Class, Identity and "We the People"

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The great marxist historian Eric Hobsbawm observed that the "long 19th century" repeatedly posed the question of "who is the people" while the "short 20th century" attempted to answer the question – often in the most bloody and regressive ways. It has been one of U. K. Preuss's great contributions to grapple with and explain how constitutions have attempted to conceptualize and vindicate "the people" within a liberal and democratic order that can free us from those bloody and regressive ways.

The ashes left by WW I, which ended that 19th Century, gave us two visions of "the people," Wilson's and Lenin's. For the former, "the people" were ethnic nations deserving of national self-determination in states of their own, preferably with some guarantee of rights for minorities who found themselves in the wrong place. Both democratic majoritarianism and free markets would then flourish. We see echoes of this in Eastern Europe today. For the latter, "the people" were incarnated in or adequately represented by the "working class," and under vanguard leadership a socialist democracy would serve the people. Thanks to Preuss, many younger scholars undertook a reading of Otto Kirchheimer, who first also argued that the working class could become hegemonic and speak for "the people." But he later concluded that, "first we move the goal posts, then we compromise, and then we do it again" as reflected in his two classic essays, "Weimar und was dann" and "Erst Weimar" – and that this was a better option for "the people." So first the liberal republic, then the social republic, then the democratic economy, then the democratic socialist republic. We destabilize, "move the goal posts," and then restabilize to begin again at a future propitious moment. At its furthest extent, this was the hopeful but unsuccessful social democratic call for "Wirtschaftsdemokratie."

This juxtaposition of Wilson and Lenin leaves a sharp chasm between two different images of "the people," the *pouvoir constituant*, always an issue of concern to Preuss. There is "la France profonde" Joan of Arc conservativism versus "le peuple en grève," toiling masses as the vanguard of society; in the U.S. this would mean "the Heartland" versus "the Statue of Liberty"; in Germany in turn, the ethno-racial man versus the civic national citizen. These seemingly contradictory images frequently dissolve into each other. Compare the words and images of this song, "We Are the People" here and here. These conceptions of the people are at odds today in our polarized and struggling liberal democratic societies. How severe that crisis is and how much or how little it may resemble the interwar crises that culminated in fascism is hard to say.

Writing in the early fascist period, Antonio Gramsci described the period as one characterized by "morbid symptoms," as a time of failed transition where the past is over but the future is not yet ready or able to be born. One symptom of such a period is what Gramsci dubbed a "crisis of representation," one in which the links between parties and their putative/real constituencies break down. This is evident now in the decline of the SPD (and other Social Democratic) parties as their working-class base deserts them or, more accurately, punishes the parties for having been deserted by them. The class compromises of the preceding decades, the *trente glorieuse*, gave way to the pro-capital and then neo-liberal austerity policies of more recent years. Whether there is a larger "crisis of hegemony" lurking as well, one in which state institutions no longer accomplish core functions, remains to be seen. The latter could in turn precipitate a constitutional crisis.

All of today's morbid symptoms, of course, became visible in late Weimar Germany, which was itself a laboratory for the legal analyses and thinking, including that of Carl Schmitt, which Ulrich Preuss has

examined over the years. The much-bemoaned *Zersplitterung* of parties and blocs, the inability of parties to hold on to constituencies, the rise of nationalist populists, and finally the rejection of class compromise by elites seeking to make the most of a crisis – what we see now overwhelmed "the system" then. Once conservatives coalesced with populist nationalists, with fascists, there was no road back for them, there was no way to get off the tiger they had mounted. Now, as then, "trading the right to rule for the right to make money" seems quite irresistible. Indeed, the Weimar Republic ended once the collaboration between elites and populists was cemented. When you block the possibility for change from the Left, nationalism and racism will fill the space, and change will come from the Right. That is Trump with his latter-day "socialism of fools" and it was Nazism with its *Volksgemeinschaft* vision of "the unitary and exclusive people."

Nazism was defeated only by violence from the outside, not discursive battle or elections. The counter-formation, the alternative solution to the morbid crisis of interwar years was "liberal democracy." A commitment to strong minority rights and the containment of majority, and especially plebiscitarian, majoritarianism was widely accepted as a brake on future dictatorship. (1968 represented, in part, a Polanyian democratic counter-response to this anti-majoritarianism. We see today a different and less attractive reaction against minority rights, even as those rights continue to expand in certain areas.)

Accompanying this rights regime and stabilizing it was a very popular commitment by states to restrain capitalism, to require it to participate in an often Keynesian welfare state in which social democratic parties and trade unions would have a significant voice. From the *trente glorieuse* to the fiscal crisis of the state (which in the US began already in the mid-'70s) to the rise of China and the creation of "market-conforming" democracies (about all of which our colleagues Preuss, Offe, Streeck and others have written to our great benefit) this welfare regime expanded and now hobbles along. The inability of states and the unwillingness of elites to continue to finance these arrangements brought the Gramscian question back to the foreground: what comes after the morbid symptoms of the "third way" and the efforts by Schroeder, Blair, the Clintons et al. to reconfigure the social democratic project and move the goal posts again – this time backwards. "Contradictions" were always built into the welfare state (Offe 1984), but the crises generated by finance capitalism, globalization, and neo-liberalism are of a different and far graver sort and mark a disembedded capitalism and a significantly discredited party system. The reduced state capacity we seem to see around us today is the fruit of a political project and not of some kind of "Sachzwang."

In the U.S. what followed the morbid symptoms of the "third way" was the culturalization of politics, politics revolving around innumerable identity categories, diversity norms, and, notwithstanding the use of the term "intersectionality," a relentless emphasis on "difference." As Ulrich Preuss reminded us earlier, this began with the justified claims of groups suffering historical oppression, especially African Americans and demands for affirmative action. Since then, identitarian politics have devolved into campaigns against "privilege" – the presumption being, for example, that all whites or all men were "privileged," a claim that unsurprisingly comes as a shock to many and makes more enemies than friends. Remedies are demanded, not for "inequality" but for "disparity," not for redistribution but for recognition. Displays of moral earnestness and the signaling of correct virtues spread as substitutes for real political power. This diversity politics has transformed the American liberal-left and increasingly substitutes demography – color, gender, sexuality, etc. – for ideology. In turn, abandoned now to one degree or another by social democracy, and feeling itself subjected to the "dictatorship of Aufklärung," large elements of the traditional working class in one country after another have succumb to the lure of nativist populism.

Is there an alternative to Trumpism and its related forms, one that moves us forward, one that once again moves the goal posts *after which* we can compromise again in a new and better place? The idea that movements (Bewegungen) move parties (Parteien) seems

quite persuasive. In the case of the U.S., I think the Green New Deal movement is potentially a movement of that sort, one that can replace or succeed the labor movement as the backbone of the Democratic Party under today's conditions of planetary climate threat. At the same time, such a movement could revivify class politics and save us from the culture wars, from which we can only continue to lose. It provides both a material and ideological basis for a party to stitch together progressive neo-liberals and large sections of the working class, a fusion of "green and red" in the case of the U.S. Of course, this is exactly why the Democratic Party of Wall Street, Hollywood, and suburban professionals will move heaven and earth to prevent Bernie Sanders from becoming its nominee.

All those impressed by Bruno Milanovic's "elephant curve" of global and class wealth distribution know that the working classes of Germany, the U.S. etc. will not claw back wealth from the new middle classes of China. Following Piketty, Sanz, Streeck and others – and barring massive destruction of the sort that WW II or the Black Death brought about – we know that only from the 1% can the working and middle classes of our countries recoup both the resources and confidence they are now without. Only through redistribution, the reversal of rampaging inequality, might we recover "the people."

Within "the people" there are many cleavages, and it is, as Weber remarked long ago, politics that constructs identities among "the people." Those identities are multiple and plastic and, of course, potentially overlapping and not all self-evidently material. There is thus both plurality, *Vielfalt* and unity, individuality and solidarity: *e pluribus unum* not only in the aggregate but also for individuals. I am, for example: male, white, Jewish, secular, moderately prosperous but child of a sometimes-unemployed worker, highly educated, urban and mobile, heterosexual, an immigrant, a parent, a consumer, a taxpayer, soon to be a pensioner, and a dozen other things. Which and how many of those identities will take on political salience and be joined together to make "us" a "class for itself"? Although Gramsci's Modern Prince may have exhausted itself and no longer be viable or morally acceptable as the agent of such a process, there remains a way that "from below" meets "from above" to construct a people. It may be ironic that a 78 year old Jewish immigrant socialist and a 35 year old Hispanic woman are the faces of this unity within multiplicity capable of building confidence in the doability of, by, and for the people.

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