

# **A Heroic Reconciliation of Freedom and Power: On the Tension between Democratic and Social Theory in the Late Work of Franz L. Neumann**

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Franz Neumann's late writings offer today's reader some of the most interesting and enigmatic connections of all his works. From 1949 to 1954, against the background of his experiences of the Weimar Republic, National Socialism, and emigration to the US, he could devote himself in depth to theoretical questions that for him had become particularly in need of answers. Thus were Neumann's last years, which came to an abrupt end with his accidental death in fall 1954, ones of unusual openness and theoretical curiosity. At the center of his intellectual searching was a major question: how does democracy stand in relation to modern society?

Neumann had a question in view that is once again being discussed by political scientists with particular concern. Despite this point of contact, however, the present day potential of Neumann's late writings should not be overestimated. They are less suitable as a model for current attempts to link democratic and social theory than they are instructive in their weaknesses.

In the following I would like to point out the problems and inconsistencies that Neumann encountered in his attempt to integrate his reflections on social and democratic theory in four steps. First, Neumann's canonical assignment to Critical Theory affords an opportunity more closely to reexamine his position in the context of contemporary currents of Marxism (1). In the second part, I sketch Neumann's reflections on democratic theory. His thesis is that democracy is the form of political rule that can reduce political alienation to a minimum (2). His diagnosis of modern democracies, however, stands in strange contrast to this optimistic view. Here Neumann describes a long-term crisis scenario for democracy and foresees an increase of political alienation as well as the erosion of the civic competencies constitutive of a functioning democracy (3). In the last step, I ask how Neumann tries to solve the dilemma of his democratic-theoretical and social-theoretical reflections. As my subtitle indicates, I take Neumann's way of solving this problem to be unsatisfactory and contradictory (4).

## **1. Neumann's Version of Western Marxism**

In the secondary literature, Neumann's works are as a rule situated in the context of the Frankfurt School.<sup>1</sup> Convincing biographical indicators can be given for this

classification: Neumann worked for several years at the émigré Institute for Social Research and even after his departure remained close friends with Otto Kirchheimer and Herbert Marcuse. It was also Marcuse who finally took the initiative to publish the first edition of Neumann's late essays three years after his death.<sup>2</sup> A proper understanding of Neumann's later works is, however, made more difficult by this classification, for it encourages the tendency to conceal his differences from Critical Theory.

Frankfurt School Critical Theory wanted to give an answer to the absence of socialist revolution in the advanced capitalistic countries and the double catastrophe of Stalinist and National-Socialist totalitarianism. While the variety of 'Western Marxism' it represented in the 1930s and 1940s was distinguished by its empirically open, interdisciplinary effort to create a 'theory of society,' the methodological self-understanding of its main protagonists, Max Horkheimer and Theodor W. Adorno, shifted after the *Dialectic of Enlightenment* toward a philosophical critique of modernity. Marx remained the recognized critic of capitalist consumer society, alienation, and reification for this type of Western Marxism, even if often implicitly. But he was no longer held to be an author whose work held the promise of social transformation.

The distance of the later Neumann from Adorno and Horkheimer on this question is evident in two lectures from a June 1950 trip to Germany, "Transformations of Marxism" and "Marxism and Intelligence,"<sup>3</sup> in which he took stock of his relationship to Marxism after his departure from the Institute for Social Research in 1942. Only a few remarks on Marxism are to be found, in contrast, in Neumann's other late work.<sup>4</sup>

"Transformations of Marxism" was a kind of standard lecture for Neumann, which he presented with slight changes at least five times in Germany between 1950 and 1954, the last of them as Max Horkheimer's guest at the Frankfurt Institute for Social Research in the summer of 1954, shortly before his death.<sup>5</sup> Neumann distinguishes in this text between three kinds of political theory in Marxism. With a view to Marx, Lenin, and Stalin, he speaks of a democratic, an aristocratic, and a Caesarist type. His critique of Lenin and Stalin turns out to be predictably unyielding. In our context, however, the classification of Marx is of most interest, for Neumann interprets him entirely in the spirit of the social-democratic revisionism of the 1920s. He thus without much ado monopolizes Marx for the democratic tradition and in this context refers to the often underappreciated significance of the English Chartist movement for Marxism. In contrast, Neumann dismisses Marx's state-theoretical reflections in *The Civil War in France* as tactically motivated and instead identifies the genuine Marxist view with Engel's late remarks recognizing the value of the democratic republic in 1891. There can be no doubt that "the Marxist and Bolshevik view on the dictatorship of the proletariat have nothing in common but the name." For Marx and Engels, according to Neumann, the dictatorship of the proletariat would be "equated with parliamentary sovereignty on the English model."<sup>6</sup>

The second lecture, "Marxism and Intelligence," points in the same direction. Neumann introduces it with the question of the function of intellectuals in modern society. As for many others, from Adorno to Karl Mannheim to Theodor Geiger, for Neumann intellectuals embody a kind of critical conscience of society. The parallels to Critical Theory, however, do not extend very far. This clarifies Neumann's description of the four forms of contemporary Marxism:

1. Neumann calls those kinds of Marxism closest to the Critical Theory of the time "academic Marxism." This type, "not allied to any party or movement and doubtless dying out, turns Marxism into a scientific method and is consequently uninteresting, for the heart of Marxism is the unity of theory and political practice. Those who isolate the scientific method of Marxism from practice . . . may be good scientists, but they are not Marxists."<sup>7</sup> There could hardly be clearer rejection of Adorno and Horkheimer's self-understanding at the time.
2. Neumann names Trotsky's revolutionary Marxism as the second variety. He sees in it only a bizarre form of political thinking, which, on account of its lack of realism, merits no further discussion.
3. The third form, "Bolshevik Marxism," on the other hand, calls for serious analysis. Neumann explains its postwar intellectual sympathizers psychologically: intellectuals are often in need of a closed world picture and therefore prove susceptible to the attraction of the resolute exercise of political power. Bolshevism consequently makes servile bureaucrats out of critical intellectuals.
4. Neumann sees a real possibility of a genuine critical function for intelligence only in the fourth form of Marxism, "social-reformist Marxism." By this Neumann understands a Marxism concerned with practice that at the same time accepts without qualification the essential elements of the Anglo-Saxon understanding of democracy, "i.e., that the so-called ruling classes' right to freedom and existence may not be sacrificed in the struggle for socialism. Social-reformist Marxism has thus absorbed the Western tradition of limiting and restricting political power."<sup>8</sup>

Neumann goes even further in absorbing Anglo-Saxon positions in a programmatic lecture on the discipline of political science two years later. Here he distinguishes between two forms of liberalism, the German and the Anglo-Saxon. German liberalism was unable to develop a political theory. Instead, it remained a party-political liberalism and, after its accommodation with Bismarck's state, became an accomplice in the suppression of democracy. The role of liberalism in the Anglo-Saxon countries is different: in contrast to the German tradition, constitutional democracy and material constitutionality are inextricably bound together in the rule of law. In this context Neumann names John Locke, Thomas Jefferson, John Milton, and John Stuart Mill as the most significant political theorists. He shares with them the liberal conviction "that a correct political decision can be brought about through rational discussion and that rational discussion must lead by its own weight to democratic decisions." Liberalism, continues Neumann, is the political

connection between political science and democracy and works “with an optimistic expectation: namely that the superiority of democracy must necessarily follow from rational discussion.”<sup>9</sup>

This is not the place to discuss the correctness of Neumann’s interpretations and typologies. What is more important is what they have to say with reference to our question. Neumann obviously rejects rehabilitating Marx as a social theorist. Instead, he discovers a political theory in Marx and believes it can be made fruitful, so that Marxism can be used as a building block of a democratic theory on the Anglo-Saxon model. This version of Marxism certainly has very little in common with the ‘Western Marxism’ of Critical Theory in either its earlier or its later phase. To the contrary, as against the sense intended by Perry Anderson, who wanted to characterize as ‘Western’ Marxism’s philosophical moment and the radical critique of reification,<sup>10</sup> in Neumann’s understanding it has a completely different place – a general orientation toward the “fundamental Anglo-Saxon liberal values” of freedom, constitutionalism, and democracy.

In summary, classifying Neumann under Critical Theory does not allow us to properly grasp important motivations of his late work, either conceptually or with regard to their content. On the conceptual level, Neumann renounces the earlier ambition of a ‘theory of society’ and advocates the independence of an empirically open political science. On the level of content, he distances himself from the critique of liberalism he had long supported and pleads unreservedly for liberal representative democracy.

## **2. Democracy as Solution to the Tension between Freedom and Power**

The democratic theory of Neumann’s late work can be located between the concepts ‘power’ and ‘freedom.’ I therefore begin with a short recapitulation of his conception of power (2.1), then sketch the normative relations between power, freedom, and democracy (2.2). Neumann’s optimistic thesis holds that modern democracy opens the historically singular possibility of reconciling power and freedom.

### *2.1 Neumann’s Left-Statist Conception of Power*

Neumann’s concept of power embraces two different relations: control of nature and control of people. The former uses the laws of nature and is mere intellectual power. Even if Neumann does not address Adorno and Horkheimer’s primordial-historical construction by name, here he puts forth a clearly formulated counter-position. In contrast to their theory, according to Neumann control of nature and social domination are unrelated. This expressly means that the domination of nature “does not involve power.” As such, it “does not include rule over people.”<sup>11</sup>

In contrast to the control of nature, *social power* is always “a two-sided relationship.” For this the power-holder is constantly compelled to cause reactions in the ruled so that the latter will follow his commands. Power therefore designates

a relation between actors. For the analysis of power, it follows from the two-sidedness of social power relations that they cannot be grasped quantitatively, as can relations in external nature: "The variations of the power relationships are numberless. One may classify and describe them, but one cannot quantify them."<sup>12</sup>

Neumann enumerates an extensive repertoire of direct and indirect methods of exercising power. They extend from the extreme case of killing to exerting influence through education. He names five techniques of power as typical: (a) persuasion or propaganda, (b) guaranteeing material advantages, (c) psychological compensation, e.g., conferring awards, (d) legal sanctions, and (e) terror.<sup>13</sup> Owing to these wide-ranging techniques of exercising power, the collapse of totalitarian regimes through internal problems is becoming increasingly unlikely. According to Neumann, political power-holders in the twentieth century know precisely what an extensive a repertoire of power instruments they have at their disposal. Totalitarianism therefore represents a tendentially stable order which, like the Nazi regime, can only be destroyed from the outside.<sup>14</sup>

From these theses it follows almost necessarily that the analysis of power is seen as the "vital to the political scientist."<sup>15</sup> The abuse of power cannot be prevented by means of a liberal constitution alone, according to Neumann; rather, it requires the cognitive achievements of an independent science – political science. Politics, on Neumann's view, is not just a subdivision of jurisprudence: "Politics is the struggle for power. Power relations cannot be dissolved into legal relations."<sup>16</sup>

At the center of Neumann's understanding of *political power* is state sovereignty. Political power is social power focused on the state. It pursues the aim of "influencing the behavior of the state, its legislative, administrative, and judicial activities."<sup>17</sup> The pronounced centrality of the state is the most striking characteristic of Neumann's reflections, marking him as Weber's heir: "Political power is concentrated in the state in modern societies, since according to Max Weber the state is the organization in which a monopoly of coercive power is concentrated. The theoretical expression of the tendency of this power to be monopolized by the state is the development of the concept of sovereignty."<sup>18</sup> The struggle for political power is concretely manifested in the struggle to control the organization of state coercion – the police, the judiciary, the army, the bureaucracy, and the determination of foreign policy. Political power is not an end in itself; rather, it fulfills particular social functions.

The threads of Neumann's conception of power finally come together in the expectation that political power could itself successfully serve as a medium for the rational development of society. It is also this expectation that leads Neumann's treatment to allow a positive valuation of power. The relevance of political power, he claims, must finally be "squarely faced."<sup>19</sup> The problem of modern democracy thus lies less in the limitation of political power than in its democratic use. Political power makes it possible to improve society on two levels: negatively, by suppressing private power; and, more importantly, positively, by shaping a

“decent existence” through which political power can be used “consciously in the shaping of the economy.”<sup>20</sup>

When these productive functions are not recognized, the potency of political power in the form of the state apparatus is underestimated – this, according to Neumann, was the decisive error of social-reformist politics, from the Chartist movement to Weimer social democracy. He thus retrospectively diagnoses the decisive mistake of the Weimer Social Democratic Party as not having used the power it had already won to further strengthen its political power.<sup>21</sup> Neumann also reproaches legal positivism for misrecognizing the shaping resources of power insofar as this approach treats it as something ‘alien,’ as exclusively restricting. The significance of political power was clearly recognized only by the Communist left, which, however, used it unscrupulously in the service of putschism and totalitarianism. For Neumann, political power has, to speak, a self-reinforcing quality. The trust in social reform via education or constitutionalism is all well and good, but none of this can be achieved against concentrated state power.

It is obvious that along with the stated reference to Max Weber, Neumann’s understanding of power has a second, sublimated but no less determining theoretical and biographical root: Carl Schmitt’s concern about the modern state’s loss of power. Neumann already shared this concern with Schmitt in the years of the Weimar Republic, even if his own proposed remedy differed from Schmitt’s.<sup>22</sup> The Schmittian perspective moreover explains why Neumann did not confer the attributes of classical statehood on the Nazi regime.<sup>23</sup> The consequences of his state-centered understanding of political power for political strategy are obvious<sup>24</sup>: only by means of the state can society steer itself as a self-regulating and effective unit. Accordingly, Neumann has high expectations concerning the state’s competence to change society by means of its growing political power.

## *2.2 The Normative Relation of Power, Freedom, and Democracy*

Neumann’s understanding of power represents a central building block of his democratic theory, for democracy is situated in a field of tension between power and freedom. It is therefore the central task of modern democracy to reconcile freedom with power: “Democracy is the only form of government in which the opportunity exists to overcome the antinomy of freedom and power.”<sup>25</sup>

A short review of Neumann’s earlier work may help us better understand his position and see the extent to which his later work underwent revisions on this question that have important consequences for democratic theory. In the writings from his exile in London, Neumann puts forth the thesis that the liberal state is based on two elements, power and freedom, which are to be regarded as in principle irreconcilable.<sup>26</sup> They constitute a “logical antagonism.”<sup>27</sup> Neumann attempts to show through detailed conceptual-historical studies how deeply liberalism has been entangled in this logical contradiction from its beginnings right up to the present day.<sup>28</sup>

In his late work Neumann takes up this opposition yet again, but gives it a different status. His interest is no longer in heightening the contradiction, but rather in the possible “reconciliation” of its two moments.<sup>29</sup> With reference to Montesquieu, he puts forth the thesis that although there is no universal solution to this dilemma, there are nevertheless historically variable “types of solutions.”<sup>30</sup> The “power-freedom antimony” does not represent “a necessary antagonism”; it can rather be ever anew overcome.<sup>31</sup>

“The truth of political theory,” writes Neumann in a much-cited passage filled with pathos, “is political freedom.”<sup>32</sup> But what does he understand by freedom? For him freedom has a juridical, a cognitive, and a volitional dimension. In its first dimension, it designates the legal guarantee of spaces of freedom. In its cognitive dimension, it means the scientific ability to realistically perceive existing spaces of freedom. The function of this cognitive dimension is to “expose the possibilities for realizing the human potentialities latent in different social situations.”<sup>33</sup> Finally, its volitional or active dimension has to do with the motivational dispositions for wanting to make use of existing freedoms in the first place, and thus with the interest in freedom and the self-confidence necessary for free action.

To be sure, one does no injustice to Neumann’s concept of freedom by characterizing it as “perfectionist.”<sup>34</sup> Bodily integrity, security, and social welfare are important basic conditions for freedom, but only in the sense of creating the essential conditions for its realization. Effective freedom consists for Neumann in the realization of all human potentials for rationality: “Freedom is in the limiting case the possibility of human beings to direct their action solely according to reason.”<sup>35</sup> The realization of freedom is therefore the highest goal of politics.

Now, in a democracy all three elements of Neumann’s concept of freedom have a real chance of being realized:

- Basic rights prevent the suppression of minorities and deviant opinions.
- The potentials for learning and change institutionalized in democracy enable the political system to keep up with historical development, thus representing the moment of cognitive freedom.
- Freedom’s volitional or active component comes to bear in political participation. Since, according to Neumann, politics determines people’s being to an ever greater extent, participation in politics is necessary even for those who want to live exclusively as private persons. Democracy is a system “in which political power is formed through the participation of the masses.”<sup>36</sup>

But Neumann also equips the reconciliation of freedom and power with a liberal proviso. The political goal cannot consist in completely sublating the tension between freedom and power. It rather consists in building a political system in which there is only as much political alienation as is absolutely historical necessary. The “eternal contribution of individualistic political thought” lies in realizing that “no matter what the form of government, political power will always be to some

degree alienated. The theories of Plato and Rousseau are thus utopias. . . . Even the most democratic system needs safeguards against the abuse of power. Yet in its tendency to minimize the alienation of political power, democracy makes possible a fair balance between the interests of the individual and the *raison d'état*."<sup>37</sup>

How much alienation is inevitable can only be established by political science's historically informed analysis of modern democracies. This leads from Neumann's normative democratic theory to his empirical diagnosis of modern democracies.

### **3. Neumann's Diagnosis of Modern Democracies**

Neumann's solution to the problem of reconciling freedom and power turns out to be contradictory. On the one hand, he describes the basic mechanisms of modern democracy in the sense of an open and pluralistic system that offers the best conditions for minimizing political alienation (3.1). On the other hand, he describes modern democracy as being in extreme danger, since it finds itself in an almost hopeless struggle against the growth of this political alienation, which destroys the cognitive and volitional moments of political freedom (3.2). Neumann does not, however, succeed in coherently bringing these two arguments together (3.3).

#### *3.1 Democracy as Interest-Group Pluralism*

With reference to the "ancient conception" of politics, Neumann writes that "What Hobbes and Locke did not clearly state is that the two [economic and political power] are not only functionally but genetically connected; that is, economic power is the root of political power." If one accepts this view, Neumann continues, then the "translation of economic into social power and thence into political power becomes the crucial concern of the political scientist." The "relative strength of the competing economic groups" is therefore far more significant for the investigation of political power than the study of "political institutions."<sup>38</sup>

This is contradicted by other of Neumann's statements in which the "ancient conception" is clearly insufficient for analyzing of current socio-political constellations. Here Neumann understands the "economic" factor as one possible source of political power among others and speaks of a "transfer of economic and social interests into political ones."<sup>39</sup> In particular, he denies that private property has the power to structure political processes that the Marxist tradition had always attributed to it. To be sure, private ownership of the means of production confers power, and this power makes its mark on the market in goods and labor as well as the political system. But this does not give rise to the asymmetries of power or a systematic monopoly. When it affects the market in labor and goods, the unions then simply act against the power of the employers.<sup>40</sup> Whether and how private property is converted into political power is not a question to be answered by social theory, but can only be discovered empirically. In principle, anything is

possible depending on concrete social power relations: "Social power either is derived from private property or is against it."<sup>41</sup> Neumann's description of the field of social power in modern democracies thus stands in clear contrast to Marxist political-economic explanatory models. From the beginning, Neumann denies the possibility of deriving the political process's determinate predispositions from social-theoretical reflection.

The relativization of the "ancient conception" corresponds to Neumann's thesis that, with reference to the relation of politics to the economy in general, we must speak of a primacy of politics over economics. The "primacy of politics" means that political power is in a position to secure an independent economic basis. This relation between political and economic power does not only hold for totalitarian regimes: "The primacy of politics over economics was always a fact, which was at times glossed over, at times openly recognized. In the structure of totalitarian states the circumstances are so clear that one need not waste many words. In the structure of democratic states the circumstances are frequently concealed through ignorance, but even in the period of Manchesterdom politics had hegemony."<sup>42</sup> Modern democracy rests on a plurality of free associations in all areas of social life: "production, distribution, culture, sport, entertainment."<sup>43</sup> Any popular social interest can become a source of political power. Thus, the correct assessment of the source of positions of power can only be found when this question is regarded as empirically open. The arguments of social theory cannot establish any unambiguous assessment: "No abstract answer can be given; only empirical investigation can reveal whether shifts in power have taken place."<sup>44</sup> Denying this empirical openness is another central mistake of many Marxists.<sup>45</sup>

The openness of the political systems of Western democracies is evident in the role of political parties and interest groups. According to Neumann, the political party is the "single most important instrument" for converting social into political power. All the competing social organizations and interest groups in a democracy can certainly try to appeal directly to government actors. But as a rule they must use parties – equipped with corresponding majorities – in order to assert their interests. Parties play a double role in this process. On the one hand, they force social groups to compromise even before they enter the political arena. On the other hand, politics under party democracy becomes increasingly ideological, so that every interest group and every party must claim to promote the general interest. Neumann sees threats to these translation mechanisms either when "the social structure becomes so inflexible that the free play of social powers" no longer functions,<sup>46</sup> or when a one-party system develops. The research program implied by this open approach is what was called in the 1950s and 1960s interest-group pluralism. The concrete study of interest groups was as a result at the center of Neumann's research agenda for political scientists: "The analysis of pressure groups seems [in the USA], correctly, more important than almost any other political problem."<sup>47</sup>

Neumann thus advocated a pluralistic conception of society, even if he himself only occasionally used the term 'pluralism.'<sup>48</sup> This reticence can be explained by

the concept's semantic history in Germany. For Neumann and his contemporaries at the beginning of the 1950s, the term of 'pluralism' was so stamped by Carl Schmitt's critique of pluralism in the Weimer Republic that it could only with difficulty become a positive central concept.<sup>49</sup> Even in 1957, Neumann's friend Ernst Fraenkel, later the doyen of German pluralistic democratic theory, rejected the term completely owing to its association with Schmitt<sup>50</sup> – even though he had in fact already formulated his theory of pluralism. Only in the 1960s, with the addition of the prefix 'neo-', did the concept make a breakthrough among German political scientists.

### *3.2 The Threats to Modern Democracy*

The openness of pluralistic democracy claimed by Neumann should really offer the best conditions for the historically necessary reduction of political alienation. When one follows Neumann's analyses of contemporary social trends in Western democracies, however, the results turn out to be astonishing. For on this account, the extent of political alienation vis-à-vis political power is in no way moving toward a minimum. The opposite is rather the case: the political alienation of citizens in Western democracies is increasing – at a gallop in Europe, more slowly in the US, but nonetheless surely.

How does Neumann explain this phenomenon? He attributes it to a general process of social development that results from the forced modernization of the social-industrial system. Neumann names some of the "sociological generalizations" that together promote the growth of political alienation:

- Society is becoming increasingly complex, and with this growth of complexity the significance of convictions is also growing. This prepares the ground for propaganda and manipulation as instruments of power.
- Technological development is leading to a concentration of political power in large social units. These are structured hierarchically, and the rule of their internal distribution of power is: "The larger the size [of the group], the more hierarchical it becomes."
- Secret techniques of governance are becoming ever more important in the struggles of social groups for state power. In order to be politically successful under these conditions, the leadership of groups participating in this struggle must be almost conspiratorially sealed off from the public sphere.
- There is a "greater separation of political from social power."
- The significance of political power for social processes is increasing. Control of the state is becoming more important than ever before.<sup>51</sup>

In his late work Neumann is much more influenced by Max Weber than by neo-Marxist considerations.<sup>52</sup> Altogether, the trends of modern society he reports are strongly and one-sidedly informed by Weber. And following Weber, he sees this development as irreversible, as the unfolding of rational domination and the price

of the social “comforts” of bureaucratic routinization.<sup>53</sup> Taken together, however, they amount to an increasing bureaucratization of political power.

Neumann’s picture of modern society contradicts his democratic-theoretical postulate of a reconciliation of freedom and power, since it leaves no room for the unfolding of the cognitive and active moments of freedom. Moreover, it involves a threat to the very existence of democracy. What proves to be decisive for political consciousness, according to Neumann, is the “structure of the factory,” since its hierarchical organization acts as “the most important institution for training in obedience, discipline, and authority.”<sup>54</sup> The atomization of people and the daily experience of powerlessness thus belong to the nature of industrial society.<sup>55</sup> This powerlessness, argues Neumann in his essay “Anxiety and Politics,” represents the root of neurotic and destructive fears that lead to the call for Caesarist dictatorship. This is the defining theme of Neumann’s late work: political alienation and its contemporary manifestations, complete indifference to politics and apathy.<sup>56</sup> As a result, owing to the increase in political alienation, Neumann sees democracies as constantly threatened by a relapse into dictatorship and totalitarianism.<sup>57</sup>

The scenario Neumann outlines under the headings of bureaucratization and the increase of alienation culminates in a massive danger to political freedom: bureaucratization leads to manipulation, and this in turn undermines the cognitive moment of freedom; alienation leads to political apathy, and this undermines the volitional moment of freedom. In this way, “knowledge” and “will,” the fundamental pillars of democratic politics, are eroded.

Neumann’s alienation diagnosis confronts him with a very important problem. On the one hand, he has declared democracy a form of rule in which alienation from political power sinks to a historically acceptable minimum; on the other, he notes processes of social development that threaten to erode the foundations of political freedom – ‘knowledge’ and ‘will’ – and promote political alienation. If Neumann’s diagnosis is correct, strong countermeasures are needed to preserve democracy. In particular, there need to be institutional spaces for political activity in which citizens can exercise their cognitive and volitional freedom. We would be looking for forms of political participation that durably strengthen the knowledge and will dimensions of political action. Thus, according to its internal logic, Neumann’s critical diagnosis, a combination of Max Weber’s theory of bureaucracy and the theory of consumer society, demands a participatory transformation. Democracy would be the resource called for to put a stop to the decoupling of the political power of the state from citizens – and for this it would be necessary to extend our reflections to how the cognitive and active elements of democracy are to be strengthened.

### *3.3 Neumann’s Liberal-Democratic Solution*

Neumann, however, chooses a path that leads precisely in the opposite direction. He opts for a democratic theory that would adapt democracy to modern society – what

he calls in one place an “adequate democratic theory” for modern industrial society.<sup>58</sup> The modification that Neumann carries out to his democratic theory in the name of ‘realism’ is notable in two respects. For one thing – and this is decisive – it does not offer an adequate solution to the threatening scenario he raises. For another – and this is only secondary – it is one in which the motivations of Critical Theory can longer be found.

The nature of modern democracy, writes Neumann, consists not in the participation of the masses but in the structures of accountability: “The model of a democracy is not Rousseau’s construct of an identity of rulers and ruled, but representation of an electorate by responsible representatives. Representation is not agency; the representative is not an agent, acting on behalf of another’s rights and interests, but one who acts in his own right although in another’s (the national) interest.”<sup>59</sup>

Thus, democracy is “not direct popular rule, but responsible parliamentary or governmental rule.”<sup>60</sup> Neumann compares two ideal-typical democratic theories: Rousseau’s identity theory and representative democracy. He accuses the identity theory of totalitarian implications. Democracy can only be meaningfully conceived in combination with other principles: “A purely democratic system has conformist tendencies, that is to say, that the fact of mass rule presses upon the whole intellectual and artistic life of the nation, in order to create a conformist monolithic culture. . . . The tendencies to mob rule . . . are indeed inherent in democracy.”<sup>61</sup>

Neumann assigns politically active citizens in democracies two main channels of articulation: on the one hand, the “free election of representatives,” the most important instrument, as well as, on the other hand, the quasi-indirect instrument of the “spontaneous responsiveness to the decision of the representatives” i.e., discussion in associations, parties, and the public sphere, even though decisions are not thereby reopened.<sup>62</sup> Political participation is not for Neumann a value per se. Taking part in politics is not itself freedom; it rather serves as an instrument to defend freedom.<sup>63</sup> Against any Epicureanism, he calls for the full realization of potentials for participation, but this postulate is not reflected in any concrete institutional options. Promoting the equality of or accountability to the citizens tends to undermine orderly administration, and is therefore to be repudiated. Neumann’s statements on local self-administration turn out to be very weak. Programmatically he says at one point that it is an “indispensable cornerstone” of the modern state,<sup>64</sup> but he nowhere thematizes the competencies and limits of local politics. Neumann’s rejection of federalism is yet a further indication that he does not attach to much significance to local self-administration.

These reflections match Neumann’s statements on the social scope of the concept of democracy. The whole field of work and economic life fall outside the jurisdiction of the democratic principle. Neumann, who had himself argued for a democratization of economic life in the 1930s, now reproaches the supporters of economic democracy for overlooking the fact “that the theory of democracy is valid only for the organization of the state and its territorial subdivisions, never for any specific function.” His objection to a democratization of other social

domains is essentially conceptual and runs apodictically: "There is but one democracy, political democracy."<sup>65</sup> The motive for rejecting economic democracy ironically feeds on Neumann's Weberian orthodoxy. In the wake of Weber he is driven by the concern that democratic methods would only disrupt the rational functioning of large organizations. Their hierarchical structures are the price to be paid for their effectiveness.<sup>66</sup>

One may make what one likes of Neumann's plea for liberal-representative government. At least in the light of the problems he attests to in modern democracies, it is hardly convincing. For Neumann does not plausibly explain why and how the threatened cognitive and active elements of freedom could thereby be strengthened when the possibilities for political participation are so drastically circumscribed. A chasm opens between his diagnosis and his prescriptions.

#### **4. The Dilemma of Neumann's Democratic Theory**

Neumann puts forth a political theory that is at the same time a political sociology, i.e., one that is empirically oriented, takes socio-economic factors seriously, and yet tries to justify the normative claim to realize freedom. Alas, such a program in itself does not protect him from inconsistencies.

In his late work in democratic theory, Neumann puts forth two obviously contradictory arguments. One runs that modern democracy offers the best conditions for reconciling freedom and power and thus for blocking the spread of political alienation. The other runs that modern democracy to an essential extent produces political alienation and undermines the cognitive as well as the volitional moment of freedom. Occasionally both arguments are to be found in one and the same text. In principle there are two ways out of this dilemma: either one relativizes Neumann's threatening scenario according to which the knowledge and will dimensions of political action are threatened, or one opts for an alternative democratic-theoretical solution.

Neumann did not smooth over the contradictions of his thinking. And as a result interpreters have gone to some trouble to make his reflections more consistent than they are. Neumann's oscillations amount to an open invitation for selective interpretation. It can therefore hardly be surprising that Neumann interpretation has developed along two lines: along one are authors who have discovered in his late work a convincing turn to liberal-pluralist democratic theory;<sup>67</sup> along the other, a group that stresses Neumann's threatening scenario and his immanent critique of liberal democracy.<sup>68</sup>

Perhaps Neumann did not further pursue the contradictions of his democratic theory because, despite all his skepticism, he possessed a historical-philosophical optimism that transcended the diagnosis of pure interest politics. Politics, as Neumann put it in his programmatic essay on the task of political science, is more than just the struggle for power. In political power struggles there are always social groups that are on the side of the idea of freedom and who serve "historical

progress” because they stand for “universal and national goals.”<sup>69</sup> Seen this way, the struggle for power is not a pure end in itself but rather the “agent of historical progress.”<sup>70</sup>

But then how can the forces of truth and progress be unambiguously distinguished from their opponents? According to Neumann, modern society is shot through with ideology, so that one can blame very few social groups or strata for conscious strategies of deception. This ideologization is inherent in modern mass democracy, since any actor seeking to claim a majority must in the long run also represent the general interest.<sup>71</sup> Identifying the bearers of truth in this fog is according to Neumann the highest task of political theory<sup>72</sup> – a decidedly unsatisfactory solution for readers then as now. And this is not only because it provides political theory with a special authority over truth and with this privilege raises itself above the democratic discourse of equals. This solution is also so unsatisfactory because there is little reason to suppose that there is less controversy over the question of “historical progress” in political theory than in the democratic public sphere – one rather assumes the opposite.

## 5. Conclusion

The reception of Neumann’s work in the last 35 years at first profited by its classification within Critical Theory, since it was held to be the most important spelling out of the latter’s legal and political theory. Today, however, Neumann’s assignment to Critical Theory represents an obstacle to his reception: he appears at best as a kind of forerunner of its turn to liberal democratic theory, which has in the meantime found much more systematic representatives in Claus Offe and Jürgen Habermas.

For, as shown above, if Neumann’s late work is not in the first place classed with Critical Theory, it proves to be instructive only up to a point. Neumann explicitly rejects Critical Theory’s bid to erect its political-scientific reflections within the framework of a ‘theory of society,’ but this does not mean that he doesn’t put forth a highly particular view of modern society. The attempt he undertakes in his late work to integrate a diagnosis of society inspired by Weber with the counsels of democratic theory is too contradictory to be convincing. Here Neumann opts for a liberal-representative narrowing of democracy that neither does justice to the participatory pathos of his conception of freedom nor is appropriate to master the danger of political alienation he himself conjures up. Neumann’s late work can therefore be read above all as a warning against the tendency, widely disseminated by many theorists today, to present normative democratic theory as a solution to alleged social pathologies without taking serious account of the findings of political sociology.

The way in which Neumann’s significance was invoked in the 1970s and 1980s, with a view to the making him relevant to this present, no longer prevails. His books, which circulated widely in Germany from the late 1960s to the

mid-1980s, disappeared some years ago from bookshops and are now to be found only in publishers' backlists. Isolated attempts to reactivate him in the spirit of Critical Theory – like Bill Scheuerman's interest in finding in Neumann insights for a better understanding of globalization<sup>73</sup> – leave, despite one's sympathy, the impression of a rather accidental reference to Neumann.

Are there, despite this skeptical general impression, still any reasons to recommend Neumann's late writings to today's students? Can taking up these texts, despite their deep roots in their historical conjuncture and their unresolved problems, nevertheless be a meaningful undertaking? In my opinion, it is worth reading Neumann's writings from an intellectual-historical perspective, liberated from the direct pressures of the present. For an author who, like Neumann, advocated an understanding of theory explicitly tied to practice,<sup>74</sup> this is an assessment that need not be lamented. This intellectual-historical reading has three aspects:

With growing temporal distance from Neumann's late work, his liberal turn can be seen less as a symptom of political despair than as the expression of a political thinking that Alfons Söllner, with reference to Ernst Fraenkel, has recently called "*normative Westernization*."<sup>75</sup> This refers to a kind of political thought oriented toward the Anglo-Saxon ideas of democracy and human rights that was a minority opinion in the early intellectual history of postwar Germany. The unreservedness with which Neumann ultimately carried out the normative turn to Anglo-Saxon-style liberalism distinguishes him not insignificantly from his former colleagues at the Institute for Social Research as well as most of his contemporaries in German legal and constitutional theory. In this context, Neumann's role as a founding father of German political science is of particular significance. For behind Neumann's turn to political science lies a sharp methodological distantiation from the German legal tradition and its positivist utopia of dissolving political power in law.<sup>76</sup> Neumann turned against legal-theoretical "constitutional fetishism" and in contrast emphasized the "socio-cultural bases of a system of political freedom."<sup>77</sup> He translated this methodological critique into a programmatic declaration for political science that is still valid today.<sup>78</sup> It was, against strong resistance in German universities, decisive for establishing the discipline in the Federal Republic.<sup>79</sup>

Neumann's late work also promises benefits to readers interested in what Quentin Skinner would call the *rhetorical aspects of political theory*. The struggle between two rhetorical approaches can be seen paradigmatically in his democratic theory: a political theory with dramatic flourishes and a sober, almost laconic political theory. The dramatic flourishes are to be found in Neumann's arguments about political alienation. On this account, modern democracy finds itself in a hopeless struggle against the growth of political alienation, which threatens to destroy both the cognitive and volitional moments of political freedom and with them the basis of all political action. Neumann's plea for a liberal-representative system comes, in contrast, with a markedly sober gesture. Against the background of the problems he himself dramatized, it is considerably less convincing, since

nowhere in his reflections does it become clear why and how the two threatened elements of freedom can be strengthened when the possibilities for participation are narrowed. On the other hand, the further, thoroughly stable development of democracy in the Federal Republic seems to have subsequently proved the sober, laconic Neumann more correct. Neumann's struggle between his sober theory of the objective limits of democracy in modern society and his dramatic theory of political alienation remains undecided up to his last essays.

Neumann's late work contains immensely dense argumentation and yet remains so fragmentary that it cannot be assembled into a neat whole. Nonetheless, one motive connects almost all his essays: a *basic activist element* almost always shimmers through the academic style of his work. It begins with the existentialist character of the volitional moment of freedom<sup>80</sup> and continues through his understanding of freedom, according to which freedom consists in the realization of all rational human capacities. This basic idea finds an echo in the specific connection Neumann establishes between volitional and cognitive freedom with his formula "no freedom without political activity."<sup>81</sup> And it is finally also to be found in Neumann's understanding of politics, which proceeds from the impossibility of a complete legal containment of political power. It is his postulate of the inescapable contingency of the political, paired with his simultaneous emphasis on the volitional dimension of political action, that makes his political thinking stand out most clearly against today's social-theoretically informed democratic theory – be it that (as in the Habermasian tradition) which dissolves politics in the rationality of law, or that (as in the Luhmannian tradition) which conceives the contingency of the political without the element of political action.

(Translated by James Ingram)

#### NOTES

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1. This is, for all their differences, the common tenor of Alfons Söllner, *Neumann zur Einführung* (Hannover: SOAK, 1982); Axel Honneth, "Critical Theory," *The Fragmented World of the Social* (Albany: SUNY, 1995). William E. Scheuerman, *Between the Norm and the Exception: The Frankfurt School and the Rule of Law* (Cambridge, MA: MIT Press, 1994) and "Introduction," *The Rule of Law under Siege: Selected Essays of Franz Neumann and Otto Kirchheimer* (Berkeley: University of California Press, 1996); Chris Thornhill "Franz Neumann and Otto Kirchheimer," *Political Theory in Modern Germany* (Cambridge: Polity, 2000); Mattias Iser and David Strecker, "Herrschaft des Gesetzes, Freiheit, Demokratie. Zu Franz Neumanns 100. Geburtstag," *Politische Vierteljahresschrift* 42 (2001): 265–73; and Bernd Ladwig, "Die politische Theorie der Frankfurter Schule: Franz L. Neumann," in André Brodocz and Gary S. Schaal, eds., *Politische Theorien der Gegenwart, Vol.1* (Opladen: UTB, 2002).

2. Cf. Neumann, *The Democratic and the Authoritarian State: Essays in Political and Legal Theory*, ed. Herbert Marcuse (New York: Free Press, 1967 [1957]).

3. The two texts were posthumously published in 1989: Neumann, "Wandlungen des Marxismus" and "Marxismus und Intelligenz" [both 1950], *Internationale wissenschaftliche Korrespondenz zur Geschichte der deutschen Arbeiterbewegung* 25 (1989): 501–12.

4. In fact, in 1950 – the year in which both lectures were delivered – Neumann states that Marx reflects the relations between politics and economics, and in criticizing Marx one shouldn't throw out the baby with the bathwater (Neumann, "Approaches to the Study of Political Power," *The Democratic and the Authoritarian State*, 11). But Neumann derives nothing substantial from this and conceptually takes little more than the commonplace that political science should never lose sight of the respective sociological, historical, and economic context in its analyses. In contrast, in the following years negative comments on Marx predominate – as, for example, when Neumann reproaches him of reducing politics to a function of the economy ("Economics and Politics in the Twentieth Century," 263) or accuses him of dogmatism, radicalism, and rigorism ("Intellektuelle Emigration und Sozialwissenschaft," *Wirtschaft, Staat, Demokratie*, ed. Alfons Söllner (Frankfurt/Main: Suhrkamp, 1978), 416).

5. Neumann, "Das politische Element im Marxismus – Marx, Lenin, Stalin," handwritten ms., Staats- und Universitätsbibliothek Frankfurt am Main, Max-Horkheimer-Papers, Box XIII.

6. Neumann, "Wandlungen des Marxismus," 504, 505.

7. Neumann, "Marxismus und Intelligenz," 509.

8. *Ibid.*, 510.

9. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Internationale wissenschaftliche Korrespondenz zur Geschichte der deutschen Arbeiterbewegung* 25 (1989): 517.

10. Perry Anderson, *Über den westlichen Marxismus* (Frankfurt/Main: Syndikat, 1977).

11. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Wirtschaft, Staat, Demokratie*, 385.

12. Neumann, "Approaches to the Study of Political Power," 4.

13. Cf., Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Internationale wissenschaftliche Korrespondenz*, 513.

14. Cf. Neumann, "Economics and Politics in the Twentieth Century," 267.

15. Neumann, "Approaches to the Study of Political Power," 13.

16. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Wirtschaft, Staat, Demokratie*, 375.

17. Neumann, "Approaches to the Study of Political Power," 3.

18. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Internationale wissenschaftliche Korrespondenz*, 513.

19. Neumann, "Approaches to the Study of Political Power," 8.

20. Neumann, "Economics and Politics in the Twentieth Century," 269, 261.

21. Cf. *ibid.*, 263.

22. For a detailed account of Schmitt's influence on Neumann, see Scheuerman, *Between the Norm and the Exception*.

23. Cf. Jürgen Bast, *Totalitärer Pluralismus. Zu Franz L. Neumanns Analysen der politischen und rechtlichen Struktur des NS-Herrschaft* (Tübingen: Mohr, 1999).

24. On Neumann's proposals for a new political order after 1945 compared to those of other émigrés, see Matthias Stoffregen, *Kämpfen für ein demokratisches Deutschland. Emigranten zwischen Politik und Politikwissenschaft* (Opladen: Leske + Budrich, 2002).

25. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Internationale wissenschaftliche Korrespondenz*, 512.

26. Cf. Neumann, "Zur marxistischen Staatstheorie," *Wirtschaft, Staat, Demokratie*, 140f, and "The Change in the Function of Law in Modern Society," 23.

27. Neumann, *Die Herrschaft des Gesetz. Eine Untersuchung zum Verhältnis von politischer Theorie und Rechtssystem in der Konkurrenzgesellschaft*, ed. Alfons Söllner (Frankfurt/Main: Suhrkamp, 1936), 16.

28. Cf. *ibid.*, 77–198.

29. Neumann, "On the Limits of Justifiable Disobedience," 155.

30. Neumann, "Montesquieu," *The Democratic and the Authoritarian State*, 117.
31. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Internationale wissenschaftliche Korrespondenz*, 512.
32. Neumann, "The Concept of Political Freedom," *The Democratic and the Authoritarian State*, 162. On the following, see *ibid.*, *passim*.
33. *Ibid.*, 181.
34. Ladwig, "Die politische Theorie der Frankfurter Schule: Franz L. Neumann," 55.
35. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Internationale wissenschaftliche Korrespondenz*, 512.
36. *Ibid.*, 517.
37. Neumann, "The Concept of Political Freedom," 189, 190.
38. Neumann, "Approaches to the Study of Political Power," 11, 14.
39. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Wirtschaft, Staat, Demokratie*, 389.
40. Cf. Neumann, "Approaches to the Study of Political Power," 13.
41. *Ibid.*, 13.
42. Neumann, "Economics and Politics in the Twentieth Century," 268.
43. Neumann, "Zur Theorie der Diktatur," typed ms., Franz-Neumann-Archiv Berlin, 10.
44. Neumann, "Approaches to the Study of Political Power," 15.
45. Cf. Neumann, "Economics and Politics in the Twentieth Century," 263.
46. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Internationale wissenschaftliche Korrespondenz*, 513.
47. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Wirtschaft, Staat, Demokratie*, 389.
48. Cf. the index in Neumann, *The Democratic and the Authoritarian State*.
49. Cf. Carl Schmitt, *Der Hüter der Verfassung* (Berlin: Duncker & Humblot, 1979).
50. Ernst Fraenkel, "Pluralismus," in Karl Dietrich Bracher and Fraenkel, eds., *Lexikon Staat und Politik* (Frankfurt/Main: Fischer, 1957).
51. Neumann, "Approaches to the Study of Political Power," 8–11.
52. D. Kelly has recently argued that even Neumann's pioneering *Behemoth* is much better to understand if we take a strong impact of Weber into consideration instead of criticizing the book as a crude Marxist analysis. See: D. Kelly, "Rethinking Franz Neumann's Route to *Behemoth*," *History of Political Thought* 31 (2002).
53. Cf. Neumann, "Wandlungen des Marxismus," 93.
54. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Wirtschaft, Staat, Demokratie*, 384.
55. Cf. Neumann, "Economics and Politics in the Twentieth Century," 267.
56. Cf. Neumann, "Die Wissenschaft von der Politik in der Demokratie," *Wirtschaft, Staat, Demokratie*, 386f; "The Concept of Political Freedom," 186pp; "Anxiety and Politics," 288pp.
57. Cf. Neumann, "Anxiety and Politics," 280, 282.
58. Neumann, "Approaches to the Study of Political Power," 11.
59. Neumann, "The Concept of Political Freedom," 192.
60. Neumann, "Economics and Politics in the Twentieth Century," 268.
61. Neumann, "Intellectual and political Freedom," 24.
62. Neumann, "The Concept of Political Freedom," 192.
63. Cf. Neumann, "Montesquieu," 142.
64. Neumann, "On the Theory of the Federal State," 226.
65. Neumann, "The Concept of Political Freedom," 191.
66. In a discussion at the December 2000 Neumann conference in Berlin, Jürgen Bast suggested another reason why Neumann finally turned against economic democracy: he saw in the flexible bargaining process between employers and trade unions a violation of the rule of law doctrine.
67. E.g., David Kettler, "Dilemmas of Radicalism," *Dissent* 4 (1957): 386–93; Stuart H. Hughes, "Franz Neumann between Marxism and Liberalism," in Donald Fleming and Bernard Bailyn, eds.,

*The Intellectual Migration: Europe and America 1930–1960* (Cambridge, MA: Belknap, 1969); Hubertus Buchstein, *Politikwissenschaft und Demokratie* (Baden-Baden: Nomos, 1992).

68. E.g., Herbert Marcuse, “Forward to the American Edition,” *The Democratic and the Authoritarian State*; Alfons Söllner, *Neumann zur Einführung*; Honneth, “Critical Theory”; Iser and Strecker, “Herrschaft des Gesetzes, Freiheit, Demokratie.”

69. Neumann, “Die Wissenschaft von der Politik in der Demokratie,” *Wirtschaft, Staat, Demokratie*, 391.

70. Neumann, “Economics and Politics in the Twentieth Century,” 264.

71. Cf. Neumann, “Die Wissenschaft von der Politik in der Demokratie,” *Internationale wissenschaftliche Korrespondenz*, 512f.

72. Cf. Neumann, “The Concept of Political Freedom,” 162.

73. William E. Scheuerman, “Franz Neumann: Theorist of Globalization?” *Constellations* 8, no. 4 (2001).

74. Neumann’s political impulse is very impressively preserved in the memories of his friends; see Ernst Fraenkel, “Gedenkrede auf Franz L. Neumann,” *Reformismus und Pluralismus* (Hamburg: Hoffman & Campe, 1973); Otto Kirchheimer, “Franz Neumann – An Appreciation,” *Dissent* 4 (1957): 382–85; Marcuse, “Forward to the American Edition,” *The Democratic and the Authoritarian State*.

75. See Alfons Söllner, “Ernst Fraenkel und die Verwestlichung der politischen Kultur in der Bundesrepublik Deutschland,” in *Leviathan* 30 (2002): 132–154.

76. For more detail on this, see Buchstein, *Politikwissenschaft und Demokratie*, 183f.

77. Neumann, “The Concept of Political Freedom,” 199.

78. Cf. esp. Neumann’s essay “Die Wissenschaft von der Politik in der Demokratie” in both its versions.

79. On Neumann’s role in the foundation of West German political science, see Wilhelm Bleek, *Geschichte der Politikwissenschaft in Deutschland* (Munich: Beck, 2001).

80. Cf. Alfons Söllner, “Politische Dialektik der Aufklärung. Zum Spätwerk von Franz Neumann und Otto Kirchheimer (1950–1965),” in Bonß and Honneth, eds., *Sozialforschung als Kritik*. Martin Fleischer, a former student of Neumann at Columbia University, reports in an interview that Neumann felt drawn to existentialism in his last years (see Erd, *Reform und Resignation*, 190, 211). This is an interesting parallel to the “existential judgment” that Max Horkheimer saw as the basis of radical social criticism in his essay “Traditionelle und kritische Theorie” (*Zeitschrift für Sozialforschung* 6 (1937): 279).

81. Neumann, “The Concept of Political Freedom,” 189.