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Religion and political form: Carl Schmitt's genealogy of politics as critique of Jürgen Habermas's post-secular discourse

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Abstract. Jürgen Habermas's post-secular account is rapidly attracting attention in many fields as a theoretical framework through which to reconsider the role of religion in contemporary societies. This work seeks to go beyond Habermas's conceptualisation by placing the post-secular discourse within a broader genealogy of the relationships between space, religion, and politics. Drawing on the work of Carl Schmitt, the aim of this article is to contrast the artificial separation between private and public, religious and secular, state and church, and the logic of inclusion/exclusion on which modernity was established. Revisiting this genealogy is also crucial to illustrating, in light of Schmitt's political theory, the problems underlying Habermas's proposal, emphasising its hidden homogenising and universalist logic in an attempt to offer an alternative reflection on the contribution of religious and cultural pluralism within Western democracies.

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A state is not made up only of so many men, but of different kinds of men; for similars do not constitute a state.

Aristotle[1]

Can we, without renouncing our individuality, satisfy our aspirations to universality? Or is it only by the sacrifice of our individual differences that we can integrate ourselves in the community?

Simone de Beauvoir[2]

Introduction

According to Jürgen Habermas, who coined the term, 'the description of modern societies as ''post-secular'' refers to *a change in consciousness*' that can be attributed

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[1] Aristotle, *The Politics*, II, 1261a (23–25), trans. Jonathan Barnes (Cambridge: Cambridge University Press, 1996), p. 31.
[2] Simone de Beauvoir, 'Must We Burn Sade?', in Paul Dinnage (ed.), *The Marquis De Sade* (London: John Calder, 1962), pp. 12–3.

to three interrelated phenomena: the perception that religion is regaining a world-wide influence, its 'return' within national public spheres (which were supposed to be 'secularized'), and the pluralism of ways of life, typical of immigrant societies.[3] If this description is consistent with reality and if this 'change of consciousness' is an actual historical development, it is not essential here.[4] In fact, the historical premises of Habermas's analysis are functional to his normative ideas. The fundamental issue at stake is not if Western societies are secularised or not – as indeed they mainly are[5] – but instead how we must 'ensure that in firmly entrenched nation states, social relations remain civil despite the growth of a plurality of cultures and religion world-wide?'[6] Then the *arcanum* does not seem so mysterious. The problem here is still how to solve the 'riddle' of pluralism; an issue that has already intensified the debate between Habermas and the Canadian philosopher Charles Taylor on the theme of multiculturalism.[7] This time the only differences seem to be the emphasis on the 'religious spirit' of that pluralism and Habermas's 'conversion' and 'change in consciousness' towards religion, as shown for example by his dialogue with the then Cardinal Joseph Ratzinger.[8] The German philosopher is now ready to recognise that a 'complementary learning process' between secular and religious sides must be fostered, that 'secular citizens in civil society and the political public sphere must be able to meet their religious fellow citizens as equals'.[9] In order to promote this new 'political openness', religion and religious utterances must be translated into a publicly accessible language and hence introduced into a secular discourse.[10] Of course, according to Habermas, 'the domain of the state, which controls the means of legitimate coercion, should not be opened to the strife between various religious communities, otherwise the government could become the executive arm of a religious majority that imposes its will on the opposition'.[11] On the one hand, then, religion is *useful* because 'particularly [with] regards to vulnerable social relations … [it can] posses the power to convincingly articulate moral sensitivities and solidaristic intuitions'.[12] On the other hand, religious beliefs, because of their potential for conflict, must be 'rationalised' and banned from having the power to influence the *res publica*. Habermas's recovery of religion, his post-secular discourse, seems to possess nothing but the 'possibility of movement' for religion in the public sphere in order to be used for secular and instrumental ends. This means that the potential contained in the 'religious irrational' should be used rationally in order to contrast the fragmentation

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[3] Jürgen Habermas, 'Notes on Post-Secular Society', *New Perspectives Quarterly*, 25:4 (2008), p. 20, emphasis in original.

[4] This is not the place for a discussion of the '(de)secularization debate' for which see the double special issue 'After Secularization', *Hedgehog Review*, 8:1/2 (2006). For a recent empirical analysis, see Pippa Norris and Ronald Inglehart, *Sacred and Secular. Religion and Politics Worldwide* (New York: Cambridge University Press, 2004).

[5] In contrast, see Habermas, 'Notes on Post-Secular', p. 17.

[6] Ibid., p. 21.

[7] See Charles Taylor et al., *Multiculturalism: Examining the Politics of Recognition* (Princeton, NJ: Princeton University Press, 1994).

[8] Jürgen Habermas and Joseph Ratzinger, *The Dialectic of Secularization. On Reason and Religion* (San Francisco, CA: Ignatius Press, 2006).

[9] Habermas, 'Notes on Post-Secular', p. 29.

[10] Ibid., p. 29. See also Jürgen Habermas, 'On the Relations between the Secular Liberal State and Religion', in Hent de Vries and Lawrence E. Sullivan (eds), *Political Theologies. Public Religion in a Post-Secular World* (New York: Fordham University Press, 2006), pp. 251–60.

[11] Habermas, 'Notes on Post-Secular', p. 28.

[12] Ibid., p. 29.

produced by instrumental rationality and then expel the 'irrational' when it attempts to enter the domain of decisions. From this visual angle, the 'potential of novelty' promised by the new post-secular framework does not seem to justify the prefix 'post'. The logic used by Habermas is still tied to the dualistic categories of modernity: inclusion/exclusion, public/private, secular/religious, and so forth. However, behind the so-called 'post-secular' discourse – which can also be seen as the normative response to the phenomenon of the 'return of religion'[13] – lies one of the greatest enigmas and challenges in the history of Western politics: the relationship between transcendence and power. In fact, the problem of the return of religions (in the plural) to the public realm through migration flows and the failures of instrumental rationality, brings back to the fore, in a new form, the old problem of political unity and its internal cohesion and legitimacy; that is to say, what unity is possible in the plurality of cultures and religions? What identity and legitimacy are formed through the contingent fragmentation operated by the processes of globalisation? What political form can stem and give shape to a community in an age in which state borders are more and more porous?[14] It is not difficult to see that the 'post-secular' conceptualisation hides and summarises many of the most profound questions of Western political thought, and challenges us to wrestle again with these puzzles.

In this work, through an analysis of the post-secular as described above – that is, as both an intellectual and historical challenge to Western democracies – I aim to problematise Habermas's analytical-normative proposal in order to highlight its underlying problems.[15] This critical analysis is not an end in itself but attempts to frame, in the context of international politics, the radical problem of the relationship between the 'sacred' and the 'political'. This relationship has re-emerged in full force as a consequence of what can be defined as the second great crisis of the political space (succeeding the end of the modern age), which was triggered by the 'border-crossing' dynamics of globalisation. In fact, the contemporary age is characterised by a continuous mobilisation and hybridisation of boundaries, which stirs up the conceptual and political divisions that have established political modernity (inside/outside, private/public, and religious/secular). Faced with this challenge, which incorporates the problems of pluralism, Habermas makes an instrumental use of religion in order paradoxically to combat the 'iron cage' created by the aftermath of instrumental rationality. Moreover, his responses to the challenges of religious and cultural pluralism are Western-centric and fall into what I call the 'isomorphic fallacy': an attempt to preserve 'the liberal-democratic identity', thus making an *abstract tabula rasa* of the public sphere, and depriving it of the *concrete plurality* and social differences from which it is formed. This once again demonstrates the difficulty of overcoming the dynamics of inclusion/exclusion on which modernity was established. Furthermore, in my opinion, it creates an additional risk: the possibility of failure for our political systems if they are (once again) based on abstract-universalist categories, thus losing sight of the concrete and irrepressible plurality

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[13] See Fabio Petito and Pavlos Hatzopoulos (eds), *Religion in International Relations: The Return from Exile* (New York: Palgrave, 2003).

[14] See, for example, Bertrand Badie, *La fin des territoires. Essai sur le désordre international et sur l'utilité sociale du respect* (Paris: Fayard, 1995).

[15] For a discussion of other post-secular accounts, see Ola Sigurdson, 'Beyond Secularism? Towards a Post-Secular Political Theology', *Modern Theology*, 26:2 (2010), pp. 177–96.

produced by the mobilisation of cultures and religions. In an attempt to frame this issues in a more effective way, this article seeks to go further than Habermas's conceptualisation, by placing the post-secular problem within a broader genealogy of the relationships between space, religion, and politics. In doing so, my aim is to show how religion has been an inescapable dimension for Western politics, both in the formation of the modern state and in transforming its secular dimension in a new form of universalism.[16] To understand this dual bond, formed of an absence-presence of religion within modern politics, I believe it is worth revisiting the genealogy of the relationship between religion, space, and politics as developed by Carl Schmitt. For, Schmitt's genealogy of politics is a momentous analysis of the origin and the crisis of modernity and of its political form: the state. It offers an intellectual journey that begins with a crisis of space (and of its relationship with transcendence) and concludes with a new beginning which is another spatial-political crisis. My intent therefore is to use the *pars destruens* and not the *pars construens* of Schmitt's thought, his deconstruction of the political categories of modernity and not its dangerous respatialisation of the *jus publicum Europaeum*. My aim is to rethink – *through* Schmitt but *beyond* him – the place of the sacred within the political space.

The article proceeds in three moves. In the first section, I revisit the relationship between religion and politics as described in Schmitt's *Political Theology*, which is an alternative theory of secularisation.[17] The purpose of this part is to outline the theological roots of modernity; that is, the 'rest' of sacredness that religion, according to Schmitt, leaves in the secular sphere and within the state. This is particularly useful in order to critically analyse the modern rationalistic separation between public and private, religion and politics, church and state. The second part follows Schmitt's theological-political thought on two levels: domestic and international. I will explore how the state, once having cut its ties to its religious foundations in order to maintain its unitary form, is constantly exposed to the problem of the 'absence of transcendence'; that is, how to constitute an idea of a 'common good' upon which the state, as a political community, can establish itself. Most importantly, for Schmitt the twentieth century brought about a disintegration of political unity as result of the work of universalist forces (individualism, economy, and technology) which appear again, both at the domestic and international level, to raise the question of legitimacy and legality. To revisit this genealogy is crucial in order to trace the analytical premises to interpret the so-called return of religion and its normative role in contemporary societies. The third part illustrates in light of Schmitt's political theory, the problems underlying Habermas's post-secular proposal, emphasising its hidden homogenising and universalist logic. Finally, once exposed to these criticisms, I seek to go beyond Schmitt in an attempt to overcome the dichotomous dialectic of inclusion/exclusion that characterises the modern age, now hopelessly 'deformed' by the dynamics of globalisation, and suggest some alternative lines of reflection on the role and contribution of religious and cultural pluralism in Western democracies.

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[16] It goes without saying that this intellectual trajectory has been followed by many authors: Weber, Voegelin, and Kantorowicz, among others. However, as I shall explain, Schmitt's work offers a unique perspective of the immanence/transcendence split.

[17] Carl Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Cambridge, MA: MIT Press, 1985 [orig. pub. 1922]).

A genealogy of the *Krisis*: the theological roots of modernity

According to Plato the fundamental characteristic of the '*politéia*' is to tend towards unity. For, 'can we think of any greater evil for a city than what tears it apart and turns it into many cities instead of one? Or any greater good than what unites it and makes it one?'[18] Yet this ideal unity to which the Republic should aim is basically a 'dual unity'. In fact, politics in general and the *polis* in particular can only be a reflection/representation (*mimesis*) of the original purity of the Idea. We therefore already find in Plato, the problem of the 'political' developed as a *complexio* of unity and duality. Politics is a spurious unity because of the incommensurability between Idea and reality, transcendence and immanence, foundation and movement. This is the reason why, according to Plato, it is the duty of the philosopher, who spends 'his time with what is divine and ordered', to mediate between the two worlds, between the Idea of good and social plurality, thus establishing harmony.[19] The classical world was imbued with this duality. When, for example, the Stoic philosophers use the term '*cosmopolis*', they mean precisely the transcendental order (*kòsmos*) reflected in the immanent and political one of the *polis*.[20] Political harmony is a mirror of the universal harmony. For even the City 'is born representing itself as a "world" that reproduces the sacred order of the universe on a small scale'.[21] Its boundaries enclose an indivisible order made up of space, sacredness and politics. It is no coincidence that this 'cosmos' is endowed with meaning through omens and auspices, even through ritual sacrifices.[22] Yet with the advent of Christianity, something changes forever. 'God become man in historical reality'[23] and what had hitherto been conceived as a symbiosis of eternal and temporal, this world and the hereafter, was transformed into a friction between transcendence and immanence, sacred and profane, 'kingdom of God' and 'kingdom of Caesar'. This is the beginning of 'Political Theology' in a proper sense as well as of the 'fundamental dualism that has dominated the world since the beginning of Christianity'.[24] For, unlike the 'dual unity' which characterises the classical world, Christianity seems to represent itself as a 'unitary duality' in which 'this world' is significantly devalued compared to the 'kingdom of heaven'. This separation can be traced back to St. Paul, but it was St. Augustine who clearly divided the two kingdoms, the '*civitas Dei*' and the '*civitas terrena*', following Christ's maxim 'my Kingdom is not of this world'.[25] Christianity had presented itself by then as '*peregrina in saeculo*'[26] (stranger in the secular world) but at the same time, it had always to consider itself with the 'realm of sin' by establishing relationships (not merely conceptual) between God, Church, and Empire.

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[18] Plato, *The Republic*, V, 462b, trans. Tom Griffith (Cambridge: Cambridge University Press, 2009), p. 160.
[19] Ibid., VI, 500d, p. 205.
[20] See Giorgio de Santillana, *The Origins of Scientific Thought. From Anaximander to Proclus. 600 B.C. to 500 A.D.* (Chicago: University of Chicago Press, 1961).
[21] Carlo Galli, *Political Spaces and Global War* (Minneapolis: University of Minnesota Press, 2010), p. 9. See also Lewis Mumford, *The City in History. Its Origins, Its Transformation, and Its Prospects* (New York: Harcourt, 1989), pp. 94–157.
[22] René Girard, *Violence and the Sacred*, trans. Patrick Gregory (Baltimore: John Hopkins University Press, 1977), pp. 1–142.
[23] Carl Schmitt, *Roman Catholicism and Political Form*, ed. Gary L. Ulmen (Westport, CT: Greenwood Press, 1996 [orig. pub. 1923]), p. 19.
[24] Carl Schmitt, 'The Visibility of the Church: A Scholastic Consideration', in *Roman Catholicism*, p. 51.
[25] John 18:36.
[26] Schmitt, 'The Visibility', p. 56.

It is in such a problematic bond of space, politics, and sacredness – in the two dimensions of verticality (that is, openness to transcendence) and horizontality (closure of political unity) – that Carl Schmitt's theological-political thought is rooted. Since his first works in the 1920s, Schmitt has speculated about how to solve the link between transcendence and politics but above all, the subsequent historical break between these two dimensions that marks the beginning of the modern age.[27] For Schmitt, modernity is born out of a crisis, or better, out of a spatial revolution that reverberates on the other two fundamental dimensions of social life: politics and the sacred.[28] On the one hand, this crisis is cosmological as result of the 'Copernican Revolution', and of the momentous shift from the closed world to the infinite universe;[29] on the other hand, it is a geo-political crisis triggered by the discovery of the 'New World' which marks a radical change of the global image of the earth which over time would oust Europe from the centre of the world.[30] But the revolution that takes place between the sixteenth and seventeenth century is primarily 'the theo-political crisis of the *res publica cristiana* spurred by the Lutheran Reformation'.[31] It represents both a momentous and paradoxical transition. If, on the one hand, the Reformation is the fragmentation of the Christian unitary ethos and an unleashing of the productive energies of the Protestant individualism,[32] on the other hand, it brings back the theological-political problems in all their violence, thus mixing together the two dimensions, *civitas Dei* e *civitas terrena*, (religion and politics) without any recourse to the mediation of the Church. Therefore, the civil wars of religion are, according to Schmitt, the obvious corollary of this crisis out of which modernity and its political form – the state – emerge. The principle '*cujus regio ejus religio*' is the result of such a fragmentation of the originary unity because the crucial problem remains the same: political unity and its form. As he writes 'substances must first of all have found their *form*; they must have been brought into a *formation* before they can actually encounter each other as contesting subjects in a conflict, that is, as *parties belligérantes*'.[33] For, according to Schmitt, to maintain political unity within a space it is necessary to have an idea of *good*. The more it is shared, the greater the unity of form and politics; the more transcendent it is, the more it is able to coagulate political immanence within its borders. But he is aware that the unity broken by the civil wars of religion is no longer theologically reassembling, but rather it begets violence precisely because the various formless ideas of good fight

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[27] In my reading of Schmitt I follow the important work by Carlo Galli, *Genealogia della politica. Carl Schmitt e la crisi del pensiero politico moderno* (Bologna: Il Mulino, 1996).

[28] As Schmitt put it: 'each time the forces of history cause a new breach, the surge of new energies brings new lands and new seas into the visual field of human awareness, the spaces of historical existence undergo a corresponding change. Hence, new criteria appear, alongside new dimensions of political and historical activity, new sciences, new social systems; nations are born or reborn. This redeployment may be so profound and so sudden that it alters not only man's outlook, standards and criteria, but also the very contents of the notion of space. It is in that context that one may talk of a spatial revolution. Actually, all important changes in history more often than not imply a new perception of space. The true core of the global mutation, political, economic and cultural, lies in it.' Carl Schmitt, *Land and Sea*, trans. Simona Draghici (Corvallis, OR: Plutarch Press, 1997 [orig. pub. 1954]), p. 29.

[29] Alexandre Koyré, *From the Closed World to the Infinite Universe* (Baltimore: John Hopkins University Press, 1957).

[30] Schmitt, *Land and Sea*, chap. 12. Galli, *Political Spaces*, pp. 16–20.

[31] Ibid., p. 17.

[32] Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (London: Routledge, 2010 [orig. pub. 1930]).

[33] Carl Schmitt, *Political Theology II. The Myth of the Closure of any Political Theology* (Cambridge: Polity Press, 2010 [orig. pub. 1970]), p. 114, emphasis in original.

and oppress each other, escaping from a common ethos and enter the energetic field of the 'political'. The State, therefore, at the beginning of its historical-conceptual formation, was created to restore unity in the European fragmentation triggered by the Reformation; it reproduces an internal homogeneity and an external balance between entities that are considered equal.[34] Accordingly, 'theology, the former central domain, was abandoned because it was controversial, in favor of another – neutral – domain'.[35] This is the beginning of a new (apparently) detheologised epoch marked by Alberico Gentile's 'juridical cry' *Silete thelogi in munere alieno!* (Theologians, mind your own business!) and by 'the rational and human cultivation of war between states' in the International law.[36] The birth of the European state system, the *jus publicum Europaeum* as defined by Schmitt, was first and foremost just that: the restriction of civil and religious wars that turned into state wars (*la guerre en forme*), following the order imposed by the political boundary inside/outside (police/ army) and by the non-discriminatory mutual recognition of that border/right.

The new order, however, both within the state and outside (in its the inter-state relations), is not pacified but unstable. It is neither a perfect balance nor a well-closed form, but rather it is a field of forces that contains within itself the violence of its origins, the disorder from which it was generated. This is due to the fact that the state has indeed restored order by removing the 'political' from the theological through law, but at the same time, it suffers the lack of a foundational substance. It pays a price in order to establish itself in the 'shadow of transcendence'. For Schmitt, compared to the experience of the Church, the state both lacks and tries to reproduce something fundamental: the capacity of public representation. The Church, in Schmitt's *Roman Catholicism and Political Form*, is 'a unity-in-plurality, which clearly has both a metaphysical structure and a concrete significance'.[37] It is able to represent and mediate in a public manner (*repraesentatio* is *Repräsentation* not *Vertretung*)[38] between transcendence and immanence, Idea and reality, publicity and individuality. It is therefore a perfect *complexio oppositorum* (complex of opposites) that realises and solves the disunity mentioned earlier between sacred, space and politics; that is, between *veritas*, *auctoritas and potestas*.[39] But for Schmitt, once the state that he sees as a necessary political form (in fact, for him history can *never* go back) 'becomes a

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[34] 'In the struggle of opposing interests and coalitions, absolute monarchy made the decision and thereby created the unity of the state.' Schmitt, *Political Theology*, pp. 48–9.

[35] Carl Schmitt, 'The Age of Neutralizations and Depoliticizations', trans. Matthias Konzett and John P. McCormick, *The Concept of the Political*, ed. George Schwab (Chicago: The University of Chicago Press, 2007 [orig. pub. 1932]), p. 89.

[36] Schmitt, *Political Theology II*, pp. 114–15. In contrast, see also Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, trans. Gary L. Ulmen (New York, NY: Telos Press, 2003 [orig. pub. 1950]), pp. 121–6.

[37] Gary L. Ulmen, *Introduction*, in Schmitt, *Roman Catholicism*, p. xvii.

[38] Schmitt emphasises the substantial difference between *Repräsentation* (the unity of the public sphere) and *Vertretung* (private subjectivities and interests *into* the public sphere) in this way: 'Representation is not a normative event, a process, and a procedure. It is, rather, something *existential*. To represent means to make an invisible being visible and present through a publicly present one. . . . Representation can occur only in the *public* sphere. There is no representation that occurs in secret and between two people, and no representation that would be a "private matter". In this regard, all concepts and ideas are excluded that are essentially part of the spheres of the private, of private law, and of the merely economic. . . . A parliament has representative character only so long as one believes that its actual activity lies in the public sphere.' Carl Schmitt, *Constitutional Theory*, trans. and ed. Jeffrey Seitzer (London: Duke University Press, 2008 [orig. pub. 1928]), pp. 242–3, emphasis in original.

[39] Schmitt, *Roman Catholicism*, pp. 7–8.

leviathan, it disappears from the world of representations'.[40] For political modernity, in which the state is the vital core, is 'acephalous'. It is structured in the absence of a transcendent and foundational substance – cutting its ties with an idea of good – but in order to survive, it cannot do without it and thus imitates its forms. Hence, for Schmitt the historical process of secularisation, understood here as a temporal dimension, deforms, but does not transform, the sacred into the secular. The relation between these two dimensions is structured by analogy, not in the sense of an *analogy entis* but rather as an analogy that is a constant presence-in-absence.[41] On the one hand, modern politics is structured 'in the absence of a "divine substance" as opposed to theology but, on the other hand, it reproduces, although only in a formal-rational way, the same monistic governing function'.[42] The monarchical formula 'One God-One King' has been replaced with the democratic one 'One God-One People' and over time has transformed into 'One God-One Nation', even into 'One-God-One Humanity'.[43] For Schmitt, in short, the link between transcendence and power lingers on not only in space but also in time. This permanency is an absence-presence, an *aporia* that the liberal-individualistic thought wants to delete but cannot exclude, and in which indeed it invariably ends up getting conceptually stuck.

This relationship of formal continuity and substantial discontinuity between politics and theology emerges clearly in the concepts of the doctrine of the state. Where Schmitt writes 'the exception in jurisprudence is analogous to the miracle in theology',[44] he means precisely that the exception is the secularised name by which the modern political science from Hobbes[45] onwards calls the lack of a founding principle of the state. At the origin of the state, then, according to Schmitt, there is neither a rational mediation nor a contract which encapsulates political unity for good. The realisation of law (*Rechtsverwirklichung*) that takes place through the state form is a 'cut', a 'jump', an originary decision that eradicates politics from the 'political', the primeval violence from which the state emerged. For, 'because the legal idea cannot realize itself' but needs a particular form before 'it can be translated into reality', through the decision 'authority proves that to produce law it need not be based on law'.[46] This means, according to Schmitt, that the legal normativism *à la* Kelsen which equates state and law remain in 'the antechamber of jurisprudence'.[47] This approach

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[40] Ibid., p. 21.

[41] Galli, *Lo sguardo di Giano*, p. 65. This is precisely the point that Habermas misses when he declares that his new post-secular genealogy 'renders futile the alternative presented by Carl Schmitt and Hans Blumenberg. In its political and spiritual forms, modernity is not a mere result of secularization' nor 'a mere separation from the theological heritage to which it remains in opposition'. Habermas, 'A Post-Secular World Society?', p. 6.

[42] Galli, *Lo sguardo di Giano*, p. 67.

[43] Schmitt, *Political Theology II*, p. 72.

[44] Schmitt, *Political Theology*, p. 36.

[45] See Thomas Hobbes, *Leviathan*, ed. G. A. J. Rogers and Karl Schuhmann, 2 vols (London: Continuum, 2005[orig. pub. 1651]), part II, chap. 29 (18–31), p. 256. In Hobbes's system, which according to Schmitt has conceptually 'completed' the Reformation, there is still openness to transcendence (even though this 'openness' to the sphere of the sacred is used instrumentally). See also Carl Schmitt, 'Die vollendete Reformation. Bemerkungen und Hinweise zu neuen Leviathan-Interpretationen', *Der Staat. Zeitschrift fur Staatslehre, offentliches Recht und Verfassungsgeschichte*, 4:1 (1965), pp. 51–69.

[46] Schmitt, *Political Theology*, p. 28 and 13.

[47] Ibid., p. 21.

remains silent *vis-à-vis* the true origin of the state-form and the fact that, normatively, the 'decision emanates from nothingness'.[48] At the origin of modern politics (which is essentially a vacuum of substance), the state must precipitate the Idea of Justice within the order of its borders, transforming it into law. This is the task of the sovereign decision. Nonetheless, it does not mean that Schmitt is against the rule of law, nor a warmonger always open to the exception – for 'both elements, the norm as well as the decision, remain within the framework of the juristic'.[49] On the contrary, he believes that to maintain order it is necessary to recognise that at the origin of modernity there is disorder, not the 'nirvana of law', violence and not the contract, the 'political' and not politics. The state then removes crisis to the 'political'; the primeval decision creates a new secular order. This is the meaning of Thomas Hobbes's dictum '*authoritas, non veritas, facit legem*'.[50] 'The truth does not execute itself; it requires executable commands. These are the *potestas directa*, which – in contrast to the *indirecta potestas* – authenticate the execution of the command, require obedience, and are able to protect those who obey.'[51] For these reason, the state, and therefore those who govern it, must not forget its origins; that is to say that for Schmitt, the state, in order to survive, must remain open to conflict, to the political and not to pretend to remove it through discursive reason. 'A political order can be based only on openness to disorder: the state of nature must be abandoned but it is impossible.'[52] To sum up, the state, because of its groundlessness, can act as *katechon*[53] only if it can live with its insecurity, remaining open to the exception from that was generated: the possibility of violence, the enemy and the 'political'.

Schmitt's thought, therefore, even if purified from its reactionary and anti-liberal ideology, reveals a fundamental point of crisis in modern political reason that never succeeds in closing on itself completely. He points out how the political form is always exposed to the 'unformed', to an 'originary rest', to the exception. This 'point of indifference', the exception, explodes the rationalistic scheme which conceives politics and the state as being self-grounded on themselves, without the need for external or transcendent support. He suggests that the contingency cannot govern itself but needs a higher Idea. Schmitt is thus critical of liberalism, which claims that everything is self-governing and relies on private subjectivity for the construction of a public architecture. For him, in the private plurality, there is room only for conflict and the tyranny of values.[54] Modern individualism and its corollaries (capitalism and technology) are not capable of giving rise to a stable political form but instead serve to break the existing ones: Christianity first and then the state. At this historical

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[48] Ibid., p. 32.

[49] Ibid., p. 13.

[50] 'In civitate constituta, legum naturæ interpretatio non a doctoribus et scriptoribus moralis philosopiæ dependent, sed ab authoritate civitatis. Doctrinæ quidem veræ esse possunt; sed authoritas, non veritas, facit legem'. Thomas Hobbes, *Leviathan, sive de materia, forma, et postestate civitatis ecclesiasticæ et civilis* (Aalen: Scientia, 1961 [orig. pub. 1668]), p. 202. 'The Interpretation of Lawes of Nature, in a Commonwealth, dependeth not on the books of Morall Philosophy. The Authority of writers, without the Authority of the Common-wealth, maketh not their opinion Law, be they never so true.' Hobbes, *Leviathan*, part 2, chap. 26 (29–32), p. 218.

[51] Carl Schmitt, *Der Begriff des Politischen. Text von 1932 mit einem Vorwort und drei Corollarien* (Berlin: Duncker & Humblot, 1963), p. 122. A translation of Schmitt's account of 'Hobbes's crystal' is in Galli, *Political Spaces*, pp. 225–7.

[52] Carlo Galli, *Lo sguardo di Giano. Saggi su Carl Schmitt* (Bologna: Il Mulino, 2008), p. 21.

[53] Schmitt, *The Nomos*, p. 59ff.

[54] See Carl Schmitt, *Die Tyrannei der Werte*. Dritte, korrigierte Auflage (Berlin: Dunker & Humblot, 2011).

level, therefore, Schmitt sees the state as an historical necessity but also as an un-founded form constantly exposed to the risk of the 'political'. As we shall see, pre-cisely because of the closure of the immanent order to itself, according to Schmitt, the state initiates an entropic process through which it is overwhelmed by the indus-trial and technological forces that will lead to a new spatial revolution and thus to the re-emergence of a new relationship between sacredness, space, and politics.

Within and beyond the unity: universes and pluriverses

Schmitt's *Political Theology* is a reflection on the origins of modern political form and of its necessary openness to the transcendental idea. But at the same time, the analysis opens another dimension: the (apparent) closure of the state and the problem of maintaining its political unity. Again, Schmitt does not consider the relation between transcendence and immanence, religion and politics, ethics and state as polar dimensions. He contrasts the discontinuity created by the great modern separa-tion between religion and politics, sacred and secular, private and public carried out through the rational mediation of the state. Modern politics and its institutions, according to him, have been self-constituted in an imitation of religious concepts that is an emptying but not an exceeding of the theological categories. Thus, the claim of the modern state of being self-founded, to completely neutralise religious issues, and to rationalise social life, is jeopardised by the same rational forces (economy and technology) that the state, as *machina machinarum*, has unleashed. If the state, in its European expansion, had as *telos* a principle of order, this principle is the result of historical contingency (the civil wars of religion) and of a genealogical necessity (the Hellenistic and Christian's legacies). Yet once the state has emancipated itself (only formally) from the theological, 'the ethical question of fidelity and loyalty must get a different answer from the one it gets in the case of a univocal, transcendent and com-prehensive unity'.[55]

   In order to maintain its unity within new secular borders the state must solve the question of the link between legitimacy and legality, political unity and plurality of the social body.[56] Given the substantial decline of transcendence as a unifying prin-ciple, the new ethics of state, to keep the unity alive, must have recourse to a process of homogenisation of social differences. As Schmitt puts it: 'Political unity is the highest unity – not because it is an omnipotent dictator, or because it levels out all others unities, but because it decides, and has the potential to prevent all other opposing groups from dissociating into a state of extreme enmity';[57] which is, in fact, a return to the violent origins of the state. The plurality, according to Schmitt, is conceptually possible only *between* states and not *within* them because there is the danger that different sources of legitimacy may break the political unity. The only plurality possible is a world of states. As he writes in his famous *Concept of the Political*: 'The political world is a pluriverse, not a universe. In this sense every

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[55] Carl Schmitt, 'Ethic of State and Pluralistic State', in Chantal Mouffe (ed.), *The Challenge of Carl Schmitt* (London: Verso, 1999 [orig. pub. 1930]), p. 198.

[56] Carl Schmitt, *Legality and Legitimacy*, trans. Jeffrey Seitzer (London: Duke University Press, 2004 [orig. pub. 1932]).

[57] Schmitt, 'Ethic of State', p. 203.

theory of the State is pluralistic even though in a different way from the domestic theory of pluralism'.[58] The state is the decisive political unity because it is able to dominate the political, deciding the enemy and enclosing the plurality within its borders. The internal pluralism is possible because it is the state that guarantees and preserves it. Schmitt's pluralism is based on the superiority of the state over other human groups, because it ensures their survival. However, the priority assigned to the state is not against the concrete internal pluralism. Schmitt's political monism wants to contrast the dangers of multiple fidelities:

'in the plurality of loyalties', there is no 'hierarchy of duties', no unconditional prescriptive principle of super- and subordination. In particular, the ethical bond to the state, the duty of fidelity and loyalty appears as only one instance alongside other bonds – alongside loyalty to the church, the economy, or the family; loyalty to the state has no precedence, and the ethic of state is a special ethic among many other special ethics.[59]

For him 'the world of objective spirit' is always made up of a diversity of peoples, religions, cultures, languages, and legal systems. The problem is that this plurality has to find a place to express itself which can be guaranteed, it must find its own Order (*Ortung*) and Orientation (*Ordnung*) and during modernity this was the task of the state. Externally, therefore, the international system is a plural universe made of monads which, to remain enclosed, needs to be open to the possibility of conflict. This is the sense of the political: order is only possible if it maintains openness to the disorder. Internally, however, Schmitt conceives plurality as a pluriverse of associations which, in order to be strong, must to be homogenised and be loyal, just as people are to a higher political unity. This is the conceptual node that makes Schmitt's thought truly dangerous. Given the lack of a common ethos and transcendental substance, order and the internal homogeneity of a state are not maintained 'automatically' but they must be politically constituted. Politics is not a 'juridical artifice' based on natural law but a political scapegoat created by the ever-present menace of an enemy. The state is a unity composed of movement and foundation, exception and people, friend and foe.[60]

According to Schmitt, who follows Weber, the State must be the only holder of the legitimate use of violence. As *primus inter pares* it has rooted its legitimacy in a system of law. In this relationship of power, the State, within its own borders, does not tolerate any violence. For, 'the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it. The state is considered the sole source of the "right" to use violence.'[61] But to be recognised as the 'holder of the most amazing of all monopolies',[62] the state requires that its own social body, by which it dominates, recognises its legitimate authority and, consequently, may be accepted in its enclosed borders. In order not to transform the social amalgam into a mere *fictio juris*, it is necessary that such political subjectivity possesses the attributes of wholeness, unity and homogeneity; that is, it needs to be transformed into *people*. Accordingly, the people also understood as united and homogeneous, must mirror themselves, so to speak, in the state legitimate power

[58] Schmitt, *The Concept of the Political*, p. 53.
[59] Schmitt, 'Ethic of State', pp. 196–7.
[60] Carl Schmitt, *State, Movement, People. The Triadic Structure of the Political Unity*, trans. Simona Draghici (Corvallis, OR: Plutarch Press, 2001 [orig. pub. 1933]). But more extensively, see Schmitt, *Constitutional Theory*, pp. 255–69.
[61] Max Weber, 'Politics as Vocation', *From Max Weber*, p. 78.
[62] Schmitt, *Der Begriff des Politischen*, p. 10.

and identify themselves in its enclosed legality system. But it is precisely here that we meet the *nodus letalis*. Since the nineteenth century, the unity and homogeneity of the people and, above all, the identity between the people and the state begin to fracture, to break up. The 'broken homogeneity' finds, in the tensions that run through its fractures, new forms of legitimacy that are considered 'higher' than the state. According to Schmitt, new universalist ideologies, Marxism, capitalism and anarchism on the one hand, and the productive and uncontrollable forces of technology and the economy on the other, challenged the system of balances that the state and the state system had established. Historically, states found their *nomos*, to use Schmitt's term, through the capacity to neutralise their political space (Europe), substituting the arbitrary principle with the domain of law. But the European space not only represented a geographical location but instead an *ethos* that contained, paradoxically, its own nemesis. Rooted in a *ratio* through which political form was established (the state) and preserved (via inter-state system), thanks to a limitation (internal/external to the State as to Europe), the *jus publicum Europaeum* was eventually challenged by the same rationality that had formed it.

The process of rationalisation, in fact, could not accept the political and geographic limits that it had established. The scientific, technological, and industrial forces transcended the boundaries of the world they came from, igniting the planetary spatial revolution of which Schmitt speaks bitterly.[63] The age of globalisation, then, is (not only) a quantitative but also qualitative mutation of politics. All the classical distinctions, checks and balances developed in modernity in order to guarantee order and unity, become increasingly indistinguishable. The plurality becomes, according to Schmitt, only chaotic contingency. The divisions created by the abstract modern statehood – inside and outside, public and private, religious and secular – all lose value; thus the universalist energies of the private subjectivities are re-mixed in the international arena. In the late preface to *The Concept of the Political*, Schmitt writes: 'the classicity lies in the possibility of clear and unambiguous distinctions. Inside and outside, war and peace; and during the war, civil and military, neutrality and non-neutrality; all this is clearly separated and cannot be intentionally confused.'[64] In the global age these distinctions have lost their form and strength. All the abstract categories of modernity are mixed again. Technology and economy have transformed the world by launching what Schmitt has called a legal world revolution.[65] 'This transformation is no less profound than that which occurred in the sixteenth and seventeenth centuries. At that time man believed that the world found itself in an empty space. Nowadays ... space has become the field of man's energy, activity and creativity.'[66] For Schmitt, this revolution is not capable of generating a new political form, or transforming the chaotic plurality into a new ordered pluriverse.

It is from this new fracture that once again the problem of pluralism and political form emerges. A broader problem, given the scale of the phenomenon, which certainly cannot be solved with a forced closure of borders and territories (as Schmitt proposes). The new *nomos* must be able to contain the uncontainable, that is, the constant

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[63] See Carl Schmitt, 'Gespräch über den Neuen Raum', in Aa.Vv., *Estudios de derecho internacional. Homenaje al Profesor Camilo Barcia Trelles* (Santiago de Compostela: Universidad de Santiago, 1958), pp. 263–82.

[64] Schmitt, *Der Begriff des Politischen*, p. 11, author's translation.

[65] See Carl Schmitt, 'Die legale Weltrevolution. Politischer Mehrwert als Prämie auf juristische Legalität und Superlegalität', *Der Staat*, 3 (1978), pp. 321–39.

[66] Schmitt, *Land and Sea*, p. 58.

mobility that represents the essence of the processes of globalisation. The pluralism of religions and cultures, or the integration and mobilisation of the differences across the international system, proposes in a new way the question of unity and of the common good on which to ground it. The question that Schmitt bequeaths to us is to find a new unity-in-plurality in an international system now crossed by the formless and destabilising dynamics of globalisation.

Plurality, universality, and identity

The genealogy of modern politics illustrated by Schmitt, although conditioned by a Christian conception of history,[67] has the undoubted merit of highlighting some crucial *aporias* of statehood and weakness of liberal democracy. By contrast, it helps us to better identify the problems of contemporary pluralism (in both its religious and cultural forms) and the underlying weaknesses of the solutions proposed by Habermas's post-secular discourse. Obviously, Schmitt's reflections are useful *only if* we recognise their dangerousness and anachronism; that is, only if, through them, we try to find a different solution to the problems they raise. This is the purpose undertaken here. Schmitt's deconstruction needs to be opposed to the post-secular argument to show how, between his and Habermas's theses, there is a 'specular polarity'. In my view, Habermas – facing the new contemporary crisis of space and politics as well as the resurgence of a religious and cultural pluralism – offers a theoretical approach (the post-secular) that does not exceed the categories of modernity but instead is deeply rooted in their logic of inclusion-exclusion. To begin with, Habermas's proposal to reorder the religious and cultural diversity within 'firmly entrenched states' is highly contradictory. If it is true that the new plurality emerged as a consequence of the 'border-crossing' processes triggered by the dynamics of globalisation (which Habermas acknowledges), it is unclear why the 'nations' should and could be considered 'firmly entrenched'. The plurality of which Habermas speaks is not only created by these dynamics but it is a *modality* of globalisation; if with this work we mean a phenomenon essentially 'border-crossing', which is configured exactly as continuous mobilisation and hybridisation of cultures and borders.[68] Even when Habermas abandons the state as a reference point, because he has in mind a 'constitutional patriotism',[69] he is not able to think concretely about the contemporary pluralism. He always set it in opposition to the 'translation' and 'rationalisation' of the various cultures and beliefs so as to be admitted into the public sphere. In this regard, he writes

positions that do not wish to subject the political influence of religious voices to formal constrains blur the limits without which a secular state cannot maintain its impartiality. What must be safeguarded is that the decisions of the legislator, the executive branch, and the courts are not only *formulated* in a universally accessible language, but are also *justified* on the basis of universally acceptable reasons. This excludes religious reasons from decisions about all state-sanctioned – that is, legally binding – norms.[70]

[67] See Carl Schmitt, 'Three Possibilities for a Christian Conception of History', *Telos*, 147 (2009), pp. 167–70.
[68] This perspective is developed by Galli, *Political Spaces*.
[69] See Jürgen Habermas, *The Postnational Constellation. Political Essays*, ed. Max Pensky (Cambridge, MA: The MIT Press, 2001).
[70] Habermas, 'A Post-Secular World Society?', p. 9, emphasis in original.

Habermas accepts religious pluralism only as a sociological fact but politically it is reduced, through translations and reifications, to a flat, abstract, and rationalised homogeneity. Moreover for him the limit that decides the access to politics, the new democratic *limes*, can obviously be determined and modified only by secular reason. 'The contents of religious expressions' – he writes – 'must be translated into a universally accessible language before it can make it onto official agendas and flow into the deliberations of decision-making bodies.'[71] As Chantal Mouffe has argued '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'.[72] It is true that Habermas proposes a form of legitimacy based on the rule of law, but it serves as a means for obliterating differences and homogenising diversity. This argument is fallacious for at least two reasons. First, in a rather unsubtle way, the dominance of Western rationality over all other cultures and belief systems which are forced to follow the universalist-rationalist Western-centric model is established. This model is presented by Habermas as a sort of 'end of History'. It appears as the ultimate achievement of humanity that does not change over time and cannot be improved through dialectical engagements. Habermas's logic transforms Western rationalism into authoritarian and exclusivist rationalism, that is, into an 'abstract universalism'. This is a perennial problem of his political theory. As Gerard Delanty points out: 'By conceiving of universal morality in terms of an evolutionary theory culminating in the discourse of Occidental rationalism, Habermas has failed to see how universal morality may be embodied in *different forms* in other cultures, both historically speaking as well as in contemporary society.'[73] Even when Habermas attempts to circumvent this problem, adding the plural to its political formulations and discussing a delimitation of an interculturally shared 'space of reasons', he once again falls into the same isomorphic fallacy.

This brings us to the second fallacy and to the relationship between universalism and pluralism faced by Schmitt. A plurality is always something embodied in historical forms. Universalism attempts to frame it within the name of the highest concept of humanity. But the paradox is that the notion of 'humanity' is a universal-abstract idea that is embodied *only* within particular historical forms: the communities and groups of people who are bearers of this idea. The result is to generate discrimination in the name of humanity, that is, to think otherness (religious, cultural, political) as something inferior, unjust, less universal and rational. It is important at this juncture to quote a passage of great intensity referring to the conceptual coupling of 'concrete-universal' by Schmitt

there is no human and no political life without the idea of humanity, but this idea constitutes nothing, certainly no distinguishable community. All peoples, all classes, all adherent to religions, Christians and Saracens, capitalist and proletarians, good and evil, just and unjust, delinquent and judge, are people, and with the help of such a universal concept every distinction may be negated and every community ruptured. . . . it is a dangerous deception when one single group pursues its special interests in the name of the whole, and unjustifiably identify itself with the state . . . when, for the first time, a supreme and universal concept like humanity

[71] Habermas, 'A Post-Secular World Society?', p. 12.
[72] Chantal Mouffe, 'Carl Schmitt and the Paradox of Liberal Democracy', *The Challenge of Carl Schmitt*, p. 46.
[73] Gerard Delanty, 'Habermas and Occidental Rationalism: The Politics of Identity, Social Learning and the Cultural Limits of Moral Universalism', *Sociological Theory*, 15:1 (1998), p. 30.

is used politically so as to identify a single people or a particular single organization with it, then the potential arises for a most awful expansion and a murderous imperialism. In this regard, the name of humanity is no less abused than the name of God, and it could be that a feeling spreads very widely among many peoples whose authentic expression is to be found in the variation of Proudhon's elegant dictum: 'Who speaks of humanity desires to deceive.'[74]

It goes without saying that Habermas's post-secular proposal has no imperialistic or intentionally discriminatory purposes. But, eventually, he also falls into the forced 'assimilationist logic' when he theorises a strong separation between the state and the public realm in which religious beliefs, once rationalised, would be free to move. In short, Habermas to save the formal equality ends up removing the substantial identity and the concrete plurality of religions and cultures from which our democracies are now inevitably composed.[75] In my opinion, this is not only conceptually weak but also *pragmatically* dangerous. If Western states are now open systems 'pierced' by the processes of global mobilisation, the attempt to close them (although only legally) can generate dynamics of conflict and rupture. Here I am referring to the well-known theoretical proposal of exit and voice.[76] If one tends to formally exclude religious and cultural differences (unless they have 'rationalised' themselves) from the public sphere and if one categorically denies the possibility of democratic access to the decision making, the institutional channels of voice could be abandoned in favour of extra-legal actions. That is to say, if the *formal equality* established via a judicial process by democratic systems is perceived as a *substantial discrimination* of one's own identity or faith, the most likely outcome would be the failure of the dialogue and the emergence of shady areas of non-democratic and even illegal protests. In sum, we could witness the breaking up of our society into enclaves and subsystems which follow their 'highest' form of legitimacy. This was Schmitt's greatest fear: the return of the political in other more absolutist and exclusivist forms.

This problem has been updated and highlighted by Böckenförde through his famous 'theorem of incompleteness' of the liberal state: 'to what extent can peoples united in a state live solely on the guarantee of individual freedom, without a "common bond" which precedes that very freedom?'.[77] Habermas, in this regard, argues that democracy is only a procedure and a dialogic exchange; 'a method whereby legitimacy is generated by legality', and therefore 'there is no "deficit of validity" that would need to be filled by the ethical dimension'.[78] Democratic systems are self-justifying, that is, they find their unity through a system of law. They do not need ethical or pre-political bonds. It is the democratic process itself which frees citizens to participate in the democratic process. Unfortunately the type of participation proposed by Habermas still follows the logic of the exclusion of the 'other', the opposition between 'us' (Occidental rationalism) and 'them' (religious and other cultural utterances). Furthermore, Habermas's conceptualisation runs the

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[74] Schmitt, 'Ethic of State', p. 205.
[75] For a similar critique, see Michael Reder, 'How Far Can Reason and Faith Be Distinguished?', in Jürgen Habermas et al., *An Awareness of What is Missing. Faith and Reason in a Post-secular Age* (Cambridge: Polity Press, 2010), pp. 36–50.
[76] Albert O. Hirschman, *Exit, Voice and Loyalty* (Cambridge, MA: Harvard University Press, 1970).
[77] Ernst W. Böckenförde, 'The Rise of the State as a Process of Secularisation', *State, Society and Liberty: Studies in Political Theory and Constitutional Law*, trans. J. A. Underwood (New York: Berg, 1991), p. 44.
[78] Jürgen Habermas, 'Prepolitical Foundations of the Democratic Constitutional State?', in Habermas and Ratzinger, *The Dialectics of Secularization*, p. 28.

risk of reducing the system of legality into mere rules of the game as in the proposi-
tion *pacta sunt servanda*; that is, 'in a pluralistic dissolution of the unity of the
political whole'.[79] As Schmitt polemically outlines, this proposition

can found no ethic of state, since the individual social groups, in their role as contracting
subjects, are then as such the prescriptive forces, who use the contract to cater to themselves,
and are bound only by a contractual association. They stand in relation to each other as
independent forces, and what unity there is only the result of terminable agreements (as all
agreements and contracts are terminable) . . . In the foreground stands the obvious inadequacy
of the proposition *pacta sunt servanda*, which, in concrete terms, can mean nothing more than
the legitimation of the contingent status quo, just as in private life it is capable of taking the
role of a splendid ethic of usury.[80]

What Schmitt fears is, again, the breaking up of political systems at the mercy of a
plurality of private selfishness incapable of loyalty to the state and of creating the
'publicity' into the public sphere. To counter this problem, Habermas does nothing
but recover once again the Western universalism, proposing an 'ethics of individuality'.
According to the latter, 'the individual has value only as a human being; the prescrip-
tive concept is, correspondingly, humanity'.[81] However, this means dealing with the
concept of democracy not as a process, an actual openness to exchange and contin-
gency, but as a cultural notion: democracy becomes a Western identity and not a
plurality. For Habermas's notion of democracy is, to quote Schmitt, 'quintessential
universalism and monism, and completely different from a pluralistic theory'.[82]
Habermas's post-secular account still solves the Schmittian problem of unity-in-
plurality through an idea of common good which is exclusively Occidental and which
is not concretely open to the 'other', and that indeed leaves open the question of
legality-legitimacy.

   In short, even when he seems to rid himself of the ideals of the 'rigid Enlighten-
ment', Habermas reproduces the same logic of exclusion and marginalisation towards
religion and pluralism. The final outcome is a *fictio juris* based once again on the
abstract (and aporic) concept of 'multicultural humanity'. This dynamic of exclu-
sion is not only profoundly linked to modernity but actually represents an 'inverted
modernity'. Compared to Schmitt – who based the criterion for the formation of
political communities and the exclusion of others on the friend-foe logic – Habermas
opens formally democratic systems emptying them of substantial differences. In the
latter's case the exclusion is based on the primacy of Western rationality. Yet there
is more. Following Schmitt and his genealogical reconstruction, we discover not only
the 'presence of the absence' of a transcendental dimension, and therefore the need
for the state to cultivate a common good to maintain its unity, but at the same
time, he shows how, in an attempt to replace the sacred, the ideals of Enlightenment
(which Habermas in part follows) have slavishly imitated the logic of exclusivity and
universality. The result is a reversal which does not exceed the principle of exclusion.
As Karl Jaspers, from a similar yet opposing perspective, has it:

In the great process of secularization – that is, the movement to retain Biblical values while
casting off their religious form – even the fanaticism of unbelief shows the influence of its
Biblical origin. The secularized philosophical positions within the Western civilizations have
frequently revealed this trait of absolutism, this persecution of other beliefs, this aggressive

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[79] Schmitt, 'Ethic of State', p. 207.
[80] Ibid.
[81] Ibid., p. 201.
[82] Ibid.

profession of faith, this inquisitorial attitude towards other faiths, always in consequence of absolute claims to a truth which each one believes he possesses. In view of all this, philosophical faith must reluctantly recognize that where discussion is broken off and *reason countenanced only under certain conditions*, the best intentions of maintaining open communication are doomed to failure.[83]

Towards a new unity-in-plurality

Echoing the earlier criticisms, it is now necessary to rethink at least four dimensions of Western political systems: (1) to think of the state no longer as a closed system ('entrenched' *à la* Habermas), but an open space as a result of uncontrollable processes of trans-state mobilisation (*à la* Schmitt); (2) accordingly, it is worth rethinking the democratic public sphere, which is being transformed through the processes described above, as a space of dialogue open to all expressions of the actual plurality and not as an arena managed only by a mono-cultural universalism; (3) rethinking the issue of the 'common good', which encompasses the problem of legitimacy and, therefore, fundamentally, of loyalty to the political community; and (4) finally, one must understand which is the 'plural subject' that is entitled to decide its own political destiny. This means, in short, 'to think of democratic politics as a form which is *essential*, but not *universal*, in which no one may be compelled even though everyone must be respectful as long as they share the democratic space'.[84] Of course, it would be impossible to treat these issues exhaustively, so I offer just some lines of reflections on how to accommodate cultural and religious pluralism.

As regards the first two points, it appears obvious that the state can no longer be understood as an all-encompassing Leviathan. Technology and the 'mobile complexity' of the processes of globalisation are continuously opening its borders. Public spheres should open up to new concrete pluralities and no longer treat them as mere differences (as Schmitt and Habermas do in a different way). We should try to understand the public sphere as a space completely open to dialogue, as a type of enlarged communication that only in this way becomes reflexive. Communication understood not as a rational translation and reification of our Western identity but as an expression of multiple pathways and historical traditions that jointly contribute to real democratic development. The learning process, of which Habermas speaks, cannot in fact be founded on a rational-abstract ideal but rather on the plurality of historical paths that are combined together within the democratic space. This was Karl Jaspers's proposal, according to whom it was necessary to be completely open to the different plurality that characterises the human journey in history:

Everything real in man is historical. But historicity means also multiple historicities. Hence the postulates of true communication are: 1) to become concerned with the historically different without becoming untrue to one's own historicity; 2) to reveal the relativity of scientific truth, while fully recognizing its just claims; 3) to abandon the claim of faith to exclusivity because of the breach of communication it implies, yet without losing the absoluteness of one's own fundament; 4) to take up the inevitable struggle with the historically different, but to sublimate

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[83] Karl Jaspers, *The Perennial Scope of Philosophy*, trans. Ralph Manheim (Hamden, CT: Archon Books, 1968), p. 94, emphasis added.
[84] Carlo Galli (ed.), *Multiculturalismo. Ideologie e sfide* (Bologna: Il Mulino, 2006), p. 15.

the battle in the loving battle, *in communication through the truth that develops when men act in common, not as abstract individuals*: 5) to orient ourselves toward the depths that are disclosed only in the division into manifold historicities, to one of which I belong, but which all concern me and which all together guide me to that source.[85]

It is clear that such a programme inevitably leads to conflict between the parties. But even in this case, it is necessary to rethink the conflict as a creative moment of democracy and not merely as a crisis of its communicative space. The public sphere must be transformed into a space 'of contestation forever open, instead of trying to fill it through the establishment of a supposedly ''rational'' consensus',[86] for conflict does not necessarily mean violence. Indeed, it represents the vitality and the essence of democracy, since it highlights the limits and moments of crisis in the democratic process. To take part, then, in the 'democratic game' the only prohibition imposed from above, the lowest common denominator, would be the *renunciation of the use of violence*, guaranteed by the state. In this way, the democratic identity would not be a single and stable identity already decided, based on a particular culture, but a plurality intended as constantly changing totality; a plurality within which the various projects of life can flourish 'through multiple and competing forms of *identifications*'.[87]

It can be seen therefore, upon approaching the third and fourth points, that such a plurality, in addition to the renunciation of violence, must be able at least to depend on an idea of common good to be together. According to Schmitt, it must not be based solely on pure and simple legality but, beyond this, must be capable of contemplating an 'idea' of good. For, 'every state is a community of some kind, and every community is established with a view to some good; for everyone always acts in order to obtain that which they think good'.[88] This was clear to Aristotle, according to whom, not only is the idea of common good necessary but to be truly inclusive 'the elements out of which a unity is to be formed' must 'differ in kind'.[89] Even the idea of common good, therefore, is formed through the plurality and the creative interchange of opinions. As he reminds us, along with the language of logic (which he calls 'apophantic') there is the language of the passions, poetry and rhetoric, including religion. For, 'a prayer is a sentence', even if it 'is neither true nor false'.[90] It communicates to us one of the many possibilities of being in the world. Aristotle also suggests that the common good cannot be created out of nothing or out of contingency as such, or out of the arithmetic sum of the plurality of opinions, but on a plural concept of good.

As Chantal Mouffe has correctly argued on this point 'without a plurality of competing forces which attempt to define a common good, and aim at fixing the identity of the community, the political articulation of the demos could not take place.'[91] In this democracy which is plural, which is a movement in search of a new and broader foundation and not a foundation that stops the movement, religions as well as cultures have, in my view, a fundamental role. They cannot be treated merely

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[85] Jaspers, *The Perennial Scope of Philosophy*, pp. 180–1, my emphasis.
[86] Mouffe, 'Carl Schmitt and the Paradox of Liberal Democracy', p. 51.
[87] Ibid.
[88] Aristotle, *The Politics*, I, 1252a, p. 11.
[89] Ibid., II, 1261a, p. 31.
[90] Aristotle, *De Intepretatione*, in *The New Aristotle Reader*, ed. J. L. Ackrill (Princeton, NJ: Princeton University Press, 1987), chap. 4, 17a (3–4), p. 14.
[91] Mouffe, *Carl Schmitt and the Paradox of Liberal Democracy*, p. 51.

as bearers of exclusivist and potentially violent values but instead more properly as ethical systems of belief. Taken in their plurality of forms, they represent what has been called a *philosophia perennis* (perennial philosophy), at the heart of which there is an 'ethic that places man's final end in the knowledge of the immanent and transcendent Ground of all being.[92] They are fundamental in order to foster a new and plural notion of common good, overcoming the logic of exclusion and balancing the depersonalisation produced by the economy on a global scale. I believe this is the crucial way for the re-establishment of a new democratic space that rests again on the dialectical breath which is the fundamental condition for the affirmation of the democratic rule of law.[93] Against the 'sacralisation' of the law and the advent of the 'one-dimensional-right', self-founded and unable to create a substantial political unity, it is necessary to recover the dualistic relation between law and conscience, rules and ethics, pluralistic ethos, and democratic *nomos*. Accordingly, the space of relation between 'the sacred' and the 'political' remains open, and rightly so, in an era in which the 'universal' human need to come to terms with the 'meaningless infinity' of the world has not yet been filled, because of its intrinsic problems, by sheer rationality.

Conclusion

Revisiting Schmitt's thought is still useful in order to reveal how behind the post-secular discourse the old dilemma of the relations between the 'sacred' and the 'political' is concealed under another name. Following the border-crossing processes triggered by globalisation, this issue has taken the form of a difficult coexistence of the religious-cultural pluralism and the secular Western universalism. After all, Habermas's attempt, in my view unconvincing, is to try to answer the question of 'how' and 'what' religious pluralism (since the re-emergence of religious forces in the public spheres) may be allowed in our democracies. Faced with this challenge, which is *historically* new because it is linked to new dynamics, it is important to respond with an equally new logic compared with the one of exclusion that has characterised the modern age. It is therefore necessary to abandon homogenising universalism in favour of a programme that makes public spheres open to diversity and to the various historicities of which are being formed. As Schmitt states, 'in a spiritual world ruled by the law of pluralism, a piece of concrete order is more valuable than many empty generalizations of a false totality. For it is an actual order, not a constructed and imaginary abstraction, a total situation of normal life, in which concrete people and social groups can have a concrete existence.'[94] This is the relevant side of his analysis. On the other hand, however, it is no longer possible to follow the identitary logic which Schmitt also suggests. One cannot solve the problems of the twenty-first century with the conceptual tools of the seventeenth. If we really want to pursue the idea of a new unity-in-plurality, which is not just an empty and formal equality that conceals too many substantial differences, it is necessary to open democratic systems, already 'smashed' by the dynamics of globalisation,

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[92] Aldous Huxley, *The Perennial Philosophy* (London: Fontana Books, 1961 [orig. pub. 1946]), p. 9.
[93] See the magisterial work by Harold J. Berman, *Faith and Order. The Reconciliation of Law and Religion* (Atlanta: Scholar Press, 1993); and more recently, Paolo Prodi, *Una storia della giustizia. Dal pluralismo dei fori al moderno dualismo tra coscienza e diritto* (Bologna: Il Mulino, 2000).
[94] Schmitt, 'Ethic of State', p. 206.

to new forms of communication and dialogue even with the so-called 'other' religions and cultures. It means a new communication that does not concern only a 'rational consensus', or a reification imposed by the Western *ratio*, but is instead a reflection of a diversity that finds its identity in dialogue without limits and constraints. To find an alternative between tribalism and universalism, the only viable way seems to be a plural and new democratic openness. All things considered, it is worth remembering that 'boundless openness to communication is not the consequence of any knowledge, it is the decision to follow a human road'.[95]

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[95] Jaspers, *The Perennial Scope of Philosophy*, p. 182.