

Symbolic Unity in Post-Marxism

How Should We Deal with the Symbolic Dimension in the Political?

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The paper examines the question of the symbolic dimension in the political. It is argued that both Ernesto Laclau's and Claude Lefort's Post-Marxist accounts understand this question as a problem of rethinking symbolic unity. I will trace arguments of these accounts and examine their relation to Carl Schmitt's notion of the political. To this end, both aesthetic and politico-juridical dimensions of the political are discussed by focusing on two questions: 1) How should it be understood that in Laclau's idea of populism the symbolic construction of the people differs from the juridical construction of the people? 2) What does it mean to understand symbolic unity as political power as Lefort does?

Keywords: Laclau, Lefort, the Political, Symbolic Unity

1. Introduction

The Post-Marxist account of the symbolic dimension in the political has been extensively discussed in political theory¹. The theoretical richness of Post-Marxism undoubtedly lies in its ties to post-war French theory. To name perhaps just the two most relevant theoretical strands which have enabled its revision of orthodox Marxist theory, one should point out the relevance of Left-Heideggerianism and Lacanian theory. These theoretical frames have allowed for Post-Marxism to take important new steps regarding the theory

¹ O. Marchart, *Post-foundational Political Thought: Political Difference in Nancy, Lefort, Badiou and Laclau*, Edinburgh University Press, Edinburgh 2007; M. Plot (ed. by), *Claude Lefort: Thinker of the Political*, Palgrave Macmillan, New York 2013; A. M. Smith, *Laclau and Mouffe: The Radical Democratic Imaginary*, Routledge, London 1998; B. Flynn, *The Philosophy of Claude Lefort. Interpreting the Political*, Northwestern University Press, Evanston 2005.

of representation. While Post-Marxist theories of the political are in this sense obviously situated in opposition to Post-Kantian rationalist theorems of deliberative democracy², their relation to Carl Schmitt's notion of the political is less straightforward. It is this relation, however, that will be of interest in the following.

I want to claim that essential aspects of the Post-Marxist concept of the political can be understood as depending on the question of how the origin of symbolic unity is understood. In an attempt to discuss this issue, I will understand the question of symbolic unity in its aesthetic as well as politico-juridical dimension. An account regarding the aesthetic dimension of the symbolic in Post-Marxism has been given by Breckman³. My approach will however differ from his analysis, insofar as I will ask which politico-juridical determination has to be considered along with the romantic heritage of the Post-Marxist account of the symbolic as radically contingent unity.

This renewed problematization of the pure contingency of the symbolic in a politico-juridical context is necessary due to the difficult legacy of Carl Schmitt⁴. Schmitt's notorious concept of sovereignty as belonging to whoever decides on the state of exception⁵ is based on his definition of the relation between the constitution and the political unity of the people, whose single reference point of legitimation is a homogeneous nation, in turn grounded on the exclusion of "non-homogeneous" members from political rights⁶. Against the backdrop of this politico-juridical problematic, my analysis will therefore concentrate on Ernest Laclau's and Claude Lefort's attempts to reformulate the highly controversial point in Schmitt's concept of the political concerning

² C. Mouffe, *The Democratic Paradox*, Verso, London-New York 2000.

³ W. Breckmann, *Adventures of the Symbolic. Post-Marxism and Radical Democracy*, Columbia University Press, New York 2013.

⁴ C. Mouffe (ed. by), *The Challenge of Carl Schmitt*, Verso, London-New York 1999.

⁵ C. Schmitt, *Politische Theologie. Vier Kapitel zur Lehre von der Souveränität* (1922), Duncker & Humblot, München 2015, p. 13.

⁶ C. Schmitt, *Verfassungslehre* (1928), Duncker & Humblot, München 2017, pp. 20-25, 228 ff., 234.

the political will formation of the people within a dimension of political unity which precedes juridical unity. In this sense, the Schmittian concept of the political will serve as point of contrast in this paper in order to better understand why any attempt to rethink the concept of the political cannot forego a renewed discussion of the problem of symbolic unity.

My interest is thus not only motivated by assuming that a Post-Marxist understanding of the symbolic in the political is not exempt from the problem of symbolic unity in Schmitt's notion of the political, but also by the intriguing point of how Laclau and Lefort, as representatives of Post-Marxism, operate with the conceptual scheme of the political against the Schmittian background. In the following I will treat two questions. First, in which sense can Laclau's concept of populism be understood as a non-juridical, symbolic construction of the people? (§ 2) Second, discussing Lefort, which implications follow from an understanding of symbolic unity as political power for the relation between political power and the constitution? (§ 3)

2. Symbolic Unity as Populist Reason in Laclau

Developing out of the basic premises set up in *Hegemony and Socialist Strategy*⁷, Laclau's argument in *On Populist Reason*⁸ seems to be that there is a genuinely symbolic construction of the people which has to be distinguished from the juridical construction of popular sovereignty⁹. Rejecting any simplistic idea of populism, whether in the sense of a historical typology or a sociological or psychological explanation¹⁰, populism is understood by Laclau not as «the ideology or the type of an already

⁷ E. Laclau, C. Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (1985), Verso, London 2011.

⁸ E. Laclau, *On Populist Reason* (2005), Verso, London-New York 2018.

⁹ Laclau's defence of this symbolic construction is already clearly stated in his early work. Laclau presents his general claim regarding populism in a radical, somewhat controversial way: the "people" is presented as a political alternative to the system itself. See E. Laclau, *Politics and Ideology in Marxist Theory* (1977), Verso, London-New York 2011, p. 116.

¹⁰ E. Laclau, *On Populist Reason*, cit., pp. 3-64.

constituted group», but rather «as one way of constituting the very unity of the group»¹¹. The overarching parallel between *Hegemony and Socialist Strategy* and *On Populist Reason* consists in the discourse-theoretical method underlying Laclau's work in general, according to which all meaning results from differential relations of signs. This post-Saussurean system of differences is distinguished from a fixed system of differences, due to incorporating a dimension of radical externality¹². This radical externality is conceived of as being itself co-produced through discourse and is hence both that which is defined by being excluded from the totality of differences, as well as that which defines this totality qua totality in the first place¹³. The structure of this discursive model then is the basis for an understanding of social relations that are understood both as being brought about by, as well as bringing about articulatory practices which continuously overdetermine and restructure these differential relations¹⁴. The concept of discourse refers here to the structured totality resulting from the sum of articulatory practices¹⁵. Against the background of this understanding of objectivity produced through discursive formations, it becomes possible to understand every social identity as defined by an overdetermined symbolic dimension and hence as continuously open to possible re-articulation. Due to the discursive openness of the social, every seemingly fix meaning of a given identity should rather be understood in the sense of «nodal points which partially fix meaning»¹⁶.

¹¹ Ivi, p. 73, italics in the original.

¹² E. Laclau, C. Mouffe, *Hegemony and Socialist Strategy*, cit., p. 111.

¹³ E. Laclau, "Why do Empty Signifiers Matter to Politics?", in E. Laclau, *Emancipation(s)* (1996), Verso, London-New York 2007, pp. 36-46.

¹⁴ E. Laclau, C. Mouffe, *Hegemony and Socialist Strategy*, cit., p. 113.

¹⁵ Ivi, p. 105.

¹⁶ Ivi, p. 113. For a critique of this model of identity politics related to Laclau's concept of discourse see P. Osborne, "Radicalism Without Limit? Discourse, Democracy and the Politics of Identity", in P. Osborne (ed. by), *Socialism and the Limits of Liberalism*, Verso, London 1991, pp. 201-226.

In *On Populism Reason* Laclau further develops this account of articulatory practice into an understanding of the political logic of populism. While still being based on the same general idea, the fundamental difference here is that now the empty signifier of “the people” is added in to the mix. This allows for a stronger emphasis on an antagonistic division of society, which however is not conceived of in the sense of an essentialist Marxist discourse, but rather in the sense of the contingent formation of a popular front arising from a superimposition of different partial demands in an «equivalential chain»¹⁷. This construction thereby allows for tying a particular articulation of equivalence of differential claims, giving rise to an emerging popular identity, to a model of non-essentialist social antagonism stemming from a dichotomic division of society into two camps, in which one camp makes a hegemonic claim to be the whole¹⁸.

Populist reason, in contrast to «institutionalist discourse»¹⁹, consists here in elevating a communally experienced lack into an empty signifier that takes on the universal meaning of an imaginary fullness and represents the banner under which the frontline of the unity of populist demands is drawn against an existing discursive formation which portrays «the harmonious continuity of the social»²⁰. This antagonistic communal lack is what defines the emerging identity of a populist “people”, which hence is not taken as a given, but rather as being newly created when a *plebs* conceives itself as *populus*, «the part as the whole»²¹.

The issue for the time being is neither whether such an account too optimistically neglects existing, juridically codified hegemonic formations²²,

¹⁷ E. Laclau, *On Populist Reason*, cit., p. 74.

¹⁸ Ivi, p. 83.

¹⁹ Ivi, p. 81.

²⁰ Ivi, p. 85.

²¹ Ivi, p. 86.

²² A criticism put forward by N. Poulantzas, *Fascism and Dictatorship: The Third International and the Problem of Fascism*, Verso, London 1974, pp. 314-318. Influenced by

nor whether or to what extent Laclau's model can account for the problem of authoritarian populism²³. As warranted as such critical questions may be, the merit of Laclau's concept of populist reason lies therein that it points to a problematic deficit in the juridical-symbolic construction of the constitution which is assumed to represent the will of the people in the codified form of law. Laclau's concept of populism can therefore be understood as criticism put forth against the formalism of constitutions, penetrating the gap inherent in the tautology of the juridical construction of popular sovereignty. The idea of breaking the circularity of the juridical construction through populist reason is based on the argument mentioned above that there has to be a fluid continuity from the contingent ground of social movements to the political identity of the people.

In order to give a theoretical account of such a contingent, yet continuous relation between the social and the juridical form of the people, Laclau connects the model of the equivalential chain of differences to the signifier of "the people" on the basis of Saul Kripke's anti-descriptivist model of meaning. According to Kripke, words refer to things not through shared descriptive features but through what is called a "primal baptism". Despite the essential function this anti-descriptivist turn has for Laclau's project of thinking the logic of populist reason, it still does not go far enough, insofar as the signifier-name in Kripke is applied to a referent that is taken for granted within an act of pure designation. By contrast, Laclau claims that in order to truly understand the political performativity of the act of naming of the people, such an act must rather be conceived of as retroactively producing the object the name refers to. That is to say that there can be no pre-established correspondence between the name and its content, thus necessitating a

Poulantzas' state criticism, see also B. Jessop's critical approach to Laclau's populist ideal. B. Jessop, *State Theory: Putting the Capitalist State in Its Place*, Polity Press, Cambridge 1990, pp. 42, 92-93.

²³ S. Hall, "Popular-Democratic vs. Authoritarian Populism", in A. Hunt (ed. by), *Marxism and Democracy*, Lawrence and Wishart, London 1980, pp. 157-185.

further step consisting in a Lacanian interpretation of a radicalized anti-descriptivism²⁴. Understanding political performativity in such a way as the act of naming of the people obviously calls for a reflection of rhetorical intervention. Laclau's development of rhetorical concepts in this context has however been criticized by Kaplan, who has pointed out that the discussion of populist discourse can only be rendered in the passive voice of a «spontaneous emergence of popular identification with an empty signifier»²⁵. That is to say, Laclau's reliance on rhetorics to explain the retroactive performative force of the name as the signifier turned hegemonic becomes problematic insofar as rhetorics functions in this model on an ontological-structural level of discursive formation alone, while on an ontic level rhetorics is not taken into account. On the ontological level, the given contingency of the social as the starting point of political-rhetorical articulation is tied to the emergence of a hegemonic signifying ensemble, but on the ontic level Laclau's theoretical model excludes any account of willing agents rhetorically influencing each other within a frame of purposive action²⁶.

This lack of clarity regarding the question how political meaning is rhetorically produced in the account of populist reason allows for drawing a direct parallel between Laclau's concept of populism and the Schmittian concept of the political. For Schmitt the political circumscribes a sphere that precedes the state and expresses a dimension of political unity defined by the distinction between friend and enemy – a distinction which Schmitt claims is hardwired in anthropological conditions²⁷. It is striking how close the starting point of Laclau's concept of populism is to the Schmittian concept of the political, insofar as the model of a discursively articulated symbolic unity

²⁴ E. Laclau, *On Populist Reason*, cit., pp. 101-117.

²⁵ M. Kaplan, "The Rhetoric of Hegemony: Laclau, Radical Democracy, and the Rule of Tropes", *Philosophy and Rhetoric*, XLIII/3, 2010, pp. 253-283, quoted: p. 262.

²⁶ This of course presents a «particularly daunting problem insofar as Laclau's approach seems both to require and to preclude reference to something like persuasion». *Ibidem*.

²⁷ C. Schmitt, *Der Begriff des Politischen*, Duncker & Humblot, München-Leipzig 1932, pp. 16, 19.

of the people constituted through an antagonistic front line is diametrically opposed to a normatively predetermined juridical unity in both cases. It seems to me that if populist reason is to be set apart from the Schmittian account, Laclau is forced to stress a distinctively anti-Schmittian moment directed against the homogeneity of the people – the necessity of heterogeneity in symbolic unity²⁸.

However, there are two main reasons for why it is doubtful that Laclau's concept of symbolic unity can actually account for incorporating heterogeneity. Both have to do with the difficulty of overcoming the persistence of existing homogeneity. More specifically, the first reason is tied to Laclau's attempt to replace an Althusserian dialectical materialist concept of overdetermination with his discourse theoretical model²⁹. Laclau's discursive model discusses the emergence of hegemony from the link between the social and the political as explaining a precarious relation between the logical modalities of necessity and impossibility in the political subject arising from the contingency of the social³⁰. However, in order to be able to think discourse-theoretical identity politics as concept of the political, not only is the legacy of historical and dialectical materialism denied, but what is disregarded as well is how an existing order of social norms in a given society couples necessity not so much with impossibility, but rather with possibility,

²⁸ Following Laclau, the three conditions for the popular-democratic emergence of "the people" are therefore: 1) «equivalential relations hegemonically represented through empty signifiers», 2) «displacements of the internal frontiers through the production of floating signifiers», 3) «constitutive heterogeneity which [...] gives its true centrality to political articulation». E. Laclau, *On Populist Reason*, cit. p. 156.

²⁹ E. Laclau, C. Mouffe, *Hegemony and Socialist Strategy*, cit., p. 120, 139. For a critique of the relativization of the discourse of political economy entailed by this replacement see S. Žižek, "Class Struggle or Postmodernism? Yes, Please!", in J. Butler, E. Laclau, S. Žižek, *Contingency, Hegemony, Universality. Contemporary Dialogues on the Left*, Verso, London-New York 2000, pp. 107-108.

³⁰ See, E. Laclau, *Emancipation(s)*, cit., pp. 5-6; E. Laclau, C. Mouffe, *Hegemony and Socialist Strategy*, cit., p. 111.

that is with the general social conditions of the life of a state population³¹. Fundamentally, Laclau's model of referring necessity to impossibility amounts to denying the problem of the inertia of existing ideological formations in the process of dislocation – a process which Laclau sees instead as the chance for new potentially hegemonic signifiers to emerge.

The second reason can be found in Laclau's concept of radical heterogeneity which is developed in a discussion of the Marxian notion of the lumpenproletariat (derived, in turn, from Hegel's notion of the rabble) – the part of society that does not take part, the «peoples without history»³². While Hegel conceived of the rabble as being outside of the representation of absolute spirit which is historicity, Marx originally uses the notion of the lumpenproletariat in the context that, outside of and beneath the classes, there exists a group of people appearing on the fringes of political economy – «a mass sharply differentiated from the industrial proletariat, a recruiting ground for thieves and criminals of all kinds, living on the crumbs of society, people without a definite trade, vagabonds, *gens sans feu et sans aveu*, varying according to the degree of civilization of the nation to which they belong, but never renouncing their *lazzaroni* character»³³. Combining both the (Marxian) social phenomenon and the (Hegelian) representational-logical function, Laclau develops the notion of lumpenproletariat into a concept of radical heterogeneity: «a heterogeneity which cannot be subsumed under any single “inside” logic» so that every attempt to construct a homogeneous inside can only be partial, trying to master a radical «“outside” which will always exceed

³¹ What is referred to here by the logical modality of possibility can be understood in the sense of the account of the “positive” power of biopolitics, a new guise of juridical sovereign power, as given by Foucault. See M. Foucault, *Security, Territory, Population, Lectures at the Collège de France 1977-78* (2004), en. tr. by G. Burchell, Palgrave Macmillan, New York 2007; M. Foucault, *The Birth of Biopolitics. Lectures at the Collège de France, 1978-79* (2004), en. tr. by G. Burchell, Palgrave Macmillan, New York 2008.

³² E. Laclau, *On Populist Reason*, cit., p. 140.

³³ K. Marx, “The Class Struggles in France, 1848 to 1950”, in K. Marx, F. Engels, *Collected Works*, vol. X, Lawrence & Wishart, London 1978, pp. 45-145, quoted: p. 62.

those attempts»³⁴. Ultimately it is thus from this radical constitutive exclusion of the lumpenproletariat that Laclau draws the conclusion of a radical contingency, a relative fundamental instability of any social order: «There is a Real of the “people” which resists symbolic integration»³⁵.

This is an extremely important point in Laclau’s logic of populism: fundamentally, there is a particular heterogeneity that cannot be integrated, even in an equivalential chain of particular demands³⁶. There is thus, as one has to say, an excluded of the excluded. But, interestingly, for Laclau, it is only this radical exclusion in itself that enables any sort of antagonistic subject, for just as there can be no internality that is unthreatened «by a heterogeneity which is never a pure outside, because it inhabits the very logic of the internal constitution», it is also claimed that it is always also possible for this outside «to be short-circuited by the operation of homogenizing logics»³⁷. That is to say that, ultimately, it is only impossible to fix a final frontier between inside and outside because of the fact that there is a radical exclusion, an excluded of the excluded.

Laclau sees in the «essential undecidability»³⁸ between homogeneity and heterogeneity, between proletariat and lumpenproletariat, an undecidability between what he calls “empty” and “floating” signifiers. Frontiers of the antagonistic struggle of “the people” are thus constantly being displaced: «any political transformation implies not only a reconfiguration of already existing demands, but also the incorporation of new demands (that is, new historical actors) into the political scene – or its opposite: the exclusion of others who were previously present there»³⁹. For this reason the construction of “the

³⁴ E. Laclau, *On Populist Reason*, cit., pp. 146-147.

³⁵ Ivi, p. 152.

³⁶ *Ibidem*.

³⁷ Ivi., pp. 152-153.

³⁸ Ivi, p. 153.

³⁹ Ivi, pp. 153-154.

people” entails for Laclau a fundamental discursive widening: «all struggles are, by definition, political»⁴⁰.

Radical heterogeneity is thus deemed to account for the contingency of a social order. However, real efficacy of radical heterogeneity is highly unlikely. Although, in his account Laclau draws upon George Bataille’s concept of heterogeneity to demonstrate the possible efficacy of radical heterogeneity⁴¹, Bataille himself shows how the mediation of homogeneity and radical heterogeneity takes place not through a logical form but rather through economic value⁴². It is true that Bataille’s account of the radicality of the exclusion allows for thinking an interrelatedness: homogeneous society cannot exist in itself, it is dependent upon heterogeneity insofar as the latter provides the extreme poles of value within which homogeneity administers difference – the filthy and the noble. While filth obviously represents the most debase and worthless elements of society, the noble represents elements above utilitarian judgement. Bataille does point out that the exclusion of filth constitutes in itself a value for homogeneity insofar as the impoverished elements of exclusion always harbor the threat of subversion. However, he also ties these values to political economy: use value, paradoxically, is to a certain, irreducible degree useless and hence has to be excluded from the universality of exchange, whereas the delineability of the homogeneous dimension is tied to the supposed universality of exchange value. Bataille’s explanation of this complex interplay between homogeneity and heterogeneity in a political economy, according to which the latter cannot be created without the former and vice versa, is certainly plausible as an account of the value system of state capitalism, in which homogeneity and heterogeneity reciprocally constitute each other. One should be careful

⁴⁰ Ivi, p. 154.

⁴¹ Ivi, p. 146 ff.

⁴² G. Bataille, “The Psychological Structure of Fascism”, in F. Botting, S. Wilson (ed. by), *The Bataille Reader*, Blackwell, Oxford 2000, pp. 122-146. For the following paragraph see pp. 124-132.

however to logically isolate these two paradigms and refer to them only as interiority and exteriority. The interpretive difference here is small but decisive. For while we can say with the concept of the lumpenproletariat that homogeneity has developed due to an exclusion of heterogeneity, we cannot say that radical exclusion has ever entered in any way into the history of states or societies in the sense of having been registered at any significant symbolic level, not even to mention that a political ontology could only ever point out this lack but never derive any positive consequences therefrom when speaking about actual historical examples of populist movements, as Laclau does.

3. Lefort and Symbolic Unity as Political Power

Lefort's understanding of the symbolic dimension of the political can be explained against the background of a critique and revision of a Marxist account of superstructure. Prompted by the phenomenon of totalitarianism in modern societies⁴³ – which he claimed is unthinkable before the advent of democracy and hence has to be understood not as “the other” to democracy but as “the other” internal to democracy itself⁴⁴ – Lefort began to think a dimension inherent to any order of society, that cannot be explained in Marxist terms of economic determinism, but rather must be conceived of as a genuinely political dimension, tied only to the symbolic order. According to Lefort, while politics (*la politique*) can of course be understood within a «delimitation of a sphere of institutions, relations and activities which appears to be political, as distinct from other spheres which appear to be

⁴³ Lefort notes Tocqueville's amazement at the development of democracy in the United States. Tocqueville identified a «new kind of despotism» which went hand in hand «with a new kind of freedom». See C. Lefort, *Écrire. À l'épreuve du politique*, Calmann-Lévy, Paris 1992, en. tr. by D. A. Curtis, *Writing. The Political Test*, Duke University Press, Durham, 2000, p. 40.

⁴⁴ C. Lefort, *Democracy and Political Theory* (1986), en. tr. By D. Macey, Polity Press, Cambridge 1988, p. 16.

economic, juridical, and so on»⁴⁵, the concept of the political (*le politique*), by contrast, must be understood in terms of a «symbolic device»⁴⁶. This symbolic device refers to «two places – that of the law, of the discourse on the social and of the power which both supports and guarantees this discourse, on the one hand, and the place of actual social relations, on the other»⁴⁷. In this sense, the political refers to society in its entirety and becomes intelligible when the spheres of law, political power and knowledge come into play⁴⁸, enabling to recognize the ideological character of the existing political discourse within a given society⁴⁹.

The political is thus related to the change of the symbolic order. This effect of a foundational moment can generally be explained as comprising two ontological features, both essential for thinking the symbolic unity of the political power of the people. For one, the symbolic unity of the political is divided, which allows for rethinking the Marxist notion of social antagonism. For another, the political refers to an empty place of power as an exteriority of society.

To begin with the first feature, it is claimed that social antagonism must be radicalized into the structure of a division. Thinking this division is meant to grasp a dimension of society as a whole, which, as is claimed, is based on a reproduction of this division⁵⁰. While Marxism has explained social antagonism economically through the capitalist relations of exploitation, the

⁴⁵ Ivi, p. 11.

⁴⁶ C. Lefort, *The Political Forms of Modern Society. Bureaucracy, Democracy, Totalitarianism* (1978), ed. by D. Thompson, MIT Press, Cambridge 1986, p. 198.

⁴⁷ *Ibidem*.

⁴⁸ C. Lefort, *Democracy and Political Theory*, cit., p. 13. Political power can be also seen as the power of the public. Lefort's notion of the political can be understood as the space in which the "symbolic devices" of power, law and knowledge in society play their role as political resources which are to be activated for the sake of the political public. See: U. Rödel, G. Frankenberg, H. Dubiel, *Die demokratische Frage*, Suhrkamp, Frankfurt am Main 1989, p. 90.

⁴⁹ C. Lefort, *The Political Forms of Modern Society*, cit., p. 198.

⁵⁰ M. Gauchet, "Die totalitäre Erfahrung und das Denken des Politischen" (1971), ger. tr.by. K. Menke, in U. Rödel (hrsg. v.), *Autonome Gesellschaft und libertäre Demokratie*, Suhrkamp, Frankfurt am Main 1990, p. 219.

split symbolic unity of the political allows for divulging a more fundamental division of society, that cannot be reduced to economic divisions but must rather be understood as ontological and foundational ground of all intra-societal divisions. This division is ontological insofar as it must be understood as primary and cannot be deduced in any way. It is this originary ontological division which constitutes the symbolic unity of a societal whole, as it refers to the instituting moment of democracy⁵¹. This aspect of the foundational division inherent to the political means that society is essentially oppositional. That is, it can only posit itself as a whole by making itself the Other to itself⁵². This ontological reconstruction of the symbolic structure of the political allows for a critique of existing ideological formations which cover up the division that is their own foundational ground⁵³.

I now want to move on to the second feature of the symbolic order of the political – the empty place of power tied to a dimension of exteriority. This feature's most salient characteristic is that it allows for clearly distinguishing political power from social power⁵⁴. Due to the originary structural division of society it becomes possible to think a dimension of exteriority as the Other of society internal to society. This leads to Lefort's claim that political power has the appearance of being able to occupy the outside of the polity⁵⁵.

[P]ower makes a gesture towards something outside, and [...] it defines itself in terms of that outside. Whatever its form, it always refers to the same enigma: that of an internal-external articulation, of a division which institutes a common space, of a break which establishes relations, of a movement of the externalization of the social which goes hand in hand with its internalization⁵⁶.

⁵¹ Ivi, pp. 221-222.

⁵² Ivi, p. 224.

⁵³ C. Lefort, M. Gauchet (1990), "Über die Demokratie: Das Politische und die Institutionierung der Gesellschaften", in U. Rödel (hrsg. v.), *Autonome Gesellschaft und libertäre Demokratie*, Suhrkamp, Frankfurt am Main 1990, p. 93.

⁵⁴ S. Newmann, "The Place of Power in Political Discourse", *International Political Science Review*, XXV/2, 2004, pp. 139-157, quoted: p. 150.

⁵⁵ C. Lefort, M. Gauchet, "Über die Demokratie", cit., pp. 101-102.

⁵⁶ C. Lefort, *Democracy and Political Theory*, cit. p. 225.

The structure of the exteriority of power is further explained as a form of a twofold reference to a real absence and a virtual presence. This form is illustrated by Lefort in recourse to Ernst Kantorowicz's seminal study on the double body of the king by the Grace of God. The medieval theologico-political context, underpinned by the figure of the body of Christ, claimed a unity between mortal and immortal body of the king. When this liturgical frame eventually dissolved, the king's body nonetheless remained a double, "mystical body" still symbolizing the collective political body of the national community which, on an imaginary level, was both incorporated as well as headed by the body of the king⁵⁷. For Lefort then, the democratic revolution, by contrast, does not so much consist in a change of these symbolic coordinates but rather can be summed up in the disincorporation of sovereign power. In this way, the dissolution of absolutism created both social as well as legal conditions of modern democratic power and politics. While the body of society had hitherto been consubstantial with the sovereign body of political power, the disincorporation of society now entailed an «emergence of social relations, not only economic ones, but legal [and other] relations which have their own dynamic»⁵⁸. In democracy, sovereign power is thus no longer linked to the body of the sovereign.

Power appears as an empty place and those who exercise it as mere mortals who occupy it only temporarily [...] There is no law that can be fixed, whose articles cannot be contested, whose foundations are not susceptible of being called into question⁵⁹.

Hence, the promise that lies in this split symbolic unity of the political consists therein that the political moment of (re-)founding society's democratic institutions can always be taken up. The disincorporation of power opens up the space for its democratic legitimation, as Lefort seems to

⁵⁷ C. Lefort, *The Political Forms of Modern Society*, cit., p. 302.

⁵⁸ Ivi, p. 303.

⁵⁹ *Ibidem*.

suggest that it is possible to actualize the empty place of power by referring actual existing power formations to society's virtual exteriority.

The referral of political power to a place of exteriority by means of drawing on a theologico-political figure enables thinking a parallel between Lefort and Schmitt⁶⁰. Both in Schmitt as well as in Lefort, the recourse to a theologico-political dimension of radical exteriority is part of a general anti-positivist approach. In this sense, on a general level, Lefort distinction between the political (*le politique*) and politics (*la politique*) is not completely unlike Schmitt's point. Schmitt's anti-positivism makes up a part of his attack specifically directed against Kelsen's doctrine of legal positivism⁶¹, while Lefort's anti-positivism can be understood in the context of a critique of a certain «lacuna of the political in Marxism»⁶², resulting from attempts to negate a Hegelian “abstract” or “formal” account of the state. By means of drawing on the theological dimension of One- and Otherness, Lefort's notion of the political as a symbolic device is able to subvert an essentialist, predetermined understanding of politics and to call the boundaries of the disciplines of political science, political sociology and political theory into question: «The criterion of what is political is supplied by the criterion of what is non-political, by the criterion of what is economic, social, juridical, aesthetic, or religious»⁶³. In this sense, Lefort primarily speaks of a representational level of knowledge. Thus, differing from the Schmittian political, which ultimately aims at thinking the access to a substantial symbolic unity of the people tied to the presence of a nation, Lefort speaks of

⁶⁰ B. Flynn, “Political Theology in the Thought of Lefort”, *Social Research*, LXXX/1, 2003, pp. 129-142, quoted: p. 130.

⁶¹ C. Schmitt, *Vier Kapitel zur Lehre von der Souveränität* (1922), Duncker & Humblot, München 2015, p. 47.

⁶² P. Lacoue-Labarthe, J.-L. Nancy, *Retreating the Political* (1983), ed. by S. Sparks, Routledge, London-New York, 1997. p. 114.

⁶³ C. Lefort, *Democracy and Political Theory*, cit. pp. 216-217. For further reflection on Lefort's concept of the political see also P. Lacoue-Labarthe, J.-L. Nancy, *Retreating the Political*, cit., pp. 130, 133.

a form of the political, enabling a certain type of «shaping [*mise en forme*]»⁶⁴ of representational levels. This notion of form is also tied to levels of «meaning [*mise en sense*]»⁶⁵ as well as to a performative level of restructuring possible formations of meaning, that is a level of «staging [*mise en scène*]»⁶⁶ social relations.

Through introducing this idea of a representational matrix of the symbolic form, Lefort's concept of the political is able to oppose the idea of substantial unity, so central to the Schmittian version of the political. Accordingly, it is claimed that it is possible to think a non-substantial unity of the people.

[N]either the state, the people nor the nation represent substantial entities. Their representation is itself, in its dependence upon a political discourse and upon a sociological and historical elaboration, always bound up with ideological debate⁶⁷.

At this point it may be justified to ask whether Lefort's claims regarding the political can be further elucidated by asking how the political in Lefort can be crossed with the tradition of constitutionalism. This aspect of the political has been less lively discussed than the philosophical implications of the concept. However, Lefort has treated the tradition of constitutionalism extensively as well, for example in his writings on the French revolution⁶⁸. Referring Lefort's concept of the political to the idea of *pouvoir constituant* might, to a certain extent, be able to provide an alternative to the Schmittian concept of political. Such an attempt could prove relevant in order to re-approach the Schmittian concept of political by rethinking the relation between constitution and politics. It has been pointed out that the general idea of *pouvoir constituant* consists not so much in limiting existing powers,

⁶⁴ C. Lefort, *Democracy and Political Theory*, cit., p. 218.

⁶⁵ *Ibidem*.

⁶⁶ *Ibidem*.

⁶⁷ Ivi, p. 18.

⁶⁸ Ivi, pp. 89-114. See also C. Lefort, *Writing. The Political Test*, cit., pp. 49-66.

as in founding a new political order⁶⁹. «The idea of a *pouvoir constituant* designates the subject of the founding act to be the people, and it guarantees that the process of constitution-making can be transformed into a perpetual process»⁷⁰. Among the different constitutional traditions, the French tradition in particular allows for re-actualizing the latent possibility of *pouvoir constituant* within a constitutional order. For Preuß it is precisely the fact that «the latent state of emergency is thus one of the structural features of France’s constitutional normality»⁷¹, which produces a certain conceptual proximity between *pouvoir constituant* and Schmitt’s concept of the political. For just like *pouvoir constituant*, the political in Schmitt cannot be explained by recourse to the rules of a constitution, but is antecedent to it⁷². Of course, the nation people is not really newly constituted by *pouvoir constituant*, but rather symbolically newly constituted⁷³.

It goes without saying that Schmitt’s idea of the political has been seen as a greater threat to the post-war order of democratic legitimation than the missing actuality of *pouvoir constituant*, thematized more strongly only in recent years. And it has even been argued for abandoning the contentious idea of the political altogether, seeing in any attempt at thinking together the constitution and the political a potential danger of destabilizing effects on the system of democracy, which ought to instead be guaranteed and controlled

⁶⁹ C. Möllers, “Pouvoir Constituant – Constitution – Constitutionalisation”, in von Bogdandy, Bast J., (ed. by), *Principles of European Constitutional Law*, Hart Publishing, Oxford 2009, pp. 169-204, quoted: p. 171.

⁷⁰ *Ibidem*.

⁷¹ U. K. Preuß 1994, “Der Begriff der Verfassung und ihre Beziehung zur Politik”, in U. K. Preuß (hrsg. v.), *Zum Begriff der Verfassung*, Fischer Taschenbuch Verlag, Frankfurt am Main, 1994, p. 22, (translation is mine).

⁷² «“The political” is the pre-constitutional foundation of the constitution». U. K. Preuß, “Political Order and Democracy: Carl Schmitt and His Influence”, in C. Mouffe (ed. by), *The Challenge of Carl Schmitt*, cit., p. 157. See C. Schmitt, *Politische Theologie*, cit., pp. 16, 18f.; C. Schmitt, *Verfassungslehre*, cit., pp. 237 ff.

⁷³ U. K. Preuß, “Der Begriff der Verfassung und ihre Beziehung zur Politik”, cit., pp. 22-25.

through constitutional norms⁷⁴. However, I want to contend here instead that approaching Lefort's concept of the political in the context of *pouvoir constituant* may provide a valuable counter weight against accounts which outright reject the political due to its Schmittian taint. For as a latent potential in the constitution, Lefort's political as *pouvoir constituant* can both counteract constitutional norms as well as be referred to these, which can then regulate a constituted form of political power. The advantage of such an understanding is that it is able to incorporate the full range of the dynamic between politics and law. For this range is cut short in accounts that eliminate the question of the political altogether by seeking recourse to formal models of «procedurality» [*Prozeduralität*]⁷⁵. According to the procedural model of democracy, politics should depend on the institutionalization of reasonable procedures. Procedurality is precisely intended to be based on a logic of circularity allowing for ensuring institutional consolidation of political procedures. However, as has been pointed out, the idea of pure proceduralism is in itself always dependent on at least a minimal material background⁷⁶. Ultimately, it is therefore the very intention of a general homology between theoretical form and institutional reality that does not allow for radically questioning the legitimacy of the procedure itself from an external, excluded position. In this sense, thinking together Lefort's account of the political and *pouvoir constituant* may yet provide a promising opening.

⁷⁴ C. Möllers, *Staat als Argument*, Beck, München 2000, p. 180. In a post-war understanding of the democratic constitution, the way of thinking political power has been revised, in order to sever ties to the idea of political unity. Clearly, Schmitt's concept of political sovereignty based on a logic of expressive unity in the generation of the people's will through acclamation cannot be defended. In this context constitutional law can be understood as being concerned with the question whether the political decision process and results really do justice to the morality inherent in democratic norms.

⁷⁵ See for example: J. Habermas, *Between Facts and Norms* (1992), en. tr. by W. Rehg, MIT Press, Cambridge 1996; J. Rawls, *A Theory of Justice* (1971), Harvard University Press, Cambridge 1999; I. Maus, *Über Volkssouveränität: Elemente einer Demokratietheorie*, Suhrkamp, Berlin 2011.

⁷⁶ A. Karácsony, "Prozedurale Rationalität und die Möglichkeit der Gesellschaftskritik", *ARSP: Archiv für Rechts- und Sozialphilosophie*, LXXXVII/1, 2001, pp. 97-109.

4. Conclusion

In this article I have placed a specific focus on the questions whether and, if so, how the symbolic dimension of the political in Laclau and Lefort enables thinking an alternative to the Schmittian concept of the political. Revolving around the issue of symbolic unity, Laclau's, Lefort's and Schmitt's respective models all address the unresolved question of what cannot be represented in the juridical construction of popular sovereignty. But, as I have argued, the explanations of this non-representable part of the political given by Laclau, Lefort and Schmitt differ in crucial details. In this context I have tried to show why I believe that Post-Marxism can provide valuable pointers regarding the questions whether it is possible to negate Schmitt's notion of the political and which criteria need to be employed to be able to discern between a substantial and a non-substantial form of symbolic unity. Reflecting the role of the symbolic in the political in order to think such problems as the relation between heterogeneity and homogeneity or the divided symbolic unity of the people thereby entails taking into account not only criteria of political but of aesthetic mediation as well. Against the background of Schmitt's legacy it is thus clear that any attempt to reconstruct the crossing of the political and the constitution certainly means to venture through a minefield. In any case, the difficult proximity between Schmittian and Post-Marxist concepts of the political therefore calls for further careful consideration when attempting a dialectical operation «with Schmitt against Schmitt»⁷⁷.

⁷⁷ J. F. Kervégan (2011), *Que faire de Carl Schmitt?*, Éditions Gallimard, Paris, 2011, ger. tr. by B. Schwibs, *Was tun mit Carl Schmitt?*, Mohr Siebeck, Tübingen 2019, p. 9.

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