True government should be guided by reason alone. Rosanvallon cites a key passage from *The Holy Family*: "The will of a people can jump over the laws of reason just as little as the will of an individual …; the legislative power does not make law: *it only discovers and formulates it*."[470]

A belief in the possible transparency and manageability of human affairs unites all of these projects. A society that is transparent to itself can be apprehended through objective technique, which renders violent conflict obsolete. Rosanvallon focuses on Marx here, but he could just as well have chosen Saint-Simon. It was Saint-Simon who originally sought to replace the rulership of men over men with the administration by men of things. He was the first to express the idea in precisely this way, and Engels later adopted his formulation. Rosanvallon does specifically criticize Saint-Simon in *Autogestion*, arguing that his technocratic ideology proposes the substitution of politics with scientific management of productive industry. The system would be administered by the intellectually and technically capable, who would, by definition, be the bearers of the general interest of a society aiming towards progress. When he introduced the proletariat as the historical agent of change, Rosanvallon claims, Marx simply replaced Saint-Simon's industrialists with producers. The interests of these respective groups were claimed to coincide naturally with the development of the productive forces.[471]

Autogestion was meant as an attack on the French Communist Party. Rosanvallon accuses the PCF of Saint-Simonianism, writing:

> "Today this positivist ideology characterizes the technocracy that dreams of rationalizing all choices, institutionalizing all conflicts, sterilizing democracy, reducing everything to 'scientific' recipes for organization; it finds its luminous formulation in Taylor's infamous 'one best way': there is always a single way, a single solution."[472]

This is a strong characterization and critique of the bureaucratic mentality as I wish to present it. Bureaucracy is centered on reducing politics to technique, which does not admit argument over

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[470] Ibid., 185. Emphasis added by Rosanvallon.

[471] Rosanvallon, *Autogestion*, 23.

[472] Ibid., 24.

political values. Georges Marchais, head of the PCF, said himself in 1973, "Scientific socialism integrated the vision of Saint-Simon according to which the administration of things must be substituted for the government of men." Rosanvallon's ideal of socialism expressed in *Autogestion* would do the opposite. It "must allow the government of men, expressed by true political debate, to take the place of a society in total submission to the power of things, to the reign of merchandise. What is capitalism if not precisely reification, the thingification of all social relations?"[473]

The "sterilization" of democratic argument is problematic because the presentation of decisions as the products of "objective" fact-based analysis serves to mask interests and values. Rosanvallon explicitly critiques positivism as a form of moralism and voluntarism, at least in the last instance.[474] There is always a non-positive assumption lurking behind positivism, and value judgments always lie behind policies that are presented as technical applications of truth. This is the never-ending problem of bureaucratic thinking for democracy. In the name of removing conflict from social relations, bureaucracy obscures the very value judgments upon which its supposed techniques are based. In pretending to rid social relations of violence, it has the effect of perpetuating it in secret.

As part of his general critique of the application of scientistic technique to politics in these early works, Rosanvallon rejects planification, computerization, and competence as a criterion for participation. Planning in the Soviet Union, he says, is a set of blueprints based on supposedly objective necessities rather than political decisions. This kind of planification is identical to utopian capitalism regarding the denial of legitimate political conflict. He suggests that planification under the "self-management" heading must refer to a political process of planning rather than one final plan.[475] For similar reasons, the computerization of society cannot be a solution to social discord. It

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[473] Ibid., 21.

[474] Ibid., 23.

[475] Ibid., 147-148.

is its political nature that keeps society from running perfectly smoothly, the problem is not our technical ability to gather information.[476]

Competence and knowledge as criteria for participation are problematic because their application, again, relies on the idea that technical facts can be used to fix politics. Rosanvallon explains:

> "The hierarchical society is supported by the ideology of competence: knowledge is the source of power. The ideology of competence rests, in fact, on an important confusion, which is not incidental, between knowledge and decision. The competent claims the right to the decision because he knows. Knowledge and the decision are not, however, completely equivalent: one can 'know' how a nuclear power plant functions perfectly well and not be qualified to decide if we should work towards the development of nuclear energy or not."[477]

Because political decisions rely on values and not just facts, the distinction Rosanvallon makes here between decision and knowledge is crucial. He emphasizes the point in order to defend self-management, but it is really one of the central points of tension between the bureaucratic mentality and democracy more generally. Breaking the knowledge/decision complex would also mean that information must move in an ascending direction and not just descending. Producing information is also a source of power.[478]

Rosanvallon uses the thematic of transparency in order to link utopian capitalism, certain Marxist ideas, and totalitarianism. According to Rosanvallon's reading of Marx, full development of autonomous individuals requires transparent communication within society and a solely administrative power devoted to non-conflictual coordination: "The full realization of the individual presupposes a society of fully realized, transparent communication. Society must be pure commerce between individuals without the mediation of merchandise."[479] Marx actually uses the terms *Verkehr*

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[476] Ibid., 153.

[477] Ibid., 72-73.

[478] Ibid., 74 and 132-135.

[479] Rosanvallon, *Capitalisme utopique*, 193.

and *Verkehrsform* in discussing social relations, which is significant, Rosanvallon points out, because they had a strong business connotation in German. In fact, the term, "commerce," had a dual social and economic meaning since the eighteenth century, which Rosanvallon attributes to the heavy influence of market ideas on social thought over that period.[480] A society that is "pure commerce" between individuals, without the mediation of commodities, is in a sense an even truer manifestation of the market ideology than the market, itself. "Marx thus realizes the modern illusion of social transparency in its absolute form…"[481]

The problem with the ideology of transparency is that it defies the reality of political, value-based conflict. In doing so, it leads to further domination while pretending to eliminate it. Edmund Burke, according to Rosanvallon, was the first to understand the way in which the ideal of democratic simplicity can turn into totalitarianism. Burke stands against the ideology of political simplicity, which unites Paine and fellow English radical thinker William Godwin with the physiocrats as well as Helvetius and Bentham in Rosanvallon's narrative. According to their line of thought, only laws should govern, meaning the natural law of compatibility of interests and the moral law. These thinkers recognize a certain degree of social complexity, but their claim is that this can only be further disturbed by politics. The revolution should thus simplify the world. On the contrary, according to Burke, society—and ideas about it—needed to continue growing through a slow historical process implicating a multiplicity of human values. For him, the French Revolution represented the hubristic desire to artificially remake society around the sole principles of liberty and equality. Instead, it was a *lack* of simplicity that would prevent the development of a tyrannical regime. Rosanvallon's support for Burke here corresponds to his proposal of intermediary bodies as crucial democratic institutions that can break up dangerous political monism, which we explored above.

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[480] See Rosanvallon, *Capitalisme utopique*, ch. 3.

[481] Rosanvallon, *Capitalisme utopique,* 204.

In his genealogical study, Rosanvallon traces the development of utopian capitalism to progressive depersonalization within theories about the foundation of political and social relations. Depersonalization happened by way of the emergence of individualism, which Rosanvallon, like Burke, Durkheim, and Saint-Simon before him, apprehends as a problem in need of solution. The market ideology is one of the dangerous side-effects of this emergence. Rosanvallon explains these developments beginning with Hobbes and Rousseau who both understood the instituting groundwork of society—the contract—as political. Montesquieu, Helvetius, and Bentham instead focused on law as a social regulator which would allow passion and power to counteract passion and power. This would result in the achievement of a balance in the interest of all. They thought of law in terms of its ability to regulate interests in a beneficial way rather than the authority to punish. Government for them was the art of managing incentives. The market ideology continues in this vein, succeeding finally in eliminating the lawmaker from the tableau. Rosanvallon claims this movement corresponds to "the slow disaggregation of the traditional social order," "the refusal of a social order resting on divine law" which resulted in the rejection of a vision of the social as a body, and the modern need to imagine society as self-instituted by human beings.[482] As part of this process, the individual subject appears as separate from the social body, and thus, the individual and his nature become the starting point for theories about the institution of the social.[483] Theorists of natural law all started from here. Their brand of analysis, based on human nature, aimed at scientificity in order to preclude dispute and thus give a solid foundation to society. This is the origin of scientific theories of society and politics.

Rosanvallon's particular diagnosis of utopian capitalism as a disease brought about by abstract individualism eventually leads him to prescribe intermediary groups as a counterforce and solution. However, he presents the depersonalization of popular sovereignty as a source of liberation in his recent work. Networks of impartial institutions and groups of citizen-judges form a self-

[482] Ibid., 11.

[483] Ibid., 11.

regulating, depersonalized, neutral mechanism for the management of social affairs. Individualism still poses a problem today, though, and so he recommends that the system aim toward producing a picture of a common world in which individuals can integrate themselves. The networks of intermediary bodies are also meant to package political energies and integrate the community, simultaneously increasing trust and legitimacy within the system. Instead, I propose that we disentangle his representation of utopian capitalism from these recommendations and use it as a tool with which to critique depersonalized, "neutral" mechanisms that would masquerade as democracy today.

An alternate solution, I contend, is the repoliticization of electoral contest and representation. While Rosanvallon claims democrats have relinquished the executive to reactionary forces, I argue that he and others have actually done the same with elections. Participatory democrats seem to have fallen for the Schumpeterian ideological picture of electoral politics in which the procedure is an empty means towards the selection of an elite.[484] Rosanvallon believes that elections will always be part of democracy in some way, but this is mainly because they allow us to make temporally distinct, final decisions.[485] We must recognize that elections also embody the democratic value of political equality in ways that the bureaucratic procedures Rosanvallon describes cannot. In *Democratic Legitimacy*, he asserts that an enlarged and thus more demanding definition of democracy can lead to the deepening of actually existing democracies. The main thrust of the argument is that electoral-representative legitimation needs to be complemented by other modes of democratic legitimacy. He exhorts the reader to adopt the view that the institutions of impartiality, reflexivity, and proximity are intrinsically democratic, but the stakes of this effort are not fully clear. Can't non-democratic institutions be used as tools by democracy? If non-elective institutions are intrinsically democratic, might elections and parliaments be allowed to whither away completely

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[484] See Gerry Mackie, "Schumpeter's Leadership Democracy," *Political Theory* 37 no. 1 (February 2009): 128-153.

[485] Personal meeting, Paris, France, April 2013.

without taking the democratic label away with them? If this is the case, an enlarged definition of democracy would actually be *less* demanding.

Conclusion

What would the repoliticization of electoral politics look like?

Building an answer to this question is one aim of the work I have done in evaluating Rosanvallon's conceptual historical theory of democracy. To reach it, we must examine proposals for post-electoral democracy in order to identify missing or problematic elements. Although Rosanvallon does not actually reject electoral politics outright, and that was never my claim, he deemphasizes electoral procedures and otherwise lays the foundation for a bureaucratic democracy that could potentially dispense with elections while still claiming democratic status. I must also note that, insofar as the theories of democracy I wish to address are in some way oriented towards the question of democratic legitimacy beyond the nation-state, post-electoral democracy has not been the only proposed solution. Other scholars have attempted to devise configurations that would allow electoral politics to continue functioning on a larger and different scale, but this is not my focus here.[486]

Thus far, I have argued that the discourse of governance and theories which blend bureaucratic and democratic logics risk diluting democracy as a critical category. As a critical standard by which to judge theories of bureaucratic democracy, I have adopted a procedural definition, centered on equal freedom. Procedural democracy requires institutions and procedures that will maintain and guarantee political equality as it pertains to each of the two moments of opinion and will formation. While I will not present a systematic defense of proceduralism in the guise of a conclusion, elements of a defense appear throughout.

Since elections are central to the continued enactment of political equality within a polity, and although they can be distorted on their own, proposals for a post-electoral conception of

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[486] See Peter Lindseth. *Power and Legitimacy: Reconciling Europe and the Nation-State*, (Oxford: Oxford University Press, 2010), 8-9.

democracy seem to be a contradiction in terms. These proposals are cleverly convenient, especially in the face of the notorious democratic deficit of the European Union. The challenges and desirability of establishing post-national democratic institutions have been widely debated. Establishing a new definition of democracy in this context is tempting because it could allow us to adapt terms to circumstances instead of facing the difficulty of recreating institutions that might live up to a prior critical standard. The urge to discover a way of extending democracy beyond the nation-state is well founded, but denaturing it in order to do so runs the risk of giving democratic cover to autocratic or technocratic formations. Propositions to amend the definition of democracy so as to adapt it to a post-electoral governance model thus threaten to empty the term of any legitimacy-evoking force. These proposals are, thus, potentially self-undermining in addition to their other weaknesses.

In what follows, I will begin by focusing on one of these attempts—not because it is necessarily representative, but for the reason that it allows me to emphasize one particular aspect that is illustrative of the past and continuing challenges posed by the bureaucratic mentality within democracy. This involves the will to knowledge and control that is characteristic of modern life and the role of truth claims in democracy. My engagement with these issues connected to post-national democracy will also circle back and join the criticisms I raised in the introduction in response to epistemic theories of democracy and neo-republican depoliticization. I will then widen my view to include the risks posed by mass surveillance and the way in which the tech industry and culture can help us to understand the bureaucratic mentality and how it functions in contemporary society. At the end of this considerable but explanatory digression, I will return to the issue of democracy, particularly the state of democracy and of democratic theory directed towards the European Union.

Post-Electoral, Post-National Democracy?

Sofia Näsström begins her analysis of "Democratic Representation Beyond Election" (2015) on a skeptical note but finally supports democracy beyond (and without) elections, under certain

conditions. The key, for her, is to identify an alternative, deeper standard for democracy, and she does this by combining Claude Lefort's "empty place of power" with Montesquieu's "animating principle" of regimes from *The Spirit of the Laws*. From Lefort, she concludes that the place of power in democracy is contested at all times. This condition corresponds to the context of the democratic revolution, through which people were liberated from external referents and limitations on power. By realizing their own immanent political power, however, they also accepted the burden of full responsibility for their political decisions. Näsström derives the democratic "animating principle" of equality from the democratic method for dealing with this unbearable burden—the division of responsibility and power among equals:

> "…if omnipotence and infallibility without much effort can be projected onto God, it becomes most burdensome when put on the shoulders of humans, and the attempt to respond to this absolute sense of responsibility—or this summoning of humanity unto itself—is the momentum of modern democracy. The problem is that, since finding relief by appealing to an external authority is no longer a valid option in the adjudication of political conflict, the only way to limit the responsibility that arises in the shift from divine to popular right is to share and divide it between equals."[487]

Her claim, simplistically characterized, is that regimes and policies should be evaluated based on how well they apply this principle of equality, combined, of course, with the symbolic existence of an empty place of power.

On the specific issue of electoral institutions, she rejects Rosanvallon's suggestion that elections constitute a simple historical convention that was never essential to democracy. On the contrary, elections carry normative weight in that they embody political equality. This is a key principle of procedural democracy. In Näström's logic, this means that elections enact the equal sharing of burden, among fallible people, for political decisions in an uncertain world. However, elections are not necessarily the only possible solution to the initial challenge, and this leads her to the conclusion the democracy beyond elections is possible, in principle.

Unfortunately, Näström never really proposes a viable concrete alternative, and the concrete suggestions she does make are problematic, even according to her own logic. She writes that "there

[487] Näström, "Beyond Election," 7.

are other institutions in society besides election with a great impact on the action-orientations of human beings, such as laws and policies related to education, work, ownership, rights, gender and citizenship. In times of electoral crisis, one would do well to ask what principles animate these institutions and how they may foster or hinder confidence in democracy." The suggestion is that, insofar these policy fields enact the principle of equality, they can replace elections in both functional and normative terms.

While equal conditions in education, property ownership, work, and citizenship rights are certainly crucial in order to guarantee the existence of equal subjects who are capable of equally assuming the burden of political responsibility, they do not actually *enact* the sharing of responsibility and burden. Nästrom is right to criticize, on the basis of political equality, Rosanvallon's reliance on the institutions of indirect democracy for the regeneration of democratic legitimacy. The decision-making procedures of executive bodies and regulatory commissions do not *enact* citizens' *equal* claim over political will, but her proposals suffer from a similar weakness. The additional danger, of course, is that her equality-enhancing policies might be—and have been—implemented by various non-democratic types of regimes. This is precisely why Hans Kelsen insisted on freedom as democracy's master concept rather than equality.

The most interesting source of contradiction in Näström's proposal, for my purposes, involves her neglect of Lefort's engagement with totalitarianism as democracy's 'evil twin.' While she emphasizes the acceptance of uncertainty, fallibility, revision, rupture, and conflict, all of which is implied by the "empty place of power," she seems to miss Lefort's insistence that society can never be fully transparent to itself. It can never *know* itself in a complete, objective, or impartial way, despite all totalitarian claims to the contrary. The party cannot embody the people and its interests because these are fundamentally unknowable in a transparent way. Of course, this should be accepted as a clear implication of the "empty place," but Näström seems to have missed it. While the policies in her proposed fields are presumably left open for revision, it is unclear *how* they will be judged on their enactment of the equality principle. If society can never be transparent to itself, how

can its representatives recognize, in an impartial manner, what equality should look like? If this is to be determined through political contestation, Nästrom neglects to describe the *procedures* towards which contestation should be directed and through which responsibility for these decisions should be equally shared. She, thus, never offers a credible alternative to electoral proceduralism, even under the terms of her own theoretical framework.

If society can never be transparent to itself, the governing apparatus must renounce the idea that community interest can be impartially discovered and known. From this, it does not follow that independent, impartial, authorities can never exist. However, they can only provide support for the explicit formation and declaration of the public will. Independent authorities can and should work *towards* impartial understanding, but this must be understood as provisional and as an inadequate substitute for the outcomes of decision-making procedures that enact political equality.

A procedural conception of democracy involves the requirement that governing bodies justify their positions and decisions to others. Impartial institutions justify their decisions via reference to the neutral interest of the community. Functionally, this is in many ways the same as the claim to objective truth. It implies that moral, value-laden responsibility for a political position is borne by no one. Decisions are instead justified via external referent. Acceptance of responsibility, however, is necessary in order for democratic politics to take place. In Hannah Arendt's terms, this translates to the responsibility we owe towards our "common world," as citizens and human beings. Similarly, Weber emphasizes the acceptance of personal responsibility as a defining characteristic of any truly *political* actor.

The fantasy of achieving unadulterated impartiality resembles the search for the Archimedean point, a place outside the earth from which we might objectively observe human affairs. The purpose of the Archimedean point, as thought experiment, is to allow us to imagine a vantage point from which we might access real truth by eliminating human caprice and erraticism at the point of observation.[488] The claim of impartiality may be a claim to provisional rather than

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[488] Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1998), 257-267.

absolute truth, but it does the same work of ending conflict and closing off discussion. Both of these principles have been historically deployed in order to obviate conflict.

Insofar as proposals for post-national post-electoral democracy rely on output legitimacy, they carry the same risks and problems as epistemic defenses of democracy. They cede too much ground to the enemies of democracy by failing to emphasize the fact that the process of democracy is valuable in itself. What we *should* learn from Claude Lefort, as well as Hannah Arendt and Max Weber, is that politics, and therefore democracy, demand that we accept uncertainty, that we live with it, and that we manage it without believing that it can be eliminated. With Lefort, we might view democracy as a sort of coping strategy appropriate for an uncertain world, a strategy that is "healthier" than its evil twin—totalitarianism, which is, in fact, simple denial.

Transparency and Technology

Recent concerns about surveillance should be seen through this lens, not solely in relation to privacy but also freedom. Weber's central oppositions between bureaucracy and politics, rationalization and charisma point to the existence of a tension between knowledge and political freedom. This is not the same as the supposed trade-off between freedom and security. The extension of surveillance capabilities represents the state's attempt to know and rationally master all things, as much as possible. This obviously carries potential negative consequences for political organization or action against the state. It also threatens creative political thinking, which was one of Weber's primary concerns, as we saw in Chapter 2.

Edward Snowden's revelation, that the United States is "building the greatest weapon for oppression in the history of man," evokes the familiar dystopian nightmare that human creations will eventually turn against us, with disastrous results.[489] The theme should be recognizable from early- and mid-twentieth century classics, such as Huxley's *Brave New World*, Koestler's *Darkness at Noon*,

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[489] Edward Snowden, email to Laura Poitras, reprinted in Andy Greenberg, "These are the Emails Snowden Sent to First Introduce his Epic NSA Leaks," Wired Magazine online Oct. 13, 2014. http://www.wired.com/2014/10/snowdens-first-emails-to-poitras/

Orwell's *1984*, Beckett's *Endgame*, or Kubrick's *Dr. Strangelove*. The dystopian genre has recently enjoyed a resurgence in popularity. Dave Eggers' *The Circle* chronicles the life of an idealistic twenty-something as an employee of a major tech conglomerate that purports to be saving the world.[490] This particular novel is interesting because it deals with technology and surveillance—although it does not call it by that name—in the service of progressive ends, not just security. It shows us the seductive side to the will-to-knowledge and -transparency, which is evident in Durkheim and Rosanvallon's bureaucratic theories of democracy as well as Weber's theory of rationalization.

Eggers takes Weber's rationalized-, disenchanted-modern-world theme to its monstrous extreme in his portrayal of a cultish Bay Area tech conglomerate. The modern world has been "disenchanted," according to Weber, in that modern man has insisted on uncovering 'the man behind the curtain,' so to speak. While we do not actually know, individually, on a daily basis, more about our surrounding world than any pre-modern man, there is a fundamental difference in that we know that we *could* know, if we wanted to. The data is there for the mining. In this sense, the NSA data farms are simply a continuation of the general project of modernity and the modern state.

In its apparent quest for progress, convenience, and utility, the Circle creates an all-encompassing universe in which all of existence is interpreted in terms of data points, and everything is recorded. The protagonist, an employee, is eventually convinced to "go transparent," meaning that her every moment is live streamed and recorded, with very few exceptions. It is not enough to experience reality; all experience must be recorded, stored, and made searchable by the Circle. Executives claim that, through acquired knowledge and technology, anything is possible, including social harmony and world peace. The goal is to organize human affairs in a harmonious way using technical innovation and objective knowledge. In one key conversation, Mae, the main character, confronts one of the three firm leaders, saying, "… you can't be saying that everyone should know everything," to which he replies, "… I'm saying that everyone should have a right to know everything

[490] Dave Eggers, *The Circle*, New York: Vintage Books, 2014.

and should have the tools to know anything. There's not enough time to know everything, though I certainly wish there was." This is Weber's ultimate disenchanted world.

This world is seductive, though. For Mae, it offers status, a ready-made purpose and social life, and, above all, convenience in all things. The firm promotes transparency and surveillance as solutions for crime and corruption, healthcare, and leisure. "A favorite word in tech circles is 'frictionless.' It captures the pleasures of an app so beautifully designed that using it is intuitive, and it evokes a fantasy in which all inefficiencies, annoyances, and grievances have been smoothed out of existence—that is, an apolitical world."[491] Progress here is the increasingly efficient administration of life.

The tech world provides an interesting case for the study of the bureaucratic mentality as it manifests itself in our post-industrial, "post-bureaucratic" age because it represents the nexus of several important developments and ideas: the belief that increases in efficiency and innovation will more likely be achieved in a private rather than public setting; the increasingly effective gathering, storing, and organizing of information; the application of quantitative standards of measurement to all aspects of life (in order to gather, store, organize, and evaluate information); the reduction of life to a problem or puzzle to be solved via utilitarian means. The prophets of the tech world see themselves as fulfilling a social and political duty through enterprise. They unselfconsciously describe their creations as sources of liberation, democracy, and revolution. And yet they eschew politics. Their abnegation of overt political activity is comprehensible in that, for them, 'politics' is always already contained in the project of saving the world through technological progress. As the ultimate goal of technological innovation, "progress" ends up being a vague concept because it is taken for granted, perhaps due to the self-contained and self-enclosed nature of the industry. Where it is defined, it is demonstrated through examples, such as the implementation of the smart parking meter or the use of cloud networking in order to better administer services to San Francisco's homeless population.

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[491] George Packer, "Change the World: Silicon Valley Transfers its Slogans—and its Money—to the Realm of Politics," *New Yorker,* May 27, 2013. On the idea of a 'frictionless' world, see also Crary, *Sleep*, 29.

Tech involvement in politics generally takes the form of lobbying or philanthropy, which bypasses any political process with the aim of going straight to implementation. The Gates Foundation's substantial investments in higher education impose the quantitatively verifiable standard of degree completion as the sole or main objective, which seems odd in itself, given Gates' notoriety as a Harvard drop-out. The efforts of the Foundation aim less at placing Shakespeare in the hands of every fast-food worker, and more towards redirecting all of education toward the development of a cheap version of utilitarian aptitude. The claim is that the liberal arts vision of university education is inseparable from elitist designs, based on an exclusive definition of what 'culture' should be. We can recognize several bureaucratic dimensions here. The reduction of qualitative to quantitative variables facilitates the gathering, organizing, and evaluating of information, in order to eventually engineer technical improvements. The standard of utility or functionality is also presented as an equalizing force, just as nineteenth century bureaucracy replaced nobility with professional meritocracy. The existence of quantitative standards is also supposed to promote equality by increasing transparency in evaluation.

This is ironic, of course, given the contribution of the tech sector to our soaring levels of inequality of wealth and income. Yet, Silicon Valley presents itself as inherently egalitarian. An anecdote from a recent Bay Area conference on innovation provides an illustration: Presenters from outside this insular world were admonished for wearing suits and ties, which reveals the fact that strict behavioral standards of *casualness* are actively *enforced*. The paradox is reminiscent of the Physiocrats' advocacy of a return to 'natural order' and yet simultaneous embrace of a world despot who would suppress politics to bring government into accord with nature. The false and manufactured sense of equality fosters a naïve view of political and social issues. It also fuels tech's hubristic desire to remake the world in its own image: Life is about frictionless success and efficient progress, and these can be realized via the technological fix.

This mentality coexists with a mythology of the heroic lone genius, and these two elements work in tandem. On the surface, the combination resembles Weber's ideal typical model of capitalist

society: a series of large bureaucracies, headed by charismatic entrepreneurs, that compete and clash. Weber believed that, while both capitalism and socialism would lead to increasing bureaucratization, socialism would squash and centralize all of society into one giant bureaucracy while capitalist society would at least preserve individuality at the top levels of the multiple competing bureaucracies. In this way, individual, charismatic, creative, political thinking would survive rationalization and, in fact, use it as a tool.

But the charismatic hero of our bureaucratic age is, instead, produced by bureaucracy and serves a functional purpose within it. The lone hero of the tech world is a source of inspiration and aspiration. He or she inspires continued sacrifice (and corresponding exploitation) on the part of employees and precarious would-be entrepreneurs who all hope to become the one who makes it.[492] Competition, which Weber saw as a means for preserving individuality, has also been implemented as a way of managing employees within firms and increasing their individual productivity.[493] Its effectiveness is partially due to the fact that flexible, competitive, ad hoc, project-oriented work purports to promote freedom and individual expression. The management aspect is a hidden 'side effect.'

In Eggers' *The Circle*, both plot and stylistic form convey the loss of creative thinking that is incurred, even while participants believe they are living for the purpose of innovation. Mechanistic communication takes place in flat, dead sentences, like an endless series of zeroes and ones. Some reviewers criticized Eggers' prose as poor writing, but he actually matches form to content. Characters do not even have time to communicate in full sentences since they are constantly ranked according to output. Everything is reduced to a mathematical calculation. An employee's (somewhat

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[492] The aspirational model of intra-firm or intra-industry management organization became well-known through the highly popularized research of Sudhir Venkatesh and Steven Levitt on "why drug dealers still live with their moms." See Venkatesh and Levitt, *The Political Economy of an American Street Gang* (Chicago: American Bar Foundation, 2000). See also Alexandre Alfonso, "How Academia Resembles a Drug Gang," posted Dec. 11 2011, http://blogs.lse.ac.uk/impactofsocialsciences/2013/12/11/how-academia-resembles-a-drug-gang/.

[493] This supports the Marxist rather than the Weberian view of competition. Marx's proletariat was meant to liberate all of humanity via the destruction of capitalism, not just themselves, since the bourgeois, as oppressors, were also oppressed within the system of intra-class competition and the threat of proletarianization.

forced) contributions to the social network are tabulated and converted into "retail raw," the dollar measure of consumption they have produced (through product placement, etc.). Innovation becomes its opposite.

Tech innovators are creative, but only within a certain restricted paradigm. While Weber thought the charismatic leaders would use bureaucratic tools to realize their creative ends, creative thinking in this field serves the purpose of producing increasingly efficient, convenient technical *means*. As David Graeber explains, in an essay lamenting the non-existence of flying cars against all hopes of midcentury futurist optimists:

> "…in the few areas in which free, imaginative creativity actually is fostered, such as in open-source Internet software development, it is ultimately marshaled in order to create even more, and even more effective, platforms for the filling out of forms. This is what I mean by 'bureaucratic technologies': administrative imperatives have become not the means, but the end of technological development."[494]

Graeber also introduces the Hollywood detective as the quintessential charismatic hero of the bureaucratic age:

> "The classic TV cop, or hero of any of the literally hundreds of 'maverick-cop-who-breaks-all-the-rules' movies that Hollywood has trundled out since the 1960s, is clearly a kind of synthesis of these two figures [Sherlock Holmes and James Bond]: crime fighters who exist within, but are constantly bursting out, of the bureaucratic order, which is nonetheless their entire meaning and existence."[495]

Tech entrepreneurialism functions in a similar way.

The Bureaucratic Mentality in Europe

Returning our attention to contemporary European politics will help us to understand possible implications for democracy. Legal scholar Giandomenico Majone's adjustments of position are particularly instructive. While he originally minimized the importance of the European democratic deficit, he recently declared that there is instead a full-blown "democratic default." He draws this conclusion from the increasing importance and simultaneous insulation of technocratic

[494] David Graeber, *The Utopia of Rules: On Technology, Stupidity, and the Secret Joys of Bureaucracy* (Brooklyn: Melville House, 2015), 142.

[495] Graeber, *Utopia*, 79.

decision-making at the EU level, which we will explore in some detail. In addition to exacerbating the legitimacy problem in terms of "input," these developments are resulting in reductions in the *effectiveness* of policy, on which the legitimacy of the supranational institutions had been based.

The "democratic deficit" of the EU has been widely discussed and debated since at least the early 1990s, and Majone's strategy for addressing the situation consisted essentially in an attempt to reason away the problem. He argued that technocratic decision-making configurations were not anti-democratic but rather anti-majoritarian, which is also Rosanvallon's claim. Along with the proponents of the "no demos thesis," such as Dieter Grimm and Claus Offe, he claimed that government *by* the people, or input-legitimacy, was most likely impossible for Europe. However, the standards for output-legitimacy, or government *for* the people, were already clearly being met.[496]

In 2014, after the financial crisis, Majone still maintains that effectiveness of output is linked to legitimacy, but his position is much more nuanced. In replacing "process" with "results" as the criterion for legitimacy, he explains, the EU has set itself up for failure in the case of ongoing economic crisis. The risk posed by 'integration by stealth' "is precisely that unsatisfactory economic performance over a period of years may impede the emergence of new sources of legitimacy, and thus further undermine the normative foundations of an elite-driven integration process."[497] Further, Majone recognizes that the failures on the "output" side have triggered the creation of new institutional configurations that worsen the situation on the "input" side.

In 2012 the Treaty on Stability, Co-ordination and Governance in the Economic and Monetary Union or the 'Stability Treaty' established stricter budgetary surveillance and enforcement mechanisms with the goal of balancing budgets and correcting macroeconomic imbalances. The treaty and accompanying regulations created a condition in which the Member States are "co-

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[496]Giandomenico Majone, "The Regulatory State and its Legitimacy Problems," *West European Politics*, 22:1 (1999): 1-24; Giandomenico Majone, "The Common Sense of European Integration," *Journal of European Public Policy*, 13:5 (2006): 607-626; Dieter Grimm, "Does Europe Need a Constitution?" *European Law Journal*, 1 (1995): 282-302.

[497] Giandomenico Majone, "From Regulatory State to a Democratic Default," *Journal of Common Market Studies* vol. 52 no. 6 (November 2014): 1218-1219.

governed by the EU institutions."[498] In the event of excessive budget deficits, the offending States are automatically forced to implement a "budget and economic partnership" plan, detailing "structural reforms," which must be approved by the Council and the Commission. States exhibiting excessive macroeconomic imbalances must agree to a plan for reform with the Council and enter "a regime of co-management between national governments and European institutions—notably the Commission and ECOFIN."[499]

The limitations imposed on the powers of national parliaments in this situation are obvious. In the case of troubled countries, the Commission will see proposed national budgets even before their own parliaments do, and parliaments have only one month to approve budgets once the Commission has submitted an opinion. The eventual result of these processes could be that a,

> "… zone of influence dominated by the Commission and ECOFIN is established, with political conflicts taking place within these, but the atrophying of local democracy leads to a hollowing out of domestic processes so that these become little more than administrative containers.'"[500]

It is at this point that Majone proclaims the existence of a "democratic default" rather than a "deficit."

Further, the acceptance of financial aid places the receiving country under a kind of "receivership," which has also been qualified as an "occupation regime."[501] This qualification is not simply a rhetorical strategy, either. Important similarities and elements of continuity have been established between nineteenth century institutions of European colonialism and current financial

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[498] D. Chalmers, "The European Redistributive State and a European Law of Struggle," *European Law Journal*, vol. 18, no. 5 (2012): 679, quoted in Majone "Democratic Default," 1220.

[499] Majone, "Democratic Default," 1220. He continues: "It should be noted that ECOFIN includes the finance ministers of both debtor and creditor countries, with the latter being consistently in favour of a strict disciplinary approach so as to minimize the risk of having to offer more financial support to the countries in financial difficulties."

[500] Chalmers, "Struggle," 693, quoted within the quote from Majone, "Democratic Default,"

[501] See Fritz Sharpf, "Monetary Union, Fiscal Crisis and the Preemption of Democracy," LEQS Paper No. 36 (May 2011). Specifically related to Greece, see Tariq Ali, "Diary," *London Review of Books*, vol. 37, no. 15 (July 30, 2015), and Mark Weisbrot, "European Officials May be Pushing Regime Change in Greece," *AlJazeera America*, April 22, 2015, http://america.aljazeera.com/opinions/2015/4/european-officials-may-be-pushing-regime-change-in-greece.html.

governance regimes.[502] The roots of the European bailout program in Greece can be traced to the program of financial reconstruction implemented by the League of Nations in Austria in the early 1920s. This was "the first time that an international organization oversaw a program of austerity designed to win the confidence of foreign creditors."[503] The system of foreign financial control in Egypt provided the institutional model, but League officials made great efforts to modify and differentiate the appearance of the Austrian program.

At the same time, strong mechanisms for external surveillance and enforcement were deemed necessary in order to ensure that the new Austrian state would take prescribed measures for currency stabilization. The strength of social democracy and labor in Austria presented an explicit threat to the program, so it was "safer" to trust enforcement to an "objective" and "neutral" external organization and remove national politics from the equation entirely. This is the bureaucratic logic at its finest. Along these same lines, the League oversaw the program, not foreign private creditors directly, in order to give the appearance of impartiality and to further distance the Austrian case from the earlier colonial experiences, which more obviously represented the interplay of power relations.

The accusation of occupation is not the most instructive, though, if the bureaucratic mentality that accompanies "foreign control" measures is not also addressed. The "foreign" aspect is problematic on its own, but it is a separate question from the obvious issue of the insulation of policy makers, in the case of Greece, for example. A former deputy director of the IMF, Ashoka Mody, was quoted as saying,

> "Euro area policymakers have lived on one myth after another. A process of groupthink coalesces around these myths: 'We know it's not going to work but we need to make it work and we need to seem supportive' — and before you know it they start to believe it. And because there is no democratic accountability, they are free to make one error after another in terms of economic and political logic."[504]

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[502] See Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015); Louis Pauly, "The League of Nations and the Foreshadowing of the International Monetary Fund" *Essays in International Finance,* 201 (Princeton: Princeton University Press, 1996), 1-52.

[503] Jamie Martin, "The Colonial Origins of the Greek Bailout," posted on July 27, 2015, http://imperialglobalexeter.com/2015/07/27/the-colonial-origins-of-the-greek-bailout/.

[504] Martin Sandbu, "Eurozone: The case against 'cash for reform'" *Financial Times*, August 18, 2015.

Insulation from voting publics and also, increasingly, national representatives, means that options for evaluating, criticizing, and possibly revoking ineffective policies are highly limited. Evaluation, criticism, and debate, however, are necessary even within Majone's original model of output legitimacy. Absent democratic controls at the EU level, "ineffective policies can persist, unscrutinized and unchallenged, for decades. And policy ineffectiveness not only has practical implications, it also has normative ones," especially when effectiveness is the main criterion for legitimacy.[505]

Jürgen Habermas suggests that insulated administrative decision-making procedures can exert an influence over policy content, not simply in the form of distorting interest politics. He cites the timid gradualism of regulators, who lack a real political mandate, as a possible explanation for the persistence of austerity. Long-term thinking, which would target the root of the problem rather than the symptoms, requires political will, and elite institutions that are trying to limit conflict between varying national interests will be driven towards minimal, short-term solutions, instead.[506] As I have argued, bureaucratic thinking is different in nature from democratic thinking. Habermas supports this point and suggests one potential causal mechanism. Bureaucratic thinking cannot be radically creative because bureaucracies can only justify their decisions in terms of expediency or effectiveness. Thus, they cannot radically change direction or declare the establishment of an entirely new foundation. Timid gradualism within EU institutions results from the fear of losing power and the fear of nationalism. This points to another important aspect of the bureaucratic mentality—it attempts to create harmony by acting as if it is already there. Harmony is assumed to exist insofar as proposed policies are presented as technically "correct answers" because national interest cannot compete with cold, hard fact.

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[505] Majone, "Democratic Default," 1218.

[506] Jürgen Habermas, *The Lure of Technocracy*, trans. Ciaran Cronin, Cambridge: Polity Press, 2015.

Many theorists and political actors, including Pierre Rosanvallon and George Soros, have claimed that it is, in fact, nationalism that impedes progress in the European crisis and not technocracy. In their view, science is obscured by politics rather than the reverse. This implies that the remedy should consist in less political involvement and more technical decision-making. Indeed, one of the essential functions of bureaucracy is to establish "neutral" and "objective" standards in order to remedy and obviate conflict.

However, the problem of nationalism and the problem of bureaucracy actually intersect and work in combination. They are not competing diagnoses. As an illustration: Brussels insists that the continuation of austerity in Greece is not a political choice, influenced by national interest or not, but rather a question of economic necessity.[507] This is, itself, an example of political strategy at its purest, or else the result of sheer (or willful) blindness. In either case, bureaucracy serves to mask--under the cover of neutral, rational judgment--and thereby to legitimize, political action. Thus, the sincerest of intentions and the most cynical forms of nationalistic political manipulation may, in fact, produce the same result, especially when real and fundamental political debate is excluded as it is here.

The bureaucratic mentality involves approaching human affairs through the lens of practical problem-solving, with the assumption that the sources of conflict can be addressed through the application of objective technique. The bureaucratic mentality operates with this assumption, but, from the perspective of democracy, we know that political issues do not have right answers, no matter how well they are dressed up in bureaucratic language. As democrats, we commit ourselves to this knowledge and to the acceptance of collective responsibility for the decisions we are nevertheless forced to make under uncertain conditions, through conflict, compromise, and deliberation. The result of the clash between democracy and bureaucracy at the level of underlying assumptions is that

[507] Another example: The predominant German legal interpretation declares that bailouts are against European law, but this interpretation is controversial and has been rejected by the ECJ. "The new 'no default' rule is a political aspiration dressed up as legal constraint. What is really happening is that Germany does not want to grant Greece debt relief and is using European law as a pretext. Likewise, when Mr. Schäuble proposes a Greek exit from the euro, ask yourself what rule that is consistent with. The fact is they are making up the rules as they go along to suit their own political purposes." Wolfgang Münchau, "The Make Believe World of Eurozone Rules," *Financial Times*, July 26, 2015.

bureaucracy becomes a political tool. It disguises political strategy by translating value positions into seemingly value-less, objective, and therefore legitimate considerations.

In an ironic twist, it was John Maynard Keynes, the intellectual father of the technocratic welfare state, who originally overthrew the "morality play" idea in economics that Brussels technocrats are now brandishing against the Greeks. He introduced "the paradox of thrift," according to which saving is not always virtuous and spending is not always profligate and sinful. For him, economics was a technical discipline that had to be kept separate from morality and politics, and he mobilized this view in support of his, at the time counterintuitive, argument that government spending could provide a solution to economic crisis. Yet we are now faced with EU representatives and bureaucrats who have maintained Keynes' technical rhetoric in order to *resurrect* the simplistic child-tale vision of things.

It is difficult not to see nationalism as an obvious symptom of the crisis and the measures implemented to solve it, rather than a cause. Debtor and creditor nations are pitted against each other, as nations. In 2011, the Irish budget needed to be approved by the German Bundestag before the Irish parliament had even seen it. Also,

> "According to well-informed observers, the 40-page document detailing Ireland's budget plans for 2012 and 2013, and the covering letters of intent from Minister of Finance Michael Noonan were sent to ECOFIN by the 'troika' (Commission, ECB and International Monetary Fund) following its third quarterly review of the implementation of the austerity measures prescribed by the memorandum of understanding. This material was then made available to the finance committee of the German parliament where it was discussed – presumably to satisfy the requirement of the German Constitutional Court that the Bundestag must be aware of Germany's financial commitments and risks. The paradox is that in order to satisfy its own constitutional obligations, the German parliament had to infringe a basic right of the equally sovereign parliament of a fellow Member State."[508]

Absent a common lender of last resort and the communization of risk, populations are required to take on enormous liability as individual nations. In his general theory of the regulatory state, Majone explains that regulatory policy became the norm at the EU level, as opposed to "distributive or redistributive" policy, because the budget was insufficient for the implementation of other types of

[508] Majone, "Democratic Default," 1221.

policies, even in domains specifically mentioned in the treaties.[509] The regulatory model allowed supranational institutions to rely on national political and administrative structures to bear the burden of actually implementing directives. These claims are revealing of the fact that redistribution, and the creation of a sufficient budget for its implementation, requires the willingness to take on collective sacrifice. This is also true, of course, with regard to military action, and the EU likewise lacks a common defense force. Policies that require collective sacrifice cannot be implemented without the will to accept it; conversely, the imposition of collective sacrifice at the level of the individual nation can only solidify and reinforce the national will. It is this reinforced version of national will that later gets reflected back through European channels, such that the troika, composed of the Commission, the ECB, and the IMF, can be seen as a new instrument of an older project of German imperialism.

This is why Daniel Cohn-Bendit was wrong in his denunciation of the Greek call for a referendum on the financial "memorandum" to be agreed upon by European institutions and the Greek government. In an August 2015 interview, the former participatory democrat (who could loosely be grouped with Rosanvallon), said,

> "I found it terrifying that many found the July 5 Greek referendum to be a great idea because it was supposedly democratic. But if in Germany, Finland, the Netherlands, we had done a referendum to see if we should give money to the Greeks again, the result would have been crushingly negative. It's democracy against democracy and in this affair the Greeks are in the minority. In Europe there should only be trans-European referendums on European questions, with a double majority, of states and of peoples."[510]

Cohn-Bendit seems to be neglecting the fact that austerity measures are imposed on single nations. It is the national governments that are, on their own, liable for debts incurred by trans-European banks which made risky bets and suffered market losses. While conditional lending and austerity measures within single countries do indeed affect all Europeans, the sacrifices are borne differently, unequally, and on a national basis, and this can only reinforce nationalism. As to the suggestion that

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[509] Giandomenico Majone, "The European Commission as Regulator," in *Regulating Europe*, ed. Giandomenico Majone (London: Routledge, 1996), 63-64.

[510] Jean Quatremer, "Daniel Cohn-Bendit: 'Le sourverainisme est de droite parce qu'il repose sur l'égoïsme national et l'égoïsme n'est pas une valeur de gauche'" *Libération*, blog "Coulisses de Bruxelles," posted on Aug. 13, 2015, http://bruxelles.blogs.liberation.fr/2015/08/13/daniel-cohn-bendit-le-souverainisme-est-de-droite-parce-quil-repose-sur-legoisme-national-et-legoisme-nest-pas-une-valeur-de-gauche/, my translation.

the Greek vote was anti-democratic and that only a European vote would be democratic, this is an appealing proposal that feels out of touch. At the moment, no one is given the opportunity to vote, at all, most of the time, on key European issues. Perhaps meaningful electoral contest within the Member States could at least help to generate political activity at the European level. National political parties of the left (and, more worrisome, the extreme right) have used internal electoral successes as a springboard to the formation of trans-European ties. While proponents of the "no demos thesis" argue that new electoral procedures would simply go unused due to a lack of European political solidarity, these party alliances might provide the foundation for a European electoral system that would be less vulnerable to this claim.

Despite its explicit use for conservative purposes within the nation-states during the second half of the twentieth century, procedural democracy seems to have emerged as a more radical option in the current European context. In light of this reversal, it is worth examining how the process of European integration fit into this earlier conservative project.

According to Peter Lindseth, European institutions, and their administrative character, are simply an extension of the postwar constitutional compromise and the larger process of European state formation. "European public law has attempted to translate the identifying feature of postwar administrative governance—the institutional separation of regulatory power from democratic and constitutional legitimation—into a workable supranational form" in order to manage the tension between "functional" (output) and "cultural" (input) legitimacy.[511] (Devolving more power of control to the nation-states, the source of "cultural" legitimacy, threatens the effectiveness of the supranational regulatory power, from which it derives its "functional" legitimacy.) European bureaucracy could thus be understood as an extension of national bureaucracy, which was already recognized as democratically legitimate.

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[511] Lindseth, *Power and Legitimacy,* 27.

This line of reasoning is key to the logic of Rosanvallon's theory of bureaucratic democracy as it might relate to Europe. He attempts to show that, throughout the history of the practice of democracy in the nineteenth and twentieth centuries, administration was an accepted and integral part of the democratic governing structure. And if national administration was already accepted as democratic, then it should stand to reason that European administration, as an outgrowth of the national version, would also qualify. But this narrative neglects the history of critical opposition to the national administrative state as bureaucratic and anti-democratic. It also relies on a problematic notion of democracy, which I have argued in my chapters on Rosanvallon, Durkheim, and Hegel. It is ultimately an attempt to reason away a political problem rather than solve it. Lindseth explains that scholars have tended to overplay the apparent acceptance of the supremacy of European law by European publics, and they have been able to do this by judging based on public acceptance of national law that may actually have a European source. This is not an adequate criterion, though, because the voting public is often ignorant of the sources. Lindseth argues, explicitly against Majone, that the public rejection of European institutions, in their own terms, under the standard of democratic legitimacy, is a "legal-cultural fact" that must be accounted for rather than reasoned away.[512]

While combining bureaucratic and democratic logics within a single conceptual definition might solve the legitimacy problem semantically, the exercise of separating technique and politics, recommended by both Weber and Keynes, can serve an important political and democratic purpose. As we have seen in our discussion of nationalism, bureaucracy masks politics and works to bestow the legitimacy of objectivity upon political interests. Continuing efforts to separate democratic political thinking from bureaucratic presentation would give us the space to consider the political, value-laden issues, as such, and confront them directly. Economics, even at its best, does not provide "right answers" for the purposes of policy. We can and should use it, rather, as a more or less effective tool for understanding the implications of various choices, in terms of winners and

[512] Ibid., 28.

losers and our ultimate vision as to what our societies should look like and represent. But the choices themselves are political questions of value, for which democratic publics must take responsibility. When values and technique are collapsed into one, political freedom disappears behind the veneer of technical necessity. However, political responsibility is not thereby removed, it is only vainly denied.

I have attempted to recover some of Rosanvallon's earlier arguments against bureaucracy and bureaucratic-economic thinking, some of which either prescribe or rely on the practice of separating technical from political concerns. This seems strange in light of his current theory. Rosanvallon's story achieves new levels of irony, though, if we also consider that European institutions, as an extension of the national administration of the 'postwar compromise,' are part of the very project of procedural democracy that he set out to attack as a participatory democrat.

I have argued that his earlier critiques of bureaucratic thinking are still relevant and should be recovered. Others, however, have questioned the continuing applicability and power of earlier arguments against bureaucracy coming from the left. In David Graeber's historical narrative, midcentury left-leaning critiques of bureaucracy were targeted at a corporatist welfare state that no longer exists. Financialization, he explains, has entailed a shift in corporate orientation towards the maximization of shareholder profit as opposed to the creation of superior products. It has also meant a shift in class alignment, in which the upper middle class has become an ally of financial capital and the rest of the middle class has been convinced that they benefit from this situation, as well. These developments were accompanied by a cultural realignment in which bureaucratic techniques from finance began to invade the rest of society such that we all began to see the world through the eyes of the investor. All of these changes seem to require new kinds of analysis.

My own critique of bureaucracy in the contemporary world aims to reveal the existence of bureaucracy where it has been taken for granted and to unmask self-declared market-driven, anti-bureaucratic "reforms" as bureaucratic to their very core. These are things that the concept of the "bureaucratic mentality" allows us to see and recognize. Similarly, the objective of older critiques

had been to reveal the "planned," homogenizing, and oppressive nature of the welfare states, despite their self-declaration as liberal market societies, in fundamental opposition to the soviet or fascist models. This is clearly true of analyses inspired by Herbert Marcuse's *One-Dimensional Man*, for example.[513] These elements of continuity point to the need for a more developed discussion, specifically on the relationship between economic thinking, bureaucratic thinking, and political thinking.[514]

Although the logical structures of the aforementioned critiques are similar, Graeber is right to point out certain differences, as well. I have proposed political, democratic thinking as an opposing force that should work with and against bureaucracy, understood as a mode of thought. This kind of idea has been present in anti-bureaucratic theory stretching back to Weber, as I have shown, but it gains particular importance in a context in which the external structure of bureaucracy is less recognizable. Another important difference is obvious in the case of Rosanvallon: His earlier anti-bureaucratic stance led him to seek opportunities for real political participation outside of electoral politics, but as I have argued, the contemporary democratic theory that he derives from this earlier position strikingly resembles the bureaucratic "democracy" promoted by Durkheim.

In a striking reversal, elections appear to be the more radical option. Active efforts to suppress them (through quasi-legal restrictions on voting rights in the US, or through intimidation and negotiation with European institutions in the case of EU member states in recent years) support this conclusion.

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[513] Herbert Marcuse, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society* (Boston: Beacon Press, 1991).

[514] See Bernard Harcourt, *The Illusion of Free Markets, Punishment and the Myth of Natural Order* (Cambridge: Harvard University Press, 2011). I elaborate on these issues in two related courses that I am developing into research projects: "Theoretical Foundations of Political Economy: the Political Origins of Economics," Bard Prison Initiative at Bard College, Annandale-on-Hudson, NY (Fall 2013-2015, Spring 2014), and "Emergence and Persistence of Bureaucratic Thinking: Critical and Historical Perspectives," BPI at Bard Collge, Annandale-on-Hudson, NY (Fall 2014).

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