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Political Theology for Democracy: Carl Schmitt and John Dewey on Aesthetics and Politics

David Pan

The Metaphysics of the Decision

Recent attempts to merge democratic theory with political theology have had to face a fundamental difficulty in the approach to sovereignty. While Carl Schmitt bases sovereignty in the decision on the exception, this idea runs counter to the democratic idea that sovereignty resides with the people and therefore cannot be exercised by a single authoritative leader. This problem leads Jeffrey Robbins, for instance, to attempt to imagine political theology without sovereignty. For him, such an elimination of sovereignty is necessary for democracy because the idea of a single sovereign contradicts the democratic idea of the participation of all of the people in government. He argues for “a shift from the one to the many, from an absolute religious authority that insists on the exclusivity of its truth to the social and cultural reality of religious pluralism.” Instead of a unified sovereign, Robbins imagines “multiple spheres of sovereign authority and, thus, the pluralization of political theology.”¹

The difficulty with this attempt to imagine more than one sphere of sovereign authority, however, is that it implies either a destabilization toward civil war or a fragmentation into several political units. For even Robbins admits that the vision of the multitude that he borrows from Michael Hardt and Antonio Negri still requires a unified political project.²

1. Jeffrey W. Robbins, *Radical Democracy and Political Theology* (New York: Columbia UP, 2011), pp. 121–22.

2. Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin, 2004).

This unity would be necessary to avoid the descent into warring factions that is the constant threat in the wake of revolution. So although the project of multitude takes as its explicit goal the proliferation of multiple spheres, the need for unity that would prevent violent conflict leads Robbins to assert the overarching primacy of the “multitude” project in the modern world. He seeks thereby himself to establish a single political and theological project above all others. “Now, if we accept Hardt and Negri when they write that ‘the challenge of the multitude is the challenge of democracy,’ and if the multitude, though already an emerging historical subject, still requires a political project to bring it into existence, then it is a specifically disestablished and thus secularized theology that provides the requisite theological supplement to help complete this conceptual revolution in political ontology. It is this political and theological project that remains the unfinished business of secularization and is still the unclaimed legacy of modernity.”³ Not only does the idea of multitude attain a priority here as “the unclaimed legacy of modernity,” the political theology of multitude becomes for him a fixed “political ontology” rather than a single theology existing among others. Rather than representing a single ideological stance among many, Robbins treats the multitude project as ontologically grounded in the rise of global capital and its ability to overturn the sovereignty of the nation-state.

While Robbins takes this story of global capital to be an objective account of economic and cultural realities, it is in fact a particular narrative whose cogency provides the ultimate ground for the particular political project that he pursues. Though he denies that his narrative is itself based on an ideological stance, the narrative structure of legitimation that he constructs is in fact itself trapped within a metaphysical justification. The metaphysical quality of the concept of multitude is underlined by the lack of a sovereign that would provide the necessary mediation to render the multitude into something contingent and interpretable rather than a self-identical essence. “Through cooperation, the multitude possesses a productive capacity that is neither imposed by the state nor governed by capital; indeed, it is not subject to any form of sovereign mediation. Rather, it is intrinsic to the social body as its very own political potential.”⁴ Because there is no “sovereign mediation,” there can be no mediation at all, and the multitude’s political potential is “intrinsic to the social body,”

3. Robbins, *Radical Democracy and Political Theology*, pp. 122–23.

4. *Ibid.*, p. 73.

meaning that there can be no way either to dispute its meaning as political force or to separately define a set of principles according to which the multitude might act. Robbins is left with the mute “social body,” whose political potential must then be self-evident, and this self-evident character of the multitude’s meaning betrays its metaphysical pretension to be beyond all dispute and interpretation.

In contrast to Robbins’s metaphysical commitment to the idea of the multitude’s intrinsic productive capacity, Schmitt’s *Political Theology* maintains an agnostic attitude toward the metaphysical legitimacy of specific theological and political projects.⁵ The most striking aspect of Schmitt’s political career is the changeable nature of his political loyalties, in which he defended both Roman Catholicism and then the Weimar Republic before he came to ally himself with the Nazis.⁶ If a certain amount of opportunism may have also played a part in his decision-making, his promiscuity also testifies to the agnosticism of his political beliefs, which is grounded in his theoretical approach to metaphysical justifications. Because this approach begins with a Nietzschean delegitimation of value systems that make a universal and preordained claim to truth, Schmitt’s thinking develops as an attempt to understand politics in a multicultural world. His theories of decisionism and representation presume a world in which diverse value systems compete in order to establish the metaphysical foundations for order in a given time and place. As such, Schmitt’s theories provide a starting point for discussing the most difficult situations in international politics. The prolonged character of conflicts in Iraq, Pakistan, Afghanistan, Palestine, and Iran is rooted in the extent to which ideological differences are driven not simply by a ruling authority but by conflicts among popular attitudes. The primary strength of Schmitt’s approach lies in its ability to explain the representational dynamics by which a particular ideology might establish itself as part of a broader worldview within popular consciousness.

The first step in Schmitt’s approach to the problem of the representation of popular sovereignty is his idea that the legitimation of a particular

5. Schmitt nevertheless in his personal pronouncements often took sides in defending particular political projects, most notoriously in his defense of Hitler and National Socialism in texts such as *Staat, Bewegung, Volk: Die Dreigliederung der politischen Einheit* (Hamburg: Hanseatische Verlagsanstalt, 1933).

6. See Joseph Bendersky, *Carl Schmitt: Theorist for the Reich* (Princeton, NJ: Princeton UP, 1983).

ideology depends on the treatment of the political decision as a kind of metaphysical origin. Because the decision is conceptually prior to the norm, being is not primary but in fact emanates from exception as a pivotal moment in the formation of sovereignty, not just as the authority of a leader but of the popular will itself. We can arrive at this position by laying out Schmitt's understanding of the exception as a specific situation that puts the existing order in question, forcing it to reaffirm itself. "The exception, which is not codified in the existing legal order, can at best be characterized as a case of extreme peril, a danger to the existence of the state, or the like."⁷ He insists that this decision about the proper character of the order can never be a rational and objective one, but is in a fundamental sense contingent because there can be no overarching norm that could encompass this decision. "Because a general norm, as represented by an ordinary legal prescription, can never encompass a total exception, the decision that a real exception exists cannot therefore be entirely derived from this norm."⁸ The decision on the state of exception is defining and foundational for Schmitt because the norm itself has no way to justify itself independently. As a result, the foundation for order in Schmitt's analysis is not a norm that predetermines the decision. By making the decision primary, it becomes a moment where the very character of the polity is being determined.

This defining character of the decision means that there is ultimately a metaphysical element to every norm that is given by the decision and that underlies the truth of the norm. This transcendent element is more than just a theological holdover from an earlier era, and the structure of transcendence does not resemble a kind of Aristotelian hierarchy that goes from the specific cases at the bottom up to the most general category at the top.⁹ Schmitt criticizes this kind of structure in the work of Hans Kelsen, in which "[t]o obtain in unadulterated purity a system of ascriptions to norms and a last uniform basic norm, all sociological elements have been left out of the juristic concept."¹⁰ For Schmitt, Kelsen has been able to create a pure system of ascriptions from specific case to general norm by

7. Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: Univ. of Chicago Press, 2005), p. 6.

8. Ibid.

9. On this point, see Sarah Pourciau, "Bodily Negation: Carl Schmitt on the Meaning of Meaning," *MLN* 120 (2005): 1074–75.

10. Schmitt, *Political Theology*, p. 18.

leaving out the sociological element in order to create a law that exists entirely within one homogeneous plane. In this way, Kelsen ignores for his legal thinking the source of law that drives Schmitt's own analysis. Consequently, for Kelsen, "[t]he state is nothing else than the legal order itself, which is conceived as a unity, to be sure. . . . The state is thus neither the creator nor the source of the legal order."¹¹ As Paul Kahn describes,¹² Kelsen insists on a strict distinction between law and source of law in order to arrive at a system of pure norms that only refer to each other. Kelsen is left with the hierarchical structure of specific case to general norm: "According to Kelsen, all perceptions to the contrary are personifications and hypostatizations, duplications of the uniform and identical legal order in different subjects. The state, meaning the legal order, is a system of ascriptions to a last point of ascription and to a last basic norm. The hierarchical order that is legally valid in the state rests on the premise that authorizations and competences emanate from the uniform central point to the lowest point."¹³ While this system of ascriptions from specific case to general norm clearly breaks down in moments of crisis in which the very definition of the legal order is at stake, Schmitt argues that it cannot even function within the normal situation of a functioning legal order. Rather than a consequence of reason, every juridical decision is itself an act of will that in its own way becomes defining for norms.¹⁴

As opposed to the structure of ascriptions from specific case to general norm, Schmitt's political theology treats the decision on the specific case as the moment out of which the order originates as a kind of revelation or miracle that cannot be deduced from within the order itself. As Kahn describes, "[o]n Schmitt's view, we don't know what the law is until after the decision. The decision does not follow from the law, but the law follows from the decision."¹⁵ As opposed to a legal positivism that sees law as its own justification and seeks to eliminate the notion of sovereignty in favor of an equation of law with the state, Schmitt insists that the basis of law must lie in sovereignty as something that must be distinguished from

11. Ibid., pp. 18–19.

12. Paul W. Kahn, *Political Theology: Four New Chapters on the Concept of Sovereignty* (New York: Columbia UP, 2011), pp. 68–73.

13. Schmitt, *Political Theology*, p. 19.

14. See Kahn, *Political Theology*, pp. 62–65, 73–77, and David Pan, "Carl Schmitt on Culture and Violence in the Political Decision," *Telos* 142 (Spring 2008): 62–63, 67–69.

15. Kahn, *Political Theology*, p. 77.

the law and in which the completely specific case is not the bottom rung of a hierarchy, but is in fact the originating decision from which the order then emanates.

Because Schmitt thereby insists that the founding of a political order depends upon this originating act that establishes a metaphysical basis for law in the exception, he rejects a fundamentalist position on this metaphysics and pursues a kind of negative theology in which, on the one hand, there is no way for us to determine the true goals of human existence or the true structure of its organization but, on the other hand, we still have to continue with our lives according to some framework that would mediate our relations with others. Schmitt ends up with his decisionism as the solution to the quandary of how to justify and therefore found a particular order in the absence of any objective way to determine its validity. The decision on the state of exception is a decision about the metaphysical structure of human life that has no logical necessity to it, but which functions like a miracle or a revelation.

Thus, for Schmitt it is in the nature of the exception that it is not the material survival of people (that is, their “bare life”) that is put into question, but rather the form of order according to which legal and social relations are organized. The decision about whether a state of exception exists is one that has metaphysical consequences insofar as the decision must establish the fundamental aims and structures that are to govern human existence. The decision on the state of exception is thus not just an objective determination about survival, but a judgment about the key aims and structures of a particular order and whether they are being threatened. It is not just bare life that is being defended in the state of exception but a way of life. The state of exception threatens not just the lives of the public but the understanding of order that prevails within a particular sovereign space. “Public order and security manifest themselves very differently in reality, depending on whether a militaristic bureaucracy, a self-governing body controlled by the spirit of commercialism, or a radical party organization decides when there is order and when it is threatened or disturbed.”¹⁶ These differences between the various forms of order that Schmitt describes pertain to both the ultimate goals supported by the order and the methods and procedures that govern human relations within the order. As Kahn points out, “what is really at stake is the character of the

16. Schmitt, *Political Theology*, pp. 9–10.

polity as a certain kind of order. . . . The state is not a mere collection of individuals or a geographic setting. It is defined by its constitution, not necessarily a written document but the actual organization of the polity as of a certain sort.”¹⁷ By establishing the type of order for the polity, the decision does not just express itself as pure violence, but as the act by which the popular sovereign comes into being with a specific identity and characteristics.

Though the state of exception is generally linked to acts of war, this link to a particular structure of the polity means that it is not always violent acts that would trigger a state of exception. Any development that threatens a particular way of life could be cause for declaring a state of exception. The very existence of Jews in German society constituted a state of exception for Hitler because of his conviction that they constituted a basic threat to a vision of German national unity based on race. The spread of an individualist attitude establishes a state of exception for theocracies such as Iran in which the subordination of individual goals to collective ones is central to their order. For the United States, the threat of communism constituted a state of exception due to the curtailment of individual rights that it implied. Similarly, the threat of Islamic fundamentalism is as much a threat due to its ideological threat to the idea of freedom of religion as the physical threat of terrorism. As these examples demonstrate, the perceived threats are often not significant as real threats to a people’s physical survival. Instead, they are seen as threats based on the way a particular sovereign authority defines the political identity of the people and the things that would threaten this imagined identity.

If we follow Schmitt’s understanding of the exception as the basis of metaphysics, we arrive at a world in which a political decision founds an order of being as an act of will that also determines the character of the sovereign, including the popular sovereign. This order forms the basis of the agreements and procedures that then govern the legal and social world within a specific time and place. At the same time, however, the derivation of order from the contingency of the decision means that every order is idiosyncratic and cannot be understood as coextensive with a neighboring order. If more than one sovereign state exists, there cannot be a single unified legal order across the two states. Each state has its own structure for order, each emanating from a separate fundamental decision.

17. Kahn, *Political Theology*, p. 44.

Sovereignty and Democracy

The relationship of sovereignty to democracy consequently depends upon the decision. Schmitt's decisionism implies that sovereignty is always based in some measure upon the popular will as that which must affirm the sovereign decision in order to grant it legitimacy. Sovereignty cannot exist without the intense support of at least some of the people. Every government could be considered democratic in this minimum sense, and Andreas Kalyvas can use Schmitt's theory as a way to explain the democratic founding of a political order. "From Schmitt's perspective, which is the perspective of the participant, a basic norm is valid not in the sense of a logical-transcendental presupposition but rather because it is [*sic*] has emanated from those directly affected by it, that is, from the constituent decision of the sovereign people. In other words, according to the democratic politics of the extraordinary, the only higher norms that can claim to be valid are those that were created by the decision of all in their capacity as participants in the popular constituent will of the sovereign people during the founding moment of a new constitutional order."¹⁸ The "constituent decision" is an extraordinary moment for Kalyvas in that it grounds the entire order of normal politics. But his use of the phrase "sovereign people" as the subject of this constituent decision throws up significant problems about the character of this popular sovereign. Like Kahn, Kalyvas overturns the notion that the sovereign is necessarily a single leader. But in insisting on the importance of the sovereign decision in spite of the absence of a single sovereign to be distinguished from the people, he must construct a notion of the sovereign people in which the people both constitute and are constituted by the sovereign decision. Kalyvas solves this problem of the split of the sovereign people by imagining the silencing of the sovereign people in normal times. "While the supreme moment of democracy is defined as the effective manifestation of the constituent subject through the extraordinary creation of a new constitution, political stability demands from the sovereign people that it expresses itself only in extraordinary moments and that it refrains from exercising continuously its constituent power at close intervals. . . . For Schmitt, democracy, in order to protect itself, needs to periodically silence the popular sovereign by making extraordinary politics difficult and sporadic."¹⁹ This silencing

18. Andreas Kalyvas, *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt, and Hannah Arendt* (Cambridge: Cambridge UP, 2008), p. 115.

19. *Ibid.*, pp. 143–44.

of the sovereign people solves the problem of the unending revolution in which there would be no end to the state of exception, but the silencing casts doubt on the democratic character of the polity. If the extraordinary founding moment is the sole point at which there is true democracy, then it becomes difficult to distinguish between democracy and other forms of government. Here Robbins's critique of liberalism as anti-democratic becomes relevant for Kalyvas's argument,²⁰ which first defines democracy as a situation in which the founding moment involves a democratic process in which the people establish a constitutional order through a popularly elected assembly.²¹ Because this true democracy only exists in the founding moment and the normal situation of government is defined by the need to "periodically silence the popular sovereign," this idea of liberal democracy seems to be undemocratic.

But this is only true if the popular sovereign does not exist in normal politics. If sovereignty still expresses itself in normal situations, then the popular sovereign would still be active in maintaining a democratic situation. But this means that there would no longer be a fundamental distinction in terms of sovereignty between the extraordinary moment of political founding and the processes of normal politics. This constancy of sovereignty, and, with it, representation, contradicts Kalyvas's attempt to separate the popular sovereign from representation.

Kalyvas tries to separate the two because for him the constituent power of the people in extraordinary moments of political founding does not need to represent itself. It acts directly or delegates its power to an assembly that acts according to the will of the popular sovereign. "When physically present, as during founding moments, the constituent sovereign is not in need of representation. It can act either directly or indirectly, by delegating its power to a constituent assembly. When the citizens are publicly visible in the form of an acting, effective constituent power, there is no need of representation but rather a need (though not always) of delegation. Building upon Rousseau's distinction between representation and the general will, Schmitt, *contra* Sieyès, maintained that democratic extraordinary politics eschews representation. Where constituent politics starts, he thought, representation ends (and vice versa)."²² Like Robbins, who imagines that the multitude can express itself directly without any mediation, Kalyvas

20. Robbins, *Radical Democracy and Political Theology*, pp. 32–49.

21. Kalyvas, *Democracy and the Politics of the Extraordinary*, p. 114.

22. *Ibid.*, p. 155.

argues that the popular sovereign can express itself directly during founding moments without any mediating representation. Though he does not think, as Robbins does, that the self-identical sovereignty of the people could be present in normal times, Kalyvas nevertheless sees representation as fundamentally unnecessary and indeed antithetical to the power of the popular sovereign.

Yet, Kalyvas is incorrect in attributing this opposition between popular sovereignty and representation to Schmitt. Kalyvas arrives at this conclusion by referring to Schmitt's *Constitutional Theory*, where it states: "Where the people as the subject of the constitution-making power appear, the political form of the state defines itself by the idea of an identity. The nation *is* there. It need not and cannot be represented. This is an idea that gives Rousseau's oft-repeated arguments (*Contrat social*, III, 15) their democratic irrefutability. The absolute monarchy is, in fact, only absolute representation and rests on the idea that the political unity is first produced by representation through performance. The statement 'L'État c'est moi' means I alone represent the political unity of the nation."²³ Here Schmitt seems to be setting the self-identical character of the democratic nation against the representational character of monarchy. But it is crucial to note in this passage that Schmitt is only speaking about "the idea of an identity" and not true identity itself. It is part of the self-understanding of the democratic nation to imagine that it is self-identical and in no need of representation, as compared with monarchy's self-consciously representational character. Two pages later, Schmitt makes clear his own position, however, that every political form requires an element of representation: "At no time or place is there thorough, absolute self-identity of the then present people as political unity. Every attempt to realize a pure or direct democracy would mean nothing other than the dissolution of the political unity. . . . There is, therefore, no state without representation because there is no state without state form, and the *presentation* of the political unity is an intrinsic part of the form."²⁴ Even democracy can never be self-identical and without representation because democracy is still a state form. As such, it requires some kind of presentation of political unity. Without some way to present itself to itself, a people would only be a random mass of individuals without any identity. The creation of political identity requires

23. Carl Schmitt, *Constitutional Theory*, trans. Jeffrey Seitzer (Durham, NC: Duke UP, 2008), p. 239.

24. *Ibid.*, p. 241.

some kind of mediating representation by which this mass of individuals would recognize itself as “a people.” There can be no direct manifestation of the people because the process of constituting a people is a representational process.

This centrality of representation for constituting a people means that all political forms depend on some element of both democratic legitimacy through a link to the people who would be able to affirm their unity, which Schmitt calls the principle of identity,²⁵ and an image of the basis of identity within the minds of the people, which Schmitt calls representation. Even monarchy depends to some extent on the consent of the governed, if only to avoid the outbreak of civil war.²⁶ But even victory in war or civil war does not mean a simple triumph of violence. For the success of the decision is not based on force. Schmitt defines state sovereignty “not as the monopoly to coerce or to rule, but as the monopoly to decide.”²⁷ The decision is not a violent but a representational act because the sovereign only decides and does not have the means to carry it out. The decision would need to have the authority that would sway others to carry it out, and such authority would only be possible in a situation where a significant number of people agree with the decision. If a sufficient unity among the people can be created so that the decision can be made by the sovereign in an unequivocal way, then the decision can take hold and establish the metaphysical basis for existence. Not just the constitution but also the continuing stability of popular sovereignty depends on the decision, either in the state of exception or in the small decisions and judgments that Kahn has shown to make up the life of the polity.²⁸

This is not to say that the decision is unconnected to violence. The success of violence depends itself, however, upon the representational success of the sovereign to foster such an ideological commitment among its defenders that they will be willing to fight and to sacrifice in order to defend the sovereign. We have seen numerous examples of this dynamic at work in the Arab Spring, in which the success of revolutions has depended upon the willingness or unwillingness of the people to maintain a unified commitment to the ruling order. Where this unity on the part of the people,

25. This principle of identity corresponds to Hannah Arendt’s notion of power that is grounded in numbers of people in agreement. Hannah Arendt, *On Violence* (New York: Harcourt Brace Jovanovich, 1970 [1969]), pp. 40–42.

26. *Ibid.*, p. 41.

27. Schmitt, *Political Theology*, p. 13.

28. Kahn, *Political Theology*, pp. 62–90.

including soldiers and officers, breaks down—as in Egypt, Tunisia, or Libya—the ruling government cannot maintain its sovereignty. But since this unity is first and foremost a representation, the key to sovereignty will always be a rhetorical rather than a purely military endeavor. Or rather, war and violence themselves are not simply material means but are another set of rhetorical tools within the process of political representation.

Aesthetics and Politics

If a particular metaphysical structure derives from a political decision and such decisions are in turn the result of a representational process, the key to both metaphysics and politics is aesthetics. It is at this point that we must turn to aesthetic theory, specifically that of John Dewey, to provide the missing pieces of Schmitt's conception of the representational basis of the political decision. Though neither was well known for contributions to aesthetics, both John Dewey and Carl Schmitt developed theories that illuminate the relationship between art and life. Dewey published the most cogent summary of his aesthetics in his 1934 *Art and Experience*, a work that has recently been more appreciated for its attempt to break down distinctions between art and everyday life. Schmitt is best known for his disparagement of aesthetics as a form of subjective romanticism, yet his notion of representation as part of a rhetorical process becomes essential for his approach to sovereignty and political authority. Working in the same time period and with a common project of linking art to other areas of experience, these two figures developed complementary understandings of the way that aesthetic structures permeate everyday life. Dewey wants to understand the way in which the work of art serves to help the individual to perceive the meaning of her or his own experience. Schmitt links art to the formation and continuing authority of social entities such as the Catholic Church, and he is consequently interested in the way that the Church, for example, creates a collective meaning for individuals. Dewey's ideas on how individual meaning is created in the work of art supplement Schmitt's theories on how aesthetics establish collective meaning for a political entity. Both Dewey's and Schmitt's theories, taken together, describe the way in which aesthetic form provides the nexus between political structures and individual experience, giving us a political theology for democracy.

The key to Dewey's theory of art is his idea that aesthetic and normal experience are similar in structure. Contrasting them to the alienation of

the modern world, he refers to ancient Athens as well as most traditional cultures in order to present a model of culture in which “the collective life that was manifested in war, worship, the forum, knew no division between what was characteristic of these places and operations, and the arts that brought color, grace, and dignity into them.”²⁹ Art is similar to normal experience as long as both present a community to itself in a way that creates meaning. This commitment to the similarity of artistic and normal experience as the precondition for meaning in community life is what provides the point of connection with Schmitt’s theory of the political. Just as Dewey insists “that art is a strain in experience rather than an entity in itself,”³⁰ Schmitt rejects art that is cut off from history and politics. Instead, he notes that “the ability to create form, which is essential to aesthetics, has its essence in the ability to create the language of a great rhetoric.”³¹ Rhetoric designates for Schmitt the proper way for merging aesthetic form with political action and becomes for him “a criterion of human life.”³² Schmitt insists here on the aesthetic aspect of normal experience in order to criticize a modern world that separates the two: “The lack of understanding of the significance of rhetoric is but one manifestation of the polar dualism of the age, expressed here, on the one side, by a rapturously overpowering music; and, on the other, by a mute practicality.”³³ Dewey repeats Schmitt’s criticism of a modern separation of aesthetics from practical life when he describes how modern museums “reflect and establish superior cultural status, while their segregation from the common life reflects the fact that they are not part of a native and spontaneous culture. They are a kind of counterpart of a holier-than-thou attitude, exhibited not toward persons as such but toward the interests and occupations that absorb most of the community’s time and energy.”³⁴ Both Dewey and Schmitt defend a collective unity of aesthetics and life against the modern separation of the two into a purely economic rationality on the one hand and a meaningless aestheticism on the other hand.

Because the work of both writers becomes an attempt to establish a new modern integration of the aesthetic and the practical, their theories are

29. John Dewey, *Art as Experience* (New York: Capricorn Books, 1958), p. 7.

30. *Ibid.*, p. 33.

31. Carl Schmitt, *Roman Catholicism and Political Form*, trans. G. L. Ulmen (Westport, CT: Greenwood, 1996), p. 22.

32. *Ibid.*, p. 23.

33. *Ibid.*

34. Dewey, *Art as Experience*, p. 9.

easily comparable and in fact complementary. While Dewey concentrates on how individual experience includes within its structure the forms of aesthetic experience, Schmitt imagines the forms of political representation that merge individuals into a unified collective. In focusing on the individual, Dewey also understands “that every culture has its own collective individuality,”³⁵ even though he does not theorize the representational development of such a collective. Schmitt for his part realizes that individual experience is the starting point for establishing a political entity through a process of representation. Because of the similarities in their projects, it should be possible to merge Dewey’s and Schmitt’s theories in order to constitute a comprehensive theory of the relationship between aesthetics and politics, between individual experience of meaning and collective identity.

The first step in such an endeavor is to understand how both of them conceive of the construction of meaning as an aesthetic process. Dewey insists that normal experience has an inherently aesthetic structure. Experience is constituted through the “interaction of live creature and environing conditions,” but normal experience is often inchoate and incomplete. “Things are experienced but not in such a way that they are composed into *an* experience . . . we put our hands to the plow and turn back; we start and then we stop, not because the experience has reached the end for the sake of which it was initiated but because of extraneous interruptions or of inner lethargy. In contrast with such experience, we have *an* experience when the material experienced runs its course to fulfillment.”³⁶ An experience that runs its course to fulfillment is an aesthetic experience because it forms a complete whole that has a single unified meaning. Whether such an experience occurs through reception of a work of art or through the course of normal experience is not important for determining the aesthetic quality of the experience, and Dewey provides examples of both nominal works of art that no longer transmit aesthetic experience and of normal experience that is aesthetic.

The basic requirement for aesthetic experience is that it involves “the interaction of man and nature” that presents “the passage from disturbance into harmony.”³⁷ The conflict with the environment establishes the situation in which discord arises and is thus the overarching context for human

35. Ibid., p. 330.

36. Ibid., p. 35.

37. Ibid., pp. 16, 17.

experience. Joseph Margolis reads this insistence on human “interaction with environment” as a reduction of culture to the “biology of animal life.”³⁸ But this critique discounts the role of human meaning in Dewey’s account as that which distinguishes human from animal life. The experience of discord only becomes aesthetic when it culminates in a *perceived* resolution. Even though all animals interact with their environment in a process of conflict and resolution, it is only in humans that the process itself becomes problematic in that it necessitates an intentional definition of the terms of the conflict. While animals never have to decide upon goals and therefore upon the parameters of conflict, the human lack of any predetermined goals leads to the need to reflect upon and understand the relationship to the environment and thus the precise terms of conflict. Dewey’s notion of experience is not just immediate experience but always symbolically mediated through the aesthetic event.

This particularly cultural dynamic is to be distinguished from the result of a scientific inquiry in the extent to which the result of the aesthetic process cannot be taken on its own but must be conceived within a particular understanding of the entire process of conflict that led to the resolution. “In an intellectual experience, the conclusion has value on its own account. It can be extracted as a formula or as a ‘truth,’ and can be used in its independent entirety as factor and guide in other inquiries. In a work of art there is no such single self-sufficient deposit. The end, the terminus, is significant not by itself but as the integration of the parts. It has no other existence. A drama or novel is not the final sentence, even if the characters are disposed of as living happily ever after.”³⁹ The meaning of the resolution lies in the way that it reconfigures the preceding process in such a way that the previously disparate elements now attain their meaning through their relationship to the resolution. The aesthetic experience becomes a quintessentially symbolic one that involves a process of memory in which elements of the past suddenly attain meaning within a particular understanding of what the “true” conflict was and are then only remembered when the resolution creates the culmination toward which they can in hindsight be considered to have been moving. The past is thus redeemed in the aesthetic experience of resolution.

38. Joseph Margolis, “Rereading Dewey’s *Art as Experience*,” in John R. Shook and Paul Kurtz, eds., *Dewey’s Enduring Impact* (Amherst, NY: Prometheus Books, 2011), p. 212.

39. Dewey, *Art as Experience*, p. 55.

This redemption of the past is by no means a certainty, however, and Dewey emphasizes that the process of expression leading to a collective art arises out of “commotion” and “turmoil.”⁴⁰ This background of uncertainty is what separates normal experience from aesthetic experience. Though Robert Innis has tried to subsume Dewey’s aesthetics under his more general theory of quality in experience,⁴¹ the difference between the two is similar to the difference between Schmitt’s state of exception and the continuing judicial judgments that make up the life of the polity. While the aesthetic experience is a pivotal moment in experience in which meaning is established, the more typical functioning of consciousness, in which “meaningful thought and perception require a background context,” is given by habits and purposes that are already formed.⁴² In describing normal experience, Richard Shusterman writes that “every identifiable feeling or content of consciousness is far more complex than the substantive image or state (perching) with which we name it. Instead it involves a whole contextual penumbra of ‘transitive states,’ ‘feelings of relation,’ ‘*feelings of tendency*,’ or ‘other unnamed states or qualities’ that constitute a vague halo of surrounding experience that though nameless is crucial to the meaning and quality of what we experience.”⁴³ The contrast between an identifiable content of consciousness and the indeterminate but necessary background collection of unnamed states or qualities from which the specific content draws in normal experience creates the need for a decision about how to move from the background to the specific crystallized content of consciousness. Though this decision must be made with each separate moment of consciousness, these continuing decisions are minor modulations of the primary decisions that have been set up by aesthetic experience, broadly understood. The seeming immediacy of experience is not then immediate at all, as Shusterman suggests,⁴⁴ but only appears

40. Ibid., p. 66.

41. Robert E. Innis, “The ‘Quality’ of Philosophy: On the Aesthetic Matrix of Dewey’s Pragmatism,” in Larry A. Hickman et al., eds., *The Continuing Relevance of John Dewey: Reflections on Aesthetics, Morality, Science, and Society* (Amsterdam: Rodopi, 2011), pp. 51–52. John Dewey, “Qualitative Thought,” in *The Essential Dewey*, ed. Larry Hickman and Thomas M. Alexander (Bloomington: Indiana UP, 1998), 1:195–205.

42. Richard Shusterman, “Dewey’s Art as Experience: The Psychological Background,” *The Journal of Aesthetic Education* 44, no. 1 (Spring 2010): 34, 36.

43. Ibid., p. 39. Citation from William James, *The Principles of Psychology* (Cambridge, MA: Harvard UP, 1981), pp. 239, 240.

44. Shusterman, “Dewey’s Art as Experience,” pp. 32–34.

so because it has already been mediated by the aesthetic experience that establishes the habits and purposes that guide the movement of consciousness. The penumbra of associations that form the background of every actualized experience cannot determine its actual content. This determination must occur through the mediation of the aesthetic experience.

The uncertainty of the situation defines the aesthetic experience as a decision point. This aesthetic experience occurs, like the Schmittian decision on the exception, as a decisive moment that resolves a conflict. In doing so, it redeems the preceding conflict through its fulfillment, that is, it reinterprets the past through the lens of the subsequent resolution. In this way past process and present resolution become mutually determining. The resulting meaning establishes a framework for normal experience. Because the culmination of experience in a resolution is not guaranteed but is nevertheless essential for the creation of the aesthetic experience of meaning in life, such aesthetic moments (especially when they occur in the normal course of life, but also in the experience of works of art) become the defining ones for normal experience. Aesthetic experience establishes the template around which normal experience can have meaning.

The uncertainty of the aesthetic resolution also means that the work of art is itself not necessarily a mediator of aesthetic experience. In order to create an aesthetic experience in the audience the work of art must, first, address significant issues in the experience of the audience that demand resolution and, second, integrate the uncertainty of outcome into its structure. As Dewey points out, “[t]he war dance and the harvest dance of the savage do not issue from within except there be an impending hostile raid or crops that are to be gathered. To generate the indispensable excitement there must be something at stake, something momentous and uncertain—like the outcome of a battle or the prospects of harvest. A sure thing does not arouse us emotionally.”⁴⁵ By pointing to the importance of uncertainty as the situation within which art can have real meaning, Dewey emphasizes here the political character of art. Without some participation in an uncertain process with significant consequences, there would be no aesthetic event. Though he does not develop this point, Dewey prefigures here Schmitt’s argument in *Hamlet or Hecuba* that art needs to participate in current historical problems if it is to achieve a proper aesthetic effect.⁴⁶

45. Dewey, *Art as Experience*, p. 66.

46. Carl Schmitt, *Hamlet or Hecuba: The Intrusion of the Time into the Play*, trans. David Pan and Jennifer R. Rust (New York: Telos Press Publishing, 2009), pp. 45–49.

Dewey's idea about the relation of art to experience also brings him to the conclusion that political action has an aesthetic element. He perceives this element in "those courses of action in which through successive deeds there runs a sense of growing meaning conserved and accumulating toward an end that is felt as accomplishment of a process. Successful politicians and generals who turn statesmen like Caesar and Napoleon have something of the showman about them. This of itself is not art, but it is, I think, a sign that interest is not exclusively, perhaps not mainly, held by the result taken by itself (as it is in the case of mere efficiency), but by it as the outcome of a process. There is interest in completing an experience. The experience may be one that is harmful to the world and its consummation undesirable. But it has esthetic quality."⁴⁷ The aesthetic quality of a political development depends upon the way in which political actions are not simply random and arbitrary events but eventually *might* lead to a development of harmony out of a previous situation of chaos.

This argument about the aesthetic structure of politics casts new light on Schmitt's decisionist understanding of political processes. Though Schmitt does not refer to the aesthetic character of the decision, his description of how the state of exception leads to the decision displays the characteristics of Dewey's notion of aesthetic experience. By insisting on the priority of the decision over the rule, Schmitt rejects a positivist approach to law that would ground law in the certainty of pre-established norms. By insisting that "the exception is more interesting than the rule,"⁴⁸ Schmitt privileges the situation of uncertainty that arises in a state of emergency. "The precise details of an emergency cannot be anticipated, nor can one spell out what may take place in such a case, especially when it is truly a matter of an extreme emergency and of how it is to be eliminated."⁴⁹ By taking the exception to be the defining situation, Schmitt establishes uncertainty as a prerequisite for the decision in the same way as Dewey insists that uncertainty is the context for the aesthetic experience of fulfillment.

There would be no need for a decision if there were certainty, and Schmitt's description indicates that the decision does not follow a pre-ordained script. Rather, "the decision frees itself from all normative ties and becomes in the true sense absolute."⁵⁰ Because norms cannot apply

47. Dewey, *Art as Experience*, p. 39.

48. Schmitt, *Political Theology*, p. 15.

49. *Ibid.*, pp. 6–7.

50. *Ibid.*, p. 12.

to the emergency situation, the resulting uncertainty requires the positing of a direction that manifests itself in the decision. In becoming absolute, the decision does not leave behind all sense of order, however. As Schmitt states, "because the exception is different from anarchy and chaos, order in the juristic sense still prevails even if it is not of the ordinary kind."⁵¹ By characterizing the exception as a situation of uncertainty that nevertheless includes a degree of order that prevents total chaos, Schmitt sets up all the preconditions for the possibility of an aesthetic experience that could collect elements of an uncertain order into a decision that would be their fulfillment. As Dewey notes, "there are two sorts of possible worlds in which aesthetic experience would not occur. In a world of mere flux, change would not be cumulative; it would not move toward a close. Stability and rest would have no being. Equally is it true, however, that a world that is finished, ended, would have no traits of suspense and crisis, and would offer no opportunity for resolution."⁵² An aesthetic resolution can only result when there is a situation of uncertainty that still offers elements of order, and Schmitt's state of emergency has precisely these properties. If the decision that resolves the state of exception really is a kind of aesthetic resolution according to Dewey's understanding, this means that the decision is not totally absolute. Instead, it is only absolute to the extent that it decides the state of exception in a non-preordained way. Yet, the decision is not absolute in the sense that it might be unprecedented and unconnected with the elements of order that already exist within the state of emergency. Like the aesthetic resolution, the decision must integrate the past into its resolution in such a way that both the present decision and the preceding turmoil are mutually redeemed. On the one hand, the elements of order that pre-existed the decision become the basis for a new order introduced by the decision. On the other hand, the decision only acquires legitimacy through the reference to the elements of past order that it reinforces.

This aesthetic understanding transforms the decision into an aesthetic construction of meaning rather than the simple command that Schmitt himself rejects as a positivistic rendering.⁵³ The political decision as a creator of meaning involves a representational process whose rhetorical effect does not simply depend on a kind of propagandistic manipulation

51. Ibid.

52. Dewey, *Art as Experience*, pp. 16–17.

53. Schmitt, *Political Theology*, p. 20.

but on a gathering up of elements of the past into a new order that offers genuine meaning to the recipients by creating a structure for memory and that must then be actively affirmed by these recipients in their actions and possible self-sacrifice in defense of the order.

The central role of the audience in perceiving this meaning brings Schmitt's conception even closer to Dewey's aesthetic understanding. Schmitt writes: "Not only do the representative and the person represented require a value, so also does the third party whom they address."⁵⁴ This third party, the audience, is as crucial for Schmitt's decision as it is for Dewey's concept of art, in which "[t]o be truly artistic, a work must also be aesthetic—that is, framed for enjoyed receptive perception."⁵⁵ As with the work of art, the political decision must be structured so that "*its qualities as perceived* have controlled the question of production."⁵⁶ If both the political decision and the work of art are produced with an eye toward their aesthetic reception and this reception depends upon the way in which the decision and the work of art are able to gather up elements of audience experience into a culminating experience of meaning, then both art and politics exist within a single sphere in which the common measure of success lies in the event's ability to create meaning through an aesthetic experience. When this aesthetic experience of fulfillment is achieved, both art and politics establish a meaningful basis for collective life.

Because the sovereign decision cannot take effect unless it is accepted by enough of the populace so that these people can implement the decision as the basis for order, the decision must function as part of an aesthetic reception process. The decision is consequently not just a political moment but a mythic one as well. Rather than depending on pure violence, the ability of a sovereign to decide the state of exception derives from the decision's ability to sum up the consciousness of the moment and integrate it into a political structure. If an aesthetic structure can only attain mythic status to the extent that its metaphysical conception of the world can become defining for normal experience, then the sovereign decision is the moment in which an otherwise purely aesthetic structure gains mythic form. Prior to the decision, the aesthetic structure is merely one of many different ways of conceiving the transcendent structure for experience. It

54. Schmitt, *Roman Catholicism*, p. 21.

55. Dewey, *Art as Experience*, p. 48.

56. Ibid.

is only the decision that establishes one aesthetic alternative as a defining myth for political order.

Since the decision depends upon both a reception process and the sovereign action, its success at once depends upon and establishes the legitimacy of a particular mythic structure. As a consequence, the decision itself has a representational structure that establishes a metaphysical order in a moment that combines both an ideal and a material aspect. The decision defines its own past and future at the moment in which it takes effect. Prior to the decision, there are competing metaphysical options, none of which has attained theological or mythic authority. The decision is the moment in which such mythic authority is established, elevating a merely aesthetic construct to the status of myth. In *Political Theology II*, Schmitt describes the Council of Nicaea as a political theological decision in which the Nicene Creed became established doctrine and the Arian position was then defined as heresy.⁵⁷ Though this definitive moment was prepared by the history of theological debates leading up to it, the decision was necessary to resolve the conflict and establish a political theological order that would both define the past and establish institutional structures for the future. Such decision points do not arise from a previous order but establish the foundation of order through the reference to the past. As such they combine an aesthetic judgment about first principles with a political institutionalization of these principles. Both the aesthetic judgment and the political determination define each other simultaneously in the moment of decision, as the first provides the metaphysical idea while the second provides the material manifestation that turns the idea into a structure for consciousness. This representational process provides the limit to the relativism and arbitrariness of the sovereign decision, grounding metaphysics in a political event that merges order and orientation, land appropriation and aesthetic judgment. As a result, Schmitt's metaphysics is based on a kind of revelation in the political event in which a new metaphysical basis of truth is a constant threat and possibility that accompanies our existence at every moment.

57. Carl Schmitt, *Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie* (Berlin: Duncker & Humblot, 1970), pp. 72–73.