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Against Cultural-Political Closure

But even this could take place only to the honor of Being and for the benefit of Dasein which man ek-sistently sustains; not, however, for the sake of man so that civilization and culture through man's doings might be vindicated.

—Martin Heidegger, *Letter on Humanism*

I. Subjectivity as Homelessness

In his *Letter on Humanism* (1947), Martin Heidegger used the Greek expression *nomos* in a sense that might or might not have been endorsed by his former correspondent Carl Schmitt, who had at the time already finished the manuscript of *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (1950). For Heidegger,

Only so far as man, ek-sisting into the truth of Being, belongs to Being can there come from Being itself the assignment of those directions that must become law and rule for man. In Greek to assign is *nemein*. *Nomos* is not only law but more originally the assignment contained in the dispensation of Being. Only the assignment is capable of dispatching man into Being.

Only such dispatching is capable of supporting and obligating. Otherwise all law remains merely something fabricated by human reason. More essential than instituting rules is that man find the way to his abode in the truth of Being.¹

As it is already clear in the quotation, *Letter on Humanism* attempts an account of the present—and it is not just any present, since the essay was written in 1946—through “a thinking that abandons subjectivity” (207). His notion of the “history of Being” underlies a kind of deep historical thinking that remains committed to a notion of destiny. “Recollective thought” can adjust to the history of Being by being itself essentially historical thinking: “There is not a ‘systematic’ thinking and next to it an illustrative history of past opinions. Nor is there, as Hegel thought, only a systematics which can fashion the law of its thinking into the law of history and simultaneously subsume history into the system.” Because history is not something that simply happens and vanishes, “the happening of history occurs essentially as the destiny of the truth of Being and from it” (215).

All of this might sound faintly ridiculous today, when everywhere subjectivity rules as the unthought in our presuppositions. In what claims to be contemporary political thinking subjectivity rules explicitly as the posited horizon of any possible thinking of the political, and it is no exaggeration to say that, against Heidegger, most contemporary thinking thinks of subjectivity as the true house of Being, as the home where contemporary humanity might find refuge against the onset of homelessness, understood as that which is “coming to be the destiny of the world” (219). But subjectivity is for Heidegger homelessness itself. Take, for instance, nationalism, still fundamentally important in 1946: “Every nationalism is metaphysically an anthropologism, and as such subjectivism. Nationalism is not overcome through mere internationalism; it is rather expanded and elevated thereby into a system. Nationalism is as little brought and raised to *humanitas* by internationalism as individualism is by an ahistorical collectivism. The latter is the subjectivity of man in totality. It completes subjectivity’s unconditioned self-assertion, which refuses to yield” (221). Man, the human, conceived from subjectivity, remains caught up in “essential homelessness” (221).

How can an antisubjectivist, historical thinking of the destiny of Being serve political reflection? In *The Question Concerning Technology* (1954), Heidegger quotes Friedrich Nietzsche on the political importance of philoso-

phy: "The time is coming when the struggle for dominion over the earth will be carried on. It will be carried on in the name of fundamental philosophical doctrines."² And Heidegger adds: "'Fundamental philosophical doctrines' does not mean the doctrines of scholars but the language of the truth of what is as such, which truth metaphysics itself is in the form of the metaphysics of the unconditional subjectness of the will to power." Both the Nietzschean will to power and the Hegelian-Marxist kind of transcendental subjectivity ("The essence of materialism [consists] . . . in a metaphysical determination according to which every being appears as the material of labor. The modern metaphysical essence of labor is anticipated in Hegel . . . as the self-establishing process of unconditioned production, which is the objectification of the actual through man experienced as subjectivity")³ are what Heidegger has in mind as fundamental doctrines when he says "the danger into which Europe as it has hitherto existed is ever more clearly forced consists presumably in the fact above all that its thinking—once its glory—is falling behind in the essential course of a dawning world destiny which nevertheless in the basic traits of its essential provenance remains European by definition."⁴

What is this dawning world destiny in 1946? As Nazi Germany has been destroyed, what is present as world-historical can be conceived only in terms of either Communism or Americanism. Heidegger's recollective thinking of the history of Being aims at something else, but it must be reached in what he calls a "productive dialogue" with both Communism and Americanism, understood as world-historical options that are themselves produced by the history of metaphysics: "Whoever takes 'communism' only as a 'party' or a 'Weltanschauung' is thinking too shallowly, just as those who by the term 'Americanism' mean, and mean derogatorily, nothing more than a particular lifestyle," as "an elemental experience of what is world-historical speaks out in" them.⁵ Presumably, it also did in Nazism, about which more later. Today, with Communism for the moment safely vanished from the world-historical scene, all that remains is Americanism. How is Americanism today still a dawning world destiny? And what could we do about it, politically, from the point of view of an antisubjectivist, historical, and recollective thinking concerned with humanity's destiny? Is Europe still a factor in this task, as it was both for Heidegger and for Carl Schmitt, whose notion of the proper/improper order of the earth always remained deeply Eurocentric? If so, what kind of a factor?

II. Europe as Whore

Talking about the overwhelming military power of the United States today, Robert Kagan says: "If you have a hammer, all problems start to look like nails." For the Europeans, however, the opposite is the case: "When you don't have a hammer, you don't want anything to look like a nail."⁶ The ideological fissure between Europe and the United States, the fact that, since the buildup for the 2003 occupation of Iraq, both geopolitical regions share less and less a "common 'strategic culture'" (4), is a direct consequence, for Kagan, of the difference between "strategies of weakness" and strategies of strength (10–11). Europe would have no choice but to stick to strategies of weakness, whereas the United States is simply behaving "as powerful nations do" (11). The United States is today the subject of the political decision, endowed since the event of the American Revolution with conviction, certainty, and a kind of love for universal democracy. Europe, however, has come to occupy the position of an obscure subject, if indeed those are subjects, of what James Joyce would have called the jewgreek paradigm, the precipitate of a merely concrete historical situation.⁷

If the current *nomos* of the earth is an American *nomos*, it is because the United States has succeeded in making its own political rhetoric stand in for a kind of universal truth. But, as Schmitt teaches, a nomic order reaches universal validity not because of its moral universality, but rather in virtue of its historical concreteness. Schmitt dates the decline of the European nomic order shortly after the 1885 Congo Conference, when a sort of American-propelled "general universalism" came to replace the until-then dominant *jus publicum Europaeum* paradigm in international law. It was then that "the new West claimed to be the true West, the true Occident, the true Europe. The new West, America, would supersede the old West, would reorient the old world historical order, would become the center of the earth. . . . International law ceased to have its center of gravity in old Europe. The center of civilization shifted further west, to America."⁸ America's claim "to be the true Europe" (291) could in the surface be represented only by the simultaneous claim that America would support "a spaceless, universalist international law" (290) in the name of freedom and justice for all. In reality, the claim to embody true universality was already the result of the dismantling and substitution of the old European order by a different principle of order and orientation, namely, American imperial hegemony, a concrete historical order as such, and the new organizer of the "*nomos* of the earth."

No wonder that some Europeans, among them Heidegger and Schmitt, could not be happy with the new state of affairs, as it condemned Europe in general to become not just a subaltern space from the perspective of global dominance, but also to develop a reactionary position regarding the new hegemony. In Kagan's analysis, Europe today, as it has since World War II, occupies both a reactionary *and* a subaltern position, whereas the United States occupies by right a position of hegemony and a position of active progressivism. The Soviet Revolution, as a revolution in Europe, seemed to conceal this fact for a while, through creating an alternative claim to the nomic domination of the proletarian states that made it impossible to link subalterns and reactionaries persuasively. It is perhaps a measure of the changes in our conjuncture since the fall of the Soviet bloc that, geopolitically speaking, reactionary and subaltern seem to go once again together today, and not just in Europe, which means that the progressive position is held by the undisputed world masters. Kagan's position gives us a glimpse of what is perhaps the dominant frame of mind in the contemporary American political elite, certainly on the Republican side, but not only on the Republican side.⁹

Europe, subaltern power or reactionary unpower, must follow in its political and strategic practice the enlightened dictates recommended by, say, Immanuel Kant in *Towards a Perpetual Peace*, whereas the United States lives, with pleasure, with only marginal suffering, in a Hobbesian world of total war against absolute enemies. Enlightened liberal progressivism turns into subaltern-reactionary praxis, and the call for what the Spanish thinker Juan Donoso Cortés used to call "a dictatorship of the sabres" appears as hegemonic praxis.¹⁰ This is a direct consequence of the division of the world between strong nations and weak nations. Europe lives in Nietzschean *resentiment* because it has no choice, precisely, and the United States lives in active affirmation of itself, all the way down to torture of its perceived enemies and the flaunting of the 1949 Geneva Conventions, just because it can, or because it thinks it can, as a subject of infinite political truth.

For Kagan, as a matter of historical fact, a democratic political practice today could be merely resentful reactionary-ism: "Europeans have a deep interest in devaluing and eventually eradicating the brutal laws of an anarchic Hobbesian world where power is the ultimate determinant of national security and success. This is no reproach. It is what weaker powers have wanted from time immemorial" (37). Hence, a European emphasis on multilateralism, that is, in sticking to processes of collective decision for

what we could call geopolitical actions, is simply “a substitute for the power they lack” (40). However, while it is true that the United States seeks to intensify its power practices through unilateralism, the Europeans make a mistake in trying to contain it. For Kagan, “the United States is a liberal, progressive society through and through, and to the extent that Americans believe in power, they believe it must be a means of advancing the principles of a liberal civilization and a liberal world order” (41).

With this, Americanism hits, one could say, aporia. But, with it, Europeanism also does. According to Kagan, the Americans practice *Machtpolitik*, a politics of brute force, without believing in it, which makes them disconcertingly lovable (it might be the secret behind Private First Class Lynndie England’s otherwise enigmatic smile in the recent photographs we are familiar with). Americans believe in brute force, but only as a matter of power, that is, as an exceptional practice, as a matter of exception (power is nothing but the ability to decide on the exception); whereas the Europeans, who absolutely believe in *Machtpolitik* (they invented it), renounce it as a means to secure their own power status, subaltern as it is (but better than nothing). The chiasmus is remarkable: as a function of their respective positions in the current *nomos* of the earth, Americans practice *Machtpolitik* but they do not believe in it, they believe in liberal progressivism.¹¹ Europeans believe in *Machtpolitik*, but must renounce it for the sake of *Machtpolitik*, for the weak must, of course, dissemble. The merely ostensible European goal is to offer the world “not power but the transcendence of power” (that is, the rule of law)¹² as a means of securing their power, whereas the real American goal is precisely to transcend power, since they already occupy it absolutely. With this, the rule of law appears as the weapon of reactionary subalternity, whereas hegemonic progressivism engages in a politics of brute force but only as a matter of course, to attain the law beyond the law, the law of laws. The United States appears as the embodiment of Enlightenment today, precisely through its refusal of Enlightenment politics. Torture in Iraqi prisons was, therefore, not what it seemed, but something else entirely, if one takes the proper historical perspective.

The absolute occupation of power by the United States is presented as the condition of possibility for a politics of nonpower, for a renunciation of power: no doubt here the United States can invoke a precedent in the position of the Christian Church over the centuries when it was dominant. The United States, precisely through its abandonment of Kantian cosmopolitanism, is closer than anybody has ever been, closer, indeed, than the Church

ever was, to attaining the proper foundations for a cosmopolitan politics of nonpower, of absolute respect for the law beyond the law, the law of laws, which Alain Badiou defines as Pauline love.¹³ It is worth quoting Kagan at length at this point:

In fact, the United States solved the Kantian paradox for the Europeans. Kant had argued that the only solution to the immoral horrors of the Hobbesian world was the creation of a world government. But he also feared that the “state of universal peace” made possible by world government would be an even greater threat to human freedom than the Hobbesian international order, inasmuch as such a government, with its monopoly of power, would become “the most horrible despotism.” How nations could achieve perpetual peace without destroying human freedom was a problem Kant could not solve. But for Europe the problem was solved by the United States. By providing security from outside, the United States rendered it unnecessary for Europe’s supra-national government to provide it. Europeans did not need power to achieve peace, and they do not need power to preserve it.¹⁴

As a consequence, for Kagan, “Europe’s new Kantian order could flourish only under the umbrella of American power exercised according to the rules of the old Hobbesian order” (73). Which means that European ideology, to the extent that it is democratic, multilateral, and cosmopolitan, radically depends on the United States’ willingness to confront and overcome through brute force those who still believe in old-fashioned *Macht-politik*. The United States is paying for European good consciousness. The European beautiful soul is a luxury that the United States is happy to provide. On the other hand, the cost of European reactionary subjectivity is its nonsubjectivity, the radical heteronomy between European pretensions and actual realities of fact. Europe lives in false consciousness, through its disavowed dependency on practices that are quite alien to its stated ideological self-consciousness.

Kagan has put Europe in a truly abject position; or rather, he has revealed Europe’s abject position—for he may, in fact, be right in his critique of Europe (whereas his ideological cant regarding the American position is untenable). Leaving aside its unbecoming aspects, and talking as it were among adult interlocutors, when everybody knows who is paying for what, and there is no longer a reason to keep up the pretense of independence, Kagan asks: “How does Europe protect itself without discarding the very

ideals and principles that undergird its pacific system?” (74). In other words, Kagan still thinks that it is OK for beautiful souls to exist. The important thing is that they do not become a pain in the neck. His solution is: “There need be no ‘clash of civilizations’ within what used to be called ‘the West.’ The task, for both Europeans and Americans, is to readjust to the new reality of American hegemony” (97).

Kagan puts Europe in the position of an attractive but somewhat silly and certainly pretentious mistress who feels she can criticize the rude manners of her benefactor without realizing that, without the kind of life the rude but loving protector—indeed, loving beyond the law, for the sake of the fulfillment of the law—has made possible, the mistress would fall into the ranks of common prostitutes. Kagan would have the United States say, “I want you to keep looking pretty and posing as elegant and distinguished, but for that you must accept that you are nothing but a silly lady, a whore really. Now, will you accept that? Do you really want to preserve your comfortable life, or are you ready to give it up?” A problem, Europe might say, because if I admit that I am your mistress, then I won’t be comfortable anymore, I’ll feel like a whore, and all my delusions will vanish. Like a saint turning into a priest, I will have given up my life, my treasure, precisely by doing what was meant to protect it. And, what is more, if I do that, then you, my powerful benefactor, will also have to give up the pretense of having a distinguished partner. When everybody knows you are simply maintaining concubines, and blackmailing them for kicks, well then, won’t you have to give up your pretense of being the “provider of universal peace,” the only one capable, through conviction, perseverance, *and* tough love, of bringing out a truly liberal and progressive world order? Your truth, grating as it was, will have come to a pathetic end.

III. The Kantian Scandal

In the section of *The Nomos of the Earth* titled “Kant’s Unjust Enemy,” Schmitt does not like what he sees, reading Kant, hence he keeps Kant at a distance. On the one hand, he says that Kant “formulates definitively the results of the epoch of development” having to do with the formation of the interstate system in the seventeenth and eighteenth centuries. For Schmitt, Kant formulates the conditions of the then prevailing *nomos* of the earth, the prevailing order of the political, understood as a concrete, historical order with nomic jurisdiction as such. Schmitt quotes Kant: “No war of indepen-

dent states against each other can be a punitive war, nor can any war be a war of extermination or subjugation"; and "there is thus 'the right to a balance of power among all states that are contiguous and could act on one another'" (168). But Kant, Schmitt says, "shows a double face" when he "introduces, in a highly surprising way, the concept of the *unjust enemy*" (168).

The just enemy is the intranomic enemy, the enemy that does not want to undo the nomic order, but rather contests internal nomic determinations from the point of view of the *nomos* itself. For instance, after the Treaty of Utrecht, which drew the consequences of the War of Spanish Succession in the early eighteenth century with fairly dramatic results for Spanish power, Spain attempted to reassert its claims to Italian territories and invaded Sardinia and Sicily. Immediately the victors of Utrecht organized the so-called Quadruple Alliance against Spain. As Henry Kamen puts it, "The conflict, which came to an end the following year [1719], was a sham war with little other purpose than to demonstrate to Spain that it could operate as a military power only with the permission of the French or the British."¹⁵ The French and the British, with their allies, asserted their claim to nomic dominance and put Spain back in her place. But Spain was considered by them a just enemy, a respectable if old and cranky lady, even as Spain could only be sorry that she was not powerful enough to modify the European balance of power to serve her own interests.

Is the *unjust enemy*, as opposed to the just enemy, whose definition is entirely contained at the level of the nomic order, precisely the enemy that fights against a given order and wants an alternative order, or is the unjust enemy the enemy of all nomic orders, of all principles of political order and orientation? Schmitt says that Kant's concept of the unjust enemy might in fact be already "a presentiment of a new *nomos* of the earth" (169), that is, of a new order of the political. But is it? Is Kant prefiguring nothing less than the arrival of nihilistic terrorists, adversarial foes of the nomic order whose intent cannot be to produce an alternative nomic configuration but rather, precisely, the return to an impossible state of nature, a murderous chaos, disorder and disorientation for all? If so, the Kantian unjust enemy is the intuition of the end of all possible orders, and certainly not the presentiment of any new or emerging order.

For Kant, quoted by Schmitt, the unjust enemy is one "whose publicly expressed will (whether by word or deed) reveals a maxim by which, if it were made a universal rule, any condition of peace among nations would be impossible and, instead, a state of nature would be perpetuated."¹⁶ On

the face of it, strictly according to Kant's definition, the unjust enemy is the enemy of the order of the political: not of a given order, but of every possibility of an order of the political. Schmitt says: "A preventive war against such an enemy would be considered to be even more than a just war. It would be a crusade, because we would be dealing not simply with a criminal, but with an unjust enemy, with the perpetrator of the state of nature" (169). The notion of the unjust enemy, Kant's discovery, throws into disarray the very presupposition of an order of the political in a very specific sense. A limit figure, the unjust enemy stands outside the *nomos*, in the sense that it refuses to recognize nomic authority itself.

But the *nomos* is a totalizing principle outside which, by definition, nothing stands: even the principle of nomic dissolution is produced by the *nomos* itself, in every case. The *nomos*, if such, must produce its own antithesis, as a function of its own totalizing division. Something, then, has happened: the Kantian unjust enemy stands outside the jurisdiction of the *nomos*. It is a scandal. Still, it could be crushed, and the *nomos* would prevail. But the scandal gets worse. Schmitt does quote, with high praise ("it is impossible to understand the concept of a just enemy better than did Kant" [169]), Kant's definition of the just enemy. Kant's definition of the just enemy potentially throws Schmitt's overall differentiation into disarray. For Kant, "a just enemy would be one that I would be doing wrong by resisting, but then he would also not be my enemy" (169). But, if the notion of the just enemy is an impossibility, that is, if the enemy, in virtue of his very justice, is always already a friend, then all enemies, in order to be enemies, must be unjust. If all enemies are unjust, then every single enemy stands outside the jurisdiction of the *nomos*. The nomic order has then effective jurisdiction only over friends, and it loses its universality. It loses, indeed, more than its universality: it loses its position as a political concept, since it cannot account for, it can only submit to, the friend/enemy division.¹⁷ Hence, the order of the *nomos* and the order (or, rather, the state) of any concrete politics are radically incompatible. If there is politics, then there is no binding *nomos*. If there is a *nomos*, the unjust enemy—and that means any enemy—falls outside the political order.

The notion of a *nomos* of the earth, of an order of the political, accomplishes, perhaps against Schmitt's own will, a deconstruction of his notion of the political. Or perhaps, on the contrary, we are faced with the fact that Schmitt's own indications of the Kantian position deconstruct the notion of *nomos*, of an order of the political beyond every concrete friend/enemy

grouping, and send us back to the absolute primacy of the friend/enemy division in terms of a determination of the political. Do we prefer to uphold the notion of a nomic order, or do we prefer to abide by a savage or anomic notion of the political? Is there a choice?¹⁸

IV. A Politics of Namelessness

There is no return to a non-American, essentially European nomic order. Both Heidegger and Schmitt accept the notion that Americanism is a repetition and an appropriation of the European heritage, and that something “world-historical” speaks out in it. In paragraph 74 of *Being and Time*, which finally brings the work’s entire ontological analytic to rest on the notion of authentic historicity, Heidegger had notoriously sustained that “the resoluteness in which Da-sein comes back to itself discloses the actual factual possibilities of authentic existing in terms of the heritage which that resoluteness takes over as thrown. Resolute coming back to thrownness involves handing oneself over to traditional possibilities, although not necessarily as traditional ones. If everything good is a matter of heritage and if the character of goodness lies in making authentic existence possible, then handing down a heritage is always constituted in resoluteness” (351). Both Heidegger and Schmitt committed their own world-historical mistake by understanding Nazism, at least in the early to mid-1930s, as the great, resolute political repetition of the German heritage, standing in for Europe and the Occident, which alone could bring about the destiny of the West as something other than either Communism or Americanism. Given the history of Nazism, and beyond any comparison, both Communism and Americanism can think of themselves as at least equally resolute fulfillments of the world destiny in the authentic handing down of a heritage. Heidegger’s critique of subjectivity could not avoid a political fall into a repetition of (German) subjectness, which is a closure to the Da- in Da-sein. The repetition of a heritage is always exclusive of the disinherited — the disinherited are those who cannot retrieve a heritage. Heidegger seemed to ignore that an abandonment of subjectivity would not be possible in the wake of the resolute acceptance of a cultural heritage. Could the disinherited perhaps ever dictate a new principle of order and appropriation without betraying themselves as disinherited? Can an assignment of Being be forceful and audible enough to remain historical also in the sense of renouncing every repetition of a heritage as a political act? Can political action recollect nothing but namelessness? If

the *nomos* of the earth is indeed to be understood as the legitimacy of a dominant, concrete historical order of appropriation, can appropriation be thought outside the repetition of a subjectivity that will always necessarily oppress the nonsubject? This is, after all, what the Europeans themselves eventually came to discover.

Notes

Some sections of this essay repeat articulations forthcoming in essays of mine for *Centennial Review* and *The Bible and Critical Theory*. I apologize for the repetition.

- 1 Martin Heidegger, *Letter on Humanism*, in *Basic Writings*, ed. David Farrell Krell (New York: Harper & Row, 1977), 238–39.
- 2 Nietzsche, quoted in Martin Heidegger, *The Question Concerning Technology and Other Essays*, trans. William Lovitt (New York: Harper & Row, 1977), 101.
- 3 Heidegger, *Letter on Humanism*, 220.
- 4 *Ibid.*, 220–21.
- 5 *Ibid.*, 220.
- 6 Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Alfred A. Knopf, 2003), 27–28.
- 7 “Woman’s reason. Jewgreek is greekgew. Extremes meet. Death is the highest form of life. Ba!” (James Joyce, *Ulysses: The Corrected Text*, ed. Hans Walter Gabler [New York: Vintage, 1986], 15.2097–98). Leopold Bloom embodies the encounter of the Jewish and the Greek as an example of contemporary man.
- 8 Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, trans. G. L. Ulmen (New York: Telos, 2003), 290.
- 9 Samuel Huntington has recently provided some statistical figures to prove that Americans of all kinds and political persuasions “are the most patriotic people in the world,” which is consistent with their subject position. Huntington reports that “in polls conducted during the past fifteen years, between ninety-six and ninety-eight per cent of all Americans said that they were ‘very’ proud or ‘quite’ proud of their country. When young Americans were asked whether they wanted to do something for their country, eighty-one per cent answered yes. Ninety-two per cent of Americans reported that they believe in God. Eighty-seven per cent said that they took ‘a great deal’ of pride in their work, and although Americans work more hours annually than do people in other industrialized countries, ninety per cent said that they would work harder if it was necessary for the success of their organization. In all these categories, few other nations of comparable size and economic development even come close” (Louis Menand, “Patriot Games: The New Nativism of Samuel P. Huntington,” *New Yorker*, May 17, 2004, 92).
- 10 Juan Donoso Cortés, “Discurso sobre la dictadura,” in *Ensayo sobre el catolicismo, el liberalismo y el socialismo: Otros escritos*, ed. José Luis Gómez (Barcelona: Planeta, 1985), 261.
- 11 See Schmitt’s *The Nomos of the Earth* for a consideration of *nomos* as the fundamental “unity of order and orientation” in any geopolitical configuration (42).
- 12 Kagan, *Of Paradise and Power*, 60.
- 13 For Alain Badiou, “the law is what constitutes the subject as powerlessness of thought”

(*Saint Paul: The Foundation of Universalism*, trans. Ray Brassier [Stanford, CA: Stanford University Press, 2003], 83). But “thought can be unseparated from doing and power. There is salvation when the divided figure of the subject maintains thought in the power of doing” (84); “Is this to say that the subject who binds himself to Christian discourse is absolutely lawless” (86)? No: Badiou proceeds to determine “the extraordinarily difficult question concerning the existence of a transliteral law, a law of the spirit” (87). This is the law of love—the lawless law that is also the law of laws: “Under the condition of faith, of a declared conviction, love names a nonliteral law, one that gives to the faithful subject his consistency, and effectuates the postevental truth in the world” (87). The problem appears when the law of love falls into the hands of the priests. Doesn’t it always?

- 14 Kagan, *Of Paradise and Power*, 57–58.
- 15 Henry Kamen, *Empire: How Spain Became a World Power, 1492–1763* (New York: Harper-Collins, 2003), 455.
- 16 Kant, quoted in Schmitt, *The Nomos of the Earth*, 169.
- 17 I do not have the space to explain Schmitt’s otherwise well-known notion of the political as thoroughly constituted by the friend/enemy distinction. See Schmitt’s *Concept of the Political*, trans. George Schwab (Chicago: University of Chicago Press, 1996).
- 18 Jan-Werner Müller notes that *The Nomos of the Earth* “was to remain the touchstone for all [Schmitt’s] post-war reflections—not least because it allowed him to shift the level of discussion away from the German past and domestic politics to more lofty world-historical and even mythical ruminations. When a number of his admirers sought to publish a collection of his political writings in the early 1970s, he insisted that they start with *Nomos* and include only post-war writings” (*A Dangerous Mind: Carl Schmitt in Post-War European Thought* [New Haven, CT: Yale University Press, 2003], 87). The impossible choice, then, between a nomic order and the radical anomy of a savage politics of absolute enmity became crucial for Schmitt (even in the sense of a crucial enigma, unsolved as such)—something that can in no way be discounted from his own compromised political history.

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