

The *Pharmakon* of Democracy: General Will and the People in the Context of the Greek Referendum

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Abstract

This article examines the role of the Greek referendum of 2015 in the context of the Greek socio-economic and political crisis. The analysis of the mediating role of referendum in the process of class struggle leads to a more general argument relating to fundamental concepts of public law, namely, 'general will' and the 'people'. Central to the analysis is the question of whether referendums are a remedy for the problems facing the institutions of representative democracy. By analysing the process of the Greek referendum, with a focus on the formulation of the question and the interpretation of the verdict of the Greek people by the executive power, a more general argument is constructed regarding the mediating role of the referendum in a crisis and the legitimating role of such concepts in a class-divided society. In a context of rising inequality and furthering distantiation of the popular strata from decision-making processes, the referendum is shown, on the one hand, as a remedy for the failings of representative institutions on behalf of capital and necessary for the reproduction of capitalist relations. On the other hand, on the background of a discussion of the relation between democracy and capitalism, it is argued that the referendum acts as a different kind of poison for the people themselves and the struggle of the popular classes.

Keywords

General will, Greek referendum, *katechon*, Marxism, people, *pharmakon*, referendum

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Introduction

On 27 June 2015, the Prime Minister of the Hellenic Republic invoked the sovereign nature of the popular will in order to justify his proposal for a referendum. The Greek people were to decide on the acceptance or rejection of the proposal (or ultimatum) of the social partners of Greece (i.e. the European Commission, the International Monetary Fund and the European Central Bank; commonly referred to as the 'Troika') for a new set of measures which would accompany a programme of financial assistance. This issue of fundamental importance was referred to 'the people' and, on 5 July 2015, the Greek people expressed their sovereign will in a decisive manner: 61.31% voted to reject the proposal. Subsequently, the Greek government resumed negotiations with the Troika and they agreed a new Memorandum of Understanding, consisting of a new programme of financial assistance and a fresh set of accompanying measures, the third such intervention in 6 years.

In the similar development, the British Prime Minister, David Cameron, addressed workers in Wales on 26 February 2016, shortly after the announcement of a referendum on the continued membership of the United Kingdom in the European Union. He argued that the referendum was about 'the people's choice':

This is bigger than local elections, assembly elections, it's bigger than a British general election. This is about the sort of country we're going to have for the next 20 or 30 years – our place in the world . . . it's a massive decision. This is a decision for the British people: you are sovereign, you are the boss. (Cameron, 2016)

In this instance, the sovereign will of the British people was invoked to resolve a question of fundamental importance.

Although this article analyses only the first of these examples, its conclusions can be applied more widely to those situations in which a major political issue is referred directly to 'the people' in order for the sovereign will to be expressed. Thus, the central issue with which this article deals is the function of referenda in representative democracies. More specifically, it concerns the role that referenda might play in situations of crisis, such as intense socio-economic and political antagonisms as illustrated by Greece of 2015. To understand this phenomenon, a bidirectional analysis is proposed. That is, the analysis will not be limited to understanding why a 'no' vote turned overnight into a 'yes' result. In addition, on a more abstract level, the ideological effect of public law concepts – such as the people, popular sovereignty and popular (or general) will – will be interrogated.

A brief methodological point is pertinent here. In this article, I subject the institution of the referendum in general, and the Greek referendum in particular, to a dialectical analysis. The term dialectic is employed consistently with those who claim that dialectics cannot be characterized as merely a method. Rather, it is a mode of conceiving reality in its many-sided and contradictory movement. In other words, dialectics is identified with the many-sided analysis of complex processes in their interconnection. As a consequence, dialectics helps us to grasp the totality of the processes in a social formation. Legal and political processes are assessed in terms of their mutual unity with social and economic ones.

In analysing the Greek referendum, this article will concentrate on the referendum's internal mechanism. It will examine the fundamental concepts at play in the process – such as 'will', 'popular sovereignty' and 'representation' – and challenge the generally understood meaning of these concepts in a democratic constitutional regime. This internal analysis, however, would remain one-sided without reference to the socio-economic contradictions which informed the referendum in the first place and the purpose served by these concepts in relation to those contradictions.¹ For this reason, the element of class struggle forms the backdrop to the analysis.

I argue that the role played by the referendum, in the context of intense socio-economic contradictions which affect the normal functioning of representative institutions, is a mediating one. The referendum is part of a process intended to exhaust the class struggle through parliamentary means in order to prevent the canalization of struggle into other forms (such as strikes and trade union organization more generally), which would contest the regime of power, property and productive relations. More specifically, I submit that the Greek referendum is an example of a system-logical solution which posed no threat to this regime.

However, in developing this Marxist argument, I make reference to two concepts alien to Marxist analysis: the *pharmakon* and the *katechon*. *Pharmakon* has an ambiguous meaning in the Greek language: it signifies both remedy and poison. It will be used to emphasize how the referendum was simultaneously a remedy for capital as well as poison for the labour movement. The referendum contributed to the reproduction of the capitalist relations of production by mediating the intensified contradictions and channelling class struggle into non-threatening forms. Central to this process is the role played by the referendum in the mediation of the relationship between ruler and ruled (in this case, the executive and the people). The *katechon* is a politico-theological concept employed by Carl Schmitt to refer to the sovereign who 'holds back the apocalypse' (Schmitt, 2006: 59–64). It helps to illustrate the function of the referendum – and the role of bourgeois institutions in general – in 'holding back the apocalypse' that would result from the radicalization of the toiling classes.

These formulations are deployed cautiously in order to make a Marxist point on the role of bourgeois institutions in reproducing the capitalist regime of power, property and productive relations. In appropriating Schmitt to these ends, acknowledgement must be made of Schmitt's diametric ontological and epistemological opposition to Marxism. Nevertheless, Schmitt, as an immanent critic of parliamentary democracy, provides a fruitful source of insights on the role and function of fundamental public law concepts. Therefore, in this article, reference to his work is always in the context of a Marxist perspective which assesses Schmitt as a reflection of the socio-economic contradictions of the Second World War Germany. To be clear, at no point do I wish to uncritically adopt Schmitt's reactionary and decisionistic theoretical apparatus, nor do I claim the potential for a left wing reading of him. Rather, the core of my argument is a Marxist inspired analysis of socio-economic conditions.

The article is structured as follows. The first section begins with an analysis of the referendum as a remedial supplement to the representative institutions of bourgeois democracy. With reference to Carl Schmitt's analysis of plebiscites, two points are considered which contradict the above position: first, the utter dependence of the ruled

on the question posed by the ruler; and second, the claim that a referendum expresses the sum of private opinions rather than the general will. I then continue with a discussion of the role played by the general will in a plebiscite. In this regard, I argue that the referendum serves a legitimating role in a bourgeois democratic regime.

The second section examines the Parliamentary debate on the wording of the Greek referendum question. I contend that the multiplicity of possible interpretations of the question results in the individualization of the general will. As a consequence, the interpretation of the people's verdict by the executive-qua-sovereign is enabled.

In the final section, I examine the specific role played by the referendum in the context of the economic crisis, with regard to the parallel phenomena of rising inequality and the distancing of the popular strata from decision-making processes. Against the background of the relationship between democracy and capitalism, the referendum becomes both a remedy for capital and a poison for working class struggle. I conclude by considering the concept of 'the people', as part of a dialectical analysis of democracy.

Referenda in Representative Democracies

Remedy or Poison?

What is the function of referenda in democratic regimes? Central to this analysis is whether referenda are a remedy for the problems facing the institutions of representative democracy today. The Greek word *pharmakon* is useful in answering this question. It has a double meaning, signifying both remedy and poison. This ambiguity has led to fruitful philosophical discussions,² but here it will be employed as an analytic tool to unearth the role of referenda in democracies. Despite strong arguments in favour of understanding the referendum as a remedy for the failings of representative institutions, I want to argue that the remedy also can act as poison, in terms of the actual 'power of the people'.

With respect to the Greek referendum, it was argued that the process 'placed the people at the centre of politics and prefigured an institutional framework in which direct democracy becomes a permanent supplement to its representative part' (Douzinas, 2015). More specifically, Douzinas (2015) argues that the referendum took the democratic lesson from the squares and the *indignados* movement to the heart of politics, by asking the people to decide on their future. This argument associates the referendum with a non-representational aspect of the people's presence in a democracy. The referendum as an institution of direct democracy is celebrated because it prefigures a more balanced relationship between representational and more direct democratic institutions.

This position echoes Carl Schmitt's positive assessment of the place of plebiscites in democratic regimes. In his *Constitutional Theory*, Schmitt (2008: 239) identifies two principles of political form: identity and representation. The state (i.e. the status of the people; the particular circumstance of a people) can exist in either of two forms: (1) as directly capable of political action by virtue of their strong similarity with each other and self-identity (the principle of identity) or (2) as a political unity which can never be present and must always be represented (the principle of representation). According to Schmitt (2008: 264), democracy is the state form which corresponds to the principle of

identity, because ‘democracy is the identity of ruler and ruled, governing and governed, commander and follower’.

It seems then that democratic institutions are to be preferred because they realize the identity of ruler and ruled. On this logic, the referendum becomes the exemplary democratic institution. Schmitt (2008: 240–241) claimed that ‘if a matter is decided through a referendum, a so-called genuine plebiscite, and the question presented is answered “yes” or “no,” the principle of identity is realised to the fullest’. Schmitt’s position here is in line with other theorists who favour the use of the referendum as a form of direct democracy, supplementing representative institutions (see Douzinas, 2015).

But Schmitt goes further than this. In fact, this overtly positive and optimistic assessment of the referendum as a direct democratic supplement to bourgeois representative institutions is countered by Schmitt himself. This is because the supposed identity of ruler and ruled remains a relationship of representation because of the total dependence on the way the question is posed. Moreover, the ideal of the plebiscite demands that the individual who is entitled to vote appears as a *citoyen*, not as a private person with a private interest. She appears as a ‘representative of the whole’, not as an advocate of her private interests. However, this ideal is never realized: ‘At no time or place is there thorough, absolute self-identity of the then present people as political unity’ (Schmitt, 2008: 240–241). Therefore, according to Schmitt, elements of representation are unavoidable. Even in a direct democracy, all active citizens are merely *representing* the people and the general interest. Hence, the principle of identity can never be realized to its fullest.

Consequently, the argument that the referendum supersedes the representational limits of other liberal democratic institutions is theoretically problematic. Furthermore, it is empirically unsound as evidenced by the outcome in Greece. The contradiction between the ‘no’ vote of the Greek people and the new set of measures which was agreed by the Greek Government and the Troika attests to this ultimate relation of representation. What remains, one might then ask, of the role of referenda within a democratic polity?

Over the last 50 years, there have been various attempts at establishing taxonomies of the different kinds of referenda and the different justifications for their use within liberal democratic regimes.³ It is commonplace to argue that one of the main reasons for referring an issue to the ‘will of the people’ is to enhance the legitimacy of a decision and/or to empower the initiator of the referendum itself (Rahat, 2009: 99). In this article, I will concentrate on the maximization of legitimacy as the central rationale. Recourse to the referendum in the modern liberal democratic state is particularly important ‘in an era in which contempt for elected officials and doubts about the responsiveness of representative institutions have been growing in many democratic nations’ (Butler & Ranney, 1994: 14, *my italics*). This is a point worth further consideration, as the Greek referendum was seen as an essential part of the process of addressing the legitimacy crisis of representative institutions.

It is argued that the referendum has a special role to play in periods of intense socio-economic and political contradiction because it enhances the legitimacy of decision-making authorities. Additionally, it serves a mediating function with respect to both the economic crisis (and the threat posed to the reproduction of productive relations) and the crisis of representative institutions (and the threat posed to the regime of power relations

of the liberal democratic state). According to this line of reasoning, a liberal democratic regime benefits from supplementing representative institutions with referenda because of the belief of most ordinary people that decisions they themselves make are more legitimate than those made by public officials. Therein lies the dilemma: Is the referendum a poison or a remedy? *Can it be both a remedy (for bourgeois representative democracy) and a poison (for the actual power of the people)?*

General Will and Plebiscite

To begin to understand these issues, it is essential to interrogate the mechanism through which referenda might be said to enhance the legitimacy of decision-making processes. Central to this analysis is the concept of the popular or general will. The legitimacy of a decision is enhanced if the government refers it to the ‘will of the people’ because, simply put, ‘the people is always right’. In fact, the notion of general will carries with it the vestiges of infallibility associated with the concept of divine will. One can trace a particular genealogy which moves from the axiom that ‘the will of God is always right’; to ‘the King can do no wrong’; and finally to ‘the will of the people is always right’. In this manner, the general will of the people can be understood as part of a political theology which serves to reify the authority of the earthly ruler on the basis of divine authority. Of course, the move from a feudal to a bourgeois form of legitimating the exercise of public power required that the infallibility of the general will had to be based on reason itself. Schmitt, in his *Dictatorship* (2013: 101), illustrates the point:

Volonté générale is the essential concept in Rousseau’s philosophical construction of the state. It is the will of the sovereign and it constitutes the state as a unity. In this respect it displays a *conceptual quality that distinguishes it from any particular individual will*. In collective will, what is always coincides with what should rightfully be. Just as power and right are unified in God and, according to the concept of God, whatever he wills is always good and the good is always his true will, so too the sovereign – *la volonté générale* – appears in Rousseau as something that, through its mere existence, is always just what it must be. *The volonté générale is always ‘right’; it cannot err; and it is reason itself.*

That the general will is the will of the body politic – which always tends to the well-being of the whole – is guaranteed by its infallible nature. For Rousseau (1993: 66), the general will is always in the right and always tends to the public welfare. But there is a fundamental difference between the will of everyone and the general will. The decisions made by the people do not always display rightness in equal measures because one may always desire one’s own good, but one does not always see what it is (Rousseau 1993: 66). According to Rousseau (1993: 8), ‘the people’ is often mistaken over what will be good for it, because particular interests might mislead individuals. In such cases, the collective decision fails to coincide with the general will.

This is an important point for our analysis. If the people sometimes err, how can the general will always be in the right? To anticipate the discussion of this issue, suffice to say that while the people – that is, the ruled – may sometimes err, the ruler – that is, the interpreter of the people’s decision – is able to correct the error, so as to sustain and

reproduce a system of power, property and productive relations. Because the people sometimes are mistaken, the exclusive competence to decide the particular means of promoting the general interest must belong to the ruler. The general will always tends towards public welfare, but it is left up to the government to deal with the particular ways to achieve this end. Thus, the general will is the outcome of the whole process: the people deciding and the executive interpreting the decision.

Another frequently cited characteristic of this popular/general will, apart from its infallibility, is its free nature. This is a further manifestation of its divine origin. As mentioned above, the role of the general will in a system of principles which legitimate the exercise of public power comes to replace the divine will as the source of the authority of the regime. In this way, the general will shares the characteristic of infallibility with divine will. However, they do not share the same origins. The general will stems from the free will of individuals. This is important because it connects the infallibility of the general will to the mechanism of assuming responsibility.

More specifically, to the extent that we accept Schmitt's claim that all significant concepts of the modern theory of the state are secularized theological concepts, the general will can be explained genealogically in relation to the concept of free will within Christianity. In that context, free will is crucial in order to establish the metaphysical freedom necessary for the existence of good and evil and of reward and punishment.⁴ On this basis, I would suggest that the general will is understandable as a mechanism through which the people can assume responsibility for public decision-making or rather as a mechanism which serves to exculpate the ruler by transferring responsibility to the ruled. Free will has served as the basis of responsibility in the Western canon since Augustine, for whom it presupposed all good and evil in the world. In a similar way, the popular/general will in modern state theory functions as a mechanism for the people to assume responsibility and absolve the ruler of her 'sins'.

Consequently, the fact that the general will has been expressed on an issue – 'the people have spoken and are responsible for this decision' – confers legitimacy on the decision itself. However, Schmitt, in his *Constitutional Theory*, raises two points which cast doubt on whether the popular/general will can be expressed in a plebiscite. First, he argues that the secrecy of the vote is anti-democratic; it is instead a product of liberal individualism. The secret ballot ensures that the citizen is isolated in the decisive moment (Schmitt, 2008: 273). Thus, in a modern democracy, voting does not give rise to the expression of the general will but instead results in the totality of private opinions expressed by individuals. For Schmitt (2008: 274), the result of modern public decision-making is 'a sum of private opinions'. He calls this phenomenon the privatization of the public. Second, and more importantly, the identity of ruler and ruled is shattered by the utter dependence of the latter on the question posed by the former. Plebiscitary legitimacy 'requires a government or some other authoritarian organ in which one can have confidence that it will pose the correct question in the proper way and not misuse the great power that lies in the posing of the question' (Schmitt, 2004: 90). This dependence on how the question has been framed means that the substantive outcome is a *fait accompli* (Schmitt, 2008: 304).

These points pose a challenge to the possibility of free general will in contemporary societies. In fact, the idea of a general will – freely informed and expressed – functions to

dress, in the garments of sovereignty, the expression of the sum of individual opinions. It provides the answer to a question which poses no threat or contestation to the *reproduction* of bourgeois rule and the *reproduction* of the property regime and productive relations of capitalism. In this manner, the referendum as a bourgeois legal and ideological state apparatus *contributes* to their reproduction.

This claim is consistent with Louis Althusser's analysis of the state, its institutions, and their role in the reproduction of capitalist relations of production. Althusser, in producing a Marxist theory of the state, introduced the concepts of the Ideological State Apparatus and the Repressive State Apparatus. The latter comprises the government, administration, army, police, courts and prisons. The Ideological State Apparatuses, by contrast, includes the religious apparatus, the political apparatus, the cultural apparatus and the information and news apparatus. These are systems of defined institutions, organizations and practices which advance a range of different forms of ideology. They are unified under the State Ideology and appear as the ensemble of ideas, practices and rituals which are essential for the reproduction of capitalist relations of production (Althusser, 2014: 75, 77, 177).

A close examination of the Parliamentary debate on the Government's proposal for the referendum question illustrates how the mechanisms of this bourgeois institution functioned in order to ensure this process of reproduction. The peculiarity of the Greek referendum was that it allowed multiple interpretations of the question and multiple answers by the people. Yet it simultaneously allowed only one dominant interpretation by the Government, specifically one that never threatened the reproduction of the status quo. In posing the question as it did, the Government allowed the people to interpret the question in a radical fashion as signifying a break with the EU and its policies. However, such an interpretation was never favoured by the Government despite the fact that the wording allowed it (and it was even encouraged – by the Government itself).

The Question of the Greek Referendum

The Constitution of Greece, article 44, paragraph 2, allows the President of the Republic to call a referendum in one of two instances: 'on crucial national issues' if supported by an absolute majority of the legislature on the proposal of the Government; or 'on already voted bills which regulate crucial social issues' if supported by three fifths of the absolute number of Members of Parliament. On 27 June 2015, the referendum provision was invoked for the first time. As a consequence, there was no precedent to aid in the interpretation of the scope of this power in what was undoubtedly uncharted territory. The executive brought its proposal for a referendum 'on a crucial national issue' to Parliament for its consideration on that same day.

The question that was referred to the Greek people was as follows: 'Should the agreement plan submitted by the European Commission, the European Central Bank and the International Monetary Fund to the Eurogroup of 25 June 2015, and comprised of two parts which make up their joint proposal, be accepted?' The question was followed by the titles of the two documents which made up the agreement plan: 'The first document is titled *Reforms for the Completion of the Current Program and Beyond* and the

second, *Preliminary Debt Sustainability Analysis*'. It was to this question that the Greek people were asked to respond.

But behind the referendum question on the Troika's proposal there could be found a multiplicity of other questions. This rendered the content of the answers to the referendum question a relative one. In fact, the Parliamentary debate centred on the *content* of the question. MPs from the governing party (Syriza) emphasized that the question was 'not about "Euro or not," "remaining in Europe or not." We want to remain in Europe, but in a social Europe, a Europe of democracy. And we do not want the Europe of Neoliberalism and austerity' (Katrougkalos, 2015: 3832). From this perspective, it appears that this was a referendum on the need for fundamental reform to the institutions of the European Union and, specifically, the abandoning of the austerity policy.⁵

On the other hand, MPs of the opposition parties focused on the alleged falseness of the question. They asked why the Government did not refer its own proposals, which had been put to the Troika, to the people. Thus, there were competing interpretations of the 'real' content of the question. MPs of the parties of the former Coalition Government framed their criticism explicitly in terms of the falseness of the question: 'The question is false. You do not have the courage to pose it together with the Government's proposals. It is false; because who wants taxes, who wants to lose rights?' (Venizelos, 2015: 3826); 'The Government tries to take advantage of the people's discontent towards the unpleasant measures it has agreed upon. . . . Why don't they bring their own proposals, to see if the people want them or not?' (Fortsakis, 2015: 3827).

Furthermore, during the Parliamentary debate, a multiplicity of possible meanings behind a 'yes' and 'no' vote were put forward:

For today the real question of the referendum is not the one that the Government misleadingly poses, but the true one, i.e. 'Euro and Europe or drachma and banana-republic?' The question for the Greek people . . . is whether they want to stay in the safe haven of Europe, their home, or whether they want to roam in unknown paths and try alternative solutions which are offered thoughtlessly, without ever becoming concrete. (Lykoudis, 2015: 3841)

'The referendum in reality is a referendum for "yes" or "no" to the Euro. You hesitate to say it, but this is the additional legitimation sought from the Greek people' (Mitsotakis, 2015: 3894); 'The referendum, beside the question "yes or no to Europe", implies another question: "yes or no to the Government"' (Voridis, 2015: 3836).

The Parliamentary debate provides the basis for a *structural argument*. First of all, the debate focused on 'unearthing' the 'real' question behind the 'false' one posed by the executive. This resulted in a multiplicity of interpretations. The 'yes or no to the proposals' was interpreted as 'yes or no to the Euro', 'yes or no to the EU', and 'yes or no to the current Greek Government'. These diverse interpretations of the question would lead to an even more wide ranging set of possible answers: (i) 'yes' to the EU, 'yes' to the Eurozone, 'no' to austerity (for those individuals who disagreed with austerity policies but believed that the Eurozone could be reformed); (ii) 'no' to the EU, 'no' to the Euro, 'no' to austerity (for those who located the problem in the structure of the EU itself); (iii) 'yes' to the EU, 'no' to the Euro, 'no' to austerity (for those who believed the single

currency was problematic but were not against European integration); and (iv) ‘yes’ to the EU, ‘yes’ to the Euro, ‘yes’ to further reforms, ‘no’ to the current Government (for those supporting the austerity policies but opposed to the Government’s policies on social justice).

The diversity of meanings ascribed to the referendum question and answer illustrates an important point about the general will, namely, that it amounts to the totality of individual wills in all their multiplicity. That is, the multiple interpretations based on competing narratives which was enabled by the question revealed the general will to be no more than an amalgam of private individual wills and opinions. This privatization of the general will exacerbates the utter dependence of the people on their rulers and furthers their distantiation. In this way, the general will is reduced to the expression of the ‘free’ will of isolated individuals. Moreover, the ‘free’ nature of the will is itself highly constrained. It is formed and expressed within a disorienting context which was created by a question which was intended to obfuscate the diversity of viewpoints held by ‘no’ voters.

Although the question posed in the referendum gave rise to diverse interpretations, ultimately it was susceptible to only one answer. In particular, despite the multiplicity of interpretations enabled by the question, a ‘no’ vote could mean nothing other than the rejection of the proposals of the Troika. On this point, the Government and the opposition parties were in agreement. There could be no questioning of Greece’s place in either the Eurozone or the EU. As one minister explained,

Of course the big question is not if we stay or not in Europe. Of course we will stay. Why do they try to confuse the people? Who said that we do not want to stay in Europe or that we will not stay? . . . Who said that there is a question of ‘Euro or drachma?’ (Katrougkalos, 2015: 3833)

In this moment, the interpretation of a ‘no’ vote by the ruler is predetermined by the way the question is posed, as the Government shuts down what would have been the real ‘crucial national issue’ for the people to decide, namely, Greece’s place in the Eurozone and the EU.

This conclusion is further strengthened by the fact that the executive refused to reformulate the question in response to the debate in Parliament. There is provision for such an amendment to the question within the Standing Orders of the Parliament: ‘The vote for the acceptance or not of the Cabinet’s proposal is by name and on the text of the proposal as submitted or *formulated during the discussion in Parliament*’ (Art 115, para. 4). The term ‘formulated during the discussion’ implies that Parliament has the power to *re-formulate the question* posed by the executive. The exercise of that power had the potential to *ameliorate the distance* between the executive and the people (the rulers and the ruled).

In fact, during the Parliamentary debate, a motion was put forward by those MPs who belonged to the Communist Party of Greece. They sought to reformulate the question so as to include two further issues: first, the acceptance or rejection of *both* the proposals of the Troika *and* those put forward by the Greek government during the negotiations and second, the issue of disengagement from the EU itself and the abolition of the

Memoranda and the laws implementing them. The Government refused to discuss this amendment, even though the debate centred on this very issue. That refusal effectively answered the fundamental questions: Who will interpret? Who will decide? Who is sovereign?

These questions, posed by Carl Schmitt, have been associated with the figure of the *katechon*. The *katechon* appears in Schmitt's *Nomos of the Earth* as another secularized theological concept (Schmitt, 2006: 59–64). Within theological discourse, the *katechon* can be found in St Paul's *Second Epistle to the Thessalonians* to denote the figure that holds back the apocalypse (*2 Corinthians*, 2: 3–10). By analogy, Schmitt uses the figure to highlight the opposition between *nomos* and *anomie* (the order of the state and absolute chaos). The sovereign is the *katechon* who has an invested interest in the reproduction of a regime of order. It is, therefore, an essential figure in answering the question *quis iudicabit* in Schmitt's politico-theological framework.

In the Greek referendum, I would argue that the executive acted as the sovereign – as the *katechon* – in never allowing Greece's place in the EU or its membership of the Euro to be contested. As a result, it held back the apocalypse. This role was in fact the one assumed by the Parliamentarians as manifested in their common statement the day after the referendum. In the announcement of the President of the Hellenic Republic of 6 July 2015, the leaders of all of the Parliamentary parties, with the exception of the Communist Party, interpreted the general will: 'The recent verdict of the Greek People does not constitute a mandate for rupture, but for the continuation and the intensification of the effort to achieve a socially just and economically sustainable agreement.'

As shown above, there were multiple interpretations of the question which arose from a number of different narratives. Each individual voter chose the one that they considered to be dominant and answered the question on this basis. This process necessarily entailed the individualization of the general will. Indeed, because of this fragmentation, there could be no general will. This also explains the outcome of the referendum, as well as the turning of the 'no' vote into an agreement containing measures even more draconian than those rejected by the people. This did not occur as a result of 'capitulation' or 'betrayal', but rather as a direct outcome of the way in which the question was posed. The will of the 61% of voters who rejected the proposals of the Troika was in reality an amalgamation of individual wills which effectively provided answers to a series of different questions. The polarizing effect of the referendum, however, overshadowed the internal differentiation of the 'no' vote. Despite the fact that a large percentage of those who voted 'no' interpreted the question as *a possibility of rupture with the EU* (an interpretation that was also promoted by the 'yes' campaign), the answer was interpreted by the ruler as justification for a system-logical, non-threatening solution.

The conclusion must be that the question was specifically designed to allow for multiple interpretations, including an important one which provided an opportunity for rupture. That interpretation, despite being allowed and encouraged, was rejected from the outset by the ruler who poses and interprets. Notwithstanding the question, the result of the referendum was interpreted by the *katechon*: the sovereign, the ruler, the one who has an invested interest in the preservation of the order and the regime. Thus, 'the people' is revealed as not being sovereign, for sovereignty has been assumed by the one who interprets the will of the people.

We can now return to the question with which this article began: why the referendum? As shown above, a referendum can be used to provide a decision with necessary legitimacy. In this case, the decision of the executive to reach an agreement was in need of legitimation by the popular will. But in order to fully answer the question, it is essential to examine the referendum's *mediating* role in a context of intense socio-economic contradictions, which has had an effect on the normal functioning of representative institutions. The Greek referendum was a system-logical solution which posed no threat to the reproduction of the regime of power, property and productive relations. The canalization of multiple interpretations into a dominant interpretation which did not challenge the status quo clearly was favoured by the Government. This outcome simultaneously canalized popular frustration and indignation, as well as the social movement which grew out of it, into non-threatening, bourgeois Parliamentary pathways.

The Pharmakon of Democracy

Democracy and Capitalism

In the previous section, I explored how the Government acted as the *katechon* during the referendum campaign. This was apparent in the way in which it made – or rather interpreted – the sovereign decision. In so doing, it held back the apocalypse that would ensue from Greece exiting the Eurozone and/or the EU. The notion of the *katechon* is intertwined with that of the apocalypse. For Carl Schmitt, who developed his politico-theological critique in crisis-ridden Germany during the Second World War, the apocalypse was identified with the Communist movement that threatened the reproduction of the regime of capitalist power, property and productive relations. In a similar manner, for the Greek government and ruling class, the apocalypse was identified with the slightest prospect of radicalization which could lead to contestation of the bourgeois parliamentary processes and, as a result, the regime of power, property and productive relations.

However, in a class divided society, where general interest is an impossibility, holding back the apocalypse can have a variety of meanings depending on the class standpoint of the interpreter. For the working class and the popular strata, the apocalypse signifies the slow, gradual worsening of living and working conditions. The Greek referendum was carried out in the context of an economic, social and political crisis which exacerbated social inequalities. Indicatively, for 2018 – the year when the Third Memorandum will have been fully implemented – 90% of Greek taxpayers (that is, seven million workers and pensioners) are predicted to receive an income of less than 1000 Euros per month.⁶ This pauperization of the majority is the mirror image of the wealth accumulation experienced by the very few. According to Credit Suisse, 1% of the Greek population owned 56.1% of the national wealth in 2014 (up from 48.6% in 2007).⁷

One could safely argue then that not everyone was adversely affected by the economic crisis. The tendencies of pauperization of the many and wealth accumulation by the few are two processes which result from the fundamental contradiction between capital and labour which informs the analysis of public law concepts and institutions in this article. In order to examine questions of popular sovereignty and general will, as well as the role of the referendum in a socio-economic and political crisis, we need to

consider the *tension* which arises between the sovereign's ability to hold back a particular type of apocalypse on behalf of capital (such as exit from the Eurozone and the EU), and the slow apocalypse of ever worsening living standards for the working classes and popular strata. In this regard, it is essential to consider the relationship between actual economic power and political power. I elaborate on this point by focusing on the relationship between capitalism (as the major economic system wherein actual power is found) and democracy (which propounds that political power lies with the people).

During the referendum campaign, it was argued that the Government's negotiating position was 'a desperate attempt to retain the co-habitation of democracy and capitalism despite the hostility of neo-liberalism towards elections, people and their decisions' (Douzinas, 2015). Nevertheless, the argument has been made that this relationship had already been made 'impossible'. From the latter part of the 20th century and into the 21st, capitalism and democracy seemed to reinforce one another, as economic progress made it possible for working class majorities to accept a free market, private property regime. This post-War settlement is today under challenge, and doubts about the compatibility of a capitalist economy with a democratic polity have powerfully returned (Streeck, 2014).

Streeck's (2011) recent study on the four stages (inflation, private debt, public debt and financial market deregulation) of democratic capitalism between 1945 and 2010 attests to the unsustainable nature of this politico-economic paradigm. This development can be explained by a *distrust of elites in democratic government* and the rejection of the ongoing attempt to reshape society in line with market imperatives. Majoritarian decision-making cannot accommodate capitalism's counter-attack on the post-War settlement. Pursuant to this analysis, economic crises are interpreted, by standard theories of 'public choice', as essentially stemming from market distorting political interventions aimed at achieving a social objective (Streeck, 2011).

This interpretation goes hand in hand with praise for authoritarian political systems, which are said to be better equipped than majoritarian democracies to deal with the challenges of globalization. Of course, this is not something entirely new. In fact, it is an idea which is as old as Carl Schmitt's plea for a qualitative total state.⁸ A similar plea was advanced by Friedrich Hayek who, in his later years, advocated the abolition of democracy in defence of economic freedom and civil liberty.⁹ Arguably, the main elements of current neo-institutionalist politico-economic theory are thoroughly Hayekian. According to the dominant view,

to work properly, capitalism requires a rule-bound economic policy, with protection of markets and property rights constitutionally enshrined against discretionary political interference; independent regulatory authorities; central banks, firmly protected from electoral pressures; and international institutions, such as the European Commission or the European Court of Justice, that do not have to worry about popular re-election. (Streeck, 2011, my italics)

The direct result of this dynamic is the distantiation of the people from decision-making centres. This is accompanied by the canalization of the subsequent indignation, frustration, social movements and processes of radicalization into system-logical, easily

containable dilemmas. These can then be resolved through the doctrine of ‘there is no alternative’. Furthermore, a result of the pervasive sense among ordinary people that politics can no longer make a difference in their lives is the declining electoral turnout combined with high voter volatility. This produces ever greater electoral fragmentation, due to the rise of ‘populist’ protest parties, which leads to pervasive government instability (Streeck, 2014). The deadlock between ‘there is no alternative’ and populism originates in the politico-economic impasse described by Streeck.

This deadlock appears in current constitutional processes and in the exercise of public power. It therefore becomes necessary to examine political rule and power alongside economic power. The rule of the people, for which democracy stands, historically has referred only to the *form of government*. This is because the *actual rule* of the people as a whole has never materialized in historically class-divided societies. In democratic capitalist societies, political power does not rest with the people as a whole. It rests instead with a particular faction (a particular class or alliance of classes). As Streeck (2011) explains, economic power seems today more than ever to have become political power: ‘while citizens appear to be almost entirely stripped of their democratic defences and their capacity to impress upon the political economy interests and demands that are incommensurable with those of capital owners’.

Remedy and Poison Together

In the Greek referendum, the people were called upon to answer a question. The people spoke and, in the end, the executive-qua-sovereign interpreted their decision in a particular way. This interpretation was predetermined by how the question was posed. The referendum’s role was to provide the Government’s sovereign decision with legitimacy. Therefore, did the people actually say anything? Yes, the Greek people did say something in 2015, just as the British people spoke in June 2016, and the American people did in November 2016. Did they use their own voice? Perhaps, but they certainly employed someone else’s language. What was said by the people in these cases appears to be a rejection of policies which have promoted the slow apocalypse for the working class and popular strata. It seems that the people wanted to react against growing social inequality. Simultaneously, the something spoken by the people through the ‘no’ vote in Greece (and also, to a certain extent, in the vote for Brexit and in the election of Trump) appears to be a knee-jerk reaction to the distantiation of the people from decision-making processes which, in effect, has amounted to a disenfranchisement of the working class.

But in these contemporary examples, the people are not using their own language to raise their voice. They seem disoriented and trapped between the *ideologemes* of ‘there is no alternative’ and populism. They appear to be wanting to raise their voice against rising inequality and limited democratic participation, but their voice is canalized through bourgeois institutions which reproduce that inequality and limit their participation.¹⁰ In general, bourgeois juridico-political institutions serve this dual role of containment and reproduction. In this way, the referendum acts as a *pharmakon*. It is the *remedy* for the phenomenon of distantiation, but *from the standpoint of capital*. It plays a crucial role in the process of reproduction of the capitalist regime by mediating the different social and political conflicting forces during the crisis. The people’s frustration and

indignation towards inequality and disenfranchisement thereby is canalized into non-threatening forms. The people cannot speak in their own voice as long as this voice is channelled through these already existing institutions.

I now return to a point raised above on the infallibility of the general will: How can the general will always be right, if the people sometimes err? Who corrects the mistakes of the people? It is argued that the executive, in the role of the ruler, is charged with rectifying the error of the people, by acting as the *katechon* and holding back the apocalypse. In the Greek referendum, the Government held back the apocalypse of exiting the Eurozone by correcting the 'error' of the people's vote in the referendum. In so doing, the combination of representation and the dependence on the question acted as a filter to ensure that the will of the people was not mistaken. The general will is the outcome of the whole process: the people deciding, the ruler interpreting. The general will is always right because of the representative nature of the institutions.

This points to a more general argument with respect to the role of representative institutions in a class divided society. For instance, the question 'should the focus of the economy shift from the pursuit of profit, "competitiveness", and "growth" to the satisfaction of social needs?' will never be referred to the people. This is because it would threaten the very regime that democratic institutions function to reproduce. A general will answering 'yes' to the above question would amount to a fundamental error. It would be an error from the standpoint of the institution itself. By analogy, it would amount to the attempt to divide by zero. In mathematical equations, there are qualifications designed to avoid this devastating, system-threatening option. Similarly, in representative democracies, constitutional concepts and institutions function to prevent options which would threaten their own existence and, by extension, the reproduction of the regime of power, property and productive relations.

The referendum and the public law concepts accompanying it have a very concrete role to play in a situation of intensified socio-economic and political contradictions. The plebiscite supplements the representative institutions and mediates the crisis (and distance) between the people and the ruler, by making certain that the question and its interpretation will always take place in a system-logical manner which does not threaten the reproduction of the regime. I have demonstrated how this mediation takes place in the process of exculpation of the ruler's decision and the assumption of responsibility by the people. Moreover, I have argued that the notion of the general will functions as a legitimating fiction for the safeguarding of the status quo and the reproduction of regimes of property and productive relations. Of course, this does not mean that the general will is a mere illusion. As discussed above, a will is expressed in elections and plebiscites. But its expression is mediated by mechanisms which ensure the reproduction of the regime itself.

In Greece, the referendum played a crucial role in deflating the social movement and thwarting a developing process of radicalization. In that sense, *from the standpoint of the working class and popular strata*, the referendum became just another kind of *poison*. The referendum mediated the crisis and contributed to the reproduction of the regime in a number of ways. First of all, the process resulted in *a general disenchantment* of the Greek people with political processes. This is demonstrated by comparing the turnout in the general legislative elections of January 2015 and September 2015, which fell from

6,330,356 (63.6%) to 5,566,295 (56.6%). A fall of 7% can be partly explained by the intervening referendum and the agreement to new austerity measures which blatantly contradicted the result of the vote. Moreover, a non-quantitative point can also be raised with respect to the absence of mass mobilization and protests since 2015. Despite the fact that the new austerity measures were added to those already in place before 2015, social struggle and protest have been nowhere near the level seen in 2011–2013.

These empirical observations are understandable if the referendum is seen as part of a process of *exhausting the class struggle through parliamentary means in order to prevent the canalization of struggle into other forms* (such as strikes and organization through trade unions) which would contest and threaten the regime of power, property and productive relations. The referendum became crucial in this process by presenting a system-logical alternative to the contested and ‘worn-out’ representative institutions. The people appeared in all their glory and felt responsible for their fate in the moment of the referendum. However, the indignation and frustration was then canalized into non-threatening routes for the economic and political elite.

Democracy and the People

We come now to the conclusion that the critique of bourgeois parliamentarianism cannot be reduced to a celebration of the plebiscite as prefiguring an institutional framework in which direct democracy permanently supplements its representative part. Instead, this article points towards the need for going beyond the immediacy of democracy as a political relation between majority and minority (ruler and ruled). It instead highlights the democratic relation as mediated by the social and economic relations between classes. The analysis of the referendum – and the fact that it occurred in conditions of intense socio-economic contradiction – sheds light on the relationship between democracy and actual power and on the absolute nature of ‘economic sovereignty’.

A distinction between the government and actual political power is necessary in order to understand that the popular imperatives of the governing party in Greece were mediated by the interests of the economic elite. Indeed, the Greek capitalist elite are in agreement with the measures introduced by the Memorandum. It most definitely supports the onslaught on workers’ rights, which are justified on the basis of the need to restore competitiveness and profit-making capacity, at least according to the EU institutions and the IMF (Koukiadaki & Kretsos, 2012: 276, 279).

This discussion leads to a more general point on democracy in a class divided society. Democracy is a state form, but the state is an apparatus whose function is central to the reproduction of productive relations. Therefore, a dialectical analysis of the institutions of the liberal democratic state, such as the referendum, must take account of the relationship between exploiting and exploited classes, alongside the relations of majority-minority and ruler-ruled. Democracy is the rule of the *demos*, that is, the rule of the people. But the concept of rule remains meaningless unless it involves *actual* rule and power (in both its political and economic aspects). The vital issue of who rules over the economy and how social agents relate to the forces of production cannot remain outside a holistic analysis of democratic practices.

In modern political theory, democracy is associated with majority rule. However, a dialectical analysis of democracy must concretely examine if and how the rule of the majority essentially becomes the rule of the minoritarian exploiting class. This requires a more sophisticated analysis than ‘the 1% of the “haves” versus the 99% of the “have-nots”’. In particular, a class analysis is needed which takes into account the post-World War II movement of capital, the development of productive relations and the responses of theorists in subsequent definitions of the working class. Of course, this falls outside the scope of this article. Nevertheless, a few points for further investigation can be raised.

The people forms the basis of liberal democratic constitutions and serves the crucial function of concealing social divisions, so long as it is devoid of any social class content. To return to Schmitt’s (2008: 272) *constitutional theory*, the people is considered to be ‘present’ as a political entity only when engaged in acclamation and ‘to the extent that it does not only appear as an organised interest group’. The crucial role played by the people in bourgeois parliamentary institutions was identified by Rosa Luxemburg – who wrote at the same time and in the same context as Schmitt – in her analysis of parliamentarianism and its deleterious effects on the working class movement. Luxemburg (1970: 98) identified the aim of parliamentarianism as one of dissolving ‘the active, class conscious sector of the proletariat in the amorphous mass of an “electorate”’.

Thus, so long as the people are not organized as an interest group (i.e. as long as they remain an amorphous mass which is ‘present’ in street demonstrations and public festivals, in theatres, on the running track, or in the stadium), they are necessary. As long as the people equals a sum of individuals – according to the Thatcherite axiom by which only individuals exist in society, not social classes with distinct social interests – they provide the regime of power, property and productive relations with legitimacy. Applying this logic, it was important for the Greek people to ‘appear’, to show they were ‘present’, by answering the referendum question in their ‘sovereign capacity’. The interpretation of the verdict took place by the truly sovereign ruler, but the people needed to appear in order to dress the sum of individual misinformed opinions in the garments of the sovereign will of the people. Therefore, when the represented themselves speak, the representative does not fall silent. On the contrary, in liberal democracy, the representative interprets the choice of the represented. As a result, the sovereign is not the people but those who interpret their decision.

As a consequence, the people is an abstract legitimating concept as long as it remains devoid of concrete social content. This socio-economic content of the people can be found in the Lukacsian analysis of the Russian popular alliance of proletariat and peasantry. This conception of the people is based on the recognition of different (and at times even conflicting) social interests and class aims between different social components. Such a conception of the people, which takes into account socio-economic contradictions and the development of contradictory relations between the classes, is – as described by Lukacs (2009) – a revolutionary and discriminating concept of the people, which can only develop through a concrete understanding of socio-economic conditions. This conceptualization necessitates a move from the fragmented immediacy of the people-qua-electorate to the mediated totality of a class-conscious alliance of the

working class and the popular strata. The focus is on the struggle over, and questioning of, not only the function of public law concepts, as well as the role of plebiscites in modern representative democracies, but also the validity of the capitalist property regime itself, which thwarts the satisfaction of vital social needs.

However, this process is neither self-explanatory nor straightforward. There is a contradictory relationship between objective material conditions and the subjective process of class-conscious contestation of capitalist relations, and of bourgeois institutions which reproduce the latter. The relationship between the worsening of material conditions and the development of class-consciousness is not a mechanistic one. That is, worsening material conditions do not directly give rise to radicalization. There are numerous factors and devices obstructing the development of class consciousness and class-conscious organized struggle, which prevent the dominated toiling classes from contesting the regime of power, property and productive relations. This, in turn, contributes to their reproduction. The referendum is one of these mechanisms and the abstract concept of the people is a central legitimating fiction.

Conclusion

This article examined the role of the Greek referendum of 2015 in the context of socio-economic and political crisis. The analysis of the mediating role of the referendum in the process of class struggle led to a more general argument relating to fundamental concepts of public law, namely, ‘general will’ and the ‘people’. Different aspects of the referendum were examined: the dependence of the general will on the question posed; the interpretation of the verdict of the people by the ruler; and the necessity of the general will appearing to be ‘general and free’.

My analysis challenged the role played by these central public law concepts. General will and popular sovereignty were revealed as necessary parts in a mechanism through which the people dress up the garments of sovereignty in order to legitimize decisions which never question the status quo. These interrelated concepts are at the disposal of the *katechon*, that is, the executive-qua-sovereign, who holds back the apocalypse by reproducing bourgeois rule (and the capitalist productive relations) at all costs. It is no wonder that the discourse in both the Greek and the British referenda was dominated by apocalyptic pictures of the future outside the European Union, leaving no scope for discussion of the role and function of the EU in contemporary society.

This article has shown the referendum to be a remedy for the failings of representative institutions on behalf of capital, and as necessary for the reproduction of capitalist relations, in a context of rising inequality and furthering distantiation of the popular strata from decision-making processes. Simultaneously, the referendum acts as a different kind of poison for the people themselves and the struggle of the popular classes. The people spoke in Greece in 2015; they spoke in Britain in 2016. But their voice is not heard clearly and unmediated. In representative democracies, even non-representational institutions in the final instance function to safeguard the regime of power, property and productive relations. The people is responsible not for its choices in elections, which absolve the government of its ‘sins’, but for choosing (or not) to appear as the people, organized around its own material interests.

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Notes

1. In fact, Nicos Poulantzas's methodological insight on a Marxist analysis of law can help us understand the analysis here pursued. In his 'Marxist examination of the contemporary state and law', Poulantzas focuses on the interrelation of two core principles of the Marxist analysis of state and law, that is, the class nature of state and law, as well as their relative autonomy. He argues that the purpose of a Marxist analysis is 'to criticise the reification of law by exposing its mediated relationship to the economic base, whilst respecting the specificity of law in its historical genesis' (Martin, 2008: 5). This necessarily leads to an internal–external analysis of law, that is, a bidirectional analysis which examines the dialectical relation of the legal superstructure to the base (external), together with the specificity of a normative model of law (internal) (Martin, 2008: 5).

2. Jacques Derrida in his 'Plato's Pharmacy' argues that translational or philosophical efforts to favour or purge a particular signification of *pharmakon* actually do interpretive violence to what would otherwise remain an undecidable term in Plato's own text:

The common translation of *pharmakon* by remedy – a beneficent drug – is not, of course, inaccurate. [*Pharmakon* can] really mean remedy and thus erase, on a certain surface of its functioning, the ambiguity of its meaning. [...] Its translation by 'remedy' nonetheless erases [...] the other pole reserved in the word *pharmakon*. It cancels out the resources of ambiguity and makes more difficult, if not impossible, an understanding of the context. [...] [The] effectiveness of the *pharmakon* can be reversed: it can worsen the ill instead of remedy it. [...] But before such a determination, we are in the ambivalent, indeterminate space of the *pharmakon*, of that which in *logos* remains potency, potentiality, and is not yet the transparent language of knowledge. (Derrida, 1981: 97, 115)

3. For instance, we have referendums initiated by the relevant institution (usually the executive) to avoid a decision which might otherwise jeopardize the cohesion of a party, a coalition or party voters, as well as referendums initiated in order to block 'a majority decision or to promote a policy or reform that the majority in government and/or parliament rejects' (Rahat, 2009: 99). Additionally, see 'A Comparative Study of Referendums: Government by the People' (Qvortrup, Matt, 2005); 'Referendums and Representative Democracy: Responsiveness, Accountability, and Deliberation' (Maija Setälä, Theo Schiller, 2009); 'Referendums around the world: The Growing Use of Direct Democracy' (David Butler, Austin Ramsey, 1994).
4. 'No action would be either a sin or a good deed if it were not performed by the will, and so both reward and punishment would be unjust if human beings had no free will' (Augustine, 1993: 30). St. Augustine directly links the free choice of the will to the idea of responsibility: 'So if I use my will to do something evil, whom can I hold responsible but myself' (Augustine, 1993: 72)?

5. A constitutionally problematic aspect with this interpretation is that the question is reduced to a question on fiscal issues, which would, in cases falling under the second kind of referendum provided by the Greek constitution, be unconstitutional. The ratio behind this is that asking the people for more or less austerity would be self-defeating the purpose of the referendum.
6. The data come from the statistical analysis of periodic returns submitted by employers to the Greek National Insurance Institution (IKA) for December 2015, (Huffington Post Greece, 2016). It is important to note in light of the analysis of uneven development that during the same period (2008–2015), unemployment in the EU rose from 6.7% to 9.6%, in France from 7.1% to 10.5%, whereas in Germany unemployment 7.8%–4.7%.
7. Of course this phenomenon is not restricted in Greece but is globally manifested. The tendency of capital accumulation following the crisis is confirmed by Oxfam's latest report that income inequality has reached a new global extreme, exceeding even its predictions from the previous year. Just 62 individuals now hold the same wealth as the bottom half of humanity, compared with 80 in 2014 and 388 in 2010 (Oxfam, 2016).
8. Carl Schmitt's plea for a qualitative total state which provides substantial autonomy to owners of private capital appears in his 1933 essay 'A Strong State and Sound Economics' and was foreshadowed in a 1930 lecture presented to a prominent organization of German industrialists the Langnamverein, when he called for a 'rollback of the state [in the economy] to a natural and correct amount' (Scheuerman, 1999). Schmitt provides a political theory of authoritarian capitalism, in which authoritarian political institutions are masked by an appearance of popular legitimacy (Scheuerman, 1999: 101). The qualitative total state empowers capital by freeing it from the regulatory burdens of the democratic welfare state, while its plebiscitarianism drastically curtails genuine popular participation.
9. A study on the ambiguous relationship between Carl Schmitt and Friedrich Hayek can be found in Cristi (1998: 146–168).
10. For a discussion of how representative institutions have always acted as filter not for the expression of the 'general will' and the promotion of the 'general interest', but for the relinquishment and alienation of the power from the people see (Meiksins Wood, 2016: 204–237).

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