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William Rasch

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Locating the Political: Schmitt, Mouffe, Luhmann, and the Possibility of Pluralism

WILLIAM RASCH

More interesting than the debate between communitarians and liberals is the contemporary skirmish within liberalism itself, in which a contentious and antagonistic pluralism proposes to overcome the shortcomings of classic liberal foundationalism. One can account for the increased interest in a newer, more radical liberalism in a number of ways: as a reclamation of what is salvagable in liberalism from within the tradition itself (e.g. Bobbio, 1987, Gray, 1993), as the response to impulses coming from post-structuralist-influenced feminism (e.g. Connolly, 1991), and as a renewed appreciation for liberal safeguards by post-Soviet Marxists (e.g. Laclau and Mouffe, 1985). Ironic, in this regard, has been the incorporation of Carl Schmitt in this neo-pluralist project. While more traditional liberals like Stephen Holmes and Charles Larmore continue to dismiss, and even deny the importance of, this pre-eminent critic of liberal modernism (Holmes, 1993, pp. 37–60; Larmore, 1996, pp. 175–188), Chantal Mouffe finds it helpful 'to think with Schmitt, against Schmitt, and to use his insights in order to strengthen liberal democracy against his critiques' (Mouffe, 1993, p. 2). As the title Mouffe gives to a recent collection of her essays—*The Return of the Political*—already intimates, her chief grievance echoes Schmitt's own. They both set out to combat liberalism's alleged neutralization of politics, the traditional complaint that, within liberal modernity, questions of politics are shunted off into the spheres of economics or culture and handled as matters requiring specialized or technological expertise. By using Schmitt's famous friend/enemy distinction, re-figured as a fundamental 'we/they' relationship, she sets out to combat the old primacy of the economic with a new primacy of the political.

'As a consequence,' she concludes, the political cannot be restricted to a certain type of institution, or envisioned as constituting a specific sphere or level of society. It must be conceived as a dimension that is inherent to every human society and that determines our very ontological condition' (Mouffe, 1993, p. 3).

The purpose of this paper is to welcome the return of the political, i.e. to endorse the antagonistic and irreconcilable pluralism advocated by Mouffe and others, by asking where the political is to be housed. In spite of the wailing and gnashing of teeth by anti-modern critics of liberalism like Leo Strauss and his followers, one of the achievements of liberal modernity has been to translate moral questions into political ones. In reconstructing liberalism as contentious pluralism, then, it will be necessary to make sure that the political is not thought in such an amorphous, 'ontological' manner so as to be once again consumed by an ever opportunistic and predatory moralism. Such a re-conflation of the two domains would not merely result in a renewed neutralization of the political, but in its very extinction. I argue, therefore, that the political can only remain the political if it retains its autonomy,

and it can only do so in a society where autonomy of spheres is the rule, not the exception.

In what follows, I will read Schmitt's *The Concept of the Political*, along with Leo Strauss's contemporaneous critical review of that work, through lenses ground, in part, by Niklas Luhmann.

* * * *

In his 1932 review of *The Concept of the Political*, Leo Strauss perceptively locates an ambivalence or tension in Schmitt's essay and attributes it to the impossible undertaking of an immanent critique of liberalism. Schmitt, he argues, attempts 'the critique of liberalism in a liberal world', which means that 'his critique of liberalism takes place within the horizon of liberalism; his illiberal tendencies are arrested by the as yet undefeated "systematics of liberal thinking"' (Strauss, 1976, pp. 104–105). This seemingly inextricable complicity with the liberal structure of modernity is perhaps no more evident than in Schmitt's critique of pluralism, a critique that very much seems to take place within a field staked out by liberal assumptions. Indeed, one could read the brief second section of Schmitt's treatise as an uneasy gloss on Max Weber's differentiation of autonomous value spheres. Recall that for Weber, modernity is characterized by the irreconcilable conflict of these autonomous and self-legitimizing spheres, and the non-hierarchical proliferation of the increasingly rationalized domains of religion, economics, politics, aesthetics, science and even erotic love. Schmitt apparently accepts this order—at least tentatively, or as a useful heuristic—when he attempts to articulate the operative distinction that should be used to isolate the nature of the political. If we assume, he states, that morality operates by way of the good/evil distinction, aesthetics by beauty/ugliness, and economics by profitability/unprofitability, then we can also locate the political as the capacity to distinguish friend from enemy (Schmitt, 1976, p. 26). In passages that echo Weber's 'Science as a Vocation', Schmitt stresses the incommensurability or non-isomorphic nature of these distinctions, thereby clearly differentiating—emancipating, one might say—the political from these distinctions, thereby clearly differentiating—emancipating, one might say—the political from these other domains. 'The political enemy', he argues, 'need not be morally evil or aesthetically ugly; he need not appear as an economic competitor' (Schmitt, 1976, p. 26), nor as a 'debating adversary' (Schmitt, 1976, p. 28). We are enjoined, then, not to interpret this distinction symbolically or psychologically, but rather to see in friends and enemies the alignments of political groups. 'An enemy exists only when, at least potentially, one fighting collectively of people confronts a similar collectivity. The enemy is solely the public enemy' (Schmitt, 1976, p. 28). Hence, 'the enemy in the political sense need not be hated personally', but neither can one love him as one's neighbour, for one can never lose sight of the enemy for what he is—'the enemy of one's own people' (Schmitt, 1976, p. 29).

One might be tempted to read Schmitt here as endorsing the liberal thesis of the autonomy of value spheres. After all, how else is one supposed to understand the political notion of a public, collective enemy that is differentiated from the realm of moral judgments, especially when this enemy is said to threaten one's own collective existence? Strauss most emphatically says that one cannot make this separation and sets out to save Schmitt both from superficial liberal appropriation and from his own imprecision. A notion of the political enemy that is not linked to a substantive notion of the good, a notion that can be rationally derived from the almost instinctive exercise of moral judgments (Strauss, 1988, p. 10), becomes, in

Strauss's view, a simple, amoral bellicosity in all its bloodless abstraction. This *procedural* view of the friend/enemy grouping is as neutral as the liberalism it is designed to combat, 'as tolerant as the liberals', he notes,

but with the opposite intention. Whereas the liberal respects and tolerates all 'honestly held' convictions, so long as these respect the legal order or acknowledge the sanctity of *peace*, whoever affirms the political as such, respects and tolerates all 'serious' convictions, in other words, all decisions leading up to the real possibility of *war*. Thus the affirmation of the political as such proves to be liberalism preceded by a minus-sign (Strauss, 1976, p. 103).

In the If the peace of classical liberalism is devoid of meaning, so, says Strauss, is Schmitt's invocation of war. Indeed, Strauss's critique of Schmitt finally centre on the latter's neutrally anthropological, 'innocent' notion of evil, evil not as moral corruption, but as instinctive, vital, irrational, animal power. 'In order to launch the radical critique of liberalism that he has in mind', Strauss claims, 'Schmitt must first eliminate the conception of human evil as animal evil, and therefore as "innocent evil", and find his way back to the conception of human evil as moral depravity' (Strauss, 1976, p. 97). Implicitly claiming to understand Schmitt better than he understood himself (to use a time-honoured hermeneutical trope), Strauss claims that Schmitt in fact did operate out of this stronger sense of evil. The latter's critique of liberal, humanitarian, pacifist morality, the masterly critique of 'humanity' and the world state found in Section 5 (Schmitt, 1976, pp. 53–58), is itself, Strauss insists, a *moral critique* (Strauss, 1976, p. 102), directed by the 'nausea' felt when confronted with the lack of seriousness in the world of interest and entertainment (Strauss, 1976, p. 99). Hence the Straussian Schmitt wishes to return us to the state of nature, a Straussian state that is not, Hobbes notwithstanding, a state of war, but the state of the correct order of human affairs. In this reading of Schmitt, our escape *to* nature is an escape *from* the illusions and false security of the pluralist status quo (Strauss, 1976, p. 101). In short, the state of nature to which this Straussian version of Schmitt would return us is the opposite of the play of shadows that coarsens our sensibilities in the cave of modern culture.

Clearly, the pre-modern notion of human nature articulated here is Strauss, not Schmitt, it is political philosophy in a classic vein and not political theology. But a strong reading of Schmitt as a Catholic political theologian, such as the one offered by Heinrich Meier (Meier, 1994, 1995), arrives at the same identification of the moral and the political. If, as Strauss notes, 'political philosophy is limited to what is accessible to the unassisted human mind', political theology is based on divine revelation (Strauss, 1988, p. 13). What is revealed is not the law that is to be followed, but a choice that is to be made: Believe, or be damned. The choice is between God and Satan, between the order that comes with belief and the chaos that comes with anarchy, and no evasion, no neutralization of the necessity to choose is possible. Political theology thus refutes the autonomy of the spheres and conflates morality, theology and politics. The evil to be denied is primordial, it is the evil given in the beginning of time, it is Original Sin. As a consequence, it is important to distinguish choice based on revelation from the type of existential decisionism with which Schmitt is usually associated (Wolin, 1992, pp. 85–86). If theological choice is based on belief in revealed and transcendent truths, existential decisionism is commitment to a position in spite of the inability to

ground one's choice. Weber's famous articulation of the polytheistic modern predicament states,

that so long as life remains immanent and is interpreted in its own terms, it knows only of an unceasing struggle of these gods with one another. Or speaking directly, the ultimately possible attitudes toward life are irreconcilable, and hence their struggle can never be brought to a final conclusion (Weber, 1946, p. 152).

What, we may ask, are we to do? Weber answers, 'it is necessary to make a decisive choice' (Weber, 1946, p. 152). From the point of view of the strict political theologian (as well as from Strauss's standpoint), Weber's universe is the universe of liberal tolerance in which commitment commands respect and must therefore respect the commitment of others. The struggle of the gods who 'ascend from their graves' and 'resume their eternal struggle with one another' (Weber, 1946, p. 149) becomes, in parliamentary liberalism, the point-counterpoint of a debating club, devoid of epistemological or moral meaning. And so the strict moralist has to see Weber, with his plural gods, as a heathen living in a world of ultimate and dark disorder. When faced with evil and forced either to turn the other cheek or to resist, Weber can only say:

And yet it is clear, in mundane perspective, that this is an ethic [i.e. the ethic of the Sermon on the Mount] of undignified conduct; one has to choose between the religious dignity which this ethic confers and the dignity of manly conduct which preaches something quite different; 'resist evil—lest you be co-responsible for an overpowering evil'. According to our ultimate standpoint, the one is the devil and the other the God, and the individual has to decide which is God for him and which is the devil. And so it goes throughout all the orders of life (Weber, 1946, p. 148).

Which is God and which is the devil—for him?! The political theologian cannot treat the question of evil as just one of a variety of questions 'throughout all the orders of life'. The political theologian cannot say, '*In my opinion*, Satan is the devil'. This way, the political theologian will warn, can only lead to the dark disorder of nihilism.

* * * *

If the Straussian reading or the reading of Schmitt as a strict, Catholic, political theologian were the only readings possible, one would be hard pressed to understand his appeal within the ranks of those who are attempting to reconfigure liberal democracy. More to the point, if Good and Evil, God and Satan, are the models on which his friend/enemy distinction is based, it would be hard for us pluralist, polytheistic, morally depraved moderns to see it as a useful concept. But Schmitt's positions are more elusive and intricate than either Strauss or Meier want them to be. Schmitt, of course, is a notorious and inveterate foe of modern, liberal pluralism, a position he definitively staked out in his *The Crisis of Parliamentary Democracy*. In this work, democracy, as a homogeneously defined equality, achieved by way of exclusion, is pitted against liberalism, and the concern with indiscriminate and heterogeneously defined liberty (Schmitt, 1985; Mouffe, 1993, pp. 105–109, 117–134). In his view, equality—understood as the sovereign will of the people, potentially incorporated in such varied ways as a plebiscitary democracy or a dictatorship—and liberty are mutually exclusive. Liberalism pluralism, based on the neutralization of politics and the primacy of private rights, hobbles, in

Schmitt's view, the clear and unambiguous exercise of sovereignty that defines the state. Therefore, in Section 4 of the *Concept*, concentrating on the writings of Harold Laski and G. D. H. Cole, he takes the Anglo-Saxon pluralist tradition to task. Based ultimately, Schmitt contends, on Gierke's association theory (Schmitt, 1976, pp. 41–42, fn. 17), pluralism believes that 'the individual lives in numerous different social entities and associations', from religious institutions to labour unions to sporting clubs and the like (Schmitt, 1976, p. 41), and that within this scheme, the political appears as just one association among others. 'The state simply transforms itself', he observes, 'into an association which competes with other associations; it becomes a society among some other societies which exist within or outside the state' (Schmitt, 1976, p. 44). As can be expected, Schmitt focuses on what he takes to be the disastrous consequences of pluralism on the idea of the state. The pluralist account, he claims, cannot determine what the nature of the political is, whether it should, in classically liberal fashion, simply be the servant of the economy, or whether it should serve as an 'umbrella association of a conglomeration of associations'. In either case, the state would not be able to act decisively out of a clear knowledge of its sovereignty.

Although pluralism as a *theory* of modernity is found to be contemptible, the annihilation of the pluralist structure of modern society does not seem to be the purpose of Schmitt's critique. He explicitly states that he does not mean to 'imply that a political entity must necessarily determine every aspect of a person's life or that a centralized system should destroy every other organization or corporation' (Schmitt, 1976, pp. 38–39), a concession that Schwab (Introduction to Schmitt, 1976) may over-emphasize and Strauss and Meier ignore, but nonetheless, a point worth noting. Schmitt seems willing to tolerate the plurality of associations provided he can guarantee that the political be regarded as something qualitatively, not just quantitatively different from the other value spheres. It is the de-neutralization of politics, not the de-differentiation of society that seems to be his main concern, keeping in mind, of course, that within any differentiated structure, the primacy of the political must be assured. Emphasizing the supposed 'political meaning' of Hegel's 'often quoted sentence of quantity transforming into quality', Schmitt wants us to realize that 'from every domain the point of the political is reached and with it a qualitative new intensity of human groupings' (Schmitt, 1976, p. 62). In cases of dire emergency (*ernstfall*), when conflicts trigger the ultimate friend/enemy distinction, the political emerges as a qualitatively different set of circumstances and a qualitatively different set of human associations, hence, the political supersedes all other concerns.

One can understand Strauss's frustration with Schmitt's residual liberalism. On the one hand, the state is not to be seen as a mere umbrella term for a conglomeration of liberally defined associations, nevertheless, these associations seem to be tolerated. It is as though Schmitt were thoroughly infected with the germ of liberal indecisiveness. But the picture becomes clearer once one realizes that Schmitt's attack on the liberal theory of domestic or internal pluralism is made in order to assure another form of pluralism, the structure of international or interstate rivalry (Schmitt, 1976, p. 45). To the extent that domestic pluralism threatens international pluralism, it is suspect, which is to say that to the extent that domestic pluralism threatens the unity of the state, the structure of international pluralism loses its basis. Indeed, there is a dialectic, so to speak, of unity and difference that governs his entire discussion of pluralism. One can only have, in Schmitt's view, a plurality of unities. Thus, the decision that has to be made is the

decision concerning which plurality is desired based on which 'atomic' unity. Whereas Schmitt opts for external plurality based on internal unity, the liberalism he argues against endorses internal plurality based on a nebulous, yet highly threatening, universal foundation.

'As long as a state exists', Schmitt asserts, 'there will thus always be in the world more than just one state...The political world is a pluriverse, not a universe' (Schmitt, 1976, p. 53). To insure *this* form of pluralism, the unity of the individual, particular, and determinate state, defined as a democratic homogeneity based on the primacy of the political, has to be affirmed. In opposition to this view of the particularity of the political stands the liberal, universal concept of humanity. Schmitt charges that despite its purported emphasis on the equilibrant differentiation of associations, the pluralism of a Laski or a Cole is in reality a monism, based on 'an all-embracing, monistically global, and by no means pluralist concept, namely Cole's "society" and Laski's "humanity" (Schmitt, 1976, p. 44). What apparently frightens Schmitt about the universality of humanity as a concept is the consequent inability to apply the necessary, and necessarily political, friend/enemy distinction without condemning the enemy to total exclusion from the system. 'Humanity as such', he stresses, 'cannot wage war because it has no enemy, ...because the enemy does not cease to be a human being'. The enemy of 'humanity' can only be the inhuman, or the dehumanized, therefore, if a war is waged in the name of humanity, it is still not a war waged 'for the sake of humanity, but a war wherein a particular state seeks to usurp a universal concept against its military opponent'. Such a concept, then, becomes 'an especially useful ideological instrument of imperialist expansion', one with 'incalculable effects, such as denying the enemy the quality of being human and declaring him to be an outlaw of humanity; and a war can thereby be driven to the most extreme inhumanity' (Schmitt, 1976, p. 54). Granted, Schmitt is engaged in some special pleading here. His venom, loosed on Versailles and the League of Nations, originates, in part, in his bitterness over the treatment accorded post-World War I Germany by the victorious allies; and one also has to note that the regime that utilized the human/inhuman distinction to the greatest effect was the regime he aligned himself with after 1933.¹ Nevertheless, the theoretical problem, the quasi-logical problem of sameness and difference, is worth exploring here. Schmitt claims that liberal, domestic pluralism is based on a monism, on a universal, if infinitely divisible, substance called 'humanity'. One can only account for human and social difference, it seems, by way of an underlying unity. We are all different, but we can respect our differences, because, when it comes down to it, we are all the same. If, however, one deviates from this postulated sameness, one is ostracized. By starting this way, with difference, we end with bland, deceptive, and potentially dangerous unity. So, following Schmitt, we reverse the order. Within a democratic, homogenized state, we are domestically the same so that we may be internationally different, and internationally respect our differences, even as we fight on the basis of them. For this to be assured, states, regarded as moral persons embodied in the unquestioned authority of the sovereign, must confront each other on a 'horizontal' plane governed by equal rights in peace and war. There can be no higher 'third term', no international court of law, to adjudicate disputes between nation-states, and, equally important, no dissension or disunity on the microlevel, no disloyalty or rebellion that could threaten the authority of the sovereign. In order for sovereign nation-states to confront and contest each other internationally, the sovereignty of the political cannot be contested domestically. Or, to put it another way, only by

asserting the political as the third term on the domestic level, as the sphere that overrides the economic or the religious or the aesthetic, can the third term—‘humanity’, say—be avoided on the international scene (see Schmitt, 1988, for elaboration).

Schmitt, however, rarely asks about the corresponding danger. If the monism of liberalism leads to inhuman wars of extermination in the name of humanity, then should we not also be worried about the monism of a democratically homogenized state, especially when we begin to ask about the criterion that is to be used to define sameness? Is that criterion language? Tradition? Class? Race? Even if Schmitt does not ask these questions, we should. And this means that if we find aspects of Schmitt’s critique of liberalism useful for a reconfiguration of liberalism, we will still need to be particularly careful concerning his claim about the primacy of the political.

* * * *

The question to be asked becomes the following one: If one starts with international heterogeneity, or, more precisely, if one starts with a structure that allows for interstate heterogeneity and rivalry, can one duplicate that structure on a domestic level and at the same time translate the friend/enemy distinction into one that will exclude civil war while retaining the legitimacy of conflict? Can one, in other words, propose domestic antagonism, domestic friend and enemy groupings, and *simultaneously limit conflict within acceptable channels*? We are looking for a structure, here, that allows for the inclusion of irreducible antagonism and the exclusion of any ultimate resolution of antagonism, though individual conflicts will always find tentative solutions. Thus, we are looking for a structure that deploys the friend/enemy distinction on two levels. On the one hand, it should serve to delimit the political system and preserve it from annexation. The ‘friend’ is the political sphere, the ‘enemy’ all that which seeks to identify the political with the moral or the religious or any other domain. On the other hand, within the political system thus delimited, the friend/enemy distinction defines political oppositions (parties, ideologies, interest groups, etc.). One might say that on the first-mentioned level, the homogeneity of the political, its autonomy, is preserved, while on the second, the heterogeneity of the political, its internal differentiation, is guaranteed.

Of course, in framing the question in these terms, I am evoking, however obliquely, Niklas Luhmann’s systems-theoretical model of functionally differentiated modernity. According to his quasi-evolutionary scheme, the structural change that becomes visible by at least the end of the 18th century is *not* best described as the emergence of bourgeois, capitalist society, but rather as the shift from an organizing principle of social stratification, in which the unity of society is represented by a unity at the ‘top’ (the court) of society, to an organizing principle in which a plurality of functionally differentiated social systems proliferates, with no one system able to represent the unity of the whole, and certainly with no ‘lifeworld’ serving as some central watchtower to oversee and normatively discipline the activities of the individual function systems (Luhmann, 1982, pp. 229–254). Each autonomous system directs its activities by way of communication, which is to say, by way of binary coding. Science, for example, operates according to the true/false distinction, religion by immanence/transcendence, economics by profitability/unprofitability, and so on for the other, differentiated systems and sub-systems of society (Luhmann, 1989, pp. 36–105). Within this systems theoretical model, then,

the 'political', too, must be conceived of as the political system, one social system among many, standing in a 'horizontal' or non-hierarchical relationship to the others, and operating by a particular refinement (or, if you will, 'domestication') of Schmitt's friend/enemy distinction, the distinction between government and opposition.² What is important to understand is that this internal differentiation or structural bifurcation and resultant contestation of power is only possible if the political itself is functionally differentiated from the other spheres of society. As Luhmann puts it:

As long as society as a whole was ordered hierarchically according to the principle of stratificatory differentiation such a bifurcation of the top was inconceivable or had been associated with experiences like schisms and civil wars, i.e. disorder and calamity. Only if society is structured so that, as society, it no longer needs a top but is arranged non-hierarchically into function systems is it possible for politics to operate with a top that is bifurcated. In this, at present, unavoidable situation politics loses the possibility of representation. It cannot presume to be—or even to represent—the whole within the whole. (Luhmann, 1990b, p. 233).

One can read this passage as a direct critique of Schmitt's 'pre-modern' notion of the homogeneity of the state.³ Indeed, it follows from Luhmann's remarks, that sovereignty, Schmitt's crucial category, becomes problematical, in that it no longer resides in a unity—not in the single person (monarch or dictator), nor in the collectivity as a personified whole (general will), nor in the state as moral subject. Rather, sovereignty, defined as the ability to make binding decisions, lies now in an essential bifurcation of power. Perhaps one can talk of the self-differentiation of sovereignty, sovereignty based on difference and the plurality of competing wills, not on the general will. Thus, the modern solution to the political problem destabilizes authority, 'and it would be a self-deception to confer it now, as the covert sovereign, on public opinion or even the people. The structural gain lies rather in the instability as such and in the sensibility of the system that is created by it' (Luhmann, 1990b, p. 234). On this view, rather than threatening sovereignty, pluralism becomes its new form.

In a similar fashion, within the realm of politics, the true and the good (not to mention the beautiful) are banned. Here one can observe, perhaps, a certain affinity between Luhmann and Schmitt, an affinity that can be traced back to Weber.⁴ However, the political, for Schmitt, is non-localizable: it can arise everywhere and anywhere that the difference instantly and 'qualitatively' transforms itself into unavoidable antagonism and conflict. As Strauss gleefully maintains, it is at these moments that politics participates in the great moral antagonisms of an age and the liberal becomes a superfluous nuisance. 'The struggle', Strauss write,

is fought out alone between mortal enemies: the 'neutral' who seeks to act as intermediary between them, who seeks some middle way, is pushed aside by both of them with unqualified contempt—with rude insults or under maintenance of the rules of courtesy, according to the character of the individuals in question. The 'contempt', the disregard, is to be taken literally: they do not 'regard' him; each seeks only a view of the enemy; the 'neutral' obscures this view and obstructs the line of fire; he is gestured aside: the enemies never look at him. The polemic against liberalism can therefore have no meaning other than that of a subsidiary or preparatory action. It is undertaken only to clear the field for the

decisive battle between the 'spirit of technology', the 'mass faith of an anti-religious, this-worldly activism' and the opposite spirit and faith, which, it seems, does not yet have a name (Strauss, 1976, pp. 103–104).

Luhmann, on the other hand, targets precisely those types of 'politicians with Mosaic pretensions' who, by operating with the distinction between 'how things are and how they ought to be' (*zustand und ziel*) or 'immanence and transcendence' (Luhmann, 1990b, p. 233), inflate the political into a metaphysical substance. Rather than identifying the messianic impulse with the political, Luhmann, like Weber, finds those 'drunk with morality' (Luhmann, 1990b, p. 237) to be a threat to the autonomy and operation of the political system.

Indeed, this critique of Mosaic pretensions is crucial for an understanding of a possible pluralist politics. Luhmann's view might be represented roughly in the following way. If one operates on the basis of a fundamental 'is/ought' distinction, bemoaning and critiquing the way things are, based on a utopic vision of the way things ought to be (a socialist utopia, say, that posits the revolutionizing of material conditions, or a Straussian neo-conservatism aimed at re-establishing the natural, moral order), then one will be tempted to coordinate the opposing sides of this distinction with the political distinction, condemning those who oppose one's own 'ought' as not just representing a politically different position, but rather a morally indefensible defence of the morally indefensible status quo. In this way, the political transforms itself into the type of moral Armageddon that a Strauss longs for, and only one side can win in such a final battle. But, if one's vision is less than apocalyptic, a transformation of this type would represent the end, not the ends, of politics.

What alternative, however, offers itself? 'Only chatter', would be the uncharitable answer. It is, in fact, Schmitt's answer in his critique of parliamentarism, written during the years of the Weimar Republic, in which he claims that discussion, as the conflict of opinions and the willingness to be persuaded, has lost its epistemological ground (if it ever legitimately had one) and has been replaced in modern mass democracy by the conflict of special interests (Schmitt, 1985, pp. 5–6). With the dissolution of its epistemological foundation, Schmitt goes on to maintain, parliamentarism can only posit a contingent, pragmatic, social-technical justification for its own continued existence; a justification, Schmitt holds, that will not succeed in preserving the institution (Schmitt, 1985, p. 8). History, however, seems to have proven him wrong, at least so far. Even if no one any longer (except, maybe, Habermas) believes in the epistemological (and ethical) grounding of discourse as the basis for parliamentary democracy, its social-technical efficacy continually proves itself, even as it continually generates perennial dissatisfaction, especially among those who long for the conflation of the true and the good with the political. Indeed, discussion is the means by which the political system reproduces itself, not, *pace* Habermas because consensus is reached, but precisely because each political decision produces both consensus and dissensus simultaneously and allows, therefore, for multiple linkages. The political, it might be said, can only operate precisely because it finds itself without a determinate ground. That is, in Kantian terms, the political is not the realm of determinate judgment, but rather of reflective judgment (Arendt, 1982; Mouffe, 1993, pp. 14, 130). The political, as the realm of opinion, is distinguished from science and religion or morality. Therefore, if one opposes a political decision, one does not find oneself outside of the political system because one opposes what is true or what is good; rather, one finds oneself in the

'opposition', as a politically legitimate 'enemy' of the governing majority, an 'enemy' who manipulates the power of those out of power to influence future decisions.

* * * *

Luhmann, rejects, then, a vision of the good life that could be said to direct our actions toward the promised land of harmony, social solidarity and emancipation. Or, to put it in terms Luhmann would perhaps favour, his vision of the good life consists in just this rejection of a vision of the good life. Such a position, of course, leaves him open to the charge that he is much too comfortable with the social-technical justification of a differentiated and limited political sphere. Mouffe, for instance, sees in Luhmann the type of technocratic neo-conservative who wishes to 'transform political problems into administrative and technical ones' and 'restrict the field of democratic decisions by turning more and more areas over to the control of supposedly neutral experts' (Mouffe, 1993, p. 48). Opposed to this technocratic 'neutralization' of politics, she suggests that we 're-establish the link between ethics and politics' (Mouffe, 1993, p. 112). In calling for this linkage, Mouffe clearly does not want to overturn the modern achievement, the distinction between politics and morality. On the contrary, her critiques of communitarians and Kantian liberals (e.g. Rawls) alike centre on their conflation of political philosophy with moral philosophy and their inability to perceive the specificity of the two discourses (Mouffe, 1993, pp. 112–113). Indeed, recognizing the specificity of the political means, for Mouffe, rehabilitating political philosophy and (in marked distinction to Strauss) strictly differentiating it from moral philosophy. This distinction echos the public/private split that indelibly marks modernity and precisely precludes a politics derived from a 'private' vision of the morally good life (Mouffe, 1993, p. 113–114). However, an 'ethics of the political', a 'type of interrogation which is concerned with the normative aspects of politics, the values that can be realized through collective action and through common belonging to a political association' (Mouffe, 1993, p. 113), remains an inherent component of Mouffe's political philosophy. Perhaps her effort to configure an ethics of the political resembles Jean Cohen's reception of Habermasian discourse ethics as a political 'ethics of democratization', which would allow for a 'plurality of democracies' while excluding 'domination, violence, and systematic inequality' (Cohen, 1990, pp. 100–101). But whereas Cohen rediscovers civil society—albeit a politicized civil society—as the haven for pluralism,⁵ Mouffe, rather surprisingly, turns to the notion of the state for comfort. What is at stake for Mouffe is pluralism, an antagonistic pluralism not founded on the rationalist fundamentalism of traditional (and, one might add, Habermasian) liberalism. To achieve such a pluralism, one must, she contends, limit pluralism itself. 'Schmitt is right', she claims, 'to insist on the specificity of the political association, and I believe we must not be led by the defence of pluralism to argue that our participation in the state as a political community is one the same level as our other forms of social integration' (Mouffe, 1993, p. 131). On this view, the *specificity* of the political must be thought of in terms of the *primacy* of the political, and thus, of the primacy of the state.

Antagonistic principles of legitimacy cannot coexist within the same political association; there cannot be pluralism at that level without the political reality of the state automatically disappearing. But in a liberal democratic regime, this does not exclude their being cultural, religious

and moral pluralism at another level, as well as plurality of different parties. However, this pluralism requires allegiance to the state as an 'ethical state', which crystallizes the institutions and principles proper to the mode of collective existence that is modern democracy. (Mouffe, 1993, p. 131).

Mouffe is correct in insisting on the limits of pluralism and on the *paradox* of pluralism which requires a structure that cannot itself be pluralistically relativized. Pluralism is not self-justifying, hence it requires allegiance. But to what is allegiance owed if pluralism is to flourish?

Though Mouffe certainly does not call for a Schmittian 'total state', her stress on the primacy of the political and seeming identification of the political with the state does, I believe, fall victim to Schmitt's insistence that pluralism can only be based on some sort of homogeneity, as can be seen in her reliance on the traditional state/civil society distinction. Within this distinction, as she uses it, the state serves a dual function: it is both part of the distinction, standing over and against civil society as its other, and, at the same time, it is the overarching and all-encompassing *unity* of the distinction. Herein lies the danger. If the state, as the self-description of the political (Luhmann 1990a, 166), is not one association (one system) among many, then it does not exist in a pluralist relationship to the other social systems. Mouffe wants to remove the state surgically from the body in which it is embedded and insist that the political, as a 'quality' (one is tempted to say: as a metaphysical substance), exists independently of society, or at least pre-exists the historical phenomenon of *modern social differentiation*. As such, the political serves a transcendental function. The state, therefore, as 'container' of this universal quality or substance, must simultaneously be divisible, as an empirical representation of the political among the differentiated spheres, and indivisible, as the transcendental unity that sets limits to pluralism. On this view, modernity is still marked by a hierarchical structure in which the political enjoys a pre-eminent status not enjoyed by morality, say, or religion, qualities that apparently only enjoy an empirical status and can be easily delimited.

But why should this be the case? Why should the political 'determin[e] our very ontological condition' (Mouffe, 1993, pp. 3), but not the divine, or the good, or, for that matter, the beautiful? It is easy to see how the political is perverted when religion or morality enjoy pre-eminent status. In such cases, the political either disappears, or threatens to become the servant of the church or of a potentially oppressive moral code. We see *increasing pressure along these lines in the rise of conservative religious fundamentalism in the United States, in the Arab world, in Israel, and elsewhere*. But why is not the reverse also true? Why would not the primacy of the political threaten religious or moral autonomy in a similar manner as religious movements threaten the political? The true and the good may be subordinated to the politically efficacious in the political sphere, but how can one entertain a legitimate pluralism if the true and the good do not stand in a symmetrical relationship with the political in society as a whole? If they do, then the state cannot be conceived as the unity of the difference between state and society, but rather the location, the self-description of the political within society seen as the differentiation of symmetrically ordered social spheres. The point to be made here is one of caution. Championing the primacy of the political would seem to establish an asymmetry between the moral and the political, one that mirrors the asymmetry originally combatted. 'The relegation of religion to the private sphere', Mouffe

notes, 'which we now have to make Muslims accept, was only imposed with great difficulty upon the Christian Church and is still not completely accomplished' (Mouffe, 1993, p. 132). But if the relationship between the state and the civil society—the 'private sphere'—is to be thought of as hierarchical, it will never be 'accomplished', because both Muslims and Christians (and Jews and others, for that matter) will continue to fight 'secularization', if secularization becomes nothing but the code for the hegemony of the state. The antagonism of antagonistic pluralism lies precisely in the symmetry of the structure that precludes ultimate victory. Without symmetry, no conflict, only conquest and colonization.

It would seem, then, that the structure to which advocates of pluralism should show allegiance, if allegiance must be shown, would be the structure of modernity itself, modernity as pluralist differentiation. Rather than conceiving of pluralism as the result of a necessary and sovereign homogeneity, especially the homogeneity of the state as a moral (Schmitt) or ethical (Mouffe) agent, one would, on this view, think of pluralism as the correlation of internal and external differentiation. If the system of modernity is the plurality of autonomous, incommensurable, and, therefore, horizontally ordered systems, then the threat to modernity is *de*-differentiation, the supervision of society from one, central control tower, or worse, the collapsing of all systems into one overarching totality. Consequently, if one finds differentiation and the pluralism it brings with it worthy of preservation, then one would have to think of the preservation of modernity as the self-preservation of the autonomy of systems, the fierce battle of systems to preserve their own self-reproduction by way of specialized communication and binary coding (Rasch, 1995, pp. 211–218). In effect, Luhmann suggests that communication about society should give up its habitual recourse to the is/ought distinction and re-orientate itself according to a distinction that is fundamentally based on the opposition of preservation and extinction. In his eyes, 'he critique of functional differentiation reaches the limits of alternativity. A society can imagine a change in its principle of stability, in its pattern of differentiation or of drawing systemic boundaries as nothing but catastrophe' (Luhmann, 1990a, p. 141). Change is not thereby precluded, only stripped of its Messianic quality. Change occurs, and can only occur, as a consequence of preservation, as the accommodation of perturbations and the reiteration of the same that can never be the same. Self-preservation, of course, has a nasty ring to it, evoking, as it does, the Social Darwinism of the late 19th century and the performativity of the system so feared by the likes of Horkheimer/Adorno and Lyotard in the 20th century. But if the ideal of moral or political control of the social system is to be eschewed—and how can one seriously entertain an antagonistic pluralism if one also wants to reserve the right to regulate or pre-determine outcomes—then reproduction of differentiation as the condition of possibility for pluralism becomes the goal. And so, if it can be said that Luhmann wields the friend/enemy distinction, it is on behalf of differentiation, for it is differentiation, not homogeneity, that marks the necessary and constitutive limit of the type of pluralism that Mouffe claims would go beyond the fundamentalism of traditional liberalism.

Notes

1. For general discussions, in English, of the Weimar and Third Reich contexts of Schmitt's thought, see Benderesky (1983) and Schwab (1989). For a far more detailed investigation of Schmitt's friend/enemy distinction, that, in its numerous and informative footnotes, details the contemporary debates and subsequent responses, see Schmitz (1965).

2. It should be noted that differentiation, as Luhmann understands it, does not deprive the political of its 'universality', but this is also true of all the other realms as well. From within the political system, anything can be viewed as politically relevant, just as from within the economic system, for instance, anything can be seen as potentially profitable, and so on for science, religion, etc.
3. Luhmann's occasional references to Schmitt are generally in the form of critical, if not dismissive, asides, as, for instance, his characterization of the friend/enemy distinction as one of a group of 'highly irrational' responses to the emergence of modernity, as one of a series of 'provisional and literary conceptions without lavish reference to reality' (Luhmann, 1982, pp. 175–176). It is hard, however, not to hear echoes of Schmitt in Luhmann, even if they greatly differ in their assessment of liberal modernity. On these cool, dry echoes, see Schwanitz's remarks concerning Luhmann's affinity with Weimar *Neue Sachlichkeit* and such diverse figures from the post-World War I scene in Germany as Robert Musil, Bertolt Brecht, Ernst Jünger, Carl Schmitt and Helmuth Plessner (Schwanitz, 1995, pp. 163–168).
4. Of course, Luhmann's treatment of Weber is roughly the same as his treatment of Schmitt. But perhaps his acknowledged indebtedness to Parsons can stand for an unacknowledged indebtedness to Weber.
5. Cohen explicitly questions the public/private distinction Mouffe relies upon (Cohen, 1990, p. 86), and critiques theories like Luhmann's for their 'denormalization of politics and law' and 'depoliticization of morality' (Cohen, 1990, p. 87).

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