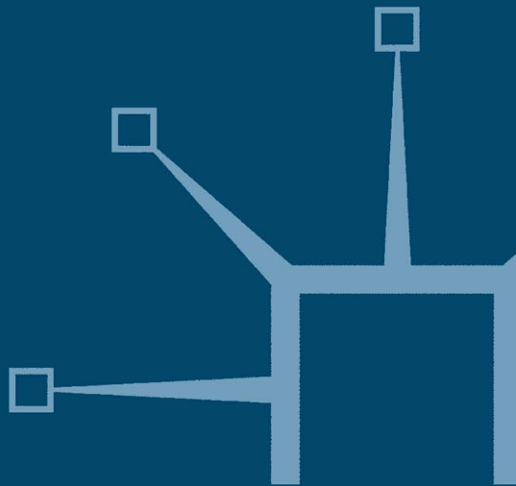# Carl Schmitt and the Politics of Hostility, Violence and Terror

Gabriella Slomp

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Also by Gabriella Slomp
THOMAS HOBBES (*editor*)
THOMAS HOBBES AND THE POLITICAL PHILOSOPHY OF GLORY

Carl Schmitt and the Politics of Hostility, Violence and Terror

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palgrave
macmillan

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This book is dedicated to my mother,
Raffaella Ferrari Slomp.

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1
Introduction

'In the beginning was the State and the State was with the Political and the State was the Political': this was the received truth of the Gospel according to Westphalian political thought, or at least, so Carl Schmitt claimed. He challenged such truth with his famous remark that 'the concept of the state presupposes the concept of the political'.[1] But if political and state do not coincide, what is the political? As 'one seldom finds a clear definition of the political',[2] Schmitt set himself the task of filling this lacuna. He formulated the following definition, often referred to as 'the friend/ enemy principle':

> The specific political distinction to which political actions and motives can be reduced is that between friend and enemy. [...] The distinction of friend and enemy denotes the utmost degree of intensity of a union or separation, of an association or dissociation.[3]

Since its publication, *Concept of the Political* has forced its readers to engage with a number of issues concerning the above principle, the principle that captures the core of Schmitt's political theory. Is Schmitt making an empirical observation, stating a philosophical belief, or launching an ideological slogan? Does his distinction even make sense? Or is it a spurious pseudo-justification for some of Schmitt's more infamous claims?

Schmitt never retracted his identification of the political with the friend/enemy principle, but in the 1963 Foreword to the German edition of *Concept of the Political* he voiced his regret that his 'cautious

and preliminary delimitation of a concept has been turned into a crude slogan, in the so-called theory of friend and enemy'.[4] Schmitt felt the complexities and subtleties of his theory had been lost in reducing it to a simple maxim that was passed on second-hand and, more often than not, attributed to the opposing party. In the Fore-word, Schmitt draws the reader's attention to his recent publication, *Theory of the Partisan: Intermediate Commentary on the Concept of the Political*[5] in which he reflects further on hostility and the political. The focus of the present work is the friend/enemy principle as pro-posed in *Concept of the Political* and developed in *Theory of the Partisan*.

Political theorists do not work in a vacuum. Thomas Hobbes advanced his theory of political obligation and his protection/obedience principle in an attempt to solve the problem of civil war. This book suggests that Carl Schmitt similarly put forward his theory of the political and the friend/enemy principle in order to address precise, pressing issues. The aim of this introductory chapter is to iden-tify the specific questions that the friend/enemy principle is meant to address. The remaining seven chapters will dissect, examine, and evaluate the solutions that the principle affords.

I

Many interpretations of western political thought allow us to trace the intellectual roots of Carl Schmitt's political theory. In the works of authors ranging from Friedrich Meinecke[6] to Carl Friedrich,[7] from Eric Voegelin[8] to Sheldon Wolin,[9] there is a wealth of scholarship that helps us understand how and where Schmitt's work fits into the larger narrative of the history of western political thought.

Norberto Bobbio, for instance, constructs an illuminating framework that helps us understand Schmitt's contribution. For Bobbio, 'two great antitheses dominate the political thought of all times: oppres-sion-freedom, and anarchy-unity'.[10] In the early modern period, the latter antithesis inspired the work of Thomas Hobbes whereas the former galvanized John Locke's. Although Carl Schmitt's ideas cannot be comfortably integrated into any single school of thought, it may be illuminating to suggest that he and Hannah Arendt are late moder-nity's representatives of Bobbio's two positions.

On the one hand, Arendt's work has contributed to the freedom versus oppression camp. Here, the analysis of violence has been

pushed beyond the scope of political theory, as 'violence itself is incapable of speech [...] Because of this speechlessness political theory has little to say about the phenomenon of violence and must leave the discussion to the technicians'.[11]

On the other hand, Carl Schmitt is the twentieth-century standard bearer of the alternative approach to political theory, that concerned with order and chaos. Rather than sidelining them, Schmitt focuses his attention on hostility, violence and war.

Interpreters such as Bobbio have provided the tools needed to classify Schmitt's political thought. Various metatheories help explain Schmitt's concern with order, power, violence and hostility by locating him in a certain school of thought, by imbuing his ideas with a certain context and background, and by fitting him into a given tradition.

However, none of the above approaches arms us with the conceptual apparatus required to understand fully Schmitt's assertion that the essence of the political lies in the distinction between friends and enemies. If one paints the history of western political thought with a sufficiently broad brush, it is of course possible to locate Schmitt in a certain tradition or continuum. It appears, though, that any classification that is more fine-grained must inevitably falter. For not even Carl von Clausewitz prepares us for some of Schmitt's central claims. In some sense, then, it seems that Schmitt did not stand on the shoulders of giants but stood on his own. Hence, in order to interpret Schmitt's theory, it does not suffice to look at the history of political thought: we need to look elsewhere.

II

There is consensus among interpreters that 'most of the great statements of political philosophy have been put forward in times of crisis'.[12] From Thucydides and Machiavelli to Hobbes and Hegel, many historians and philosophers have argued over the centuries that 'war is a most violent master',[13] that 'men profit more by looking on adverse events, than on prosperity'[14] and have suggested that exceptional times such as civil wars afford greater insights into human nature and the historical process than times of relative normality. In the twentieth century, Eric Voegelin has claimed that 'in an hour of

crisis, when the order of a society flounders and disintegrates, the fundamental problems of political existence in history are more apt to come into view than in periods of comparative stability'.[15] Also Sheldon Wolin has pointed out that political philosophy is prompted by 'extreme political disorganization' which adds 'urgency to the quest for order'; in his words:

> the theories of Plato, Machiavelli, and Hobbes, for example, are evidence of a 'challenge and response' relationship between the disorder of the actual world and the role of the political philosopher as the encompasser of disorder. The range of possibilities appear infinite, for now the political philosopher is not confined to criticism and interpretation; he must reconstruct a shattered world of meaning.[16]

One of the greatest innovators of political theory is Thomas Hobbes and it is by looking at his historical work, *Behemoth*, that we may gain a fuller insight into the relationship between times of social unrest, upheaval, and crisis on the one hand and innovations in political theory on the other. In *Behemoth*, Hobbes describes the sentiments, passions, thoughts and actions of his contemporaries before the civil war; he brings to the attention of the reader how Londoners did not predict the effects of refusing to pay their taxes, how they misinterpreted the consequences of disobeying the king, and above all how they misunderstood the first signs of civil war. Hobbes also emphasizes how common people were misled and misguided by bad teachers and bad preachers who were in turn inspired by bad books. In *Behemoth*, Hobbes explains his *Leviathan*, he explains why he made it his business to correct the wrong opinions of his contemporaries about civic duties and political obligation, and to denounce the inadequacy of past political theory to correct people's delusions about the function of governments.

  Keeping this in mind, it seems that we may form a hypothesis as to why there exists a relationship between radical innovation in political theory and exceptional times. Namely, in a time of crisis, society's tools for self-interpretation are inadequate for understanding the world of experience; the received body of political thought does not seem to have the sufficiently rich wealth of concepts needed to capture and explain the empirical data.

In exceptional circumstances, there is a need to reconcile political theory with the recalcitrant world of experience. It is at this point that philosophical minds feel the urge to revise inherited political theory and to look for new concepts to grasp the new reality. It is perhaps unsurprising, therefore, that the most innovative political theories are born at times such as these. One might go as far as to say that theories developed in response to times of crisis are analytically innovative: if the crisis could be adequately captured by the existing body of concepts, then it would not be a crisis.

Schmitt's own political theory, like that of Thomas Hobbes, was developed at a time when society had entered into another crisis of self-interpretation. Indeed, there are many parallels between the situation of Hobbes in the seventeenth century and that of Schmitt three centuries later.

Not unlike Hobbes, Schmitt believed that the self-interpretation of his contemporaries was no longer in touch with their concrete existence at domestic and at international level. And not unlike Hobbes, Schmitt felt that the political theory of the past simply reinforced the delusions of a deluded society. And just as Hobbes's *Leviathan* sought to clarify, redefine, elaborate and develop the concepts and symbols of a society moving from the medieval to the modern world, so too Schmitt's *Concept of the Political* aimed to develop concepts capable of grasping the empirical experience of a society moving from early to late modernity.

Schmitt's overall approach to his time of crisis was two-fold. Like Eric Voegelin, he believed that society's predicament called for the re-thinking of the principles of the political 'by a work of theoretization which starts from the concrete, historical situation of an age, taking into account the full amplitude of our empirical knowledge'.[17] Moreover, like Carl Friedrich, Schmitt maintained that all science, including political science is 'the result of an interweaving of tradition and of challenges to tradition. New departures presuppose a thorough mastery of the traditional way. Much of it may be "tacit knowledge" [...] but it is knowledge just the same. The bane of the social sciences is the untraditional handling of the conceptual framework [inherited from the past]'.[18]

As a result Schmitt puts forward his definition of the political, namely the friend/enemy principle, in an attempt to re-connect what in the twentieth century had become disconnected: the material

existence of people and their interpretation of that experience. The repeated and almost obsessive use of the term 'real' in *Concept of the Political* is motivated by Schmitt's concern not to lose sight of the concrete world. However, for Schmitt no re-connection between historical experience and societal self-reflection could be implemented without revisiting the conceptual framework inherited from the past. Hence within Schmitt's texts one needs to consider his engagement with three different contexts: the world of existence, the self-interpretation of society and past political theory.

III

Much like Leo Strauss, Friedrich Meinecke and Herbert Butterfield[19] – to mention but a few – Carl Schmitt thought that the First World War marked a major change in the pattern of European history. In his works, Carl Schmitt points out that in the aftermath of the war, the victorious parties treated Germany like a criminal and punished it accordingly. In Schmitt's eyes, this marked the *de facto* abandonment of *jus publicum europaeum* (and its attendant notion of *justus hostis*) that had regulated foreign policy and inter-state wars since the Westphalia Treaty of 1649.

The international crisis was accompanied by the domestic crisis of the liberal state which seemed increasingly unable to perform its primary function of providing security. To Schmitt, it appeared that liberal democracies were oblivious to such problems, and their self-delusion was reinforced and fostered by liberal ideology.

Schmitt knew that his definition of the political as the friend/enemy principle did not correspond to that of the society in which he lived. Indeed, he points out that in common usage 'the word political is […] often used interchangeably with party politics'.[20] It seems certain that Schmitt knew that his concept of the political was going to encounter enormous resistance, and yet perhaps it has encountered more resistance than he expected.

Schmitt firmly believed that in an ideal world, friend/enemy groupings would only exist at the international level, and all politics would be international politics. Had Schmitt left his account at this, perhaps many more would have agreed with him. However, Schmitt claimed that because of the crisis of the state, it was possible for friend/enemy groupings to arise within a state's borders. Once the

map of politics at domestic level displayed not homogeneity but heterogeneity, not convergence but divergence, not unity but pluralism, then this would give rise to civil war. Indeed, the definition of civil war for Schmitt is a war that takes place when 'the domestic and not the foreign friend- and- enemy groupings are decisive', when the so-called 'party politics' turns from 'patronage' and 'scramble for office' into 'real politics', when 'the equation politics = party politics' materializes, and when one can speak meaningfully of 'internal politics'.[21]

Just as Hobbes had put forward his theory of political obligation and the protection/obedience principle to protect his country from future civil wars, likewise Schmitt put forward his theory of the political and the friend/enemy principle in response to national and international crises and in order to address the problem of the growing danger of civil and global war.

IV

The friend/enemy principle performs a number of different roles in Schmitt's overall political theory. Over the course of the present work, I shall introduce a number of distinctions and categories, not all of which were adopted by Schmitt himself. It is hoped that the additional nomenclature proves exegetically useful.

To begin with, we may differentiate the function of the political from its essence: the former is concerned with what the political is for, the latter with what the political is. For Schmitt, the friend/enemy principle describes both the function and the essence of the political. Differentiating function and essence is key in pinpointing the nature of Schmitt's innovation.

In so far as the friend/enemy principle describes the *function* of the political, Schmitt's theory demonstrates a clear level of continuity with the existing body of western political thought. Most, if not all, political theories in the western tradition assume that a major concern of political entities is to provide security. It follows that western political thought has assumed, albeit tacitly, the existence of the enemy and the ability of a political entity to distinguish enemies from friends. After all, if there was no enemy, or if the enemy could not be detected, security would not be a priority. One would be hard-pressed to call the jurist Norberto Bobbio a

Schmittian and yet in 1982 he contributed an entry to an encyclopaedia in which he defined the political as 'the activity of aggregating and defending our friends, and dispersing and fighting our enemies'.[22]

In other words, Schmitt's claim that the friend/enemy principle describes the function of the political is by no means a bolt from the blue sky of political thought. Rather, it simply makes explicit a basic assumption that has always been implicit in western theorizing, namely that in order to provide security and protection a political entity must be able to detect its enemy.

In Schmitt's argument, however, the friend/enemy principle is meant to capture not only the function of the political but also its *essence*. Schmitt claims that politics contains both enmity (and the possibility of war) and friendship (and the possibility of peace).[23] Schmitt's break from the mainstream does not follow from his claim that distinguishing friends and enemies is what politics *does*, but from the claim that that is what politics *is*.

Indeed, Schmitt knew that the claim that politics contains enmity was unorthodox. He knew that he was turning Hobbes's political theory on its head when he wrote that 'a world in which the possibility of war is utterly eliminated [...] would be a world without politics' and when he claimed that 'all politics [terminates] whenever the possibility of fighting disappears'.[24]

Schmitt admired Hobbes's theory of political obligation and the protection/obedience principle which inspired it. Schmitt agreed with Hobbes that ideally there should be no enmity within a political entity and no domestic friend/enemy groupings. But he disagreed with Hobbes that politics and enmity should be regarded as mutually exclusive concepts. He did not accept Hobbes's view that enmity appears when politics fails. He rejected Hobbes's dichotomy of politics and enmity and his claim that wherever there is enmity (in natural conditions and in international relations), there is no politics and vice versa.

Indeed, Leo Strauss alerted Schmitt to the fact that his definition of the political coincided with the Hobbesian state of nature[25] and that his definition of depoliticization coincided with the Hobbesian political state. As Strauss pungently said, if one understands '"political" in Schmitt's sense', one is bound to say that 'Hobbes is *the* antipolitical thinker'.[26]

The following analogy may elucidate Schmitt's position and justify his rejection of some of the Hobbesian principles mentioned above: just as medicine provides protection from illness, so too politics provides protection from the enemy. But just as it would be absurd to claim that medicine ought to be practised away from the sick, it is bizarre to claim that politics ought to take place where there is no danger, no hostility, no possibility of war. Moreover, just as medicine cannot eliminate illness but only contain it, so too politics cannot abolish enmity but only impose limits upon it. For Schmitt, if politics excludes enmity from its domain, it cannot curb it or limit it, like a doctor refusing to look at the unwell. The political can only control enmity if the issue of enmity becomes the central business of politics.

According to Schmitt, however, the political does not contain only enmity but it must contain also friendship. This qualification was all-important in Schmitt's eyes, for it leads to the result that the political does not coincide with enmity: the two concepts are not co-extensive. Indeed, for Schmitt, the Hobbesian position that viewed enmity and politics as mutually exclusive concepts is as objectionable as the opposite stance that takes politics and enmity to coincide. He attributes this latter view to Lenin among others and claims that when politics and enmity are identified, the former becomes a mere façade, a pretence that covers up a never-ending state of hostility. For Schmitt, instead, politics is concrete, real, and meaningful only when it neither excludes nor totally overlaps enmity.

To sum up, in the study that follows we will put forward the claim that the friend/enemy principle demonstrates both continuity and a break with mainstream political thought. In so far as it describes the function of the political, the friend/enemy principle simply makes explicit what has always been implicit in traditional political theory, namely the existence of the enemy and the need to be able to identify it. In so far as the friend/enemy principle describes the essence of the political, it challenges western political thought by claiming that we cannot decide in advance where the political materializes. Traditional ideologies prescribe a set forum in which the political takes place: the parliament, the factory, the bedroom. Schmitt rejects the artificial attempt to locate the political; drawing on the previous

analogy, it is akin to demanding that all illnesses start in hospitals. Since the primary business of the political is to protect, the political takes place wherever security is at stake. Thus the political may take place in the street, in the football stadium or in the international realm, but risks to security arise like diseases: they do not only pose their threats in designated arenas. In a nutshell, Schmitt's political follows violence, hostility and terror just as form follows matter.[27]

V

We have seen that the friend/enemy principle rejects the Hobbesian-liberal position which maintains that hostility and politics are mutually exclusive. It was noted, moreover, that the principle also rejects the opposing view that politics and hostility coincide. Rather, the friend/enemy principle advocates a middle position: politics contains both hostility *and* friendship. One of the aims of this work is to shed light on the important role that friendship plays in Schmitt's theory. Schmitt rescued this concept from the private arena of individuals to which it had been relegated by liberal theory, and he restored to it the political status that the concept had enjoyed in ancient political thought. Schmitt maintains that when a political entity has no friends but only a universal enemy, politics is futile and becomes a mere guise for unlimited hostility. Conversely, when there are no enemies and the world turns into a pacified globe, the security function of the political becomes redundant and the political disappears. Only in a world where political entities have both friends and enemies, real politics (or politics in Schmitt's sense) materializes. In Schmitt's theory the concept of friendship goes hand in hand with the concept of *limited hostility*, or so this book argues.

   Throughout his life Schmitt often voiced his support for limited hostility. There is a camp of interpreters who accuse Schmitt of inconsistency or bad faith in taking this stand. To them, limited hostility seems at odds with Schmitt's bold claim that 'the political is the most intense and extreme antagonism'.[28]

   In fact, Schmitt's position can be explained. For Schmitt, all hostility (the conventional enmity of an army, the real enmity of the

partisan in an occupied country, and the absolute enmity of the ter-
rorist) can bring about the most intense of all experiences: killing
and dying. The experience of the conventional soldier who kills and
is killed is no less extreme than the experience of the terrorist. To
say that one act of killing is more intense than another is, for
Schmitt, nonsensical. Rather, the difference lies in the fact that the
hostility of the soldier is limited to some targets rather than others
(military and not civilians) while the enmity of the global terrorist is
boundless and absolute.

Hence, Schmitt's concept of limited enmity does not mean that
enmity is limited in intensity but rather that it is limited to specific
targets that are circumscribed in space and time: the opposing army,
the invader, the oppressor. Unlimited enmity instead targets a limit-
less universal enemy: Evil itself.

According to Schmitt, limited enmity was achieved during the
golden age of the Westphalian period. Alberico Gentili's dictum
'*Silete theologi in munere alieno*!' captured the attitude of a new era
in international jurisprudence which managed to divorce politics
from morality and to replace the unlimited enmity of the religious
wars of the previous period with the limited enmity of amoral wars
regulated by *jus publicum europaeum.* For Schmitt, this was one of the
greatest achievements of European Rationalism. *Jus publicum euro-
paeum* regulated hostility for about two and a half centuries, on the
one hand acknowledging the right of sovereign states to wage war,
and on the other setting limits to enmity with reference to defined
distinctions between war and peace, combatant and non combatant,
legal and illegal, and so on.

When Schmitt describes himself as the last supporter of *jus pub-
licum europaeum* and claims that he has given an existential basis to
it, he means to say – this book suggests – that he supports limited
enmity just like the jurists of *jus publicum europaeum* but believes
that the experience of people in the twentieth century, both at
domestic and international level, can no longer be captured by the
rigid dichotomies of early modernity and that new foundations are
needed to limit enmity.

Hobbes's theory was couched in the language of classical oppo-
sitions such as nature and politics, passions and reason, and dom-
estic and foreign. Likewise, *jus publicum europaeum* was predicated
on rigid distinctions, such as that which sought to differentiate

combatant and non-combatant. According to Schmitt, Hobbes's antitheses and the distinctions of *jus publicum europaeum* (such as the dichotomy between war and peace) had become blurred in a century where most wars were not inter-state wars but civil or colonial ones.

This book argues that Schmitt's claim that his friend/enemy principle is predicated on the notion of limited enmity is both consistent and credible. All hostility (relating to the army, the terrorist, or the partisan) for Schmitt can be fatal and give rise to 'the utmost degree of intensity of a union or separation'; in his political theory, limited enmity does not mean an enmity which is limited in intensity but rather an enmity which is limited to specific targets. The limitation on enmity imposed by *jus publicum europaeum* seemed to Schmitt anachronistic in the twentieth century. This motivated Schmitt's search for a new *nomos*[29] that could attain in late modernity what *jus publicum europaeum* had achieved in early modernity, namely the containment of hostility.

VI

In 1947, Maurice Merleau-Ponty commenced his reflections on *Humanism and Terror* by remarking that 'the purity of principles not only tolerates but even requires violence'.[30] A recurring theme in Schmitt's writings is that morality unleashes violence.

For Schmitt, morality fosters the notion that the enemy is the embodiment of the 'absolute other'. From a moral point of view, Good and Evil are not points on a continuum; good is not the best of all the evils, in Schmitt's own words: 'God is not a product of the natural selection of devils'.[31] Rather, Good and Evil are wholly incommensurable notions and hence moral disagreements framed in such terms lead to unbridled and unlimited hostility, or so Schmitt says. Schmitt himself always rejected the notion of the enemy as the incommensurable other. In *Ex Captivitate Salus,* written in prison in April 1947, Schmitt asks himself questions such as: 'Who is my enemy?' 'Who can question me?' 'Who is the Other?'[32] In both *Ex Captivitate Salus* and in *Theory of the Partisan*, Schmitt approvingly quotes Theodor Däuber's definition of the enemy as 'he who questions our own Gestalt'.[33]

In *Theory of the Partisan* he spells out the definition of enemy as measure:

> The enemy is not something that for some reason we should do away with or destroy as if it had no value […] The enemy places himself on my own level. On this ground I must engage with the opposing enemy, in order to establish the very measure of myself, my own boundaries, my own Gestalt.[34]

The enemy is, for Schmitt, the standard against whom we measure ourselves and come to know who we are. If we have no enemy or if our enemy is the absolute other, our identity remains unknown to us.

Schmitt believes that in international politics moral discourse motivates ferocious wars between righteous warriors regarding each other as embodiments of the 'absolute other'. Conversely, a *nomos* which establishes an order and a *modus operandi* between political entities based on amoral grounds introduces the notion of the enemy as a 'commensurable other', thereby imposing limits on hostility. Schmitt supports his claims with references to European history: moral disagreements gave rise to 'terrible civil wars' in the sixteenth and seventeenth centuries. In contrast, from the Westphalia Treaty to the First World War, *jus publicum europaeum*[35] managed to regulate hostility and wars among states by introducing a notion of 'enemy' that was not cashed out in terms of 'good' and 'evil'. Rather, the enemy was acknowledged the status of *justus hostis* and each warring faction would assume that their enemy was part of the same order as themselves.

In the present work we will investigate Carl Schmitt's arguments against just war thinking, his claim that international hostility is unleashed by moral discourse and that it can be contained only by an amoral *nomos*; we will investigate Schmitt's conviction that the end of war controls the means.

VII

Schmitt maintains that, in international politics, morality breeds hostility. Moreover, for Schmitt this causal relationship extends to the domestic case. In maintaining that in domestic politics there

exists a connection between moral disagreement and civil war, Schmitt has an illustrious predecessor in the form of Thomas Hobbes. In *Behemoth*, Hobbes identifies moral disputes as the major catalyst for the English Civil War; in *Elements of Law, De Cive* and *Leviathan,* Hobbes claims that the greatest cause of quarrels in the state of nature is disagreement between individuals about what is good and what is evil; the greatest step towards peace is, according to Hobbes, people's acceptance that after the creation of the state, the Leviathan and the Leviathan alone decides what is good and what is evil. Schmitt acknowledges Hobbes's insight into the effect of morality on politics. According to Schmitt, however, in spite of Hobbes's good intentions, his *Leviathan* contained a flaw or 'barely visible crack' which would eventually compromise the state's ability to protect its citizens from domestic hostility. In his theory Hobbes had made a distinction between public confession and private faith; although he gave the Leviathan absolute power to control confession, Hobbes had claimed that 'thought is free' and regarded faith as an individual's private business. Under Schmitt's interpretation, such a distinction between faith and confession was motivated by Hobbes's individualism and prevented him from locating and eradicating the ultimate source of all domestic hostility: the private conscience of man. Hobbes's oversight, Schmitt suggests, left the door open for the development of the 'truth of the soul' by Spinoza and others. This would eventually undermine the 'truth of the state', challenge the state's authority, erode its sovereignty, and bring about what Schmitt considers pure evil, namely liberal constitutionalism.

In this book we will explore in some depth Schmitt's contention that Hobbes's theory of the state did not remove the last bastion of domestic hostility, namely the notion of private conscience. We will claim that although Schmitt's critique of Hobbes's argument on miracles and private conscience is easily rebutted, Schmitt's intuition about the distance between Hobbes's understanding of the state and his own is well-grounded and thought-provoking.

VIII

As David Dyzenhaus once put it, 'Schmitt's arguments always require some excavation'.[36] Above, I introduced the terms 'function' and 'essence' in order to highlight different aspects of the friend/enemy

principle. For similar exegetical reasons, in this book I will introduce other categories such as 'end-forms' of the political, and the distinctions between 'true' and 'corrupted', and 'exceptional' and 'normal' political forms.

Just as Aristotle surveyed the constitutions of his time and judged them to be true or corrupted depending on whether or not the ruler governed in the interest of the ruled, likewise Schmitt considered different historical forms of the political and used his friend/enemy principle as a gauge for distinguishing between corrupted and true forms of the political, or so this book claims.

In different works and at different times, Schmitt examined the Westphalian state, the absolute state of the eighteenth century, the neutral state of the nineteenth century, the total state of the twentieth century, the total party and total state in qualitative and quantitative senses, the Reich and the *Grossraum*, the two blocks of the Cold War and finally the Partisan.

The Ariadne's thread underlying all these analyses, as this book suggests, is the search for a historical form of the political that can be 'true' in the sense of being able to apply concretely the friend/enemy principle and its attendant notion of limited hostility. By closely following Schmitt's discourse one can derive a number of results.

Firstly, no political form in Schmitt's theory is an 'end-form' of the political. All of the historical embodiments of the political that Schmitt considers develop into something else.[37] For instance, in *Theory of the Partisan*, the state generates its own challenger, the partisan. The partisan, too, works for his own demise. The partisan is described as seeking external recognition for the legitimacy and legality of his activities, but as soon as such recognition is obtained, the partisan ceases to be such – it is the very lack of official legal recognition that gives him the status of partisan. This book suggests that an important distinction can be drawn between the state and the partisan: the former represented the 'normal form' of the political for four centuries, the latter is the 'exceptional form' of the political that precipitated the crisis of the normal form and the search for a new one.

Secondly, for Schmitt the political does not evolve along a linear trajectory: its form is highly contingent, its path often circuitous, and its development only partially predictable but mostly uncontrollable. For example, from Schmitt's account it emerges that external

circumstances beyond the control of the telluric partisan dictate his future as political form. Schmitt makes us aware that the telluric partisan may take over an existing state and hence prolong the life of the state as political form or he may turn into a global partisan thereby challenging the state as political form. Or he may bring about a new political form. Or he may be defeated and disappear forever from the face of the earth. According to Schmitt, the direction of the political is affected by a swirling admixture of historical ingredients that include ideology, technology, globalization, the economy, jurisprudence and of course the existing political system.

Finally, this book suggests that although Schmitt himself did not identify a political form that can replace the state, his argument provides us with the tools needed to identify the necessary and sufficient conditions for a political form to be true, namely its ability to embody appropriately the friend/enemy principle.

To begin with, textual evidence would suggests that both the state and the partisan are political forms that in history are subject to different degrees of corruption.

For Schmitt, the Westphalian state was the most favourable historical incarnation of the state as a political form: its absolutism ensured domestic unity and protection from civil war, it was related to an enclosed territory, and *jus publicum europaeum* regulated its relationship with other states and imposed limits on hostility. Conversely, the liberal constitutional state emerges from Schmitt's discourse as the most corrupt historical embodiment of the state as a political form: its individualism fosters the formation of friend/enemy groupings within its borders and creates the threat of civil war; its cosmopolitanism undermines the bond with a territory or a space, its constant flirtation with just war thinking undermines the emergence of an amoral *nomos* that creates order and contains hostility between friends and enemies.

In this vein, the most favourable incarnation of the partisan as a political form is the telluric, nationalist partisan, whereas the least favourable is the global revolutionary. In addition to having a 'total bond' with his group, a bond that ensures internal cohesion, and in addition to having an international friend that shares his notions of order and legitimacy, the telluric partisan, unlike the global partisan, has 'a telluric bond' to a land or country. This bond, Schmitt never tires to point out, imposes limits on his hostility.

By comparing and contrasting the Westphalian absolute state that Schmitt liked, the liberal constitutional state that Schmitt despised, the telluric partisan that Schmitt admires, and the global partisan that Schmitt loathes, we will tentatively advance a hypothesis about the requirements or conditions of a true political form. We will argue that from a Schmittian perspective a true political form must cultivate a *total bond* between its members, a *telluric bond* to a particular space, and a *nomic bond* to other political entities – the total bond will ensure that no friend/enemy groupings materialize within its borders and that all politics is international politics; the spatial and nomic bonds will impose limits on its hostility.

IX

Plato appealed to the World of Forms to reject his society's mode of self-interpretation; Augustine referred to God's Word and to Original Sin; Hobbes called upon rationality. As argued by Wolin and Voegelin, an appeal to some transcendental truth – be it cosmological, sotoriological or gnoseological – provides the fulcrum for the most innovative political theories.

In Schmitt's case, political theology inspires the basic beliefs that underpin the friend/enemy principle, namely the two-fold conviction that firstly we must try to limit hostility but must not try to overcome it and that secondly we must never let morality and politics mix.

Although Schmitt does offer some historical illustrations to justify such beliefs, he is fully aware that they are beliefs and as such cannot be demonstrated or proved to be true. In this work, I am not going to examine Schmitt's political theology where these and other beliefs are grounded. From my perspective, Schmitt is more interesting when he refrains from appealing to transcendental or biblical truths. Rather, he appears more convincing when he admits that all political truth is ideological and polemical.[38] Value-judgement, understood in Max Weber's sense of a demonic decision, devoid of and unsupported by any rational argument, is to my mind the crux of Schmitt's political theory and of his identification of the political with the friend/enemy principle. And yet, even if Schmitt's ideological beliefs formed the basis of his political thought, his work could still remain diagnostic and illuminating in so far as it exposes concrete problems and advances interesting concepts that can

enhance the critical clarification of violence, hostility and terror and contribute to the attempt to find explanations and solutions for these phenomena.

In this section, however, I will briefly address Schmitt's reading of the Bible and use it to show how Schmitt explained his resistance to the idea that politics ought to be about overcoming enmity and his rejection of the attempt to mix morality and politics. According to Schmitt, the fundamental explanation for hostility, violence and war can be found in the Book of Genesis. In *Concept of the Political*, Original Sin is alluded to on more than one occasion:

> The fundamental theological dogma of the evilness of the world and man leads, just as does the distinction of friend and enemy, to a categorization of men and makes impossible the undifferentiated optimism of a universal conception of man.[39]

Schmitt adds that 'the denial of original sin' makes us indulge in fantasies about a world where 'only peace, security, and harmony prevail'.[40]

Of course, by retelling the story of Original Sin, Schmitt does not radically deviate from the existing canon. From Saint Augustine to Thomas Hobbes, from Eric Voegelin to Herbert Butterfield, generations of writers have explained the tragedy of living as a consequence of Original Sin. According to Butterfield, the Fall of Man is – at least to a western mind – an inescapably alluring explanation for the history of the human race: 'those who do not believe in the doctrine of the Fall can hardly deny that human history has always been history under the terms and conditions of the Fall'.[41]

Although Schmitt is not unique in linking violence, hostility and war to Original Sin, his particular interpretation of this link is different in so far as he does not refer his reader to the customary verses of Genesis Chapter Three, in which Adam and Eve decide to eat from the Tree of Knowledge of Good and Evil, but to Chapter Four, the tale of the two brothers Cain and Abel. The importance of this story is emphasized in one of the essays in *Ex Captivitate Salus*, where Schmitt writes:

> The Other is my brother. The Other reveals himself as my brother and the Brother, as my Enemy. Adam and Eve had two sons,

> Cain and Abel. Thus begins the history of mankind. This is the face of the father of all things. This is the dialectical relationship which keeps the history of the world going. And the history of the world is not over yet.[42]

For Schmitt, Cain's murder of Abel is the beginning of the human history of division, hostility and violence. According to the Book of Genesis, 'Cain brought of the fruit of the ground an offering unto the Lord. And Abel, he also brought of the firstlings of his flock and of the fat thereof. And the Lord had respect unto Abel and to his offering: But unto Cain and to his offering he had not respect. And Cain was very wroth, and his countenance fell'.[43] Just before Cain kills his brother, God warns him that 'sin lieth at the door'.[44] Genesis suggests that the sinful thought of murdering Abel came to Cain's mind from the Devil, who was able to tempt Cain because of the Sin of his parents. The murder of Abel is the greatest punishment exacted upon Adam and Eve after the Fall.

The story of Cain and Abel summarizes with pungency the consequences of Original Sin and provides Schmitt with a biblical explanation for violence's role as the underlying theme of human history. For if we try to overcome hostility and if we dream about a world in which harmony replaces dissonance, in which reconciliation replaces confrontation, and in which there exists perpetual peace, then we are avoiding the burden of responsibility bestowed upon us by Original Sin. It is not for man to unite that which God has divided as a punishment for the Original Sin.

X

It is time to tie together the loose threads of the argument of this chapter and to try to summarize what the present work is about.

Instead of looking at the external context of Schmitt's texts,[45] this book concentrates on the contexts within the texts: Schmitt's engagement with three different narratives: the world of concrete experience, the history of political thought, and the self-interpretation of society. These threads do not exist independent of one another and there is a delicate and complicated interplay between them. Schmitt's reflections on contemporary issues, on the terrible civil wars of the sixteenth and seventeenth centuries, on Hobbes's theory and its

implications for both political thought and concrete experience suggest the extent to which the narratives are intertwined.

By subjecting Schmitt's definition of the political to rigorous examination and critical dissection, both its novelty and its continuity with western political thought come to light.

Hobbes put forward his protection/obedience principle to address the problem of civil war. Similarly, Schmitt advanced his friend/enemy principle in an attempt to address the crisis of the state. What political form can offer the level of security that the state once provided? What definition of the political can help us in the search for this new form? These are the questions that Schmitt strives to answer.

The present enterprise does not gain its value from simply looking at the results of Schmitt's work, but from examining the intellectual cornucopia of bold and original ideas that he produces in the process of deriving his results. By dissecting Schmitt's arguments, this book hopes to highlight the extraordinary wealth of insights and concepts that one can find in Schmitt's political theory.

A final comment is in order. In subsequent pages, I follow Derrida in taking the Schmittian individual to be singularly male: 'Not a woman in sight. An inhabited desert, to be sure, an absolutely full absolute desert, some might even say a desert teeming with people. Yes, but men, men and more men, over centuries of war, and costumes, hats, uniforms, soutanes, warriors, colonels, generals, partisans, strategists, politicians, professors, political theoreticians, theologians. In vain would you look for a figure of a woman, a feminine silhouette, and the slightest allusion to sexual difference'.[46]

2
Continuity and Novelty, Clarifications and Recommendations

In *Concept of the Political*, Schmitt does not start with *tabula rasa*.[1] Rather, he takes his starting point to be the existing interpretation of the political by his own society[2] and the history of political theorization. Schmitt points out that, for liberal societies, the political is an activity that takes place in a predetermined area at predetermined times. Violence that takes place in the street or out of hours does not qualify as political according to the definition of his contemporaries; instead, such violence remains invisible. Liberal societies and liberal theorists emerge from Schmitt's account as 'a herd of blind men led by a blind man who gropes his way forward with a cane'.[3]

In this chapter I will consider Schmitt's engagement with the pre-existing vocabulary of political theory and highlight the continuities and discontinuities that exist between his friend/enemy principle and previous theoretizations. This dissection of the friend/enemy principle will hopefully help us contradistinguish the diagnostic and descriptive elements of Schmitt's theory from the prescriptive and normative ones, and help separate the areas of his work where he provides critical clarification from those where he attempts to influence political action.

I

In *Concept of the Political*, Schmitt declares his support for three key notions that he found in western political thought and that form the premises of his friend/enemy principle: (i) a negative view of human nature; (ii) the security concern of political associations; (iii) the protection/obedience principle.

Schmitt believes that a negative view of human nature has been the premise of all serious political thought[4] and that 'all genuine political theories presuppose man to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being'.[5] Schmitt points out that a negative view of human nature has little to do with pessimism: 'The question is not settled by psychological comments on optimism and pessimism'.[6]

In response to those who focus on the piety, goodness and generosity of the saint, Schmitt argues in a way that reminds us of Hobbes: he suggests that such qualities are superfluities because they do not explain the need for political order. After all, 'in a good world among good people only peace, security and harmony prevail'.[7]

So if we accept that there is violence and that there are wars, then it follows that people are capable of not being good, and that this consideration must be the starting point of all political theorizing: 'Political conceptions and ideas cannot very well start with an anthropological optimism'.[8]

Schmitt reminds us that a 'problematic human nature' is assumed by a long list of writers, including Machiavelli, Hobbes, Bossuet, Fichte, and de Maistre. Indeed, had he wished, Schmitt could have included a greater number of diverse authors in his list, ranging from Augustine to Spinoza to Kant.[9]

A negative view of human nature is closely connected to the second central claim made above, namely that security is the main concern of political associations. Since people are capable of evil, it follows that we need protection. Security is a building block of mainstream political thought; Schmitt firmly endorsed the claim that security is paramount. Indeed, in his own words, 'genuine protection is what the state is all about'.[10]

The security function of the political grounds Hobbes's theory of political obligation: we offer our obedience in return for protection. Indeed, 'the relation between protection and obedience is the cardinal point of Hobbes's construction of state'.[11]

Hobbes's so-called protection/obedience principle is mentioned approvingly by Schmitt in virtually all of his political writings. No proper theorizing, Schmitt contends, can ignore Hobbes's insight into the logic of political legitimacy.[12] He writes:

> On this principle rests the feudal order and the relation of lord and vassal, leader and led [...] No form of order, no reasonable

legitimacy or legality can exist without protection and obedience. The *protego ergo obligo* is the *cogito ergo sum* of the state. A political theory which does not systematically become aware of this sentence remains an inadequate fragment. Hobbes designated this [...] as the true purpose of his Leviathan, to instill in man once again 'the mutual relation between Protection and Obedience'.[13]

Indeed, for Schmitt, the protection/obedience principle ultimately helps us explain the crisis of the twentieth-century liberal state:

If within the state there are organized parties, capable of according their members more protection than the state , then the latter becomes at best an annex of such parties, and the individual citizen knows whom he has to obey.[14]

II

A negative view of human nature, the primacy of security and the protection/obedience principle are the three core ideas of western theory that Schmitt used to found the friend/enemy principle. There is, in addition, a second cluster of ideas that inspires the friend/ enemy principle but in this case Schmitt's approach was deeply innovative. More explicitly, Schmitt turns his critical eye to (i) the notion of political friendship; (ii) the notion of political enemy, and (iii) the relationship between hostility and politics. I will consider these three themes in turn, starting with the least controversial of Schmitt's innovations, namely his notion of friendship.

In ancient and medieval times, friendship described a political relationship. For Aristotle, friendship was a core political concept. In the *Nicomachean Ethics*, Aristotle defines *philia politike*, or political friendship, as 'the substance of political society' and explains that it consists 'in *homonoia*, in spiritual agreement between men'.[15] The concept of *amicitia* retained this political aspect for Cicero, Seneca and the Romans. Later on, Augustine and Thomas Aquinas accommodated the notion of friendship into their political theologies. In the modern period, Machiavelli, Bacon and Hobbes singled out the power element involved in having friends and enemies. Gradually, however, modern political theory relegated friendship to the private domain, to the personal business of individuals, to the sphere of the apolitical.[16]

Schmitt sought to revive the political dimension of friendship. This concept will be discussed in some detail in a later chapter; here we can foreshadow the argument that will be developed later by noting that two important roles for friendship emerge from an analysis of *Theory of the Partisan*: on the one hand, political friendship describes a *total bond* that exists between members of the partisan group. Schmitt contrasts this with the lukewarm relationships between individuals in liberal democracies. Schmittian friendship fosters cohesion and homogeneity; it protects society from individualism, from pluralism[17] and from domestic divisions; it contributes to the prevention of the formation of friend/enemy groupings within a political entity; it ensures the individual's willingness to risk his life for the public self.

On the other hand, political friendship also describes the relationship one has with an external ally in international politics and is essential to Schmitt's understanding of the political. For Schmitt, if one lacks either a friend or an enemy then there is no politics. For instance, if one has no friends but only a single, universal enemy then the political becomes a cover-up for a state of perpetual hostility; politics, in Schmitt's sense, can only take place if we have a friend and an enemy and if our enemy also has a friend and an enemy. Namely, the political world is 'a pluriverse, not a universe'.[18]

To sum up, Schmitt restores the political status of friendship of early political thought but gives the concept a new meaning and different functions. In the domestic sphere, friendship fosters unity and prevents pluralism; in the international realm, friendship combined with enmity ensures the existence of a pluriverse and prevents unlimited universal enmity.

Even though friendship plays a key role for Schmitt in cultivating domestic unity and international plurality, many of his readers have claimed that enmity and enmity alone is the building block of Schmitt's theory. Schmitt resented this. In his Foreword to the 1963 German edition of *Concept of the Political*, Schmitt points out that the construction of a juridical concept always proceeds from its negation and that this methodology does not imply the primacy of the negated concept. He refers to criminal law and observes that it would be absurd to contend that criminal law gives special value to criminality over law-abidance. Both friendship and enmity, he claims, are equally important in his definition of the political but a proper

analysis of the friend/enemy principle must begin with the negative concept.

III

In addition to restoring and developing the concept of political friendship, Schmitt also revises the concept of enmity that he found in his society and in the existing body of political thought.

Schmitt notes two points concerning the meaning and use of 'enmity' in liberal democracies. On the one hand, in common usage the word 'enemy' is considered to be synonymous with 'competitor', 'discussant', and 'opponent'; this overlooks the concrete experience of violence and hostility. On the other hand, liberal language imbues the notion of international hostility with a moral dimension. Schmitt alerts the reader to the return of the use of the word 'foe'[19] to describe one's enemy, usage that had been buried for centuries. 'Foe' is an appropriate term for the sort of enemy against whom one fights 'the absolute last war of humanity',[20] the just war that will end all wars and bring about perpetual peace, commerce, technological progress and wealth.

At a theoretical level, Schmitt engages with the just war tradition and contrasts its depiction of the enemy as evil with the notion developed by *jus publicum europaeum* of the enemy as *justus hostis*.

Against this background, in *Concept of the Political* Schmitt advances the definition of 'enemy' assumed by the friend/enemy principle. As a preliminary point, Schmitt explains that such a definition is necessarily ahistorical, as 'the word enemy needs to be used regardless of all casual changes or changes related to the historical development of military techniques and weapons'.[21] It is worth reminding ourselves of the timeless characteristics of the concept of 'enemy' listed in *Concept of the Political*.

Firstly, Schmitt distinguishes between the public enemy and a private adversary: 'the enemy is *hostis*, not *inimicus* in the broader sense, πολέμιος, ἐχθρός'.[22] He emphasizes that the enemy is 'not the private adversary whom one hates […] The enemy is solely the public enemy'.[23] Schmitt rejects the individualistic approach to politics; he maintains that from an individualistic starting point one never reaches the core of the political. The enemy denotes the

separation between one group and another. The enemy highlights the bond that unites a person and his group against another group.

Secondly, Schmitt distinguishes between an economic competitor, a debating opponent and an enemy. According to Schmitt, liberals misunderstand the differences between them. He explains that what is at stake with an economic competitor is profit; with a debating opponent, reputation; with a political enemy, one's way of life. Unlike an economic competitor or a debating adversary, the political enemy can deprive us not just of profit or reputation but of our very existence. Whereas the concepts of trade-off and compromise make sense when profit and reputation are at stake, there are no suitable trade-offs nor is there room for compromise when one's life is endangered. The Schmittian enemy is an existential one, willing to kill and die; protection against such an enemy is, according to Schmitt, the only justification for killing.

Thirdly, Schmitt distinguishes between the enemy and people whom we regard as morally bad or economically damaging. 'The political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor'.[24] For Schmitt, considerations about morality, aesthetics or economics are not the reasons why we have one enemy rather than another. However, he makes two qualifications: firstly, he points out that 'emotionally the enemy is easily treated as being evil and ugly, because every distinction, most of all the political distinction, as the strongest and most intense of all distinctions, draws upon other distinctions for support'.[25] In other words, our enemy is not an enemy because he is bad, but he may become bad in our eyes because he is our enemy. The second qualification made by Schmitt is that 'religious, moral, economic and other antithesis can intensify to political ones'.[26] In other words, if the bond that we have with a religious group or an economic class is so strong that we are willing to defend them to death against an opposing group or class, the enemy is no longer religious or economic but political.

In order to look at the fourth characteristic of Schmitt's conception of enmity, we may start by noting his contention that although 'it is a fact that the entire life of a human being is a struggle and every human being is symbolically a combatant',[27] his concept of enemy is not figurative. Indeed, 'the friend and enemy concepts are to be understood in their concrete and existential terms, not as metaphor or symbols'.[28] Similarly, his concept of combat is not to

be understood as 'symbolic wrestling'. In his words: 'the friend, enemy, and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing'.[29] The possibility of physical violence, material war, real death, and actual killing gives Schmitt's notion of hostility a concrete reference. The Schmittian enemy poses a threat because he endangers the existence of the political entity (be it a state, party or group) which in turn is the precondition of our own being.

Fifthly, according to Schmitt, nothing but the political agency itself can decide whether or not it has an enemy and, if so, how to cope with it. The decision of resorting to terror or violence cannot be explained or justified abstractly by taking an independent observer's point of view. For Schmitt, all an observer can do is to witness and register the intensity of separation or dissociation between groups. Only the agent can decide if another agent is hindering or endangering his own way of life and if this warrants extreme measures. The decision not to name an agent as one's enemy and not to resort to violence can be as well-grounded as the decision to do the complete opposite, depending on one's circumstances.[30]

Sixthly and finally, Schmitt establishes the link between his notion of enmity and war. If the political entity that names the enemy is the state, as in normal cases, then interstate war is a real possibility. In exceptional circumstances, if the political entity naming the enemy is a group within the state that does not, for instance, see the state as protecting its own way of life, then civil war follows.

To recap, Schmitt puts forward a definition of 'enemy' in *Concept of the Political* that has the following characteristics: it describes a public and not a private enemy; it presents a mortal danger to one's way of life and not just affect one's moral sensitivities; it is not a symbol or a metaphor but a palpable threat. For Schmitt, no observer can *in abstracto* predict what factors will bring about hostility among people for it is the agent and the agent alone who decides if he has an enemy and how best to survive.

Schmitt's definition has one striking characteristic: it rejects the position which 'degrades the enemy into moral categories'.[31] Even so, the distinction between 'enemy' and 'foe' in not always sufficiently clear in *Concept of the Political*. In the Foreword of 1963, Schmitt comments on the notion of enemy that he had introduced

in the 1932 edition of *Concept of the Political*; in addition to stating his dissatisfaction with the general 'abstract' level of the discussion,[32] he voices his regret that the distinction between different forms of enmity and in particular between enemy and foe had not been made more transparent. This lacuna is filled in *Theory of the Partisan*.

We will see in a later chapter that in his 1963 work Schmitt puts forward a typology of enmity that is more firmly grounded in historical examples and also much more attentive to the differences between the notion of enmity assumed by ideologies such as Leninism and just war theory, and Schmitt's own. Schmitt's discourse in the *Theory of the Partisan* also enables the reader to appreciate the interplay of specific historical factors that affect the meaning of hostility in a given age. We will see that these include the structure of the international political system, the ideology of the political agent, the level of technological advancement in weaponry and communications, the stage of economic development, changes in jurisprudence, and, last but not least, the existing *nomos*. For Schmitt, not only can these factors not be isolated from one other but, in fact, the relation of cause and effect between each of them and the prevailing notion of hostility is far from clear.

To sum up, the sort of enemy assumed by the friend/enemy principle and described by Schmitt in *Concept of the Political* seems general and applicable to various different historical circumstances. One notable characteristic, however, does emerge: the Schmittian enemy is not the enemy because he is evil; rather, he might come to be regarded as evil because he is the enemy. Schmitt is keen to separate morality and politics.

IV

Whereas Schmitt's reformulations of the concepts of friendship and enmity show some continuity with previous theorizing, his understanding of the relationship between politics and hostility is critical of liberal and Marxist approaches.

As mentioned above, Hobbes had postulated a clear distinction between the hostility of the state of nature and the peace of the political state. For Hobbes, politics is created to make the existential hostility of the state of nature impossible. Schmitt was fully aware of

Hobbes's dichotomy between the state of nature[33] and the political state and rejected it.

Inspired by Carl von Clausewitz, who had famously claimed that war is a continuation of politics by other means, Schmitt denies a stark separation between war and peace. His position can be explained by returning to the Hobbesian representation of the state of nature. We may recall that according to Hobbes, war in the state of nature lies in the expectation of fighting rather than in actual battles; in his words:

> For war consisteth not in battle only, or the act of fighting, but in a tract of time, wherein the will to contend by battle is sufficiently known: and therefore the notion of time is to be considered in the nature of war, as it is in the nature of weather. For as the nature of foul weather lieth not in a shower or two of rain, but in an inclination thereto of many days together: so the nature of war consisteth not in actual fighting, but in the known disposition thereto during all the time there is no assurance to the contrary. All other time is peace.[34]

It follows that in the state of nature (whether we consider it to be a thought experiment or the description of an historical reality such as civil war) alongside battles there are long periods of time when men are busy making plans, preparing strategies, anticipating enemy actions and manœuvres, calculating consequences, negotiating, making alliances, interacting.

Schmitt appears to be *reclaiming as political* this twilight zone of the Hobbesian state of nature. Schmitt writes:

> The political does not reside in the battle itself, which possesses its own technical psychological and military laws but in the mode of behaviour which is determined by this possibility, by clearly evaluating the concrete situation and thereby being able to distinguish correctly the real friend and the real enemy.[35]

From a Schmittian perspective attention to the Hobbesian state of nature highlights the continuum leading from war to peace and puts in question the appropriateness and possibility of forming a stark distinction between the two.

Regarding the politics/hostility relationship, the mutual exclusion of the two concepts is not the only position that Schmitt opposes; as mentioned in Chapter 1, he also strongly rejects the identification of politics and hostility, a view that he attributes to Lenin[36] in particular and to any ideological position that mixes morality with politics, such as just war thinking and Cold War ideology.[37]

Leo Strauss had said that Schmitt's political coincides with the Hobbesian state of nature. Schmitt disagreed. By his lights, Lenin and his followers identify politics with the Hobbesian state of nature as for them there is no end to the state of hostility until capitalism and the class system is defeated. Schmitt instead advocates a third position that spans to include both the hostility and tension of the Hobbesian state of nature and the peace of the Leviathan. In so doing, Schmitt expands the scope of the political *vis-à-vis* Hobbes and liberals. He justifies this expansion by maintaining that it is only in adopting this notion of the political that we may regulate hostility.

V

Having identified the core ideas that Schmitt retained from previous theoretizations, (namely human nature, security and the protection/obedience principle) and the main ideas that he revised or totally transformed (namely, friendship, hostility, and the relationship between hostility and politics), it is now time to try to disentangle the descriptive and diagnostic aspects of his argument from the prescriptive and normative ones.

In the preceding sections, we highlighted a number of ways in which Schmitt contributes critical clarifications to the debate on the political.

First and foremost, it was noted that the friend/enemy principle spells out in unambiguous terms the implication of the claim embedded in western political thought that security is the priority of the political: if the political's primary task is to provide protection, it must be able to detect, locate, name, and combat the enemy. From this perspective, the friend/enemy principle simply makes explicit what Hobbes's protection/obedience principle had assumed all along.

Secondly, Schmitt shows that the meaning of enmity is not fixed and eternal but is affected by complex historical factors, including

communications and weapons technology, economics and ideology, the political system and jurisprudence.

Thirdly, Schmitt draws our attention to the consequences of the fact that in the twentieth century it is not always the state that bears the title of 'the political': whereas in the world described by Hobbes (where the Leviathan is the only possible embodiment of the protection/obedience principle) legitimacy and legality always coincide; in the world characterized by Schmitt (where the state has lost its monopoly on managing the protection/obedience principle) this is no longer necessarily so. A partisan group in an occupied country can claim that its activities are legitimate because it provides protection for the population against the oppressor, but it cannot claim that its activities are legal. Schmitt elucidates the various conceptual consequences that proceed from a 'state theory', such as Hobbes's, and a 'political theory' such as his that regards the state as the normal, but not the only, form of the political.

VI

There is certainly more to Schmitt's friend/enemy principle than the attempt to clarify problems and issues.[38] In the above argument, I tried to single out a number of areas where Schmitt puts across ideas and concepts that represent a break with mainstream political thought.

To begin with, we saw that Schmitt, inspired by Clausewitz, postulated that politics takes place where there is enmity and that the mutual exclusion of politics and enmity is unacceptable. We saw that this enabled Schmitt to expand the scope of the political with respect to Hobbes (and *a fortiori* with respect to liberal thought). Such a position is obviously normative and has given rise to the debate between those who claim that Schmitt favours the hyperpoliticization of the political and those who draw our attention to Schmitt's comments that distance him from theorists of the total state such as the fascist philosopher Giovanni Gentile.[39]

Secondly, when defining the sort of enemy that is assumed by the friend/enemy principle, Schmitt argues that the enemy (in his sense) is never selected because he is evil. If anything, he is regarded as evil because he is the enemy. This has prescriptive implications. For instance, it precludes the possibility that an agent who adopts the friend/enemy principle can single out Adolf Hitler or Slobodan

Milosević as enemies unless they have concretely endangered his way of life; Schmitt's definition of enemy rules out just wars.

There is a third sense in which the friend/enemy principle ceases to be merely diagnostic. We may recall that Schmitt compares the political to the moral, aesthetic and economic categories and claims that just as these final three distinguish between good and evil, beautiful and ugly, and profitable and unprofitable respectively, likewise the political distinguishes between friend and enemy.[40] Schmitt suggests that just as beauty and morality cannot exist outside beautiful objects or moral entities – and one can nonetheless generalize about aesthetics and ethics – so, too, the political cannot exist outside its historical forms but, this notwithstanding, one can still make some general remarks.

In *Concept of the Political,* Schmitt emphasizes the following difference between the political category and the others: whereas the spheres of the aesthetic, moral and economic criteria are 'relatively independent', the political does not have an independent sphere of its own.[41]

There are, however, other differences between these categories, among them logical differences. For example, whereas the aesthetic and moral categories are said to distinguish between adjectives (good and evil, beautiful and ugly), Schmitt's political instead distinguishes between nouns (friend and enemy).[42] It can be argued that such an asymmetry between the logical forms of the categories is unlikely to be an oversight. But if not, then this precipitates the question of why Schmitt decided to identify the political with the distinction between friends and enemies rather than the distinction between amicable and inimical or between friendship and enmity. In an attempt to answer this question, we uncover some traits of Schmitt's political thought and important differences with previous theorizing: We may firstly recall that in *Political Romanticism* Schmitt, speaking of Descartes, writes that 'modern philosophy is governed by a schism between thought and being, concept and reality, mind and nature, subject and object'.[43] In spite of his materialism, in places Hobbes also distinguishes between self and act.

In the Hobbesian state of nature the enemy can be said to be existential. The very existence of the enemy is seen as an eternal threat to one's own existence: one is not worried so much by what the enemy does, but by the fact that he *is*. Once the state has been

created, Hobbes shifts his attention from people to actions; he offers a detailed list of potentially inimical actions (doctrines about private property, about salvation, about resistance, and so on) that citizens ought not commit and that the state has limitless power to punish.

Similarly, in the world regulated by *jus publicum europaeum*, the object of concern is, by Schmitt's own interpretation, the enemies' action. The proposition that a present enemy can become a future friend and vice-versa is predicated on the assumption that there is a difference between act and self and that whoever performs an inimical act today may perform an amicable one tomorrow.

Schmitt's discourse in the *Theory of the Partisan* brings to light three different mental attitudes and modes of behaviour towards the enemy:

(i) in inter-state wars, regulated by *jus publicum europaeum* , states' attention is on the *inimical actions* by other states such as the invasion or occupation of some of their territory; peace is the natural outcome of inter-state wars and can be usually attained by 'correcting' partially or totally the enemies' inimical actions and by pushing him back within his borders;

(ii) in civil and colonial wars, the telluric partisans' total focus is on the enemy himself; whatever the enemy does, in the partisan's eyes, he is the oppressor or invader, with whom no peace can ever be made; he is a *real enemy* with a name, concretely located in time and space as Napoleon for the peoples of Spain, Tyrol, and so on during the Napoleonic wars; war with such an enemy ends only when he is finally defeated; until then peace is just an appearance or an illusion, broken regularly by outbreaks of violence and terror; this notion of real enemy, Schmitt claims, was first theorized by Clausewitz in *On War*.[44]

(iii) in just or revolutionary wars, the righteous warrior targets neither inimical actions, nor concrete enemies but an abstract incarnation of *hostility* such as a class, a religion, a race, in the name of other abstractions such as humanity and justice. Such an abstract enemy is not located in time and space but can manifest itself anywhere; it can never be defeated; war with such an enemy can never end and periods of apparent

peace are only brief hiatuses in the ongoing, interminable struggle.

By saying that his principle distinguishes between friend and enemy rather than between friendly and inimical or friendship and hostility, Schmitt is making a theoretical and ideological choice with regard to the above three positions.

Firstly, it may be noted that Schmitt is *de facto* following Clausewitz (who introduced the notion of real enemy) rather than *jus publicum europeaum* (that distinguished between inimical and amicable states' actions). This sheds new light on the claim that Schmitt makes in *Ex Captivitate Salus*: 'I am the last conscious supporter of *jus publicum europaeum*, its last teacher and researcher in an existential sense'.[45]

Secondly, Schmitt distances himself from any ideology – Nazism included – that regards a race, a class or any other such abstraction as the enemy. Indeed, in the Foreword of 1963 he points out that it is not a step forward in humanitarian terms to abandon the notion of limited war of *jus publicum europaeum* in favour of just war.[46]

Moreover, by stressing that his friend/enemy principle does not consider abstractions such as a race to be suitable candidates for the role of 'enemy', Schmitt demonstrates his ideological distance from Hitler. Schmitt's claim is convincing because he typically justifies his position not on moral grounds but as a consequence of his dislike for abstractions and of his commitment to the concrete world of experience.

To conclude, the most prescriptive features inherent in the friend/enemy principle, are (i) a definition of enemy which excludes moral considerations; (ii) a specific understanding of the relationship between politics and hostility; and (iii) the focus on the distinction between real friend and enemy rather than on other distinctions such as amicable/inimical and friendship/hostility. The normative features of the friend/enemy principle highlight Schmitt's intellectual debt to Clausewitz, his redrawing and enlargement of the Hobbesian and liberal boundaries of the political, and his intellectual resistance to identify the enemy with abstractions such as class or race.

VII

Brief and incomplete as the above points are, they should be sufficient to suggest that there are both prescriptive and descriptive ele-

ments in Schmitt's concept of the political and that they are closely intertwined, so one has to look past Schmitt's problematic beliefs in order to benefit from Schmitt's penetrating insights.

On the one hand, Schmitt always claimed that he was a jurist and that he saw it as his business to expose problems and not to advance recommendations. At the Nuremberg trial, Schmitt protested that he had offered diagnostics of problems, not recommendations, in the speeches for which he was being tried.[47]

On the other hand, Schmitt saw the political struggle to be also a struggle over the signification of language. In *Concept of the Political*, Schmitt famously wrote: 'All political concepts, images and terms have a polemical meaning'.[48] Schmitt explains that the polemical character of any political concept derives from controversies and disputes about their meaning, controversies and disputes that are not abstract but on the contrary inspired by real historical antagonisms between friends and enemies.[49] Indeed, for Schmitt political concepts become misleading and meaningless abstractions without reference to the concrete implications of their usage. He writes:

> They [political concepts] are focused on a specific conflict and are bound to a concrete situation whose ultimate consequence is a friend-enemy grouping [...] Words such as state, republic, society, class, as well as sovereignty, constitutional state, absolutism, dictatorship, economic planning, neutral or total state, and so on, are incomprehensible if one does not know exactly who is to be affected, combated, refuted or negated by such a term.[50]

Having stressed 'the essentially polemical nature of the formation of political terms and concepts' Schmitt remarks that 'terminological questions become thereby highly political'.[51]

As argued convincingly by Ben Arditi, Jeremy Valentine and Eckard Bolsinger,[52] for Schmitt political theory is part of the political struggle: theorists fight on the battlefield of definitions, their method of attack is to undermine the definitions of the opposing camp.

On the theme of diagnostics and polemics in Schmitt's discourse, until the late Eighties, the continental scholarship (and in particular the European Left[53]) has acknowledged and valued the diagnostic

aspect in Schmitt's thought more than its Anglo-American counter-part. Derrida writes in the *Politics of Friendship*:

> In certain respects, we believe it [*Concept of the Political*] offers a pure and rigorous conceptual theory of the political, of the specific region of that which is properly and without polemical rhetoric called the political, the politicity of the political. Within this region, in the enclosure proper to a theoretical discourse all examples, all facts, all historical contents should thus issue in knowledge; indeed, in those forms of disinterested theoretical reports called diagnostics.[54]

As Gopal Balakrishnan[55] has pointed out, for decades much of the debate in the Anglo-American literature has been about establishing the ideological prescriptions and identity of Carl Schmitt.[56] In the eighties, the terms of the American debate were highlighted by the views of Joseph W. Bendersky and Stephen Holmes respectively. For the former, Schmitt's involvement with Hitler's regime was minimal and Schmitt 'never became an ideological convert to Nazism'.[57] Conversely, for Holmes any attempt to rehabilitate Schmitt is disturbing. 'But perhaps […] no more disturbing than Schmitt himself, [is] a theorist who consciously embraced evil and whose writings cannot be studied without moral revulsion and intellectual distress'.[58]

   Schmitt's ideology raises strong emotions today as it did in the Eighties. Writers who try not to engage with the long-standing debate on Schmitt's affiliations with the Nazi regime have been challenged by those who claim that the spectre of Nazism and the Holocaust should, in the words of Jef Huysmans, 'always haunt any invoking of Schmitt or Schmittian understandings of the political'.[59] Huysmans goes on to argue that 'normative questions about the ethico-political project his concept of the political incorporates' ought to be 'the kernel of any working with or on Schmitt's ideas'.[60] Huysmans also warns against the history-of-ideas approach to Schmitt, claiming that 'introducing Schmitt's work by means of a history of ideas shaped around an epistemological puzzle considerably limits the possibility of incorporating the shadow of the Holocaust and Nazism in the story'.[61]

VIII

For whom does one write?[62] As a response to Jean-Paul Sartre's famous question, Maurice Merleau-Ponty once commented that

'one should always dedicate a book. Not that one alters one's thoughts with a change of interlocutor, but because every word, whether we know it or not, is always a word with someone'.[63]

The expected reader does not alter our thoughts as such, but s/he affects what we are going to say: when we write to our mother, for example, we do not tell her when and where we were born and whether it was tough. We assume she knows. When writing, we always make tacit assumptions about the knowledge that we share with the reader and avoid boring them with well-worn stories. If we did not, our letters would be too long.

Schmitt also made tacit assumptions about his readers' knowledge. From Schmitt's argumentation, I have suggested that his expected interlocutors in *Concept of the Political* and in *Theory of the Partisan* are people living in liberal democracies. The liberal reader has to be kept in mind in order to understand both what Schmitt says and what he does not say when defining the political. For example, in *Concept of the Political* Schmitt takes for granted what was meant by 'the absolute last war of humanity', an expression coined after World War I that was common currency at the time of his writing.

In Schmitt's work on Thomas Hobbes's *Leviathan* that we are going to examine in the next chapter, the original readership was not expected to be liberal. The book was published in 1938; some scholars have seen Schmitt's interpretation of Hobbes as an act of resistance to the Nazi regime, others a blatant endorsement of Nazi symbols and ideology.

In my discussion I will assume that although the expected readership must have affected Schmitt's writing and his comments about 'the Jew' Spinoza, it did not alter his theoretical claims. In other words, I am going to interpret his work on Hobbes as a serious, *bona fide* attempt to investigate the theoretical origins of domestic hostility.

3
On Domestic Hostility

The focus of this chapter is Schmitt's work on Hobbes's *Leviathan*, published in 1938. My aim is to show that from an analysis of this work we can not only better understand the nature and limits of Schmitt's admiration for Hobbes, but also, and more importantly, we can gain a better understanding of Schmitt's conception of hostility and politics. Textual analysis will show that Schmitt strongly approved of Hobbes's attempt to make domestic hostility impossible and to ensure internal peace, but believed that Hobbes failed to deliver on his promise.

I will proceed in four steps. Firstly, I will give an account of Schmitt's claim that Hobbes's theory contains a 'barely visible crack'. Secondly, I will show that Schmitt's claim can be easily challenged on the basis of textual evidence in Hobbes's political works. Thirdly, I will try to reconstruct a critique of Hobbes from a Schmittian perspective with the aim of shedding light on the differences between the Hobbesian and the Schmittian state. Finally, I will derive the following result from the analysis: Schmitt, like Hobbes, wanted homogeneity and unity within the state; like Hobbes, he wanted to push enmity outside the borders of the state; like Hobbes, he loathed domestic pluralism.

Unlike Hobbes, Schmitt believes that, if one makes any concessions to individualism, pluralism is unavoidable, the formation of domestic friend/enemy groupings is unpreventable and the threat of civil war inevitable. According to Schmitt, Hobbes's commitment to the individual eventually undermines his whole theory of the absolute state and opens the door to liberal constitutionalism.

I

There is no doubt that 1938, the year in which Schmitt published his *Leviathan*, was special not only in terms of Schmitt's own personal life[1] but also for Hobbesian scholarship as a whole. For there was a growing need to locate Machiavelli and Hobbes in relation to Fascism, Bolshevism and totalitarianism. In 1938, A.E. Taylor published his famous article on Hobbes's supposed deontology. Like most Hobbesian readers, Schmitt also felt the need to address the issue of Hobbes's ideology.

In 1932, Schmitt acknowledged the inspirational influence of Machiavelli's writings on Mussolini.[2] In 1938, Schmitt praised the fascist reading of Machiavelli: '[only] Italian fascism hailed him [Machiavelli] as the intellectual originator of a political era, as the conqueror of a moralistic lie and a political cant, and as the exponent of the antimyth of heroic relevance'.[3]

As for Hobbes, Schmitt refers us to Joseph Vialatoux who 'recently published a treatise on Hobbes in which he elevates him into the philosopher of the present-day totalism and ultimately, indiscriminately as a church father of bolshevism, fascism, and national socialism as well as German Christians'.[4] In addition to Vialatoux, Schmitt mentions 'the distinguished French Professor of public law, Rene Capitant, [who] in the essay "Hobbes et l'Etat totalitaire" [1936] points to the individualistic character of Hobbes's construction of the state'.[5]

Carl Schmitt could have taken either of the two positions given above: following Vialatoux, he could have stressed Hobbes's 'notorious thesis of the absolute state' and acknowledged him as the standard-bearer of totalitarianism, or he could have followed Capitant and emphasized that Hobbes was above all an individualist in spite of his commitment to absolute state sovereignty. Schmitt opted for the latter. Although distancing himself from 'the liberal democratic Frenchman Capitant', Schmitt agrees that Capitant 'rightly stresses' Hobbes's individualism.[6]

In *The Leviathan in the State Theory of Thomas Hobbes*, Schmitt suggests that Hobbes's individualism and in particular his notion of private conscience give rise to a hardly visible and yet very real crack in Hobbes's theory of the state. Schmitt writes: 'The distinction of inner and outer became for the mortal god a

sickness unto death'[7] that would be later exploited by supporters of liberal constitutionalism. Schmitt expounds his thesis in three steps.

Firstly, Schmitt reminds us that, according to Hobbes, the Leviathan can provide peace if and only if he, and only he, is the ultimate source of religion and morality. The key to the 'eternal peace' that the Hobbesian state can offer lies in ensuring the unity of morality, religion and politics.

Secondly, Schmitt draws the reader's attention to Hobbes's discussion of 'miracles'. He points out that Hobbes takes an agnostic stance on this issue, maintaining that citizens may believe what they want *in foro interno* as long as they observe the law *in foro externo*.

Thirdly, Schmitt invites us to reflect on the distinction between inner and outer, private and public, drawn by Hobbes in his discussion of miracles. By allowing the individual to hold his own moral and religious views *in foro interno*, Schmitt contends, Hobbes commits the liberal sin of allowing an entity different from the state to be the source of morality and religion. Although this possibility is present only *in nuce* in Hobbes's theory, later writers, according to Schmitt, will exploit this Achilles' heel of Hobbes's theory of the state. The unity of politics and religion/morality will be destroyed and all manner of liberal evil will follow. In Schmitt's words:

> Hobbes laid the groundwork for separating the internal from the external in the sections of the *Leviathan* that deal with a belief in miracles and confession [...] Only a few years after the appearance of the *Leviathan*, a liberal Jew noticed *the barely visible crack* in the theoretical justification of the sovereign state [...] Spinoza expanded this thought [...] into a universal principle of freedom of thought, perception, and expression.[8]

Thus, for Schmitt, an analysis of Hobbes's discussion of miracles shows that the peace that the Leviathan is supposed to guarantee, which is dependent upon the unity of politics, religion and morality, is compromised by Hobbes's distinction between private and public and by his notion of private conscience, which in turn are consequences of Hobbes's individualism.

II

How would Hobbes reply to Schmitt's allegation that there is a crack in his theory of the absolute state, a flaw that can be derived as a consequence of his individualism and his distinction between inner and outer? In what follows I will examine Hobbes's notion of private conscience and investigate the circumstances in which the Hobbesian citizen can disobey orders. I will then try to provide an outline of a defence of Hobbes's position.

It is well-known that according to Leo Strauss 'Hobbes identifies conscience with the fear of death'.[9] But in reality Strauss's claim is misleading.

We may recall that the term 'conscience' is introduced in Chapter 7 of *Leviathan* where Hobbes says that:

> Men vehemently in love with their own new opinions (though never so absurd), and obstinately bent to maintain them, gave those opinions also that reverenced name of conscience, as if they would have it seem unlawful to change or speak against them; and so pretend to know they are true, when they know, at most, but that they think so.[10]

In his writings, Hobbes does not give human conscience a different status from human judgement or opinion: 'For a man's conscience and his judgment is the same thing, and as the judgement so also the conscience can be erroneous'.[11]

Strauss's identification of conscience with fear of death is misguided not only because the Hobbesian conscience is not about passions but also because Hobbes maintains that conscience divides people, whereas fear of death unites them. Hobbes explains that 'such diversity as there is of private consciences, which are but private opinions'[12] brings about disagreements, quarrels, seditions and civil wars; fear of death instead brings about social contracts, agreements, unity, order and peace. Whereas fear of death is the common denominator of all people, it is the great equalizer and unifying principle, Hobbes insists that there are as many consciences as there are opinions and judgments. Indeed, there is an alarming variety of opinions, beliefs, ideas, and thoughts that can occur *in foro interno*, and they are not the same for natural men and

citizens. By investigating the conscience of the Hobbesian man in natural conditions, we discover, for example, the thoughts and opinions that lead him to want to live in political states; conversely, by examining the ideas that take place in the conscience of the Hobbesian citizen, we discover why civil wars erupt and why political associations collapse.

Hobbes suggests that the government is always on trial in the consciences of its citizens; therein it is interrogated, evaluated, judged, and often condemned. *In foro interno*, the Hobbesian citizen reflects on his political experience and judges the Leviathan. The conscience is the tribunal in which the bond of the political obligation is under constant scrutiny. Whereas natural man asks himself the question: 'why should I submit to a ruler?', the Hobbesian citizen instead asks himself 'on this occasion, should I obey?', and it is on this second question, raised by the citizen *in foro interno*, that I suggest we concentrate.

Hobbes gives three examples of circumstances that can justify disobedience: (i) if one is asked to go to war,[13] (ii) if one is condemned, rightly or wrongly, to capital punishment,[14] and (iii) if one is not allowed to believe that Jesus is Christ. *Prima facie*, it follows that both self-preservation and salvation impose limits on political obligation.

In the case of self-preservation, Hobbes's provisos are understandable. As Hobbes maintains that individuals undertake political obligation for self-preservation, it follows that if – for whatever reason – the state fails to protect their lives then their political obligations end. As Strauss puts it, 'Hobbes must finally question every obligation which causes a man to risk his life'.[15]

Of course, these provisos to unconditional civil obedience affect only a limited number of people in Hobbes's world in so far as not many were condemned to death and there was no general conscription.

Regarding the issue of salvation, Hobbes devotes half of *Leviathan* to demonstrate that a citizen can disobey the sovereign power if and only if he is requested to renounce the belief that Jesus is Christ. The respect of this belief is, according to Strauss, the only limit that Hobbes imposes on the political state in all his political works: 'In all three presentations Hobbes declares that unconditional obedience to the secular power is the bounding duty of every Christian, in so far as that power does not forbid belief in Jesus as Christ'.[16]

Strauss regards Hobbes's reduction of the Christian faith to the notion that Jesus is Christ as further evidence, if needed, of Hobbes's atheism. Naturally, however, Strauss's view can be challenged as many Christians would agree with Hobbes that such a belief captures the essence of Christianity. It seems, though, that to limit a Christian's political obedience to the cases where the state observes the belief that Jesus is the Christ could impose serious limitations on state power. For example, Schmitt must have known that according to the Catholic Church belief in Christ implies belief in a number of related dogmas, including transubstantiation, resurrection, ascension, communion of saints, and final judgement to name but a few.

Hobbes, however, makes it absolutely clear that the Leviathan – and only the Leviathan – can interpret the specific meaning of the belief that Jesus is Christ. This latter qualification is the theoretical move whereby Hobbes prevents salvation from imposing any serious limitations on political obligation. If the state misinterprets the belief that Jesus is Christ, Hobbes tells us, the state and not the citizen is accountable to God.

Hobbes approved of Galileo's decision to defend publicly the theory of the rotation of the Earth solely because Galileo challenged only the 'authority ecclesiastical'.[17] If Galileo had challenged the civil authorities, Hobbes explains, then he would have been rightly punished, even if his theory was true: 'for disobedience may lawfully be punished in them that against the laws teach even true philosophy'.[18]

According to Hobbes's theory, both concerns for salvation and concerns for self-preservation lead citizens to answer the question raised *in foro interno* of whether they should obey the state in the affirmative. In the seventeenth-century world described by Hobbes, the exceptions to this rule are negligible in view of the fact that few people were condemned to death, there was no general conscription, and hardly any European state would ask its citizens to renounce the belief that Jesus was Christ.

III

On the basis of the above remarks we can sketch a defence against Schmitt's argument on Hobbes's behalf.

To begin with, Hobbes would remark that no state, however powerful, can control people's beliefs because, as he says in Chapter 36 of *Leviathan*, 'a private man has always the liberty (because *thought is free*) to believe or not to believe, in his heart' anything he wants.[19] For example, in Chapter 42 entitled 'Of Power Ecclesiastical', Hobbes addresses the question of what Christians may do if the sovereign forbids them to believe in Christ: 'To this I answer that such forbidding is of no effect, *because belief and unbelief never follow men's commands*'.[20] Indeed, in his writings Hobbes is adamant that 'by the captivity of our understanding is not meant a submission of the intellectual faculty to the opinion of any other man, but of the will to obedience, where obedience is due. For sense, memory, understanding, reason, and opinion are not in our power to change'.[21]

The above quotations show that the Hobbesian state aims to control actions *in foro externo,* not thoughts *in foro interno;* it aims to influence its citizens' beliefs only insofar as it tries to make people understand the rationality of civil obedience. This is the meaning to be attached to Hobbes's famous remark in Chapter 18 of *Leviathan* that 'the actions of men proceed from their opinions […] in the well-governing of opinions consisteth the well-governing of men's actions'.[22]

Whatever religious beliefs the Hobbesian man may have *in foro interno*, the state must prevent him from disobeying the law by two means: by fear of punishment and by teaching him (with the help of books such as Hobbes's *Leviathan*) the importance of following the public conscience established by the state. In Hobbes's construction, the role of education is not to indoctrinate men, nor to teach the true religion; there is no attempt on Hobbes's part to create a new man.[23] Education (together with punishment) is used by the Leviathan to help people understand the value of external conformity. Good books and good teachers are supposed to correct one major misconception that most men tend to entertain – that in our external actions we can follow our private conscience without endangering our long-term security.

Hobbes's next manœuvre to rebut Schmitt's argument would probably be to point out that the mere *distinction* between inner and outer does not in itself compromise peace. Rather, what can jeopardize order is the false belief that everything that one feels or believes in one's heart can be acted upon when living in a political association. Indeed, much of Hobbes's argument is devoted to explaining that

the state and the state alone can decide which external actions are permissible, which actions are obligatory and which actions are forbidden. In his external behaviour, the Hobbesian citizen must listen to the voice of the law when the law talks and may follow the voice of the inner self only when the law is silent.[24] In other words, the Leviathan decides the relationship between inner and outer and, depending on circumstances, singles out the type of inner thoughts that cannot be translated into external behaviour without constituting a breach of the peace.

Furthermore, Hobbes would probably claim that it was not his individualism but rather his realism that had led him to take into account 'the conscience' of man. In his own experience, this invisible entity played a crucial role in the English Civil War: it was appealed to by preachers, dissenters, parliamentarians, and Londoners alike as a justification for disobeying the king and for urging others to do the same. For Hobbes, to disregard the inner/outer distinction or to deny the existence of an independent private conscience would mean to lose sight of the ultimate tribunal where governments are judged and sometimes condemned and where the seed of all rebellion lies.

Finally, Hobbes would point out that the acknowledgement of the existence of a private conscience in no way implies the endorsement of freedom of conscience *in foro externo.* Not only in *Leviathan*, but also in the *Elements of Law* we are reminded that 'If every man were allowed this liberty of following his conscience, in such differences of consciences, they would not live together in peace an hour'.[25] Hobbes was aware that the struggle for freedom of conscience was a struggle for freedom of action and he warns against such dangers: 'men seek not only liberty of conscience, but of their actions; not only that, but a farther liberty of persuading others to their opinions; not that only for every man desireth, that the sovereign authority should admit no other opinions to be maintained but such as he himself holdeth'.[26] In *Leviathan*, Hobbes lists among the 'seditious doctrines' the view that one should not go against one's conscience.[27]

'*Auctoritas non veritas facit legem*' is the oft-mentioned slogan that summarizes Hobbes's solution to the competing religious truths that had caused the religious civil wars of the sixteenth and seventeenth centuries.

It seems, then, that Hobbes's theory of the state does not, in fact, have any 'liberal crack' that can limit its power; Hobbes's admissions that 'no human law is intended to oblige the conscience of a man, but the actions, only'[28] and that 'thought is free' seem not to impose any limitations on state's power because 'although a private man has always the liberty [...] to believe or not to believe, in his heart, those acts that have been given out for miracles [...] when it comes to confession of that faith, the private reason must submit to the public'.[29] In particular, Hobbes's remarks about miracles offer no scope for interpretation or development into a theory of *libertas philosophandi*, and *a fortiori* cannot be construed as the basis for a theory of freedom of conscience, freedom of speech or a theory of resistance.

It seems certain, then, that on the basis of overwhelming textual evidence, Schmitt's 'claim of the crack' is indefensible in the form sketched by Schmitt himself.

IV

Schmitt's claim of the 'barely visible crack' is delivered carelessly in the context of disturbingly racist remarks. As a result, it is almost embarrassing to take Schmitt's allegation seriously. Ernst Bloch's dismissal of 'Carl Schmitt and other prostitutes of the absolutism that became mortal in the form of national Socialism' is quite understandable.[30]

Having said this, however, I believe that Schmitt understood something that has escaped the attention of many readers concerning the effect of Hobbes's individualism on his theory of the state. For example, C.E. Vaughan[31] denounced Hobbes's 'extreme form of individualism: an individualism more uncompromising than that of Locke himself'[32] and wondered how a number of separate and independent individuals could develop into a genuine political community. Yet he did not see any serious inconsistency between Hobbes's individualism and Hobbes's theory of the sovereign state. Similarly F. Tönnies stressed Hobbes's individualism but did not suggest that Hobbes's theory of state sovereignty was undermined by it. Strauss, too, emphasized Hobbes's individualism and his liberalism. And yet Strauss also maintained that Hobbes was 'the first writer to grasp the full importance of the idea of sovereignty'.[33] Similar views about

Hobbes's individualism have been put forward throughout the twentieth century. Sheldon Wolin, for example, has observed that:

> It is one of the oddities of Western political thought that the critics' image of the Hobbesian theory of sovereignty should have been anticipated in the famous frontispiece adorning the 1651 edition of the *Leviathan*. […] The picture seems a perfect summary of Hobbes's thought : the blessings of peace are assured only when society is in total subjection to an absolute authority […] there is another feature of the frontispiece worth noting. […] Equally important, each subject is clearly discernible in the body of the sovereign. The citizens are not swallowed up in an anonymous mass. […] Each remains a discrete individual and each retains his identity in an absolute way.[34]

For Wolin, as for many readers of Hobbes including Ernst Bloch, Eric Voegelin and Michael Oakeshott, the main problem with Hobbes's individualism is that it deprives the Hobbesian sovereign of 'the sustaining support of society, because society itself was but a loose collection of discrete individuals'.[35] In other words, Hobbes's individualism jeopardizes governance.

From a Schmittian perspective, however, one can level an even more serious objection to the effects of Hobbes's individualism on his theory of the state. As noted in previous chapters, Schmitt emphasizes the fact that we owe Hobbes credit for having been the first to grasp that the protection/obedience principle is the foundation of political associations. For Schmitt, this principle is the very crux of Hobbes's theory of absolute state sovereignty: 'The relation between protection and obedience is the cardinal point of Hobbes's construction of state'.[36]

We may recall that Hobbes's argument runs something like this: by nature, individuals have the right to use all available means for self-defence. In spite of this right, in a state of nature or during a civil war, their life is in constant danger. They enter the political state with a view to entrusting their defence and security to the sovereign. As the purpose of the sovereign power is to protect people's lives and preserve the peace, it would be irrational to impose restrictions as this would limit its ability to protect people's survival. Hence, the sovereign power must be absolute and unlimited.

For Hobbes, it is clearly the case that the sovereign provides protection from internal and external enemies in exchange for obedience. A state that cannot provide protection cannot command obedience and hence is no state at all. According to Hobbes, then, the main aim of the argument in *Leviathan* (and the crucial role of education in political associations) is to explain to citizens the rationale of the protection/obedience principle. The function of this sort of education is of great importance since, in Hobbes's view, countries collapse into civil war because people do not understand the purpose of the state.

Having reminded ourselves that the protection/obedience principle forms the bedrock of the Hobbesian theory of the state, and having recalled also that Schmitt admired and endorsed this principle, the next step is to look for the theoretical point at which Schmitt and Hobbes diverge. It is there that we will find the key to reconstructing a more robust Schmittian critique of Hobbes.

So what do Hobbes and Schmitt say regarding the protection/obedience principle that is different and incompatible? The most obvious point of disagreement seems minor: whereas the Hobbesian citizen can disobey the state if he is ordered to go to war, the Schmittian citizen cannot. More precisely, while both Hobbes and Schmitt acknowledge that the state has the 'right' to send its citizens to war[37] and 'the right to demand from its members the readiness to die',[38] Hobbes believes that citizens can justifiably refuse whereas Schmitt disagrees.

The difference between the two positions, however, is everything but insignificant as it sheds light on the nature of the difference between Hobbes and Schmitt's political theories. In essence, the basic, indivisible unit of Hobbes's construction is the individual, whereas in Schmitt's theory this role is filled by the group: 'a people, a party, a partisan movement'.[39] The 'real friend-enemy grouping' is 'always the decisive human grouping, the political entity'.[40]

The Hobbesian individual enters the political state in order to protect himself from a violent death at the hands of others. The function of the state is the protection of each and every individual's life. The Hobbesian citizen may refuse to go to war because such an activity can endanger his life for the protection of which he gave up all his natural freedom.

For Schmitt, conversely, the fundamental entity is the group. A group becomes political for the sake of protecting its 'own way of life'. If ordered to go to war, the Schmittian agent will obey because his ultimate aim is the preservation of the political entity to which he belongs.[41]

So while Schmitt agrees with Hobbes that the founding principle of the state (as an example of a political entity) is the protection/obedience principle, he contends that individual members owe obedience in return for the protection of their whole group from external as well as internal enemies. When Schmitt says that 'genuine protection is what the state is all about'[42] he has in mind the protection of the public friend-enemy grouping and not the protection of private members of such a grouping.

V

From a Schmittian perspective, then, Hobbes's commitment to the private individual creates serious problems to his theory of absolute state sovereignty. I will point out two major flaws that Hobbes's theory exhibits to a Schmittian mind.

To begin with, it can be argued that in Hobbes's theory it is not the state but the individual right to self-preservation that is absolute. More precisely, the state might indeed be described as *ab legibus solutus* since it is the source of the law, but the Hobbesian state is not *ab jure solutus* as it is bound by the protection of each individual's right to life. Many works with which Schmitt was familiar, such as the writings of Ernst Barker and C.E. Vaughan, maintained that Hobbes had heralded a new era in political thought by subordinating law to right. In his book of 1925, Vaughan stressed how Hobbes had changed the emphasis of natural law theory from a theory of duties to a theory of rights. The priority of right in Hobbes's theory was also emphasized by Strauss.[43] Whereas these writers did not denounce any inconsistency between Hobbes's right of self-preservation and his theory of the absolute state, a jurist such as Schmitt cannot have failed to see the tension between these two crucial elements of Hobbes's theory. Schmitt must have reflected on, and agreed with, Fichte's claim that a right that does not presuppose a law, but rather precedes all laws, is *ein absolutes Recht*. A state that assumes the existence of such a right cannot claim absolute

sovereignty. In Schmitt's theory, obedience is still conditional on protection, but there is no antecedent natural right to limit state power, and so the state's sovereignty can truly be called absolute.

Moreover, there is another major objection which could be levelled at Hobbes from a Schmittian perspective, this time concentrating on what happens in the private conscience of the Hobbesian man. *In foro interno*, one judges if the state can be entrusted with the protection of one's life; it is here, *in foro interno*, that one decides if rules or laws are to be followed or if circumstances have given rise to a state of exception in which it is rational not to obey the Leviathan.

Whereas for Schmitt all emergencies are public, Hobbes arguably entertains – alongside the notion of *public emergency* – the notion of a *personal emergency*.[44] This difference generates important consequences, as can be easily shown.

Suppose, for example, that the Leviathan suspects that a neighbouring state is about to stage an invasion and that in order to face such a public emergency, all adult men must be conscripted to go to war. Imagine that one individual believes that such an order poses a special danger to him: he believes that he is more vulnerable than most and that by going to war he will almost certainly die, whereas if he remains at home there is a chance that he might survive. In Hobbes's understanding, the decision made by the Leviathan that there is a public emergency can be overturned by the individual who makes the final decision as to whether or not a state of personal emergency has materialized – and if obedience ought to be withdrawn.

If the will which decides public emergencies can be overruled by the will that decides private emergencies; if, in other words, the ultimate power resides in the individual, then he and not the Leviathan is sovereign because 'Sovereign is he who decides on the exception'.[45] From a Schmittian perspective, this is a major flaw in Hobbes's theory of the state.

To sum up, we have established that one can level a number of serious criticisms at Hobbes's theory and claim that his Leviathan is neither absolute nor sovereign. Firstly, since for Hobbes there exists a single natural right – self-preservation – that is not created by the state but rather on whose protection the state depends, Hobbes cannot offer a proper theory of the absolute state, but rather a theory of the absolute right. In this sense, Hobbes is the true

father of liberalism. Secondly, by allowing the individual scope for disobedience – even if only when sent to war, when condemned to death, or when forbidden from holding the belief that Jesus is Christ – Hobbes lays the power to decide on the case of exception at the door of the individual, and for this reason the individual, and not the state, is sovereign.

The two-point critique presented here cannot be directly based on Schmitt's writings. On the contrary, Schmitt seems to offer lip-service to the traditional view that Hobbes is the theorist of the absolute sovereign state: 'resistance as a right […] is in Hobbes's absolute state factually and legally nonsensical and absurd' and 'right to resist […] from the perspective of Hobbes's state […]would constitute […] right to civil war, a paradox.'[46]

However, Schmitt claims that there is a problem with Hobbes's theory of the state and, moreover, he singles out the two ingredients that cause it, namely, the individual and his private conscience. Moreover, Schmitt was aware that individualism and *raison d'etre* are incompatible; in *Concept of the Political* Schmitt writes: 'In case of need, the political entity must demand the sacrifice of life. Such a demand is in no way justifiable by the individualism of liberal thought. No consistent individualism can entrust to someone other than to the individual himself the right to dispose of the physical life of the individual'.[47]

To conclude, it can be argued that although the above argument was not advanced by Schmitt himself, it is nevertheless in line with Schmitt's political thought and gives substance to his allegation that there is a 'barely visible crack' in Hobbes's theory of the absolute sovereign state.

VI

As mentioned in earlier pages, Hobbes appealed to Schmitt for a number of reasons. To begin with, Hobbes regarded moral disagreements as a major source of quarrel among people; he believed that in order to have domestic peace the Leviathan should be in charge of deciding 'what is good and what is evil'. Secondly, Hobbes believed that for the state to be able to provide unconditional security to its members and to protect them from civil war, it had to be acknowledged as absolute, unlimited, unconditional power over them; all

limits on such power (be they in the form of intermediate societies, churches and so on, or other obstacles such as individual rights to property or liberty) needed to be removed. Thirdly, Hobbes grounded political obligation on security: the state can expect obedience from its members for as long as it can provide them with protection.

In his work on *Leviathan*, Schmitt praises Hobbes for his good intentions, but contends that Hobbes has not found a final solution to internal moral disagreement, a final remedy for the formation and growth of domestic hostility, and a final cure for civil war. From Schmitt's perspective, the power of the Leviathan is just not great enough to combat the dangers of individualism and private conscience. Schmitt does not believe that the formation of domestic friend/enemy groupings can be prevented and the threat of civil war removed if one makes any concessions to individualism.

Whereas Voegelin, for example, has argued that 'Hobbes denied the existence of a tension between the truth of the soul and the truth of society' and replaced both with 'the truth of Hobbes',[48] Schmitt instead claims that Hobbes maintained the dichotomy between the truth of the soul and the truth of the state and that therein lies the barely visible crack of his theory. Schmitt contends that, by exploiting and expanding this crack, liberal writers would develop the notion of freedom of thought.

In this chapter, I have suggested that Schmitt was correct in claiming that Hobbes did not abolish nor indeed question the dichotomy between truth of the state and truth of the soul. For Hobbes, no government can command the soul nor wholly suppress the private thought of man. The soul of the Hobbesian man never leaves the state of nature. In order to ensure that individuals' actions conform to the truth of society or to the public conscience, Hobbes does not try to annihilate the soul nor to indoctrinate it. Rather, he suggests two methods to obtain conformity of action in *foro externo*: education and fear of punishment. The aim of education is neither to brainwash nor to improve man, but to make him understand the function and rationality of compliance. Indeed Hobbes's commitment to the individual is as strong as Schmitt alleges: the individual is the *terminus a quo* and the *terminus ad quem* of Hobbes's theory.

In my opinion, such a commitment is compromised by one major fallacy in Hobbes's argument, namely the belief (and claim) that if

the state does not protect the individual, the latter can withdraw obedience and fall back into the state of nature. Of course, this is not so. In the state of nature, all individuals are equal and have equal chances of killing and being killed. But no individual has any chance of survival against an organized state.

Hobbes would have benefited not so much from reading Schmitt's work on his *Leviathan*, but rather from reading *Ex Captivitate Salus*, the book that Schmitt wrote while in prison awaiting trial after the war. Here Schmitt tells us what happened to the inner/outer distinction in Hitler's Germany: the spheres of public and private activity became so separate, so disjoint, that the relationship between the two of them ceased to exist. The more individuals conformed to the public conscience *in foro externo*, the less they conformed to it *in foro interno*[49]: the fear of the consequences of disobedience prevented any inner thoughts of protest and rebellion from being translated into external actions of sabotage or civil war. As Schmitt says, there is a limit to one's duty to be a martyr.[50]

The experience of the Nazi regime must have taught Schmitt that he was wrong when he maintained, in 1938, that states can abolish the distinction between inner and outer. All a totalitarian government can do is prevent the possibility of any relationship between the two spheres by means of intimidation and terror.

VII

As mentioned on a number of occasions, in international politics Schmitt advocates a pluriverse; by contrast, in the domestic sphere, Schmitt loathes pluralism, advocates homogeneity and opposes difference and diversity. He laments the lukewarm relationship that individuals have in liberal democracies and praises the strong 'total bond' that binds together members of partisan groups. Schmitt does not welcome any form of enmity within the state, and does not suggest that comparison and confrontation with 'the other' is important for the development of individual identity. Indeed, he does not want to foster or encourage the formation of any individual identity. As much as Hobbes is committed to the individual, Schmitt is committed to the group. Certainly, when interpreters such as Strauss point out that Schmitt's 'political' bears a close resemblance to Hobbes's state of nature, they never fail to emphasize that

whereas Hobbes speaks of enmity between individuals, Schmitt has in mind enmity between groups.

Since the political lies in distinguishing between friends and enemies, ideally for Schmitt no politics should take place within the state; the political should materialize only outside a state's borders and all politics should be international politics.

Schmitt thought that during the Westphalian period European countries approximated this ideal: most wars were inter-state wars; most hostility was international hostility; most politics took place at an international level. But this changed in the twentieth century; the change was evidenced by the rise of civil wars and the growing power of intra-state political parties. Schmitt believed that the liberal democracies of his day did not realize that their domestic pluralism harboured hostility, and did not want to see that within their society political groupings were forming and growing, undermining the state's ability to provide protection to its members and challenging its monopoly on naming the enemy.

If the self-interpretation of liberal democracies was not in touch with historical experience, liberal theory was even more removed from the world of existence. According to Schmitt, liberal theory fed the self-delusion of liberal democracies, proclaiming that parliament is the central stage of political activity and that everything that happens outside that stage is not politically relevant.

Against this tide, Hobbes was construed to be the great defender of order and domestic unity against the dangers of anarchy and civil war; Hobbes had strongly warned against intermediate societies and pluralism.

However, textual exegesis revealed to Schmitt that unexpectedly, but incontrovertibly, Hobbes was in fact the ultimate culprit of all liberal sins.

In *Concept of the Political* Schmitt had introduced the problem of the domestic enemy thus:

> The endeavour of a normal state consists above all in assuring total peace within the state and its territory. To create tranquility, security and order and thereby establish the normal situation is the prerequisite for legal norms to be valid. Every norm presupposes a normal situation, and no norm can be valid in an entirely abnormal situation. As long as the state is a political

entity this requirement for internal peace compels it in critical situations to decide also upon the domestic enemy.[51]

In Schmitt's eyes, by endorsing the view that one's conscience is one's business, Hobbes not only failed to remove the origin of all domestic hostility, but also armed Spinoza and liberal constitutionalists with a concept that they would use to limit the state's power and to deny the state the authority to deal with the case of exception.[52]

VIII

As mentioned in Chapter 1, Norberto Bobbio voiced the opinion of many when he singled out two main traditions in modern political thought: one tradition, led by Thomas Hobbes, is inspired by the antithesis between chaos and order and aimed at explaining and stamping out disorder; the other tradition, led by John Locke, is inspired by the antithesis between liberty and authority.

With his work, Schmitt greatly challenges this way of reading Hobbes . Indirectly but forcibly Schmitt suggests that Hobbes's contribution to the anarchy-versus-order tradition is seriously compromised by his individualism which in fact gave new impetus to the liberty-versus-authority camp.[53]

Hobbes seems to be standing at the intersection of the two traditions. This result can make us rethink even Locke's position on the map of political thought. After all, as argued forcibly by C.E. Vaughan, Locke's individualism was less extreme than Hobbes's. Moreover, Locke turned the medieval notion of 'divine rights of kings' into the concept of 'prerogative', defined in the *Second Treatise on Government* as 'the power to act according to discretion for the public good without the prescription of the law and sometimes even against it'.[54] In so far as Locke's concept of prerogative can be read as an antecedent of Schmitt's notion of the state of exception, his belonging to the liberty-versus-authority tradition becomes more ambiguous than suggested by Bobbio. If Schmitt is right, Hobbes is the true father of liberalism, Locke is just an uncle.

To conclude, in this chapter I have examined Schmitt's claim, made in his book on *Leviathan*, that Hobbes's individualism gives rise to a barely visible and yet most serious 'crack' in his theory of the state.

After having dismissed Schmitt's own argument about miracles against Hobbes as flawed, I have tried to find other ways in which one can support Schmitt's intuition that Hobbes's individualism does not simply affect the governance of society, as suggested by many interpreters, but also undermines the possibility of absolute state sovereignty. I have put forward an argument to buttress the claim that it is not the state but the right to self-preservation that is absolute in Hobbes's theory; it is not public emergency but private emergency that ultimately matters; it is not the state but the individual who decides on the case of exception and who is therefore sovereign. I have concluded that for Schmitt Hobbes does not remove the cause of domestic hostility nor does he give the Leviathan enough power to remove it.

4
The Partisan, or the Man of Exception

Schmitt believed that Hobbes had offered an insightful analysis of the political during the Westphalian period, but that in the context of the twentieth century his diagnosis was no longer valid. Hobbes's identification of political and state had become problematic; the primary task of the political is to provide protection in return for obedience, but the twentieth-century state was becoming increasingly incapable of performing such a role.

The Westphalian absolute state appealed to Schmitt: thanks to the separation of morality and politics, for a time it embodied the friend/enemy principle; there were no obvious domestic challenges to its authority; all enmity was outside its borders, all politics was inter-state politics and all hostility was limited and regulated by *jus publicum europaeum*.

Fuelled by multiple historical forces, including economic progress, technological advancements in communications and weaponry, and the return of just war thinking, the absolute state of the eighteenth century had, according to Schmitt, turned into the liberal constitutional state. This in Schmitt's eyes brought about all manner of unwelcome consequences, the most obvious of which was the birth of the state's greatest challenger: the partisan.

In this chapter I am going to introduce the concept of the partisan and to suggest that it affords us special insights into Schmitt's theory. My overall aim is to ask questions such as: who is the Partisan? Can the Partisan be considered a political form? Can the partisan rescue the political in Schmitt's sense of the word?

The chapter, broadly speaking, proceeds in three steps, each of which in turn admits further subdivision. The first two steps are more exegetical in scope, the third more interpretative.

I start by highlighting some aspects of Schmitt's argument: (i) his appeal to historical evidence to support the view that the partisan is a modern phenomenon; (ii) his account of how the symbol of the partisan gradually filtered into the European consciousness through official documents, literary writings and the works and deeds of great practitioners such as Clausewitz, Lenin and Mao; and (iii) his assessment of the way in which European jurisprudence reacted to the emergence of this new actor on the international scene.

Next, I aim to show how, on the basis of analysing both historical texts and the rich body of societal self-interpretation, Schmitt arrives by critical clarification at a conceptualization of partisanship; we will see that Schmitt (iv) constructs a four-point characterization of the partisan, (v) offers a typology of the partisan and distinguishes between the 'telluric' and 'global' varieties, and (vi) discusses the new dimensions of domestic and international politics bought about by the phenomenon of partisanship.

Then, in section (vii), I argue that, for Schmitt, the partisan is a broad political concept, an umbrella term which covers a variety of non-state actors who resort to violence or terror to pursue their political aims; they range from revolutionary parties to terrorist cells, from insurgents or resistance groups to liberation movements. Indeed, Schmitt's theory of the partisan is much more than a theory of guerrilla warfare, as many specialized works on terrorism have suggested. I will also argue, in section (viii), that Schmitt's account implies an under-stated yet all-important criterion for differentiating the telluric and the global partisan: while the former aims to replace an existing state with a different one, the latter undermines the state as a political form. As a result, the two types of partisan offer very different challenges for the state. Finally, in section (ix) I will address the question: is the Schmittian partisan – the man of exception who has challenged all norms of the twentieth century – the new form of the political? And can this actor save the political in Schmitt's sense of the word?

I

According to Schmitt, from the Peace of 1649 at Westphalia to the First World War, the state was the embodiment of the political. It

was the political entity entrusted by its citizens with the authority to name its friends and enemies inside and outside its borders. The state was unchallenged because it was able to provide its members with protection in return for obedience.

In the twentieth century, however, the state began to lose its monopoly on friend- and enemy-naming. Under normal circumstances, the state was still the primary entity that formed political allegiances and declared political enemies,[1] but under exceptional circumstances, groups or parties that did not see the state as protecting their own way of life developed into political units: they named the state as their enemy and thereby gave rise to civil war.[2]

Gopal Balakrishnan[3] has noted that the various changes that Schmitt made to successive editions of *Concept of the Political*[4] indicate a shift away from a state-centred perspective. Moreover, for Balakrishnan, these changes also signal a gradual distancing of Schmitt from Hobbes, whose classical state-centered political theory may have appeared to have lost some of its interpretative power.[5] Eckard Bolsinger,[6] too, has pointed out that 'already at the beginning of the 1920s, Schmitt's theory of sovereignty ceased to be centered on the state. In opening this theory for newly emerging political actors, he clearly broke with the state-focus tradition in German political thought'.[7]

The secondary literature on Schmitt's views of the state is comprehensive and illuminating. Many interpreters have argued that the state was Schmitt's favoured political form, that he regretted it was in crisis and that he tried to explain this crisis by referring to a complex set of factors including globalization. Some interpreters have highlighted aspects of Schmitt's discourse which suggest that he was hopeful that the process could be reversed, whereas others have emphasized the more pessimistic and sober moments of Schmitt's reflections.

This vast literature, which explores Schmitt's claim that the political and the state no longer coincide, is accompanied by an array of work which investigates the widespread consequences of this claim within Schmitt's theory.

In *Theory of the Partisan,* Schmitt offers an account of the gradual emergence of the partisan onto the international stage. Schmitt traces the rise and growth of this new agent by using historical evidence, official documents, writings on war and jurisprudence with the aim

of showing that the partisan owes his very existence to the modern state.

Although Schmitt notes that the history of mankind is replete with examples of hostility, especially in civil and colonial conflicts, that could be called 'partisan', he stresses that the partisan *strictu senso* can only be traced back as far as the guerrilla war by the Spanish people against Napoleon in 1808–13. Schmitt uses two main arguments to support his claim that there can be no ancient theory of the partisan.

Firstly, Schmitt notes that the partisan is essentially an irregular combatant. Obviously, it is impossible to define what it is to be 'irregular' without presupposing the existence of a well-established 'regular' army and the attendant notion of a regular combatant which, Schmitt argues, happened historically with Napoleon. Before the advent of regular combatants, therefore, there was no partisan since the very definition of 'partisan' depends crucially on an opposition to regularity: no regularity, no partisan.

The second reason for why the partisan is a fundamentally modern phenomenon is concerned with the nature of war. According to Schmitt, the wars of the sixteenth and seventeenth century (not to mention earlier ones) reproduced the typical situation of a duel on a larger scale: each party would recognize the value and honour of the opponent and would play according to a set of agreed and well-established rules. The game would be played by a small number of selected players and most people would remain outsiders. The ensuing war would be limited, circumscribed, and contained; the partisan would play no important role in it. In Schmitt's account, for the partisan to emerge, a different form of war needs to come into being: a war that, as a result of the introduction of generalized conscription, involves and affects the whole population, a war that requires a unified commitment and effort, and can no longer be regarded as the game of a few. This type of war, Schmitt contends, is historically associated with the modern state.

II

Schmitt not only examines the historical presence of the partisan during the Napoleonic wars but also considers how this historical figure penetrated the consciousness of the societies where it oper-

ated. On the one hand Schmitt mentions literary works such as Leo Tolstoy's *War and Peace* and on the other hand he points to official documents which recommend partisan behaviour and a partisan attitude to the enemy for the sake of national security. Indeed, Schmitt claims that the Prussian Edict of 17 April 1813 exactly pinpoints the partisan's first official appearance. This document, signed by the King himself, is regarded by Schmitt as the *Magna Carta* of the partisan and will be discussed in some detail in the next chapter.

Aside from practical edicts, Schmitt credits Clausewitz with first developing a concept of war and enmity that serves as a *theoretical* underpinning for the notion of the partisan and the partisan attitude to politics – somewhat ironic given that Clausewitz was a Prussian military man. Schmitt refers the reader to Clausewitz's notion of the 'real enemy', to his intuition that 'popular war and partisans … [are] essential elements of those forces that erupt in war'[8] and to his insight that 'war is nothing but a continuation of political intercourse, with a mixture of other means'.[9]

In *Theory of the Partisan,* Schmitt articulates a dialectic in which historical practices penetrate concepts and theories which in turn influence future practices.[10] Hence, Clausewitz plays a crucial role in this dialectic insofar as he serves as an intermediary between practice and theory: for Schmitt, Clausewitz's writings on war not only reflect on experience but also exert intellectual influence on the practices of fighting later fostered by Lenin and Mao.

In both *Concept of the Political* and *Theory of the Partisan,* Schmitt advocates a reading of Clausewitz in which he is taken to mean that war and politics are intertwined concepts, that peace contains the possibility of enmity and hence war, and that the clear distinction made by *jus publicum europaeum* between war and peace becomes blurred. For Schmitt, this insight contains the seed of the theory of the partisan.

Although Schmitt does not directly engage with Marx in the *Theory of the Partisan,*[11] he does point us towards the Marxism of Lenin[12] and Mao as important contributions to the development of the theory of the partisan. According to Schmitt, these men studied and greatly admired Clausewitz,[13] and took from him the lesson that war and politics cannot be disentangled as concepts. So it is in the works of three great practitioners, Clausewitz, Lenin and Mao, that Schmitt locates the theoretical growth of the partisan.

III

According to Schmitt, although the partisan emerged historically as an irregular combatant in the Napoleonic wars in Spain, Tyrol, and Russia, no trace of this phenomenon can be found in the sub-sequent Congress of Vienna. Rather than focusing on irregular combatants, the Congress gave a new lease of life to *jus publicum europaeum* by introducing and formalizing the notion of regular armies and regular states. European jurisprudence, as codified at the Congress, considered only one type of war: interstate war waged by the regular armies of sovereign powers. As a result, the Congress omitted to consider the two dangerous subspecies of war and enmity that are the proper stage of the partisan, namely civil and colonial wars.

Hence, the partisan remained invisible to international jurisprudence for almost a century. Schmitt explains that it was only with the Hague agreement of 18 October 1907 that legal recognition was afforded to certain irregular militias, voluntary corps, and individuals joining popular mass uprisings. According to the 1907 agreement, some categories of irregular combatants were treated as members of regular armies and when made prisoners or wounded enjoy the same rights as regular combatants. The four Geneva conventions of 1949 represent a further development in the process of acknowledging the partisan as a legal persona insofar as the civil populations in occupied countries – the natural habitat of the partisan – are recognized as bearers of rights. Moreover, these conventions extend the protection of the population to all form of conflict including civil war and thus the form of war in which the partisan engages. In the Geneva conventions, more so than in the 1907 Hague agreement, the partisan becomes visible.

Schmitt finds such a development unsurprising given that these conventions were partially a response to the resistance movements in occupied countries during the Second World War. Moreover, he reminds us that part of the motivation for the Geneva conventions was that of creating a basis for humanitarian intervention from organizations such as the International Red Cross.[14]

For Schmitt, the Geneva conventions still contain much ambiguity about the status of irregular fighters. For example, in an interstate war, the occupying power is entitled to expect that the local

police force maintain law and order and repress irregular military actions. This would imply that the partisan is to be treated as a criminal and denied the rights of the regular combatant.

Schmitt suggests that some of the ambiguities contained by the Geneva conventions are a direct result of the difficult compromise between the different interests of the ratifying states: small states, like Belgium, Switzerland and Luxembourg motivated by fear of future invasions, demanded guarantees for the whole civil population, including resistance fighters. Large states, like the US, were interested instead in guaranteeing the rights of occupying powers (*occupatio bellica*). This legal ambiguity, in Schmitt's opinion, entails that in an actual war the legality of all decisions by any of the parties involved becomes problematic and open to question. This creates risks for the partisan and risks for those fighting the partisan. For the Schmittian partisan, however, taking risks is a way of life. Schmitt writes: 'He [the partisan] does not risk simply his life, as any regular combatant. He knows, and all depend on this, that the enemy regards him as acting outside legality, right and honour.'[15]

In *Theory of the Partisan* one can detect a dramatic crescendo as far as the legal status of the partisan is concerned: first, the partisan is altogether ignored, then, the notion of irregular combatant makes a timid appearance, followed by an attempt to recognize the rights of the civil population (the habitat of the partisan). This crescendo culminates in Schmitt's stark assertion that any attempt to codify the legal status of the partisan is a juridical impossibility. The distinctions between regular and irregular, between legal and illegal are not clear-cut, as partisan groups can be – and have been – linked to regular armies, depending on historical conditions. Indeed, one of the aims in most civil and revolutionary wars is precisely to question the above distinctions. Schmitt exposes with vigour the international jurisprudence's impossible goal: to formulate credible rules and regulations for situations, such as civil and revolutionary wars (where the partisan plays a central role) that are intrinsically 'irregular' and 'exceptional'. As an example of the inadequacy of international jurisprudence to grasp the problem of the partisan, Schmitt cites the request in the Hague agreement that a combatant, in order to receive juridical status (and the rights that go with it), should use clear sign of

identification and show visibly that he is armed. From a Schmittian perspective, this regulation is nonsense since:

> Secrecy and obscurity are his [the partisan's] most powerful weapons, which he cannot renounce without losing his (space of) irregularity, i.e., without ceasing to be a partisan.[16]

In his Weimar writings, Schmitt had argued that the rule of law could not possibly cope with the case of exception, and likewise in *Theory of the Partisan* Schmitt maintains that the efforts of international law to legislate the man of exception are doomed to failure.[17]

IV

Having briefly examined Schmitt's evaluation of the historical origins of the partisan and of the insurmountable problems encountered by international jurisprudence in dealing with its exceptional character, it is now important to consider Schmitt's definition of the partisan as a political concept.

Schmitt offers four criteria to capture the identity of the traditional partisan. These criteria serve different purposes in Schmitt's argument: two of them elucidate further the claim made above that the partisan is a type of combatant that could develop only when the modern notion of regular army was established; the other two criteria instead shed light on Schmitt's contention of the link between the phenomenon of the partisan and the crisis of the sovereign state.

I shall begin by examining the two criteria that define the partisan *vis-à-vis* the soldier in a regular army. One of these criteria has already been mentioned above: the partisan is an irregular combatant. In this respect it is important to distinguish between irregularity and lack of organization: Schmitt stresses that the former does not imply the latter. On the contrary, he points out that partisans can be, and in certain cases have been, highly organized. From an organizational point of view, the command-obedience relation is sometimes stronger in a partisan group than in a regular army. Schmitt points to the inappropriate use in the Geneva conventions of 1949 of the criterion of 'organization' as a distinctive feature to

establish regularity as an example of the inadequacy of international jurisprudence to capture the reality of the partisan.

The second criterion used by Schmitt to distinguish between regular army and irregular combatant or partisan is of a more technical nature: it refers to the greater mobility and agility of partisan groups. Partisans often 'fight individually' and engage in small-scale skirmishes relative to regular armies that are usually engaged in slower operations on a greater scale. However, Schmitt points out that in revolutionary wars this mobility-based distinction can be difficult to draw.

These two criteria – irregularity and mobility – illustrate the difference between partisan fighters and the regular army; however they do not explain why the phenomenon of the partisan occurs. To understand why partisan groups come into being, we need to concentrate on the other two criteria provided by Schmitt.

The bond between the partisan and the group or party is quintessentially political and this is the criterion used by Schmitt to distinguish him from the common criminal. Although the two might use at times similar tactics, their motivation – explains Schmitt – is altogether different, insofar as the former seeks to further the political ends of a group, or party, whereas the latter seeks private gain. The political bond between the partisan and his group or party is described as a total bond ('die totale Erfassung'). This is altogether different, Schmitt claims, from any type of bond or allegiance that links individuals under normal circumstances in a modern liberal state, a type of bond that I will discuss later on.

But when and how does a total bond, such as Schmitt describes, actually form? To address this question we have to remind ourselves of Schmitt's definition of the 'political' as the force that brings people together as friends against other people regarded as enemies. In *Concept of the Political* Schmitt maintained that under normal circumstances the state, and the state alone, can name the enemy.[18] In *Theory of the Partisan* Schmitt re-states this view: 'The legal government decides who the enemy is against whom the army has to fight'.[19] Our first question, then, leads to a second: under what circumstances is the state no longer in charge of naming the enemy? Schmitt's reply to this question is the same in all his works: if the state is unable to protect, then citizens are no longer obliged to obey, and hence the state no longer has the sole authority to name

the enemy. This view is put across more clearly and forcibly in *Theory of the Partisan* than in Schmitt's preceding works. Here he shows that when the state is no longer able to protect, then the partisan emerges: partisan insurgence and partisan groups are, for Schmitt, the symptoms of a 'weak' state: the stronger the political bond of an individual to a group or party, the weaker the state. By choosing their own enemy, partisan groups both challenge the legitimacy of the state and claim legitimacy for themselves.[20]

Thus, an all-absorbing political commitment to a group or party is not simply one of the criteria used by Schmitt to capture the identity of the partisan. It is also a fundamental index of the strength or weakness of a state, showing that under some circumstances the state loses its monopoly on making the political decision of choosing friends and enemies.

We may now turn to the final criterion used by Schmitt to define the traditional partisan. Schmitt refers to this criterion as the 'telluric' element ('der tellurische Charakter'), the deep-rooted attachment that a partisan has with a particular land or space. This criterion is important for two reasons. First, it indicates that this type of partisan is committed primarily to the protection of a specific territory which may or may not correspond to the territory of an existing sovereign state. Second, the link with a land distinguishes the traditional partisan from a different form of partisan examined below – a form that, according to Schmitt, became more and more visible in the second half of the twentieth century and will eventually replace the traditional partisan in global politics.

To sum up, the distinctive features of the Schmittian traditional partisan are his irregularity, mobility, intense political commitment, and deep bond to a particular place or country. Of these features, it is worth pointing out that the first two highlight the fact that the partisan is an indirect product of the modern state and its notion of regular army; the other two criteria, instead, illustrate the challenge created by the partisan to the sovereign state as the ultimate source of the political.

V

Along with this four-point characterization of the partisan, Schmitt also provides a partisan typology. He distinguishes between the tra-

ditional telluric partisan with the characteristics described above – irregularity, mobility, political motivation and bond to a territory – and the revolutionary global partisan who shares with the telluric partisan the first three qualities but not the last one. As the name would suggest, the global revolutionary has no special bond to a specific land.

Prima facie, this difference between the global partisan and the traditional partisan may appear superficial. However, Schmitt insists that the global partisan is the source of a type of enmity that differs not only from the enmity we associate with the sovereign state, but also from the enmity of the traditional partisan. Leaving the discussion of this claim for the next chapter, it could be argued that there is another important difference between the telluric and the global partisan, a difference that is not made explicit by Schmitt himself and is yet implicit in his overall argument, namely that while the telluric partisan seeks to replace an existing state with a new political entity (possibly another state), the global partisan instead strives to replace the state as a political form with a global ideal, be it a universal class or some other all-inclusive category such as 'humanity'.

According to Schmitt, the twentieth century witnessed an increase in the strength of the bonds between individuals in groups and parties. In *Theory of the Partisan,* Schmitt stresses that the debate on the so-called total state[21] had failed to notice that throughout the twentieth century it was not the state but the revolutionary party that had been the true fundamental totalitarian organization, the source of the 'total bond' between individuals. The formation of these new bonds was motivated by the state's inability to carry out its sole function, that of providing protection in return for obedience. One clear implication of Schmitt's position is this: partisan insurgence and 'acts of terror' are the symptoms of a 'weak' state.[22] The crisis of the state in carrying out its major function was driven by, and in turn drove, the formation of partisan and terrorist groups.

VI

As enemies of the state, the telluric partisan and the global partisan share certain aspects of their identity (political bond, irregularity and mobility), they share the same function (to provide protection in exchange for obedience) and also employ similar tactics in combating

the state. Moreover, both types of partisan develop and engage with new dimensions of domestic and global politics.

Firstly, as to domestic politics, partisan groups open up a new space for action, an underground world of secrecy and clandestinity. This new dimension ('Raumaspekt') is disconcerting because it defies and subverts the accepted rules and regularities, including the distinction between civilian and non-civilian. Schmitt writes: '[The] Partisan is he who avoids being seen armed, who fights by ambush, who uses as camouflage sometimes the enemy's uniform and stolen or lost badges, sometimes every type of civilian clothing'.[23] In addition to increasing the space for action, these enemies of the state create a new social dimension insofar as they establish a secret non-public arena aimed at destabilizing the public life of an association. Schmitt points out that a handful of terrorists can create widespread public insecurity, fear, and diffidence; the partisan few can terrorize an entire population.[24]

Secondly, as to global politics, partisans develop close and essential relationships with international actors in so far as they rely on external assistance, on agencies more powerful than themselves for practical help and recognition. This, in Schmitt's opinion, applies to both the national partisan and to the global activist. In the technological age, this dependence on a third party becomes more obvious and more necessary since the partisan cannot survive and flourish without continuous help from a technologically and economically capable ally which can supply him with training and weaponry. This powerful 'third party' plays a crucial role in Schmitt's account of the history and theory of the partisan. The function attributed by Schmitt to the third party is twofold: on the one hand, it provides the partisan with arms and supplies, on the other hand it gives political recognition to the partisan – recognition that the partisan needs in order to ensure that his activities are categorized not as criminal but as political. As Schmitt points out, an irregular combatant can only achieve legitimacy for himself and for his actions in one of two ways: he can either obtain recognition from some existing legitimate power, or he can try to establish his own legitimacy by military actions. What motivates the 'third party' to help the partisan? Schmitt says it is self-interest: the influence and power that the third party has on the partisan enhances its own standing on the international stage.[25]

According to Schmitt, partisan groups are greatly affected by technological change. Although he points out that even the most preindustrial partisan with the most unsophisticated of weapons can create problems for the most technologically advanced modern army, he believes that it is also true that the partisan takes part, as any other agent, in the technological development of arms and communications. According to Schmitt, it is the traditional, 'telluric' element of the partisan that is especially affected by technological change. Mechanization, industrialization, technological advancement in communications and weaponry are singled out by Schmitt as the forces that bring about the loss of the telluric element and turn the partisan into a small part of a gigantic machine that operates politically on a global scale. In today's terminology, we could say that, for Schmitt, globalization fosters the growth of the global activist and the notion of absolute enmity that goes with it. Moreover, with technological change the partisan becomes more and more dependent on 'the third party' whose power on the international scene correspondingly increases. The partisan becomes an instrument of an external agency by which, according to Schmitt, he is manipulated.[26] It is interesting to note that Carl Schmitt (who was writing in 1962) advanced various conjectures on the ultimate effects of technological advancement in weaponry and communications on the future of the partisan. These predictions range from the bizarre (like the 'Kosmopartisan'[27]) to the uncannily prophetic.

In Schmitt's view, all the partisan wars that took place in the second half of the twentieth century featured a combination of telluric and global partisanship. According to Schmitt, the example of the partisan in the Spanish guerrilla fighting in the early nineteenth century was not replicated to any great extent in other Napoleonic wars in the continent. The only notable exception, Schmitt points out, was in Russia where a partisan war against Napoleon did take place.

Schmitt claims that this state of affairs changed dramatically in the twentieth century. Partisan guerrilla warfare took place first in China (in 1927) and then in the Second World War in Russia, Poland, the Balkans, France, Albania, and Greece among others. Schmitt argues that the Russian partisan war against Hitler's Germany was a crucial factor in Germany's defeat as it consumed a large share of Germany's military resources. In the post-war period, Schmitt gives examples of

partisan fighting occurring in Indochina, the Philippines, Algeria, Cyprus, and Cuba. At the time when Schmitt was writing (in 1962), partisan wars were taking place in Laos and Vietnam.

VII

It is beyond the scope of the present work to address the problem of the historical accuracy of Schmitt's portrait of the partisan, or to compare Schmitt's concept with other theorizations that appeared in Europe in the post-war years.[28] My concern here is to emphasize the breadth of the concept of partisan.

There is a growing camp of scholars who have joined Jurgen Habermas and Jacques Derrida in emphasizing the relevance of Carl Schmitt's work for an understanding of contemporary terrorism and counter-terrorism.[29] Derrida in particular has drawn attention to Schmitt's theory of the partisan.[30] By contrast, specialist studies on terrorism have, until recently, shown little interest in Schmitt's partisan. In the classic bibliography on political terrorism by Alex Schmid and Albert Jongman of 1988,[31] Carl Schmitt's *Theory of the Partisan* is listed under the specific heading 'Terrorism from a military perspective', suggesting that Schmitt's partisan is no more than a guerrilla fighter. Schmitt's conception of the partisan is not mentioned in many influential works on terrorism, such as those by Paul Wilkinson,[32] Russell Howard,[33] Nadine Gurr, Benjamin Cole,[34] Martha Crenshaw,[35] Walter Laqueur,[36] Charles Townshend,[37] Bruce Hoffman,[38] to mention just a few. Even writers on terrorism who do engage with Carl Schmitt, such as Michel Wieviorka, devote attention to Schmitt's *Concept of the Political* or to his work on democracy rather than to his book on the partisan.[39]

Such lack of interest in Schmitt's theory is predicated on the aforementioned assumption that the Schmittian partisan is just a guerrilla fighter and hence is of limited interest to a modern study of terrorism. After all, one must distinguish between terror-inspiring agents and methods on the one hand and guerrilla fighters and warfare on the other – the two are distinct phenomena in an historical sense:

> The nineteenth century [...] witnessed the emergence of both modern [...] terrorism and guerrilla warfare. Guerrilla warfare

appeared first in the framework of the Napoleonic wars in Spain and in Russia, then continued in various parts of Asia and Africa, and reached its high tide after the Second World War with the disintegration of the European empires. Terrorism as we know it grew out of the secret societies of Italian and Irish patriots, but it also manifested itself in most Balkan countries, in Turkey and Egypt and of course among the extreme Anarchists, who believed in the strategy of propaganda by deed. Last but not least were the Russian terrorists, who prior to the First World War were by far the most active and successful.[40]

And, moreover, they are distinct in an analytic sense:

Terrorism is often confused or equated with, or treated as synonymous with, guerrilla warfare. This is not entirely surprising, since guerrillas often employ the same tactics (assassination, kidnapping, bombing of public gathering-places, hostage-taking, etc) for the same purposes (to intimidate or coerce, thereby affecting behaviours through the arousal of fear) as terrorists. In addition, both terrorists and guerrillas wear neither uniform nor identifying insignia and thus are often indistinguishable from non-combatants. However, despite the inclination to lump both terrorists and guerrillas into the same catch-all category of 'irregulars', there are nonetheless fundamental differences between the two.

Guerrilla [...] is taken to refer to a numerically larger group of armed individuals, who operate as a military unit, attack enemy military forces, and seize and hold territory [...] while also exercising some form of sovereignty or control over a defined geographical area and its population. Terrorists, however, do not function in the open as armed units, generally do not attempt to seize or hold territory, deliberately avoids engaging enemy military forces in combat and rarely exercise any direct control or sovereignty either over territory or population.[41]

Although the inspiration of Schmitt's reflections in the *Theory of the Partisan* is indeed a mobile and irregular combatant engaged in partisan warfare – suggesting a 'guerrilla' reading – a case can be made to support the claim that the Schmittian partisan is a very broad concept. I would like to suggest that the Schmittian partisan

symbolizes any non-state actor – a revolutionary party, a terrorist cell, a liberation front, an irregular fighting unit, a resistance group, an insurgency movement – determined to use violence and terror to undermine the state's monopoly of the political. The Schmittian partisan shares many aspects with the agent described in studies on terrorism.

For instance, both actors are motivated by political goals as opposed to private gains or concerns. Terror, threats and violence are performed with a political agenda: 'it is, in the end, not so much the actions themselves that are characteristic of terrorism, as their intended political function'.[42] The political drive which, according to Schmitt, distinguishes the partisan from a common criminal also establishes a point of contact between the partisan and the terrorist.

The similarities between the partisan and the terrorist extend to the non-observance of the distinction between combatant and non combatant, civilian and soldier, belligerent and neutral:[43] everyone and everything can be the target of their violence because these actors aim at challenging the established definition of legality and legitimacy.

Furthermore, a number of studies on terrorism seem to agree that, as Charles Townshend puts it, 'terrorism is most commonly conceived as a strategy of assault on the state';[44] if this is the case, then Schmitt's *Theory of the Partisan* is certainly also a study of terrorism – Schmitt offers a theory of the motivations, the tactics, the ethics, the goals of assaulting the state.

The literature on terrorism seems to agree that 'terrorism is a distinctive form of modern political agency, intended to threaten the ability of the state to ensure the security of its members'.[45] Similarly, Schmitt's partisan seeks to undermine the protection/obedience function of the state by developing new spatial, social, and international dimensions to hostility towards the state. They create an underground world of fear and intimidation and a clandestine system of honour and recognition which runs parallel to the official system. In explaining why partisan groups partly succeed in undermining the protection/obedience function of the state, Schmitt shows how these groups capture the public imagination by promising the creation of a new political identity or by defending an endangered identity that the actual state does not protect nor represent. The success of the Schmittian partisan does not reduce to achieving a specific military target; as in the case of terrorism, success for the partisan also lies in reinforcing the political

bond of the group, which in turn is essential for the group's identity. Ideology and identity politics are as crucial to the Schmittian agent as they are to the terrorist. Later, I will develop the thought that one type of partisan, namely the global partisan, is the ultimate righteous warrior and that he perceives his war and his use of terror as the epitome of just war.

Just as studies of terrorism sometimes differentiate between international and national terrorism, so too we have the Schmittian distinction between the telluric and global partisan. Both modern terrorist studies and the Schmittian analysis accept the claim that the existence of a third party is essential for the success of the group (be it terrorist or Schmittian partisan) and both agree that globalization, technology, communications and weapons technology affect tremendously the formation, organization and development of these groups. And just as there is no clear-cut distinction between national and international terrorism, so too there is no clear-cut distinction between telluric and global partisan: for Schmitt, Mao's fighter is both telluric and global. Having said this, though, the distinction is not so porous as to be of no use. For instance, one can differentiate between the state-oriented terrorism of the IRA and of the PLO on the one hand and the global terrorism of al-Qaeda on the other and, analogously, one can note the difference between the territorially limited aims of the telluric partisan and the limitless aims of the Schmittian global revolutionary.

The claim, however, that the Schmittian concept of partisan includes both the guerrilla fighter and the terrorist (rather than being reducible to the former alone) is complicated by the fact that finding suitable definitions for 'terrorism' and 'terrorist' has proved notoriously troublesome for academics.[46]

Of course, the great debate on the very definition of terrorism would not surprise Schmitt:

> Words such as state , republic, society, class, as well as sovereignty, constitutional state, absolutism, dictatorship, economic planning, neutral or total state, and so on, are incomprehensible if one does not know exactly who is to be affected, combated, refuted or negated by such a term.[47]

For Schmitt, the meaning and significance of political concepts are determined at each point in time by the historical struggle between

conflicting agencies.[48] Hence, terminological questions give rise to political issues.

'Terror' is not a neutral description or reading of an act of violence; 'terrorism', too, is an instance of polemical language. From a Schmittian perspective, however, this does not compromise the value of an analytical contribution to a political discourse on terrorism. Instead of trying to transform 'terrorism into a useful analytical term rather than a polemical tool',[49] as many studies on terrorism try to do, Schmitt's approach is to work with value-loaded terms with the conviction that this does not prevent the attainment of concrete insights into historical phenomena.

VIII

In this chapter we have seen that the partisan is an umbrella concept that symbolizes 'the man of exception' of the twentieth century: from the revolutionary party member of the Thirties to the national terrorist of the Sixties, from the resistance partisan of World War Two to the liberation fighter and the global terrorist of the second half of the past century. According to Schmitt's account, the historical origin of this man of exception can be found in the Napoleonic wars; he is both the by-product of the modern liberal state and its greatest challenge. Schmitt exposes the weaknesses of the liberal constitutional state and of international jurisprudence that try to bridle this man of exception with the slack reins of the rule of law.

Using tactics that include violence, terror, and intimidation, the partisan strives to erode the state's ability to provide protection for its members. The telluric or global partisan differ in their end goals: the former emerges in civil and colonial wars and seeks to replace an existing state with a political entity that better embodies the identity of its members and better defends their way of life; the latter instead challenges the state as political form for the sake of a universal aim or ideal.

Although the telluric and global partisans share three characteristics out of four (they are irregular, mobile combatants with a total bond among themselves), their difference is more important than their similarities: the telluric partisan has a bond with a place or land, the global partisan has not. This affects their notion of hostility, which will be examined in some detail in the next chapter; here we can

anticipate that the enmity of the telluric partisan is 'real', his enemy is located in time and space. Conversely, the enmity of the global partisan is 'absolute', his enemy is abstract.

Schmitt shows disapproval for the global partisan. The revolutionary follower of Lenin or Mao, the global actor and the international terrorist have one thing in common: they seek to replace the state with a global entity that represents nothing less than humanity. Schmitt warns against the rhetoric and bad faith of such tendencies. Global partisanship is explained by Schmitt as a step towards the death of the political. The global partisan is the Righteous warrior, mixing politics and morality, viewing violence and terror as the ultimate just war, fighting for the victory of Good over Evil.

With regard to the telluric partisan, Schmitt speaks approvingly of the bond that this political actor has with his space or land. Schmitt explains that the telluric bond imposes limits on hostility. The telluric partisan tries to replace an existing state with another political entity. It is not clear if this entity will be another state or a new political form; what is beyond doubt is that, unlike the global actor, the telluric partisan does not pursue some abstract ideal.

There are two traits shared by the global and the telluric partisan that seem to appeal to Schmitt: (i) the *total bond* between members of the group and (ii) the partisan's *reliance on an international ally*. In addition, as mentioned above, Schmitt seems captivated by a characteristic that is specific of the traditional partisan, namely (iii) his *telluric bond* with a space or land. I will consider these three characteristics in turn.

Firstly, according to Schmitt, all partisan groups are characterized by the total bond that exists between the members of that group. This bond is a sign of their political commitment. Even if partisans may act individually, the boundaries between individual members are somewhat blurred because they feel that they belong to a public self and are prepared to die and kill for it. For Schmitt, nothing in the liberal state can compete with this level of cohesion. The total bond in partisan groups defies the separateness of individuals in liberal democracies; their united public conscience is in stark contrast with the divisive private conscience that was discussed in Chapter 3 and that according to Schmitt produced a crack in Hobbes's theory of the absolute state.

Secondly, in Schmitt's account, both the telluric partisan and the global partisan rely on an external ally. As a result, the global partisan

is not fighting alone *contra mundum* and his activity is still political in Schmitt's sense. His ultimate aim, however, is the destruction of the political: he fights against the pluriverse that is at the heart of Schmitt's concept of international politics.

Finally, we may recall that for Schmitt the concept of space is fundamental to developing a *nomos* and establishing an order that is not based on moral grounds. Hence he approves of the telluric bond of the traditional partisan.

In *Nomos of the Earth* we read:

> Thus, for us, *nomos* is a matter of the fundamental process of apportioning space that is essential to every historical epoch – a matter of the structure – determining convergence of order and orientation in the cohabitation of peoples on this now scientifically surveyed planet. This the sense in which the *nomos* of the earth is spoken here. Every new age and every new epoch in the co-existence of people, empires, and countries, of rulers and power formations of every sort, is founded on new spatial divisions, new enclosures, and new spatial orders of the earth.[50]

IX

An examination of Schmitt's study of partisanship raises many questions: is the telluric partisan – this man of exception who has a total bond to a group and a telluric bond with a space, who always relies on an ally and whose target of hostility is always limited in time and space – the new political form? Can the partisan save the political in Schmitt's sense? Can he rescue the state from its crisis?

There is not enough textual evidence to answer such questions definitively. Hence, in what follows I will sketch a few suggestions that are very tentative in nature but are nevertheless hopefully in line with Schmitt's political thought.

Firstly, *there seems to be no end form of the political* in Schmitt's discourse, nothing that can match the polis in Aristotle's theory. The state gives birth to its own greatest challenger, the partisan. The partisan, in turn, paves the way for his own demise: he seeks international recognition for the legitimacy and legality of his activities, but when such recognition materializes, he ceases to be a partisan.

Secondly, Schmitt conveys the thought that *the course of a political form is predictable but largely uncontrollable.* For instance, from Schmitt's discourse we can conceive of a number of scenarios that could befall a telluric partisan: he may be defeated by some other actor, or he may succeed in defeating an existing state and become himself the core of a new state, or he may be able to bring about a new political form, or he can turn into a global partisan whose aim is to destroy the political in Schmitt's sense and to bring about global unity. Theoretically, all these outcomes are equally possible but glancing at the course of history suggests to Schmitt, especially in his more sober moments, that because of globalization, advancements in weapons technology, communications, and the influence of ideology, the last outcome – namely the transformation of the telluric partisan into a global partisan – is not only possible but probable. This would be a major step towards the death of the political.

Thirdly, I believe that from Schmitt's argument it is possible to reconstruct *the general characteristics of a political form* of which Schmitt would approve. We have seen above that Schmitt is sympathetic to the Westphalian state and with a number of traits of the telluric partisan. We can remind ourselves of what Schmitt liked about these historical forms.

Regarding the telluric partisan, Schmitt's imagination is captured by the total bond that this actor has with his group, by the telluric bond that he has with a space, and by his reliance on allies in fighting his enemy.

Regarding the Westphalian state, in his writings Schmitt draws attention to its absolutism (which protected it from the threat of civil war), to its connection with an enclosed territory and with *jus publicum europaeum* which imposed limits on its hostility.

If we compare the above different historical forms, we can advance a hypothesis about the characteristics of a political form that would have garnered Schmitt's approval.

I would suggest that the political form favoured by Schmitt is characterized by a *total bond* among its members which prevents the formation of friend/enemy grouping within the political entity; a *telluric bond* with a land and space and a *nomic bond* with other political entities. Such a political form could efficiently apply the friend/enemy principle and would be an embodiment of Schmitt's concept of the political.

To support our result by looking at the contraposition, we may notice that the liberal constitutional state that Schmitt loathed does not have any of the characteristics of a true political form: its individualism undermines unity among people; its cosmopolitanism undermines the telluric bond; its righteousness and moral universalism check the development of any order or *nomos* that is grounded on a non-moral basis.

Finally, we may notice that whereas the Aristotelian notions of 'end-form' of the political does not apply to Schmitt's political theory,[51] a case can be made to say that the Aristotle's distinction between 'corrupt' and 'true' political forms sheds light on Schmitt's discourse.

Aristotle – armed with the principle that a constitution is good if it fosters the interest of the ruled, and bad if it promotes the interest of the ruler – was able to offer a classification of constitutions and divide them into 'corrupted' and 'true'. Similarly, Schmitt uses his friend/enemy principle to distinguish between entities that are political in the concrete sense and entities where the political is a 'pretense' or 'a façade'.

In different works and at different times, Schmitt examined the Westphalian state, the liberal state, the 'absolute state' of the eighteenth century, 'the neutral state' of the nineteenth century, the total state[52] of the twentieth century,[53] the total party and total state in qualitative and quantitative senses,[54] the Reich and the *Grossraum*,[55] the two blocks of the Cold War and finally the Partisan.

The theme underlying these analyses seems to be the search for a historical form of the political that is 'true' in the sense that it is able to apply the friend/enemy principle concretely and it endorses its attendant notion of limited hostility.

In *Theory of the Partisan*, the Westphalian state regulated by *jus publicum europaeum* emerges as recent history's closest approximation to a true political form. Unlike some of Schmitt's readers, I do not interpret this result as meaning that Schmitt is particularly committed to the state as political form.

Although there is ample scope for disagreement, I would suggest that Schmitt genuinely wondered whether the telluric partisan, namely the man of exception of the twentieth century, might be able to give birth to the next political form that will replace the state as the normal form of the political.

5
Hostility: Historical and Conceptual Forms

In his Foreword to the 1963 edition of *Concept of the Political*, Carl Schmitt admits that the text of 1932 contained a major lacuna – a lacuna, he adds, that was pointed out to him by 'a Frenchman, Julien Freund' and 'an American, George Schwab'. He explains: 'the main deficiency [of *Concept of the Political*] lies in the fact that the different types of enemy – conventional, real or absolute – are not separated and distinguished with sufficient clarity and precision'.[1] The clearest understanding of the differences between conventional, real and absolute hostility can be gained from the *Theory of the Partisan* which was published by Schmitt at about the same time as the Foreword to *Concept of the Political*.

The first five sections of this chapter offer a textually-based analysis of Schmitt's typology of enmity which attempts to explain the meaning of different forms of enmity; the circumstances when they materialize; the original carriers of conventional, real and absolute hostility; the multiple historical causes that affect the dominant notion of enmity of an age; and the rise and growth in the twentieth century of 'absolute hostility'.

In the final section of the chapter I will put forward an interpretation of the triad of hostility which is more controversial and yet, in my opinion, in line with Schmitt's political thought. First, I will argue that 'absolute enmity' is not more intense than real or conventional enmity. This claim (that was anticipated in Chapter 1) is crucial for a correct understanding of the political in Schmitt. Second, I will suggest that although historically Schmitt presents us with a triad of enmity, theoretically he is interested in the duality of

limited and unlimited hostility. Third, I will claim that Carl Schmitt uses *jus publicum europaeum* in a subversive way.

I

In his works, Schmitt discusses 'conventional enmity' only briefly and indirectly, using it merely as a standard relative to which one can evaluate and explore the nature and meaning of 'real' and 'absolute' enmity. Schmitt links 'conventional' hostility to *jus publicum europaeum*, namely the system of law borne out of the Westphalia Treaty that informed foreign policy between nation states and regulated hostility and war between them. Schmitt stresses that the central unit of *jus publicum europaeum* is the sovereign state[2] and that, by its lights, the acknowledgement of a state's sovereignty implies an acknowledgement of the right to wage war. In this classical model of war and enmity, the state is the agency which makes the political decision of naming the enemy; the soldier has a duty of obedience to the state and 'the distinction of friend enemy is therefore no longer a political problem which the fighting soldier has to solve'.[3] The army is trained to recognize and to respect the difference between soldiers and civilians and to regard as enemies only those who wear a uniform.[4] All weapons are clearly visible and the uniform is worn with pride and as a symbol capable of immediate identification; the enemy is not denied respect, when captured or wounded the enemy is not denied rights or justice, victory over the enemy is valuable and honourable exactly because the enemy is acknowledged to have both value and honour. In Schmitt's view, *jus publicum europaeum* was able to regulate the waging of war by sovereign states precisely because it did not regard war as a crime. Schmitt insists that according to *jus publicum europaeum* 'the enemy has a status; he is not a criminal'.[5]

  Conversely, Schmitt contends, as soon as waging war is regarded as a crime, the attempt to regulate wartime conduct becomes as nonsensical and futile as an attempt to regulate murder. *Jus publicum europaeum*, Schmitt remarks, established clear distinctions between war and peace, between internal and external, between combatant and non-combatant, legal fighter and non-legal fighter, between neutrality and engagement, between enemy and criminal. These distinctions imposed boundaries on hostility which in turn,

Schmitt maintains, represented major progress in a humanitarian sense.[6]

Schmitt's account of the wars regulated by *jus publicum europaeum* can, of course, be challenged as an inaccurate simplification that many historians would not accept. From a purely juridical standpoint, Schmitt's claim that European jurisprudence regulated and hence humanized war in the period between the Westphalia Treaty and the First World War is also questionable. Karma Nabulsi has pointed out that until the second half of the nineteenth century 'the lawful practices of armies on land, and the difficulties these caused, notably the distinction between combatant and non-combatant and the rights and duties of occupying powers and occupied inhabitants'[7] were still juridically unresolved. Considering that invasion was certainly not an unusual occurrence for European states at war, a body of rules that has little to say on the practice of occupation seems to have an obvious shortcoming which belies the remarkable nature which Schmitt suggests.

However, even though Schmitt's account of wars during the Westphalian period may seem far-fetched, his notion of conventional limited enmity seems to be assumed by documents such as the St Petersburg Declaration of 1868 which is the first major international agreement prohibiting the use of a particular weapon in warfare.[8] The relevance of this document for our purposes is that it is inspired by the following key statement:

> The only legitimate object of States should endeavour to accomplish during war is to weaken the forces of the enemy state.[9]

The image of the enemy that emerges from the 1868 Declaration is that of someone we want to weaken and contain, not annihilate or destroy. The drive of hostility that the document assumes is not hatred or despise but calculated fear. The Declaration suggests that 'civilized nations' must be civilized not just in times of peace but also in their handling of war; it claims that to be civilized means to avoid unnecessary suffering to both ourselves and to the enemy; it assumes the possibility of fixing 'the technical limits at which the necessities of war ought to yield to the requirements of humanity'. Regardless of the long-standing debate over the possibility of finding a theoretical general solution to the conflicting claims of the

'necessity of war' and the 'needs of humanity', the document claims that in practice the use of particular weapons (such as 'explosive projectiles under 400 grammes weight') is cruel, inessential for the attainment of victory and is therefore to be rejected.

The appeal to self-restraint made in the 1868 Declaration is only superficially based on some romantic notion of humanity. Rather, given that the declaration and the self-imposed restriction of weapons is valid only for nations signing the agreement, the ultimate foundational principle of the declaration is a utilitarian concept of reciprocity. Explicitly, a state will refrain from the use of cruel weapons against an enemy that can be expected to do the same. Concern for the enemy's suffering alone cannot restrict one's behaviour against an enemy that does not show the same concern.

So although Schmitt's account of conventional hostility may sound idealized to historians of the Westphalian period, it can nevertheless claim to be grounded on historical documents such as the one discussed above.

In conclusion, then, conventional hostility implies limited and regulated enmity; its limitation is imposed by the classical distinctions assumed by *jus publicum europaeum* between war and peace, criminal and enemy, civilian and combatant. The protagonist of conventional enmity is the nation-state. The circumstances under which it materializes are inter-state wars. Schmitt claims that the practice of conventional enmity was dominant in Europe from the Westphalia Treaty of 1649 to the First World War.

II

The Schmittian notion of 'real hostility' cannot be found in any international agreement, perhaps because a striking characteristic of this type of hostility is that it resists and challenges regulations and legislation. Nonetheless, the concept of 'real hostility' can, according to Schmitt, be found in historical documents such as the Royal Prussian Edict of the 17 April 1813. This document, which urged the Prussian population to resist Napoleon's invasion by all possible means, is regarded by Schmitt as the Magna Carta of 'real hostility':

Every citizen of the state [...] has the duty to oppose the invading enemy with all sorts of weapons; hatchets, pitch forks, scythes,

and shotguns are explicitly recommended (§ 43). Every Prussian has the duty not to obey any order by the enemy but instead to try to damage him by all available means. Even if the enemy wanted to re-establish public order, no one can obey him because in so doing the enemy's military operations would be facilitated.[10]

It is clear that, unlike the Declaration of 1868, the Edict of 1813 makes no allowances for the enemy's humanity. The Edict does not recommend self-restraint, nor does it reveal any empathy for the suffering of the enemy. Rather, it recommends the use of 'all available means' to overcome the enemy, including force, brutality, acts of terror, deceit and camouflage. The disruption of law and order, the 'excesses of an unbridled mob', and 'reprisals and terror' are all regarded as legitimate and necessary for undermining an enemy that is stronger and that cannot be openly challenged.

Schmitt gives the case of the Spanish partisan war against Napoleon as a further example of this kind of 'real enmity'.[11] Moreover, he points out that the original bearer of this type of hostility is the telluric partisan examined in the previous chapter; in order to fight successfully, the partisan needs to blur all the distinctions assumed by *jus publicum europaeum* that curb conventional hostility.

For instance, the Schmittian partisan challenges the classical distinction between military and civilian: 'Partisan is he who avoids being seen armed, who fights by ambush, who uses as camouflage sometimes the enemy's uniform and stolen or lost badges, sometimes every type of civilian clothing'.[12] The partisan leads the regular army away from the traditional theatre of war into a new, subverted arena without traditional fronts or emblems or uniforms.

Another distinction problematized by the partisan is the classical distinction between enemy and criminal. The enemy is seen by the partisan as someone acting according to a notion of legality and legitimacy that he does not acknowledge.[13] The partisan knows, says Schmitt, that the enemy, too, regards him as a criminal acting outside legality and outside the traditional notions of honour and right: 'he [the partisan] does not risk simply his life, as any regular combatant. He knows, and all depends on this, that the enemy regards him as acting outside legality, right and honour'.[14] The risk[15] the partisan takes is a total risk, and it is a risk that he is prepared to take sustained

by his total bond with a group or party, for therein lies the source of his legality, value, and honour.[16]

Furthermore, the Schmittian partisan obscures the classical distinction between internal and external, domestic and foreign. Although the partisan operates in civil or colonial wars, and hence fights an internal enemy, it is also often the case that his friend is a foreign state, a powerful 'third party' which – motivated, for instance, by the desire to increase its power in the international sphere – provides the partisan not simply with arms and supplies, but more importantly with what the partisan needs most: the political recognition without which his activities would be categorized as non-political and therefore criminal.[17]

Finally, the partisan blurs the most important of all the distinctions attributed by Schmitt to *jus publicum europaeum* , namely the distinction between war and peace. Whereas peace with the enemy is the normal conclusion of an inter-state war, for the Schmittian partisan war and peace are moments of the ongoing struggle that cannot cease until the enemy is annihilated.[18]

However, the differences between conventional and real hostility are not limited to the respective regard and disregard for the distinctions of *jus publicum europaeum*. Whereas conventional hostility assumes the value and worth of the enemy, real hostility entails despise for the enemy; whereas conventional enmity assumes opponents of comparable strength, real hostility is often associated with great inequalities between the two opposing parties, and this in turn explains why terror, deceit and camouflage are the only way for the weaker side to attack the stronger. Moreover, while the unit of conventional enmity is the state and its forum is an inter-state war, real hostility is originally associated by Schmitt with civil and colonial wars and its fundamental unit is the partisan group.[19] Schmitt is keen to link the emergence of real enmity with the weakening of the state.

In conclusion, the advent of real, as opposed to conventional, enmity necessarily coincided with the birth of the partisan in nineteenth-century Spain: 'the partisan turns away from the conventional enmity of a controlled and circumscribed war and projects himself in a new sphere: the sphere of "real enmity" which by means of terror and counter terror keeps growing until annihilation'.[20] Real enmity is, for Schmitt, unregulated by *jus publicum europaeum* and

by its classical distinctions between war and peace, enemy and criminal, civilian and military, internal and external.

Schmitt, however, is not of the view that real enmity is totally unbounded. Rather, the 'telluric' characteristic of the partisan (namely his bond to a particular land) imposes spatial and temporal limits on his hostility and prevents him from making claims of absolute justice. Real enmity is, Schmitt insists, relative and not absolute, defensive and not aggressive.[21]

III

Before discussing the third and final form of hostility, a brief digression is in order, concerning the resemblance between the Schmittian concept of real hostility and Michael Walzer's notion of Guerrilla enmity.[22] Walzer offers a graphic account of guerrilla enmity by means of the following anecdote: during the Second World War, a platoon of German soldiers was on a march through the French countryside, passing a group of men that appeared to be French peasants digging potatoes. When the Germans marched by, the peasants dropped their shovels, picked up guns hidden in the field and opened fire: fourteen soldiers were hit. The 'peasants' were, of course, members of the French Resistance.[23]

Like Schmitt, Walzer associates guerrilla enmity with the blurring of the distinction between combatant and non-combatant and with the abandonment of the conventions of war. But Schmitt's reflections on partisan enmity differ from Walzer's in a number of respects. Here I wish to highlight two points of disagreement.

Firstly, unlike Walzer, Schmitt claims that it is neither reasonable nor realistic to expect an army which faces guerrilla fighters to stick to the rules and regulations of conventional hostility. In other words, real enmity, according to Schmitt, is 'contagious'. The partisan transgresses those norms of war with which the regular army is trained to cope. Faced by a people that fosters fighters without uniforms, the regular army loses control. The military reacts with violent reprisals, summary executions, the destruction of private property – even entire villages – and regards all these actions as fair punishment for behaviour that they perceive as cruel, devious, and illegal. Indeed, for Schmitt, the more one is willing to respect the enemy in uniform in even the cruellest of battles, the more one is inclined to

regard irregular fighters as real criminals ('Verbrecher').[24] According to Schmitt, this behaviour is an inevitable consequence of the logic of classical *jus bellum* which leaves the regular army unprepared for a war that directly involves the civilian population.[25]

Secondly, and more importantly, Schmitt, unlike Walzer, believes that although the original carrier of real enmity is the partisan or guerrilla fighter, during the twentieth century real hostility has slowly penetrated the conscience of all actors, including state actors. He gives as an example the treatment of Germany after the First World War: against the spirit of *jus publicum europaeum* that acknowledged the right of states to wage war as part of their sovereignty, after the war Germany was treated as a criminal by the victors and punished accordingly.[26] This heralded an abandonment of the Westphalian notion of 'legitimate enemy' and its replacement by the notion that the enemy is a criminal.

IV

The third type of hostility examined by Schmitt is 'absolute'. It is not only absolute in the sense that, as opposed to conventional enmity, it is unconstrained by the rules or regulations of *jus publicum europaeum* but also because, unlike real enmity, it is unbound by considerations of time and space.

In *Theory of the Partisan* Schmitt focuses his attention on the original bearer of absolute enmity in the twentieth century: the global revolutionary or activist. This actor shares many characteristics of the partisan, the original carrier of 'real hostility': he is an irregular fighter, he is mobile, and he has a political bond with a group. What sets him apart, though, from the traditional partisan is the lack of a special bond with a particular land. This, according to Schmitt, fundamentally affects his notion of enmity and war. Unlike the telluric partisan whose mission is defensive and concrete, the global activist fights for an abstract notion of justice, his field of action is the whole world, his mission is aggressive, and he is the protagonist of all revolutionary wars. Whereas for the telluric partisan the enemy is located in time and space and hence relative to, and bounded by, specific historical circumstances, for the global activist the enemy can be a universal enemy. The enemy is not simply criminalized by the revolutionary, and hence regarded as the perpetrator of illegal

and illegitimate actions, but he is also dehumanized, he is regarded as a monster, the source of all evil. Schmitt repeatedly points out that the enmity of the revolutionary is totally unbridled: the war of total and absolute enmity knows no limitations. In Bolsinger's words: 'the absolute enmity transcends and defies all legal and political bounds'.[27] Indeed, for the revolutionary, politics is just a cover for a never-ending state of hostility.

Schmitt identifies various historical incarnations of absolute enmity. In *Ex Captivitate Salus*, Schmitt singles out the concept of absolute enmity in the notion of *hostis generis humani* developed by Medieval Christian theologians;[28] in the last chapter of *Nomos of the Earth* he claims that absolute enmity is fostered by just war ideology,[29] a claim that he makes also in the 1963 Foreword to the *Concept of the Political*. Indeed, the notion of the 'absolute last war of humanity' coined after the First World War had already been singled out by Schmitt as an example of absolute enmity in the *Concept of the Political*.[30]

Schmitt is ironic about liberal justifications for absolute enmity, like a mission to impose what we consider our objectively 'higher' values on people with 'lower' values.[31] Indeed, an appeal to abstract ideals (be they justice, liberation, emancipation, democracy, universal rights) is the crucial difference between absolute and real hostility; in Schmitt's account the latter is about defending a land, a soil, or a country seen as essential for the preservation of a group's existence; the former is instead about imposing a new world order.

One may recall that, for Schmitt, theory is not simply influenced by historical practice, but also affects it in turn. Schmitt is keen to point out how this is evident in the case of Lenin, whose ideas in particular fostered the practice of absolute enmity in the second half of the twentieth century. Although he does not give quotations from Lenin's writings, there are many lines and passages in *What is to be Done?* that Schmitt would classify as an example of absolute enmity.

For example, Schmitt claims that bearers of absolute enmity perceive themselves as surrounded by Evil. It is clearly with such a thought in mind that Lenin writes: 'We are surrounded on all sides by enemies'.[32] Also, Schmitt claims that for the bearer of absolute enmity the end (of defeating Evil) justifies the use of all available means, hence entailing a disregard for any *jus in bello*. This vein of

thinking is also evident when Lenin urges revolutionary to use 'not one plan or method of political struggle, but all means of struggle'.[33]

It is worth pointing out that, for Schmitt, Marxism is not the only ideology which breeds absolute enmity. In *Theory of the Partisan*, Schmitt mentions, albeit briefly, other ideological views that undermine the conventional notion of limited and regulated enmity – views that are also touched upon in The *Concept of the Political* – namely, the notion of the 'last war of humanity' (coined, as mentioned above, after the First World War) or equivalently the notion of 'just war' and 'war in the name of humanity'.[34] Schmitt suggests that all these ideologies and beliefs promote the identification of the enemy with 'evil' thereby supporting the necessity of its complete elimination contrary to the spirit of *jus publicum europaeum.*

Whilst blaming the just war tradition, Marxism, Leninism and Liberalism for the revival of absolute enmity, Schmitt never acknowledges that the most striking carrier of absolute enmity in the twentieth century was Nazism. In the Foreword of 1963, Schmitt does list 'race' as a type of abstraction that, like class, can provide the foundation for abstract absolute hostility, and yet he makes no comment about Nazism. Of course, in Hitler's *Mein Kampf* one can find endless quotations that exemplify the messianic drive of absolute enmity:

> If […] the Jew is victorious over the other peoples of the world, his crown will be the funeral wreath of humanity and this planet will […] move through the ether devoid of men. […] Hence today I believe that I am acting in accordance with the will of the Almighty Creator : *by defending myself against the Jew, I am fighting for the work of the Lord.*[35]

The concept of absolute enmity is central to Schmitt's argument and we will come back to it again in the next chapter, refining our interpretation of what Schmitt intended by the concept.

V

We have seen that Schmitt offers a typology of enmity based on historical reflections. He describes conventional hostility as limited and regulated; the protagonist of this type of enmity is the sovereign

state and its limitations and regulations come from *jus publicum europaeum.* Real enmity is defined by Schmitt as unbounded by and subversive of the distinctions and regulations of *jus publicum europaeum*. Schmitt explains that this type of enmity was first seen in civil and colonial wars and was essentially defensive. The original protagonist of this type of hostility is the telluric partisan who sees the enemy as an oppressor, an invader to be repelled by all available means. Schmitt is keen to point out that real enmity is unbound by legislation and yet it is not completely unbridled in so far as the 'telluric' characteristic of the partisan (his bond to a particular land) imposes spatial and temporal limits upon his hostility and prevents him from making claims of absolute justice. The third type of enmity described by Schmitt is absolute. Schmitt ascribes this type of enmity to the global partisan. Whereas, for the telluric partisan, the enemy is located in time and space, the revolutionary sees his enemy as universal, such as a class or a race. Schmitt maintains that the enmity of the revolutionary is totally unbridled: 'the war of total and absolute enmity knows no limitations', neither the limitations of *jus publicum europaeum* (that constrain conventional enmity), nor the limitations of time and space (that confine real enmity).

As mentioned in previous chapters, Schmitt singles out a large number of factors affecting the dominant meaning of enmity of an epoch. These factors include the structure of the international political system, the ideology of the political agent, the level of technological advancement in weaponry and communications, the stage of economic development, and changes in the prevailing culture. Not only can these factors not be isolated from one another, but the relation of cause and effect between each of these factors and the prevailing notion of enmity is also far from clear.

In *Theory of the Partisan* Schmitt explains how the gradual abandonment of conventional enmity in the twentieth century is the result of the interaction between industrialization, the crisis of the state, globalization, the development of weapons of mass destruction, the influence of ideologies as different as Marxism and just war theory and changes in international jurisprudence.[36] Of all these, Schmitt singles out technology and ideology as the dominant factors.

Schmitt, not unlike Hegel, argues that there is a relationship between technological advances in weaponry and the underlying notion of enmity. He offers the powerful example of the nuclear bomb and

claims that in order to justify the possession and use of nuclear weapons, one must convince oneself that the enemy is worthless and inhuman. Weapons of mass destruction necessarily accompany an absolute, limitless notion of enmity. Hence the crisis of the conventional notion of enmity assumed by classical *jus bellum* (an enemy who is not worthless, nor a criminal) is also an indirect result of technological developments. Moreover, advancements in communications technology have also contributed to the erosion of the telluric element of the partisan.

Furthermore, just as Hobbes stressed the role of bad doctrines in the English Civil War, likewise Schmitt stresses the role of ideologies during the Cold War. In particular, these ideologies encouraged on the one hand the abandonment of conventional enmity and on the other the endorsement of the notion that the enemy is Evil. Writing in 1963, Schmitt says:

> Also in the other type of today's wars, the so-called Cold War, the whole conceptual framework that has so far supported the traditional system of defining and regulating war breaks down. The Cold War mocks all the classical distinctions between war, peace and neutrality, between politics and economics, between the military and the civilian, between combatant and non-combatant, and maintains only the distinction between friend and enemy, on which it grounds its very origin and essence.[37]

To support this, Schmitt notes the modern revival of the English word 'foe' that he claims has – after lying dormant for centuries – been revived from its slumber to be used once again alongside 'enemy'.[38]

In Chapter 3, I pointed out that his discussion of Clausewitz, Lenin and Mao, Schmitt articulates an interesting dialectic according to which historical practices penetrate concepts and theories which in turn influence future practices.[39] In Section (iv) above, I noted that Schmitt links Lenin[40] to absolute enmity, indeed 'Lenin made of the real enemy an absolute enemy'.[41] Schmitt contrasts Lenin with Mao (to whom he refers as 'the new Clausewitz'[42]) who never abandoned the Clausewitzian notion of real enmity and never played down the role of the telluric partisan, either in theory or in practice. Schmitt even claims that that the ideological differences between Chinese

and Russian Communism had their origin in a simple difference over the weight assigned to the 'telluric' element of enmity.[43]

Although the original agents of real and absolute enmity were partisan and revolutionary groups fighting in colonial, civil and revolutionary wars, the notions of real and absolute enmity have, according to Schmitt, evolved beyond and are no longer restricted to these historical agents and circumstances. For example, as mentioned in Section (iii), states entered the First World War as conventional enemies and left as real enemies. Germany was criminalized by the victors and this criminalization signalled the abandonment of the classical concept of *justus hostis* assumed by *jus publicum europaeum*.

VI

Having offered a textual interpretation of Schmitt's trinity of enmity, it is now possible to tease out some implications.

First of all, we may begin with the straightforward observation that conventional, real, and absolute enmity are all fatal. Regular soldiers can and do kill even more people than partisan fighters. Schmitt clearly makes the point that all wars bring about pain, suffering and above all death. Hence, the claim made by some interpreters (for example, Jacques Derrida) that absolute enmity is the most 'intense form of enmity' whereas conventional enmity is the least intense is in my opinion ungrounded, as nothing can be more intense than killing and dying – experiences that are common to all three varieties of hostility. Having said this, though, it is true that Schmitt describes conventional enmity as more limited than real enmity, and real enmity as more limited than absolute enmity. What is more or less limited is not the intensity of enmity but its target: conventional enmity targets only combatants, real enmity targets telluric enemies, and absolute enmity is indiscriminate and unbounded by considerations of time and space.

The acknowledgement that absolute enmity is as intense as other forms of enmity has far-reaching consequences when interpreting Schmitt. We may recall that Schmitt's assertion that 'The distinction of friend and enemy denotes the utmost degree of intensity of a union or separation, of an association or dissociation'.[44]

If we were to agree with Derrida that absolute enmity is more intense than conventional enmity, then we would be bound to claim that the political for Schmitt assumes absolute enmity. As Schmitt openly opposes absolute enmity in all his works,[45] we would have to concur with Derrida that Schmitt's writings were either incoherent or written in bad faith.[46]

If, however, we note that absolute enmity is not more intense than other forms of hostility, but simply more expansive in its list of targets (that includes both civilians and combatants, both concrete and abstract enemies), then it is possible to justify Schmitt's claim that his notion of the political was incompatible with absolute enmity. Indeed, as argued in Chapters 1 and 2, the friend/enemy principle excludes the notion of the 'universal enemy' and the coincidence of politics and enmity; for Schmitt, these are corollaries of absolute enmity. But if it is accepted that Schmitt genuinely opposed absolute enmity, we may then ask if he endorsed real or conventional enmity.

In Chapter 2, we visited the ambiguous claim made by Schmitt in *Ex Captivitate Salus* that he was the last supporter of *jus publicum europaeum* but that he interpreted it in an existential sense. There is no doubt that from the perspective of world history, Schmitt regarded the order imposed by *jus publicum europaeum* as unique, because it formed the precondition for what he called (following Proudhon and Vattel) 'limited war' or 'war in form'.[47] According to Schmitt, the juridical rationalization and humanization of warfare prevented the morality-based total destruction of the enemy characteristic of antiquity and the Middle Ages. The enemy was no longer a barbarian, a pagan or a criminal, but a just enemy, *justus hostis*. *Jus publicum europaeum* created the notion of conventional enmity discussed above: an enmity which is limited and restricted.

The ambiguity of the claim made by Schmitt in *Ex Captivitate Salus* that he supported *jus publicum europaeum* 'in an existential sense' is echoed by his irresolution in taking a clear stand on this issue in *Theory of the Partisan.* In places he praises *jus publicum europaeum* for limiting enmity, and in other places he seems to sympathize with the telluric partisan who ignores *jus publicum europaeum* and its restrictions and instead uses the 'telluric element' (the 'Heimat') as limitation of his enmity. This ambivalence can be arguably solved if we introduce a distinction that Schmitt himself did not make between conceptual and historical forms of hostility.

It can be argued that whereas, from an historical point of view, Schmitt identifies three forms of enmity (conventional, real and absolute), conceptually he reduces the main distinction to a binary opposition between limited and unlimited hostility. By saying that he supported *jus publicum europaeum* in a existential sense, he is suggesting that he endorses a form of enmity that is limited and can be regulated and contained by a *nomos*. By qualifying his endorsement of *jus publicum europaeum* with the remark that he gave an existential basis to it, Schmitt suggests that he borrowed 'something' from the only form of enmity that he describes consistently as existential, namely real enmity.

Although Schmitt praises *jus publicum europaeum* for limiting enmity, he also holds the belief that a limitation of hostility based on the classical distinctions between combatant and noncombatant made sense during the Westphalian period (when all wars were inter-state wars) but was not applicable to the twentieth century. Rather, in times when most wars are civil or colonial or revolutionary, a new foundation for limiting enmity was required. Schmitt believed that a new *nomos* of the earth could limit hostility in a way that was more appropriate to the twentieth century.

To conclude, the balance of evidence suggests that when Schmitt said that he supported *jus publicum europaeum* in an existential sense, he did not mean that he endorsed conventional enmity as some interpreters have suggested.[48] Rather, he meant that he endorsed limited hostility and that he advocated a *nomos* that grounded limitations not on abstractions (such as the combatant/non-combatant distinction that is academic in civil wars) but on concrete spatial references, such as the territory that curbs the enmity of the telluric partisan.

To conclude, an analysis of the concept of hostility discussed by Schmitt suggests that:

(i)   the difference between forms of hostility should not be cashed out in terms of intensity but in terms of targets; these targets are limited in the case of real and conventional hostility and unlimited in the case of absolute hostility;

(ii) whereas Schmitt presents us with three historical forms of hostility, conceptually we are offered a duality: limited versus unlimited hostility;

(iii)   By saying that he wanted to give an existential basis to *jus publicum europaeum* Schmitt meant to say that (i) he wanted to apply a *nomos* to hostility, limiting its targets and (ii) he thought that the ground for limiting hostility adopted by *jus publicum europaeum* had become inadequate in the twentieth century and that a new ground had to be found. The telluric partisan and his real enmity, bound by the love of a specific territory, could inspire a new ground for limited enmity, a ground that was concrete, and possibly valid across different cultures.

As a final thought on this topic, it is worth reminding ourselves of the influence of Clausewitz[49] on Schmitt's understanding of the political and in particular of his most famous dictum that puts war and peace on a continuum. By Schmitt's own admission, Clausewitz was the founder of the theory of the partisan and therefore the ultimate culprit of the crisis of *jus publicum europaeum*. In view of the fact that Schmitt rejected the war-peace opposition theorized by Hobbes and assumed by *jus publicum europaeum*, and instead adopted Clausewitz' view that politics contains war and peace, we can see that the qualification that he endorsed *jus publicum europaeum* 'in existential sense' is all-important.

It is often said that Thomas Hobbes used the concept of natural law subversively[50] in that he turned a theory which traditionally was invoked to limit the power of governments into the building block of his theory of the absolute state.

Similarly, it can be argued that Carl Schmitt sabotaged *jus publicum europaeum* in that he tried to use it to lend support to a political theory which totally undermined the stark separation of war and peace on which *jus publicum europaeum* depended.

6
The Righteous Warrior[1]

Although Schmitt claims that the twentieth century witnessed a shift from the conventional to the real and absolute forms of enmity, this ought not be taken to imply that in his view unlimited enmity is a purely modern phenomenon. On the contrary, Schmitt insists that absolute enmity has always existed and gives the religious wars of the sixteenth and seventeenth century as historical examples. In fact, it emerges that on Schmitt's account absolute enmity is the most natural form of hostility whereas conventional enmity is the most artificial. Schmitt credits European Rationalism with having restricted absolute enmity and having provided the people of Europe with almost three centuries of 'limited war'.[2] In this chapter, I am going to discuss 'just war thinking' and its effects on the underlying notion of hostility. From a Schmittian perspective, the endorsement of the notion of just war is a point of contact between otherwise very different ideologies and practices: it links Marxism, Leninism, Fundamentalism, Liberalism, global terrorism and global counter-terrorism.

Of the three types of enmity discussed in the previous chapter, the one associated by Schmitt with just war thinking is absolute enmity.

Carl Schmitt's allegation that a commitment to just war results in the demonization of the enemy is well known. Although Schmitt did not devote any specific work to an in-depth analysis of just war, the condemnation of the idea of just war is a recurring theme throughout his opus. On many key topics, Schmitt advocates irreconcilable views not only across different works but sometimes

even within the same piece and yet his critique of the idea of just war appears to be consistent and to remain unchanged in his pre- and post-war writings.

The aim of this chapter is to trace, analyse, and evaluate a number of arguments against just war thinking that one encounters in Schmitt's writings, namely that (i) no moral ideal can ever justify killing; (ii) one's belief in having *justa causa* exempts one from following *jus in bello*; (iii) civil war is the archetype of just war; (iv) *jus in bello* is only adhered to when *justa causa* has been abandoned; and (v) just war ideology allows a particular type of weapons technology to develop.

At a more interpretative level, sections (vi) through (viii) evaluate the novelty, coherence, historical accuracy and ideological orientation of Schmitt's arguments and of his claim that the ends of war control the means.

I

An argument against the notion of just war can be found in *Concept of the Political,* where Schmitt claims that 'no program, no ideal, no norm, no expediency confers a right to dispose of the physical life of other human beings'.[3] He continues:

> There exists no rational purpose, no norm no matter how true, no program no matter how exemplary, no social ideal no matter how beautiful, no legitimacy nor legality which could justify men in killing each other for this reason. […] The justification of war does not reside in its being fought for ideals or norms of justice, but in its being fought against a real enemy.[4]

In these passages of *Concept of the Political*, Schmitt's central claim is twofold. One the one hand, he maintains that killing and war can never be *morally* justified. On the other hand, however, he holds that killing and war can be justifiable on non-moral grounds. Schmitt's endorsement of the latter claim both highlights his rejection of pacifism and distances him from bellicism insofar as it suggests that waging war does need some form of justification, albeit not a moral one.[5] Indeed, this shows the similarity between Schmitt's position and that of some utilitarians who have justified defensive wars by resorting to non-moral arguments.[6]

Schmitt's endorsement of the former claim, namely the impossibility of any moral justification for war, brings to the fore the different stand taken by Schmitt from Christian supporters of the just war doctrine. The aim of Schmitt, of course, is not at all to challenge Christianity. Indeed, the Christian view on the morality of war is far from unambiguous.[7]

Schmitt questions the conviction that led John Locke to say that we have the moral duty to protect our life and even kill in self-defence since life is a gift entrusted to us by God. Above all, Schmitt rejects the Augustinian claim that waging war and killing are justifiable if their motivation is not lust for power or self-adulation but the punishment of these very sins. In *Contra Faustum* Augustine famously stated:

> What is the evil in war? [...] The real evils in war are love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance, and the lust of power, and such like – and it is generally to punish these things [...] that, in obedience to God or some legal authority, good men undertake wars.[8]

To recap, we have seen that against the idea of just war Schmitt puts forward the argument that no *moral* basis can be given to justify killing and war. Schmitt draws attention to the fact that there is nothing particularly *moral* in keeping ourselves alive above our enemies. This latter view is reminiscent of Hobbes, who stated in *Leviathan* that life is man's *summum bonum*, but *bonum* is what man desires and not what is moral.[9]

Schmitt, of course, is no pacifist and provides his own justification for war and killing: war is justified if waged in order to protect and preserve one's 'way of life'. This, Schmitt insists, is an 'existential' justification, with no moral foundations.[10]

II

A second argument deployed by Schmitt against just war is that, since it fosters the view that the enemy is evil, it leads to a total disregard for the rules of military conduct.

Schmitt regards the view that the enemy is evil as misguided but most natural. In 1932, he points out that 'emotionally the enemy is

easily treated as being evil'[11] and in 1963 he acknowledges the natural human tendency to consider the enemy as someone who acts against morality.[12] In all his works, Schmitt claims that such a characterization of the enemy needs to be opposed if bounds are to be imposed on hostilities. Schmitt excoriates the just war doctrine for doing precisely the opposite. He suggests that the notion of just war assumes that one party has morality on its side and thus the opposing party is morally defective. Schmitt claims that in a war between Good and Evil the regulations of *jus in bello* are inevitably ignored, as nothing can be allowed to hinder the pursuit of Good and the elimination of Evil. In other words, Schmitt subverts the moral superiority of any just war by arguing that any appeal to *justa causa* implies the abandonment of all conventions of war. For Schmitt, just wars are more cruel, more intense, and more inhumane than other wars. Moreover, he argues that the historical evidence of the just wars of the Middle Ages corroborates his claim.

In the Middle Ages, just conduct and just cause were not considered to be logically distinct: a just war, legitimately declared, was supposed to be waged by legitimate means.[13] Medieval *jus in bello* was inspired by Augustine and Aquinas' principle of proportionality which required the amount of force used to be proportional to the extent of the injury suffered and recommended proper treatment of prisoners and combatants.[14]

Having said this, Schmitt's contention that *jus in bello* was not a priority in the Middle Ages and that it became so only later is supported by many historians. Indeed, Schmitt's interpretation of just war in the Middle Ages may remind us of similar reflections made by other writers on just war, who have often mentioned 'the righteous posture of the medieval warrior who may have made warfare more barbarous through his conviction that he alone fought for a just cause' and who have pointed out that it is difficult to show 'tolerance toward the enemy when one is convinced that the enemy is totally unjust'.[15]

Schmitt argues that historical evidence shows that one's belief in having *justa causa* leads one to disregard *jus in bello*. Schmitt's account seems to offer two psychological explanations for this disregard of *jus in bello* in a just war: one is the *zeal* of the noble warrior who wants to achieve victory over evil at all costs, unimpeded by constraints on conduct; the other is the *despise* that the righteous

has for the sinner, condoning any departure from the convention of war as part of the punishment that the enemy deserves.

III

A third argument used by Schmitt against just war is that there is no trans-cultural or trans-historical notion of justice that can be invoked to claim that a war has *justa causa*. Although in places he does not deny that people and countries may at times be motivated by high ideals of justice, on the whole he suggests that any appeal to having justice on one's side is nothing more than a political stratagem or a propaganda device. In *Concept of the Political* we read: 'concepts such as justice and freedom are used to legitimize one's own political ambitions and to disqualify or demoralize the enemy'.[16]

In *Ex Captivitate Salus*, Schmitt reminds us that in the early modern age Christian theologians of *both sides*[17] traditionally had claimed that their mission to eliminate Evil was providing them with *justa causa* for war. The result, Schmitt tells us, were 'terrible civil wars'.

Schmitt's claim that the establishment of *justa causa* in the medieval and early modern period was problematic is, of course, historically accurate. Indeed, at a purely analytical level, one can point to the long-standing debate in the writings of Vitoria, Suarez, Grotius, and Wolff, among others, on whether a war can be just on both sides (*bellum justum ex utraque parte*) or whether only one side can claim to be motivated by the pursuit of good and justice. One theoretical attempt to solve the problem was the introduction of the distinction by Vitoria[18] and Grotius[19] between 'objective justice' of war, that can be only on one side, and 'subjective justice', that may well be on both sides, and consists of each agent's belief to have just cause. Schmitt's opposition to universalism leads him to reject the concept of *objective justice*; his realism, on the other hand, leads him to raise doubts about the Grotian notion of 'good faith' and 'subjective justice'. Rather, Schmitt's stand is resonant of Alberico Gentili, whom Schmitt often mentions with admiration, and who contributed to the debate on just war in his typical iconoclastic way by noticing 'that a war may be just on one side, but on the other is more just still'.[20] In the same spirit, Schmitt comments 'every one claims, of course, that right and truth is on his side'.[21]

Thus far, Schmitt's third argument against just war does not seem much different from that offered by other critics of just war insofar as it singles out the dispute on which party can claim a *justa causa* as the Achilles' heel of just war thinking. As Erasmus sharply put it, 'who does not think his cause to be just?'[22] However, Schmitt's relativism on issues of justice leads him to go further and to make a claim that distances him from most critics of just war. He claims that the archetype of just war is civil war: '[civil war] cannot be but just [*gerecht*] in the sense of being convinced of its own justness [*selbstgerecht*] and thus becomes the archetype of just war in general'.[23]

In *Ex Captivitate Salus*, Schmitt does not explain this claim, but in *Theory of the Partisan* he provides an argument that supports the view that in every civil war each party claims to have *justissima causa* and that each side of a civil war typically regards the enemy as evil and hence always ignores the conventions of war. Schmitt examines in some detail the principal actor of civil wars, namely, the partisan. The partisan in a civil war sees the enemy as a criminal[24] acting outside legality and legitimacy, an enemy to be fought with all available means, letting no rule – such as the distinction between combatant and non combatant[25] – hinder military necessity. The partisan, Schmitt maintains, believes to have *justa causa* and no *justus hostis*.[26] And whereas peace is the normal conclusion of inter-state wars, peace for the partisan is a mere moment in an ongoing struggle that cannot cease until the enemy is annihilated.[27]

Schmitt's claim that civil war is the archetype of just war is highly polemical. Indeed, for the Scholastic tradition the claim that civil war can be classified as a type (let alone the archetype) of just war is totally absurd. Thomas Aquinas had laid down three conditions for just war and the first was that the declaration be made by the legitimate authority.[28] Even twentieth-century supporters of the just war theory have listed among the conditions of a just war that it must be declared by the duly constituted authority.[29]

It is worth noting, though, that during the twentieth century many have questioned the applicability of Aquinas' conditions for just war to modern circumstances. Some critics of the just war tradition have pointed out that his criterion serves 'no helpful purpose at all' because of the 'rise of nationalism': 'in the absence of any international judge who could determine the justice of the various

national claims?'[30] Even writers sympathetic to the notion of just war have pointed out that any theory of just war that disregards the fact that in the twentieth century nation and state do not always coincide 'removes itself from the historical reality of war'.[31]

However, even if Aquinas' condition for just war regarding legitimate authority may no longer be applicable, Schmitt's claim that civil war is the archetype of just war is controversial for anyone who wishes to avoid the abyss of extreme relativism and hence rejects the view that any war one perceives as just is just. Even Lenin, who saw revolutionary wars as just and regarded all class struggle leading to civil war as just[32] falls short of suggesting that every civil war is just *qua* civil war.

Thus, the third argument that one can find in Schmitt's writings against just war is that God, reason, and human agreement have historically been invoked by both sides of a conflict to support the justness of their cause. Civil war is the archetype of just war as it exposes the traits of just war in its purest form: the demonization of the enemy and the rejection of any rule of conduct in war.

IV

Above it was noted that one of the arguments deployed by Schmitt against just war is that when a side believes to have *justa causa, jus in bello* is disregarded. The fourth argument I am going to examine is the contrapositive: it is only when *justa causa* is abandoned that *jus in bello* is followed.

As Schmitt had appealed to historical evidence from the Middle Ages to substantiate his second argument, so he appeals to the modern period between the Westphalia Treaty and the First World War to support this further contention. This period was the golden age of *jus publicum europaeum,* the system of law born in the sixteenth and seventeenth centuries with the aim of regulating interstate relations. Schmitt voices his admiration for this system of law that had taken the unusual step of replacing the medieval notion that the enemy was evil or criminal with the notion of *justus hostis* or 'legitimate enemy'.[33]

According to Schmitt, since *jus publicum europaeum* acknowledged that waging war was not a crime but a legitimate activity of states *qua* states, it was able to regulate it by means of *jus in bello*. The regulation

of war implied a 'relativization' of hostility.[34] Schmitt's claim can be broken down into three component parts:

Firstly, *jus publicum europaeum* abandoned the attempt to decide the justice of war and instead it acknowledged the right of states to wage war. As a result, states no longer needed to give a moral foundation to this right.

Secondly, the development of the codes of wartime conduct historically followed the abandonment of the search to justify war morally.

Thirdly, there is a causal relationship (of the typical *post hoc ergo propter hoc* variety) between these two phenomena. For Schmitt, it was *because* the notion of just war had been dismissed by *jus publicum europaeum* that proper attention could be given to the development of *jus in bello*.

As to the first and second component claims, it is not difficult to find studies that concur with Schmitt's analysis[35] and that accept the temporal sequence between the demise of *justa causa* and the rise of *justus hostis* (assumed by *jus in bello*).

The third claim, though, is much more debatable. Of course, one of the first to postulate a causal relationship between the two phenomena was Vattel: 'The first rule [...] is that regular war [...] must be accounted just on both sides. This principle is absolutely necessary if any law or order is to be introduced into a method of redress as violent as that of war'.[36] Indeed, the idea that there existed a causal relation between abandonment of *justa causa* and enforcement of just conduct in war has had its share of twentieth-century supporters: 'The importance attributed to the idea of the just war throughout the Middle Ages and well into the seventeenth century undoubtedly delayed the appearance of any body of rules restraining the more barbarous practices of warfare'.[37]

However, while the demise of *justa causa* might have been *one* of the multiple causes of the development of *jus in bello* during the modern age, it was certainly not the only cause. In places Schmitt seems to accept this qualification, and suggests that the development of *jus in bello* was the result of the felicitous conjunction of European rationalism, the growth of the nation-state, and a specific stage in the development of weapons technology. Consistent with his view that there can be no agreement on values and justice, Schmitt explains the acceptance of *jus in bello* as being motivated

not by moral considerations but by utilitarian calculations performed by political actors of roughly equal power. More precisely, he singles out the legal concept of reciprocity as the foundation of the convention of war during the golden age of *jus publicum europaeum*.

In spite of these concessions that reveal his awareness of the historical intricacy of the factors that promoted the development of *jus in bello* in the modern age, Schmitt is nonetheless on the whole keen to convey a more polemical and simplistic view, namely, that only because the idea of *justa causa* was abandoned, the notion of *justus hostis* could be developed and with it all the rules of *jus in bello*.

It follows, Schmitt suggests, that if in the twentieth century we want to avoid inhumane wars, the idea of *justa causa* needs to be dismissed and a juridical right to wage war (not based on morality) ought to be acknowledged to every political entity. This is indeed the view that he supports in *Concept of the Political*: 'To the state as an essentially political entity belongs the *jus belli*, the real possibility of deciding in a concrete situation upon the enemy and the ability to fight him with the power emanating from the entity'.[38]

V

Like many historians,[39] Schmitt locates the crisis of classical *jus publicum europaeum* at the Treaty of Versailles[40] and detects a simultaneous return to the notion of just war.[41] Schmitt points to the revival of the English term 'foe', resurrected, he claims, after lying dormant for centuries to regain currency in political debates.[42] The term 'foe' almost captures the negation of the concept of *justus hostis* postulated by *jus publicum europaeum*. Our foe is the enemy we despise and want to destroy. Our foe is the enemy against whom we fight a just war.

We may recall that in *Concept of the Political* Schmitt points to the return of the idea of just war in the shape of 'last war of humanity' – a notion coined after the First World War. Such a war, Schmitt explains, assumes that the enemy is not human.[43]

Since a war in the name of humanity denies that the enemy is a human being, so any war waged in the name of justice, progress, or civilization 'means to usurp a universal concept' and to 'misuse

peace, justice, progress, and civilization in order to claim these as one's own and to deny the same to the enemy'.[44]

In *Concept of the Political* Schmitt comments on Pufendorf and Bacon's claim that certain people are 'proscribed by nature itself' and that the Indians deserved extermination because they allegedly ate human flesh. He comments that 'as civilization progresses and morality rises even less harmless things than devouring human flesh could perhaps qualify as deserving to be outlawed in such a manner. What's next? Exterminating people because they do not pay their debts?'[45]

In 1932, Schmitt singles out Marx's notion of Revolution as well as Lenin's 'annihilating sentences against bourgeois and western capitalism'[46] as other ideologies of just war. Writing thirty years later, Schmitt voices the same condemnation of all ideologies of just war, be they motivated by liberal ideals of spreading justice and civilization or by Marxist tenets. In *Theory of the Partisan* on the one hand he condemns the justification of war to impose 'higher values' on people with 'lower values', remarking that for wars of this kind no price is seen as too high[47] and, on the other hand, he stresses the special input of Leninism and Maoism in the revival of the notion of just war after the Second World War and in fomenting civil and revolutionary wars throughout the globe.[48]

Not unlike his contemporaries (writing in the full heat of the Cold War),[49] in *Theory of the Partisan* Schmitt explains the gradual return of the idea of just war as the result of the intricate interplay of historical forces, including the crisis of the nation state, changes in the economy, increased contacts with non-European cultures, and technological developments.

More than most writers, though, Schmitt brings to our attention the relationship between the idea of just war and technology – this is not unsurprising considering that 'Schmitt incorporated a theoretical engagement with technology into practical-political treatises'.[50] Schmitt highlights the two different faces of technology in remarking that 'technology does not serve comforts only, but just as much the production of dangerous weapons and instruments'.[51]

Whereas the wars declared by Medieval Christian theologians against the enemies of humanity[52] were necessarily contained by the limited weaponry that was then available, a similarly-based war waged with the weapons technology of the twentieth century is terrifyingly limit-

less. Clearly inspired by Hegel, Schmitt in *Nomos of the Earth* postulates a dialectic between just wars and weapons technology. On the one hand, a just war calls for the deployment of the most effective way of allowing good to prevail over evil and therefore fosters the development of weapons of mass destruction (WMDs);[53] on the other hand, the creation and possession of WMDs are morally defensible only if the enemy is assumed to be a monster which therefore reinforces the ideology of just war. As mentioned in the previous chapter, nuclear weapons presume a notion of enemy that is different from that assumed by *jus publicum europaeum*: not an enemy who simply needs to be pushed back within his borders, but an enemy who deserves annihilation. Nuclear weapons cannot distinguish between combatant and non combatant and they cannot follow the rule of proportionality; the very possession of nuclear weapons blurs the classical distinction between war and peace.[54]

Hence we have a fifth argument against just war. Namely, just war ideology in the twentieth century imposes no limits on 'modern science and its technology' in the production of increasingly more lethal weapons that will annihilate present and future enemies: '*Tantum licet in bello justo!*'[55]

VI

Having reconstructed Schmitt's main arguments against the notion of just war that can be found in his opus, the first thing one notices is that Schmitt's critique is not entirely novel.

The first argument, that the justification for killing and war is not moral, has an illustrious forerunner in Hobbes who saw self-preservation as *summum bonum,* but not in a moral sense.[56] We have seen that both the second argument, that one's belief in having *justa causa* exempts one from following *jus in bello,* and the last argument, that developments in technology undermine classical *jus in bello,* had been aired in the same period by other scholars. As to the third argument, related to the difficulty of establishing *justa causa*, there is a long-standing debate that goes back to Vitoria, Suarez, Grotius, and Wolff and in this respect Schmitt's position is heavily reminiscent of Alberico Gentili's. Schmitt would have been slightly amused but entirely unsurprised that, regarding the recent war against Iraq, American Catholic supporters of the just war tradition such as Jean

Bethke Elshtain[57] were in favour of the war while the Vatican itself, appealing to the same set of moral principles, said repeatedly that such a war would be unjust so long as UN inspections were still taking place.

Carl Schmitt's fourth argument, that historically the demise of the notion of *justa causa* was followed by the rise of the concept of *justus hostis,* is hardly original, having been put forward by von Elbe in 1939 and others before him; even Schmitt's more controversial claim that there is *causal* relationship between the demise of just war and the rise of the notion of legitimate enemy had been advanced before (by Vattel, for instance).

As well as adding little to the debate, there is no doubt that Schmitt's critique of just war contains other limitations. For instance, it can be challenged for a lack of historical accuracy. Chris Brown convincingly argues that Schmitt's 'rather selective account of the history of the European state-system' from the mid-seventeenth century to the nineteenth century can be seriously challenged on historical grounds'.[58]

In addition, Schmitt's position is heavily ideological and polemical. For example, Schmitt repeatedly blames just war supporters, be they Marxists or Liberals, for the demonization of the enemy in the twentieth century. Not once does Schmitt mention the dehumanization of the Jews by the Nazi regime and the fact that the Holocaust was not carried out under even the guise of just war doctrine. Schmitt, as mentioned above, makes the polemical claim that the abandonment of the idea of *justa causa* promotes the observance of *jus in bello*. He conveniently chooses to forget that Nazi military forces in Poland did not appeal to any morally based notion of *justa causa* and yet they did not observe the most basic rule of *jus in bello*, such as the distinction between civilian and military targets.

Moreover, Schmitt is unconvincing when he suggests that in the twentieth century an abandonment of the idea of just war alone would entail stricter observance of the conventions of war. By his own admission, the (very imperfect and very partial) observance of *jus in bello* during the post-Westphalia period was the result of utilitarian considerations of reciprocity – we don't kill your civilians so that you don't kill ours – and was moreover derived from the comparable power of European states. In the twentieth century, because of the emergence of new actors on the international stage and because

of the increased difference in military power between states, the reciprocity principle can no longer be a necessary foundation for the respect of conventions of war. Also, as argued in the previous chapter, Schmitt believed that ideology is just one of the multiple factors that affect the meaning of enmity of an historical period and thus the removal of just war doctrine would not by itself remove the notion of absolute enmity that Schmitt considers as dominant in the twentieth century.

In spite of these weaknesses, Schmitt puts across a number of claims that are worthy of attention and relevant to the current debate on just war. He suggests that by rejecting the possibility of any moral justification for hostility and conflict one is not compelled to refrain from taking a moral stance on such issues. On the contrary, Schmitt himself adopts a normative position; his condemnation of wars fought for economic advantage or prestige, his sarcasm in denouncing wars fought to impose supposedly 'higher values' such as human rights or democracy, his insistence that his own theory does not recommend bellicism,[59] and his open disapproval for cruel and intense wars reveal Schmitt's moral stand. But, for Schmitt, moral views on war do not provide moral justifications for war.

Even in the places where Schmitt's critique of just war seems to be treading on familiar ground, he remains challenging, pushing every argument to its extreme polemical consequences. Here I will look at just a handful of examples of Schmitt's controversial and often original take on the stock arguments.

Firstly, although many have acknowledged the difficulty of agreeing what constitutes *justa causa* in waging war, to my knowledge nobody before Schmitt (not even Lenin) went as far as to say that civil war *per se* is the archetype of just war. Indeed, pushing the consequences of Schmitt's argument even further, we can say that from a Schmittian perspective the terrorist is the archetype of the righteous warrior or the crusader. Moreover, Schmitt draws his reader's attention to the spread of civil war in the twentieth century and the rise of nationalism. The suggestion that civil war can be an instance of just war exposes the dubious applicability of Aquinas' conditions for just war to today's circumstances. Aquinas' condition that a just war must be declared by a legitimate authority – a condition that is still endorsed by Catholic supporters of the doctrine today – seems particularly outdated.

Secondly, although a number of scholars have highlighted the relaxation of rules of conduct in wars motivated by *justa causa*, only Schmitt went as far as to postulate a perverse correlation between the means and ends of war: if the end of a war is moral, then the means by which it is conducted will be immoral, as nothing will be allowed to hinder the triumph of Good over Evil and no amount of human sacrifice will be regarded as too great to protect the life of the Noble Warrior.

VII

Michael Walzer regards the just means and the just ends of war as being largely independent even though they are inspired by respect for the same set of rights. Carl Schmitt instead suggests that means and ends of war are not independent. Indeed, Schmitt makes the point that in war the end controls the means. The example of Kosovo seems to support Schmitt rather than Walzer.

Although there is still debate on whether the NATO intervention in Kosovo can be regarded as a 'war', let alone a just war, for present purposes it is enough to accept that, for some, the NATO intervention in Kosovo appealed to some notion of *justa causa:* 'It was the kind of war […] a nation fights when it wants to, not when it must, when values rather than survival are on the line'.[60] According to Michael Ignatieff, Serb repression had passed the point of legitimate self-defence and this gave outsiders the moral grounds to intervene in the civil war; intervention in Kosovo was also approved by the Vatican, reputedly the principal custodian of the just war tradition. Moreover, Michael Walzer – whose main concern in his well-known *Just and Unjust War*s was to translate into secular language the principles of just war doctrine posited by Aquinas (namely just cause, last resort, proportionality, right authority and the protection of the innocent) – approved of intervention in Kosovo.

In his account of Kosovo, Ignatieff emphasizes that 'All NATO targets were assessed in terms of the Geneva Conventions governing the laws of war and lawyers decided whether each target was a justifiable military objective in legal terms and whether its value outweighed the potential costs in collateral damage'.[61] Ignatieff adds the detail that 'military lawyers attached to the US European Command, sat at computers terminals and contributed assessments of

the standard Geneva Convention questions for each target: was the objective military, were the means selected proportional to the objective; and what were the risks of damage to civilians. The texts of the Geneva Conventions themselves were available on screen'.[62] Fundamentally, 'the Geneva Conventions were used as a casuist's bible'.[63]

Ignatieff states with equal certainty, however, that in spite of all these legal precautions priority was given the lives of volunteering soldiers over the lives of innocent civilians, which in itself is against the spirit of the Geneva Conventions. He writes: 'High tech warfare is governed by two constraints – avoiding civilian casualties and avoiding risks to pilots. To target effectively you have to fly low. If you fly low, you lose pilots. Fly high and you get civilians'.[64] Faced with the trade-off between low-flying, high-accuracy bombing with increased risk of NATO pilot casualties on the one hand, and high-flying lower-accuracy bombing with an increased risk of civilian collateral damage and no risk of NATO pilot casualties on the other hand, decision-makers invariably opted for the latter. Indeed, 'as the campaign went into its second month, the alliance's moral preferences were clear: preserving the lives of their all-volunteer service professionals was a higher priority than saving innocent foreign civilians'.[65]

Ignatieff reports that people in Kosovo, including members of the Serbian intelligentsia opposing Milosevic, believed that *jus in bello* had not been followed by NATO forces, regardless of what American military lawyers were claiming. One individual is quoted as saying: '[NATO forces] were ready to risk the life of my wife and children but not their soldiers' lives'.[66] Ignatieff suggests that this is the reason why the very same members of the Serbian intelligentsia rejected the view that NATO military action was just; one of them is reported as saying: 'I would have had no moral problems fighting against NATO: we had a right and a duty to defend our country'.[67]

Ignatieff's account suggests that whereas NATO's intervention in Kosovo was inspired by some notion of *justa causa*, military action failed to follow the spirit of classical *jus in bello*. This seems to support Schmitt's contention that one's belief in being engaged in a battle against Evil excuses one from observing *jus in bello*. This is disquieting insofar as one can find other examples in recent

history that confirm Schmitt's predictions rather than Walzer's expectations.

VIII

In *Nomos of the Earth*[68] Schmitt considers the differences between the Christian medieval conception of just war and the 'civilizing' conviction of twentieth century just wars. While the enemy in many medieval wars was a *bad Christian* but nevertheless a child of Christ, in the twentieth century the enemy of, for example, Liberalism is not a 'bad liberal' but a barbarian, the uncivilized who dares to question the liberal belief-system and in particular the notions of democracy and human rights.

In other words, in the Middle Ages it was not uncommon for both parties engaged in a just war to appeal to the same belief system, namely Christianity, whereas in the twentieth century just wars are fought between parties appealing to incompatible belief systems. It follows that while in the Middle Ages the identity of the enemy could change, and an enemy could become a friend and vice versa, in the twentieth century the target of enmity is no longer temporary and changeable. On the contrary, the enemy is eternal, quintessentially the 'Other'. For Schmitt, just wars inspired by mutually exclusive belief-systems are the hallmark of the future and a consequence of a world which has expanded well beyond European culture. In his view, technology will make just wars more frequent and inhuman not only because of developments in weaponry but also because of increased contacts between peoples holding incompatible *Weltanschauungen*. And thus international politics between such agencies is nothing but a façade that masks a never-ending state of hostility.

For Schmitt, and in spite of its rhetoric of fighting for all human beings, Liberalism as a belief-system is no more inclusive than Leninism. As the fight for the liberation of the universal proletariat is at the expense of the liberation of everybody else, likewise the war for the victory of liberal principles seeks to destroy non-liberal principles and anybody who dares to hold them. In domestic politics, Schmitt accuses Liberalism of hiding the political and forcing it underground, but in the international arena Schmitt argues that by adopting the idea of war in the name of humanity, Liberalism engages in 'pre-

tence politics' and demonizes anyone that does not endorse its dogmas.

So even if the liberal language of human rights is *prima facie* universal and all-inclusive, according to Schmitt it lends itself to dividing human beings into to irreconcilable camps: the civilized and the barbarian.

This seems to concur with Ignatieff's verdict that liberal democracies demonize non-liberal democracies:

> We claim that the demonization applies only to rulers Saddam Hussein and Milosevic but imperceptibly the ruled are also tainted by our moral scorn […] . The language of human rights easily lends itself to the invention of a virtual moral world peopled by demonized enemies and rogue states facing virtuous allies and noble armies.[69]

Schmitt's reader cannot fail to notice that among the ideologies demonizing the enemy, Schmitt (even in his post-war writings) never mentions, let alone denounces, Nazism.

By way of a conclusion to this chapter, we may first recall that a recurrent, if sometimes implicit, way of classifying different approaches to *jus ad bellum* found in the literature is by means of an imaginary line with bellicism (that always justifies war) at one extreme and pacifism (that never justifies war) at the other, with various versions of just war theory (that justifies war in some cases) spanning the spectrum.[70] The metric implicit in the bellicism-pacifism line suggests that an endorsement of just war is a moderate position between extremes. The main original contribution of Schmitt's argument on just war lies in the claim that in the twentieth century just war thinking in any of its incarnations is anything but moderate: it is an extreme position that construes anyone who does not share its core values (be they liberal, Marxist or fundamentalist) as a monster.[71]

7
Friendship: Domestic and International

'[He] is not the sort of writer who often looks round to see if his readers are keeping up with him. He sets a smart pace and ignores the cries of 'wait for me' which many of his followers will find themselves uttering. Moreover, he is always on the move; if one rests for a moment in the shade of his wisdom, one looks up to find him already out of sight. And he has a disconcerting habit of pointing one way and going another.'[1]

In the above quote, Michael Oakeshott is speaking of Eric Voegelin's *New Science of Politics*, but he might as well have been talking about Carl Schmitt. Like Voegelin, Schmitt has no time for lazy readers. In spite of his reputation for being very clear, Schmitt delivers remarks that are apparently limpid but that in fact require considerable effort in order to be understood correctly.

Schmitt claims that the essence of the political is not enmity as such, but the possibility of distinguishing between one's friend and one's enemy. Even if nowhere in his works does Schmitt define the meaning of friendship in any great detail, he is keen to point out that this by no means implies that the concept of friendship is somehow secondary or less important to his concept of the political. As mentioned in Chapter 2, Schmitt points out that the construction of a juridical concept always proceeds from its negation and that this method does not imply the primacy of the negated concept.[2] Likewise, the construction of the concept of the political proceeds from the definition of enmity, but friendship is in no way less relevant to the political.

In the existing literature, one can find a thorough examination of Schmitt's claim that there is no politics if there is no enmity and yet there is a seeming lack of interest in Schmitt's assertion that the reverse is equally true, that there is no politics in Schmitt's sense if there is no friendship. The main aim of the chapter is to show that an analysis of the concept of friendship does illuminate Schmitt's discourse on domestic and international politics.

Firstly, as anticipated in a previous chapter, it is argued that any meaningful discussion of friendship in Schmitt's theory must start with the observation that two types of friends populate Schmitt's world: on the one hand there is the friend who is external to one's own group or party, whom we can call the ally; on the other hand there is the friend who belongs to one's own group or party, the friend as *camerata* or *compagno.* These two actors are crucial for an investigation of the meaning, role and significance of domestic and international friendship in Schmitt's theory.

Secondly, it is suggested that the tendency in the literature to draw too close an analogy between the friend/enemy principle and the self/other dichotomy can be seriously misleading as it misses the point that 'the other' confronting 'the self' in Schmitt's theory is not just the 'enemy' but also the 'friend'.

Finally, a typology of friendship (mirroring Schmitt's typology of enmity) is offered to argue that, for Schmitt, politics depends not just on the definition of enmity but also on the definition of friendship.

I

In *Theory of the Partisan,* Schmitt gives two characterizations of the 'friend'. Firstly, we have the friend who is external to one's own group or party, whom we can call the ally. Secondly, there is the friend who belongs to one's own group or party. This second type of friend features in an important passage of *Theory of the Partisan*, where the key characteristics of the partisan are discussed. The bond between the partisan and members of his group or party is described by Schmitt as total, altogether different from any allegiance existing among individuals under normal circumstances in a liberal democracy.[3] For Schmitt, the relationship between the partisan and his *compagno* or *camerata* is intensely political in so far as they are

prepared to die and kill for one another and for their shared way of life. The friend, construed as member of the same group or party, is a defining element of the partisan's identity: it helps establish who the partisan is to a far greater extent than other associations or characteristics such as his family or church or class, or even race and gender. While the friend-as-*compagno* or *camerata* is part of the partisan's identity, the external friend-as-ally, is the agent who recognizes this identity. When Schmitt refers to friends in *Theory of the Partisan*, he does not usually mean one's fellow fighters, with whom one has 'a total political bond', but the external and *public* friends or allies of one's group or cause. In Schmitt's account of twentieth-century partisan guerrillas, friends or allies tend to be nation states. The function attributed by Schmitt to the public friend is two-fold: on the one hand, he provides the partisan with arms and supplies and on the other he gives the partisan political recognition – recognition that is crucial to the partisan's political status. Without an external ally, Schmitt maintains that the activities of the partisan cease to be political and instead become merely criminal.

To conclude, for Schmitt, there are two types of friendship: one describes the relationship of one's own political unit to one's public friends or allies (be they a state, a party or a group) and is *symbiotic and yet utilitarian* in nature.[4] A second type of friendship describes the relationship between members of the same group or party.

II

There is textual evidence to support the view that both friends and allies are essential to Schmitt's understanding of the political.

In domestic politics, the type of friendship that exists between people is an index of the level of homogeneity and cohesion among them. At one extreme there is the individualist society discussed by Hobbes (as seen in Chapter 3) and at the other extreme there is the partisan group cemented together by a total bond (as seen in Chapter 4). Schmitt claimed that the flaw in Hobbes's theory of the state was owed entirely to his individualist assumptions that place him on the 'wrong' side of this spectrum; for Schmitt, the political is better served by fostering the sort of total bond that the partisan has with his group.

In international politics, the existence or non-existence of allies determines the status of politics: it may be dead, futile, or real. Politics

is dead if one has only friends; global unity coincides with the death of the political in Schmitt's sense. Politics is futile or a façade when one has no friends but only a universal enemy; Schmitt gives various examples of this such as the battle of Good versus Evil, West against East, civilization against barbarism. Politics is only real in the Schmittian sense when all political groupings have both friends and enemies; real politics is about the dynamic shifting of allegiances and hostilities.

The best way to appreciate what Schmitt meant by the claim that without a relationship to a public friend politics becomes a cover-up for a never-ending state of hostility is to concentrate on a most illuminating anecdote in *Theory of the Partisan*: the story of Raoul Salan.

In 1958, Schmitt tells us, General Salan was made commander-in-chief of the French armed forces in Algeria. Although initially a supporter of General de Gaulle, Salan became increasingly hostile to the French President as he was disillusioned by De Gaulle's shaky commitment to the defence of French sovereignty over Algerian soil. As a reaction, Salan founded the OAS (Organisation d'Armee Secret) in 1961, a secret organization that started to plan terrorist attacks against both the Algerian 'enemy' and French nationals on Algerian territory. In 1962, Salan was arrested and tried.

In discussing the Salan case, Schmitt stresses the fact that Salan initially had one enemy (the Algerians), then two enemies (the Algerians *and* the French) and finally a universal enemy (the whole anti-colonial world): in this way his enmity became absolute, abstract, and universal. Since Salan was, according to Schmitt, unable to find any agency or third party in the *mare magnum* of world politics that supported his cause, he instead was forced to clash head-on with the compact front of anti-colonialism. Schmitt makes a point that, I would argue, is of critical importance for a correct reading of his concept of the political, and of his concept of friend and enemy: *Salan had only enemies and thus his enterprise was no longer political.*

Schmitt believed that real politics could not take place in a world which was divided in two. The presence of external allies is as important to Schmitt as the existence of enemies. The absence of allies removed the political dimension of Salan's enterprise, and Salan emerges from Schmitt's story as the Don Quixote of politics.

III

In domestic politics Schmitt loathed pluralism and wanted complete unity and homogeneity; in international politics Schmitt loathed global unity and wanted a political pluriverse. The concept of friendship was therefore just as relevant as that of enmity in bringing about the sort of world that Schmitt envisaged: a world without enemies inside a political entity's borders, and a world of friends and enemies outside those borders. Of course, we are completely entitled to reject such a world as an ideal, but we cannot deny the accuracy of Schmitt's claim that the concept of friendship plays an essential role in his theory.

In Chapter 2 we argued that Schmitt rescued the concept of friendship from the private sphere to which it had been relegated by liberal theory, restoring to friendship the political status that it had enjoyed in ancient political thought. Although the meaning of friendship in Schmitt is altogether different from that of, say, Aristotle, the role and status of the concept is nevertheless comparable.[5]

In Chapter 5 we saw that Schmitt offers a typology of hostility and distinguishes between conventional, real and absolute enmity. For Schmitt, in the ideal case, all hostility materializes outside a state's borders and all hostility is therefore international hostility. However, because of the crisis of the state, hostility can and sometimes does materialize within a state's borders. It follows that his typology of hostility refers to both the domestic and international realms.

At an international level, Schmitt's typology of hostility is not mirrored by a correspondent typology of friendship: in Schmitt's account, allies and third parties are simply there to give us recognition and material help. However, at a domestic level, I would suggest that one can distinguish in Schmitt's discourse – especially in his comments on Hobbes's individualist society and on the bond of partisan groups – different types of friendship. Here I will propose a *typology of domestic friendship*[6] that Schmitt himself did not put forward and that mirrors the *typology of hostility* that Schmitt describes in some detail. The aim of the exercise is to shed more light on the role of this concept in his political theory.

To begin with, we may recall from previous chapters that the meaning of enmity emerges from the interaction of a large number

of factors in each epoch. We have seen that, for Schmitt, factors semantically affecting enmity include the structure of the international political system, the ideology of the political agent, the level of technological advancement in weaponry and communications, the stage of economic development, changes in jurisprudence and the prevailing culture. We have also observed that these factors cannot be isolated from one another, and that the relation of cause and effect between each of these factors and the prevailing notion of enmity is also far from clear. Of all the factors influencing the meaning of enmity in a given age, Schmitt seems to pay particular attention to two: ideology and technology.

Presumably, this also applies to the meaning of friendship. Just as one's definition of enmity largely depends upon ideology in Schmitt's understanding, it would appear to follow that an individual's definition of friendship is similarly dependent upon their underlying ideological perspective; hence there are as many different meanings of friendship as there are different ideologies.

As Schmitt gave us a typology of enmity inspired, among other things, by different ideologies, so we may attempt to speculate what a Schmittian typology of domestic friendship would look like, a typology which reflects each of the three different definitions of enemy discussed in Chapter 5.

I suggest that conventional enmity at international level – namely an enmity which is controlled, limited, regulated and, in Schmitt's own words, game-like – corresponds to a sort of friendship at domestic level that is similarly contained and restrained. This friendship is neither dramatic nor intense, but more akin to the relationship found between players. This *game-like friendship* is the lukewarm bond that, in Schmitt's view, individuals form in liberal democracies. It describes the relationship of Hobbesian citizens.

In a similar vein, it can be argued that the domestic friendship corresponding to real enmity is much deeper, much more fundamental, and much more dramatic than its game-like counterpart. For a telluric partisan or for a nationalist terrorist, his commitment to his group is total; he is willing to endure imprisonment, torture, and even death to defend his fellow fighters. He is willing to kill civilians and even children to protect his group. He would risk everything for his friends: his safety, his liberty, his reputation, his honour, and even his own family. In Schmitt's philosophy, the

ultimate source of this *existential or true friendship* is a common bond to their land (Heimat): a partisan's friend is located in time and space.

Finally, the third type of enmity, absolute enmity, is related to *abstract friendship*. Although the global revolutionary or global terrorist may have physical contacts with some friends, he is equally committed to friends whom he may never have physically met or even seen. This type of person is willing to kill and die for abstractions, be they ideals or people. For Schmitt, ideologies such as Leninism or religious fundamentalism have to some extent contributed to the development of absolute enmity and its counterpart: abstract friendship.

However, just as in the case of enmity, ideology is not the only important factor that affects the meaning of friendship. We may recall that Schmitt gave special status to technology and suggested that advancements in communications and weaponry were crucial for the advent of absolute enmity and the gradual but unstoppable crisis of both conventional and real enmity. As globalization has affected the notion of enmity and has fostered absolute enmity, so too has it affected the destiny of the concept of friendship: globalization has led to a shift towards 'abstract' friendship.[7]

Hence, even if there is no explicit typology of friendship in Schmitt's works one can nevertheless extrapolate and individuate three types of domestic friendship – game-like, existential, and abstract – which mirror Schmitt's own typology of conventional, real, and absolute enmity. The first type of friendship derives from an individualistic ideology in so far as friendship is a game only for someone who can claim to have an identity independent from his association to a group or party. The second type of friendship, true or existential friendship, can never be just a game; it is an existential bond between agents struggling to create their political identity. The third type of friendship, abstract friendship, is inspired by 'dogmatic' ideologies. The global terrorist or fundamentalist does not need concrete friends in his struggle against abstractions.

IV

Using Schmitt's typology of enmity and my complementary typology of domestic friendship, it is now possible to put forward a Schmittian

typology of the political.[8] I will suggest that, for Schmitt, friendship acquires a special political significance for those who understand politics as a pragmatic search for identity, whereas friendship plays a far less important role for ideologies that regard the identity of political actors as given, as is the case in Liberalism, or unproblematic, as Leninism or religious fundamentalism.

Although the major claims of this section are speculative and open to debate, my contention is that they are consistent with the spirit of Schmitt's philosophy and with the textual evidence introduced above.

A starting point for such an investigation can be found by returning to the case of General Salan. When relating the General's story, Schmitt points out that Salan had many enemies. How it is possible, Schmitt asks, to have more than one real enemy? His reply (that echoes Däuber) is worth recalling:

> '*Der Feind ist unsre eigne Frage als Gestalt*'.[9] If our own *Gestalt* is unambiguous, how can this duality of our enemy come about? The enemy is not something that I can do away with nor is he somebody whom we can destroy for his complete worthlessness. The enemy places himself on my own level. For this reason, I must engage with him in order to establish the very measure of myself, of my own boundaries, of my own Gestalt.[10]

As in classical logic there cannot be two distinct negations of a given statement, Schmitt argues that in politics, too, there cannot be two enemies (negations) of the same entity. The enemy is not just 'another', but is the very negation of the self. For Schmitt, the enemy does not simply bring our role, actions, values and interests into question; rather, the enemy challenges our very being. The result of any confrontation with the enemy is a verdict on our own identity. This view of enmity that Schmitt sometimes referred to as 'existential' is an enmity that comes from the soul and not from abstract ideals or principles, an enmity that has a concrete target that is relative and bounded exactly because the enemy is concrete.

For Schmitt, one cannot have more than one real enemy any more than one can have more than one real identity. Therefore, in the case of Salan we find the story of a man who, according to Schmitt, lost his political identity.

Schmitt's opposition to a world divided into two camps ('us and them') arose from his belief that the identity of a political entity undergoes a constant process of change and development.

Friends, allies, and enemies do not merely function as points of comparison. Of course, we do measure ourselves against our enemies; our friends are an integral part of our identity; our allies are our witnesses and helpers. But allies and enemies also serve a further crucial function: present allies can become our future enemies just as our present enemies can become our future friends. Joseph Bendersky is certainly correct when he claims that, in Schmitt's view, 'no nation is the natural or permanent enemy of any nation or group'.[11]

Schmitt's own concept of the political, and his insistence that we need allies as much as enemies, is predicated on the assumption that our identity is not fixed or given *a priori*. For Schmitt, real politics is an Orwellian, never-ending series of shifting alliances and changing identities. Friends and allies, as well as enemies, are all equally important for this process to take place. Real politics is dynamic, and hence Schmitt believed that if the world were to be carved into two opposing sides, this dynamic element would vanish and politics would become futile.

This belief led Schmitt to reject the polarized view of the world that was implied by just war thinking because it was incompatible with his understanding of identity as a process. This emphasis on the importance of the friend explains why drawing too close an analogy between the friend/enemy principle and the self/other duality can be seriously misleading. Unlike the self/other duality, there are not two, but three elements that make up Schmitt's concept of the political, namely, the self, the friend and the enemy. Real politics is about ourselves, our friends and our allies engaging with our enemy and with the enemy's friends and allies.

We can now sketch the four possible political scenarios that emerge from Schmitt's discourse.

First, there is a world with friends and enemies; here we have the pluriverse that Schmitt advocates and that historically describes the Westphalian period.

Second, there is a world with no friends but only enemies (or, to use Schmitt's terminology, a 'universal enemy'). The prospect of this world fills Schmitt with dread. It is a world where politics becomes a mere façade, a cover-up for a never-ending state of hostility. Schmitt

saw the Cold War, with its attending division of the world in two opposing camps, as an example of 'futile politics'.

Third, there is a world with only allies and no enemies, a pacified globe. In this case, Schmitt maintains that there is no politics. He writes:

> A world in which the possibility of war is utterly eliminated, a completely pacified globe, would be a world without the distinction of friend and enemy and hence a world without politics. It is conceivable that such a world might contain many very interesting antitheses and contrasts, competitions and intrigues of every kind, but there would not be a meaningful antithesis whereby men could be required to sacrifice life, authorized to shed blood, and kill other human beings. For the definition of the political, it is here even irrelevant whether such a world without politics is desirable as an ideal situation. The phenomenon of the political can be understood only in the context of the ever present possibility of the friend-and-enemy grouping, regardless of the aspects which this possibility implies for morality, aesthetics, and economics.[12]

As Leo Strauss and many interpreters have pointed out, Schmitt seems to dislike a pacified world as it is a world of entertainment. Strauss writes: 'It thus becomes clear why Schmitt rejects the ideal of pacifism [...] why he affirms the political: he affirms the political because he sees in the threatened status of the political a threat to the seriousness of human life'.[13]

Finally, there is a fourth scenario that worries Schmitt: it is the depoliticized world of liberal democracies. For Schmitt, liberal democracies have no real domestic unity; no public conscience, no total bond among their members but instead heterogeneity, individualism, divisive private morality, and a stark private/public divide. In this context, for Schmitt the political does not disappear but merely becomes invisible; the search for identity eventually leads one group or another to break free from the secret and hidden underworld of civil society, bringing the challenge of real politics to the fore.[14] The depoliticized world of liberal democracies is a ticking clock, ready to explode when the right conditions materialize.

From a Schmittian perspective, futile and invisible politics as well as the desire for global unity are inspired by ideologies that see political identity as unproblematic; real politics instead is inspired by the pragmatic search for identity.[15]

V

Although there is room for debate, I have no doubts in saying that Schmitt genuinely preferred real enmity to its absolute alternative because he saw the former as being located in time and space and linked to a *Heimat*. For Schmitt, real enmity is the basis of real, vibrant politics with a dynamic political landscape whereas absolute enmity leads us into a world of futility and stagnation where the future is an echo of the past. As, in my opinion, Schmitt was committed to real politics and real enmity, so he preferred what I called true or existential friendship.

Schmitt was captivated by the total bond that the partisan has with his group and saw in that bond the foundation of a truly political unit. He was fascinated by the telluric partisan's commitment to his friends, by his complete dedication to his political cause and by his unshakable willingness to kill and be killed in order to defend and protect the members of his group and their political purpose.

In my opinion, 'true' or 'existential' friendship would be endorsed by Schmitt for a number of reasons. Firstly, this sort of friendship assumes a non-individualistic definition of a person. It assumes that one's identity above all depends on 'belonging' to a group or another – in this understanding of friendship, a friend is not simply external; a friend is crucial in the formation of one's identity. Secondly, 'true' friendship assumes that one's identity is not given *a priori* but is rather part of a constant process of 'becoming'; it is a search whose outcome cannot be known in advance: just as we do not know who our future friends will be, we do not know how our identity will develop.

For Schmitt, true friendship engenders the type of bond that leads us to kill and die for a friend. Friendship is a tragic, intense and extreme experience that goes hand in hand with what Schmitt regards as real politics, the experience of dying and killing for the defence of a way of life. It is worth comparing the Schmittian, tragic

view of friendship with Michael Oakeshott's definition of conservative friendship; Oakeshott writes:

> [In the case of friendship] attachment springs from an intimation of familiarity and subsists in a mutual sharing of personalities. [...] to discard friends because they do not behave as we expected and refuse to be educated to our requirements is the conduct of a man who has altogether mistaken the character of friendship. Friends are not concerned with what might be made of one another, but only with the enjoyment of one another; and the condition of this enjoyment is a ready acceptance of what is and the absence of any desire to change or to improve. A friend is not somebody one trusts to behave in a certain manner, who supplies certain wants, who has certain useful abilities, who possesses certain merely agreeable qualities, or who holds certain acceptable opinions; he is somebody who engages the imagination, who excites contemplation, who provokes interest, sympathy, delight and loyalty simply on account of the relationship entered into. One friend cannot replace another; [...] *The relationship of friend to friend is dramatic, not utilitarian; the tie is one of familiarity, not usefulness; the disposition engaged is conservative, not 'progressive'.*[16]

Oakeshott's conservative man is deeply, dramatically attached to his friend but the issue of dying and killing for him does not arise. Oakeshott's friends go fishing together and settle their differences over a glass of wine; they spend their time engaged in idle conversation or debating the meaning of life. They share simple experiences together. Oakeshott's friends have no common plan of action, no agenda, no project, and this is what distinguishes them from Schmitt's friends. For Schmitt, there is no true or real friend without a project, and there is no real project that is worth pursuing that does not require us to die and kill. This exaggerated tragic element is the core of Schmittian friendship; 'true' friendship takes place in emergencies, it is a friendship which arises and thrives in a case of exception.

But from a Schmittian perspective this bond is more than one which forms in a state of emergency; it is the ideal type of friendship. One cannot claim to have a true friend unless one is willing to kill and die for him. Herein lies Schmitt's polemics: a friendship

formed in a time of crisis is the best sort of friendship, and hence the case of exception ought to be the ultimate aim of normality.[17]

The partisan's relationship to his group foments his adoption of the group identity and enables him to overcome the sort of individualism that dogs the society described by Hobbes. However, this positive aspect of total friendship is countered by a serious disadvantage: 'the adoption of group identity diminishes the sense of individual responsibility'.[18] Caputo makes the following observation about friendship in Vietnam: 'the comradeship that was the war's only redeeming quality caused some of its worse crimes'.[19] Perhaps it is better to have the sort of friends with whom we share only wine, conversation and the occasional spot of fishing.

VI

From Schmitt's discussion of Salan, from his critique of just war thinking and of the Cold War, this much is certain: for Schmitt, a bipolar system, a system of 'us' against 'them', is not genuinely political; only a pluriverse with multiple actors is political in Schmitt's sense of the word. The following statement by Winston Chuchill would have had Schmitt's approval:

> The policy of England of opposing the strongest most aggressive most dominating continental power takes no account of which nation it is that seeks the overlordship of Europe. It is a law of public policy which we are following and not a mere expedient dictated by accidental circumstances or likes and dislikes.[20]

In this statement, Churchill puts across a number of views that were dear to Schmitt: the view that the enemy is impersonal, that hostility is not based on emotional considerations and feelings of likes and dislikes, that present enemies can become future allies and vice versa, and that a state's main concern is to protect its citizens' way of life from the 'overlordship' or tyranny of other states.

Indeed, much of the secondary literature has stressed the distance in international politics between Schmitt on the one hand, and militarism, bellicism and Nazism on the other.[21] When writing about international politics, Schmitt is closer to Morgenthau[22] and even E.H. Carr[23] than he is to Adolf Hitler. Hitler's proclamation that 'with

the conception of race, National Socialism will carry its revolution abroad and recast the world'[24] is an endorsement of what Schmitt regarded as absolute enmity and futile politics.

Schmitt's approach to international relations is predicated on a set of distinctive assumptions and concerns, many of which one associates with political realism. Indeed, like most writers in the realist tradition, Schmitt tends to put across a negative view of human nature,[25] to argue for the separation of morality and politics,[26] to stress the centrality of the state, and to pick out survival and security as the state's motivating concerns. Also, Schmitt's understanding of the role of alliance, friendship, and 'die interessierte Dritte' in international politics is in many respects consistent with the realist approach to international relations and not with Hitler's ideology.

The link with realism in international politics should not, however, be overemphasized because – among other reasons – Schmitt has a most interesting notion of *nomos* that creates order on non-moral grounds and produces a *modus operandi* among political entities. In spite of the occurrence of the term *nomos* in many writers' works,[27] Schmitt's understanding of it is original and distances him from most realists. *Nomos* plays a crucial role in fostering Schmitt's notion of international politics.

To conclude, friendship is essential to Schmitt's understanding of the political. There are two notions of friendship: domestic friendship describes the relationship between the members of a political entity , international friendship describes the world outside a political entity.

If outside our political entity, in international politics, we have no friends, it follows that we have a universal enemy, and that politics is not real but futile. If in the whole world we have only friends, it follows that we are living on a planet without politics.

If inside our political entity, in domestic politics our friendship is strong, this will protect us from divisions and domestic enmity. Conversely, if the friendship with our fellows is weak, our society may harbour hostility and hide the political. We may be heading towards public unrest, violence, instances of terrorism and eventually even civil war.

Moreover, an analysis of domestic friendship carried out along Schmittian lines has suggested that true friendship ought to be about dying and killing for each other and that any other form of friendship

is inferior. It also suggests that the dominant notion of friendship in a society is an indicator of the status of the political in that society, that the meaning of friendship varies with ideologies, that the significance attached to friendship by each ideology depends on its understanding of political identity, that various factors affect which notion of friendship is predominant in a given age (these factors include the level of development in communications and other technologies), and that although the category of friendship does not coincide with any of its historical forms, nevertheless friendship gains its concrete content only when it does so.

By using friendship as a fundamental building block of his *Concept of the Political*, Schmitt was going against the dominant culture of his times. Schmitt attempted to rescue the ancient insight into the importance of political friendship and in so doing he challenged his contemporaries' tendency to relegate friendship to the private sphere and to the domain of personal and intimate relationships inspired by emotions such as affection, care and love.

In recent times, a growing number of writers have devoted attention to the role of friendship in domestic and international politics;[28] it is difficult to determine whether the current revival of interest in friendship is to some extent influenced by the revival of interest in Schmitt. What is certain, however, is that Schmitt's friendship is not aimed at abolishing enmity. Nothing could be less desirable from a Schmittian perspective than the pacified world described by communitarians and cosmopolitans. Friendship, in Schmitt's sense, can exist only if we have enemies.

Having said this, Schmittian friendship imposes limits on enmity: it precludes the emergence of the universal enemy who in turn makes real politics impossible.

8
Final Thoughts

In 1968, F.S. McNeilly famously warned interpreters against making 'splendid omelettes' from a philosopher's broken eggs. McNeilly claimed that it is misguided and misleading to reconstruct a philosopher's theory from a scatter of concepts or ideas put forward in various works written at different times. McNeilly was talking about Thomas Hobbes, one of the most consistent thinkers in the history of western political thought. In the case of Carl Schmitt, who changed many of his views throughout his life, McNeilly's warning seems particularly relevant. Many scholars have noted differences in focus, in orientation, in intention, and even in quality between Schmitt's pre- and post-Second World War writings. Jean-Francois Kervegan writes that 'at the heart of Schmitt's work, there is a remarkable contrast between texts written before and after the Second World War (or National Socialism) – so much so that they can be gathered into two completely independent groups'.[1]

Without denying that there is truth in the claim – made by many distinguished interpreters – that one can speak of two or three Carl Schmitts, this work has nonetheless tried to make sense of Schmitt's suggestion that there is an important continuity between his *Concept of the Political* of 1932 and his *Theory of the Partisan* of 1963. Such continuity is boldly stated in the subtitle of *Theory of the Partisan*, '*Zwischenbemerkung zum Begriff des Politischen',* and also alluded to in the 1963 Foreword to the Italian and German editions of *Concept of the Political*. The present study has tried to show that all of the main ideas about the political expressed in *Theory of the Partisan* are not only consistent with Schmitt's *Concept of the Political* but also shed

new light on the friend/enemy principle. In particular, three species of innovation and development have been noted.

Firstly, in *Theory of the Partisan* Schmitt adopts a less abstract and more empirical approach to his subject matter. Whereas in *Concept of the Political* Schmitt tries to give a timeless, ahistorical definition of 'enemy' and 'weapon', in *Theory of the Partisan* Schmitt is keen to consider concrete examples and is willing to draw on the results of experience. In *Theory of the Partisan*, Schmitt points us, albeit discreetly, to the knotty ball of historical threads from which the meaning of enmity is woven.

Secondly, in *Theory of the Partisan* Schmitt expands on issues that by his own admission had not been addressed with sufficient clarity in his earlier work. More explicitly, Schmitt distinguishes between the various types of hostility that were not adequately differentiated in his *Concept of the Political*. The present work has argued that critical clarification of real, conventional, and absolute hostility is fundamental to a correct understanding of the friend/enemy principle.

Thirdly, in *Concept of the Political* Schmitt had discussed the domestic challenges to the state, but the domestic enemy of the state – the partisan, the man of exception – had himself remained unnamed. In *Theory of the Partisan*, Schmitt focuses on this new political actor, who gives us a new insight into the friend/enemy principle.

In his work of 1932 and in its reincarnation just over thirty years later, Schmitt engages with three contexts: the world of experience, the self-interpretation of society and the canon of political theory. In spite of the abstract level of the discussion in *Concept of the Political*, Schmitt displayed a noticeable interest in registering people's understanding of the political, their views about culture and barbarism, and their flirtation with the notion of a war to end all wars. In spite of the more historical approach taken in *Theory of the Partisan*, we observed Schmitt's constant attempts to move from historical observations to conceptualizations and generalizations, from reflections on the way in which the partisan entered the consciousness of society – through art, literature and jurisprudence – to complex typologies about hostility, war, peace and friendship. It seems that Schmitt *qua* man-of-abstraction yearned to muddy his hands in the fields of historical experience while Schmitt *qua* man-of-experience could not help but extrapolate from the concrete to formulate complicated theoretizations.

In the remaining part of this chapter I will briefly comment on the overall results of the enquiry.

II

By tracing the assumptions and unpicking the implications of Carl Schmitt's friend/enemy principle, it is possible to see that Schmitt does much more than advance his viewpoint or ideology. He often contrasts his own understanding of the political with those of alternative approaches in the history of political thought. The present work has suggested that this aspect of Schmitt's methodology allows him to offer an interpretative theory of western political thought alongside his own more polemical theory of the political.

In our analysis we have paid particular attention to Schmitt's presentation of his ideas *vis-à-vis* mainstream political theory on four issues: the *function*, the *essence*, the *significance* and the *form* of the political.

In establishing the *function* of the political – what the political is *for* – we saw that Schmitt distinguishes between 'serious' and not-so-serious political thought. According to Schmitt, serious political thought takes a 'problematic' view of human nature as its starting point; it then assumes that security is the primary function of the political. In Schmitt's opinion, political thinkers often fail to follow this argument to its logical conclusion: the endorsement of the friend/enemy principle. Indeed, if the enemy exists and if security matters then a political entity must be able to distinguish between friends and enemies. Thus, if the enemy no longer exists, and if security is no longer a concern, then the political is redundant. In so far as the friend-enemy principle helps describe the function of the political, it does nothing new or different from what serious political thought had always done: the friend-enemy principle is just the older twin of the protection-obedience principle. Separated at birth, the latter was raised by a proud father, Thomas Hobbes, and enjoyed a privileged existence in political thought. The former was left to obscurity, neglected for centuries, and finally reached the public eye in poor clothes and bad company. Historical happenstance, however, ought not detract from the fact that the two principles share a logical connection and that the recognized need for security is predicated on the friend-enemy principle.

We have seen that, for Schmitt, establishing the *essence* of the political – answering the question of what the political *is* – depends on how one perceives the relationship between hostility and politics. Schmitt acknowledges three possible positions: the first, taken by Hobbes, sees hostility and politics as mutually exclusive concepts; the second, which Schmitt attributes to Lenin among others, identifies hostility and politics; the third, taken by Clausewitz, sees war and politics as points on a continuum. The position which Schmitt himself advocates is closest to that of Clausewitz; he claims that in order to be real, politics must contain both hostility and friendship. In keeping with this view, Schmitt maintains that one cannot define in advance where the political takes place, as many ideologies tend to do. Hostility belongs to the political, and hence the political must be wherever there is hostility: this could be in parliament, in the factory, or in the international realm but it could equally be on the street or in the jungle. For Schmitt, the political follows hostility, violence, and terror wherever they materialize.

As to the *significance* of the political – the question of how important the political is for our concrete existence – Schmitt suggests a link to the issue of identity. For the followers of Lenin or for the global fundamentalists, one's identity is known – it is based on abstractions such as class, religion, or humanity and it is endangered by other abstractions such as Capitalism, Barbarism, or a different religion. For Schmitt, when agents with unproblematic identities fight against abstractions, politics is futile. In the case of the Hobbesian man, identity transcends the creation of the political state. The task of the political is limited to protecting a pre-existing identity from hostility, violence and war. The identity of the Schmittian group, instead, does not pre-date the political nor is it known in advance; for Schmitt, a group's identity comes into existence and develops in an ongoing process of shifting allegiances and hostilities. In this case, the political is real and the search for identity existential.

According to Schmitt, western political thought has – at least since Hobbes's times – regarded the state as the only possible *form* of the political. Schmitt indirectly but firmly opposes not just the identification of the political with a particular form but also the notion that there *is* an end-form of the political. We have suggested that in his argument one can distinguish between corrupt and true forms of the political, depending on whether or not they correctly embody the friend/enemy principle. We also noted the difference between the

state and the partisan as political forms: the former represents a normal political form, the latter an exceptional one. We have also advanced a hypothesis for the requirements that a true political form ought to have.

III

A number of interpreters have highlighted hidden dialogues in Schmitt's writings between Schmitt on the one hand and Leo Strauss, Hans Morgenthau, Max Weber, V.I. Lenin and Walter Benjamin (to name but a few) on the other. For some interpreters, this inflation of hidden dialogues has been a cause for concern. Admittedly, the present work has added to the inflation because it has been suggested that, in addition to Schmitt's open references to Hobbes, there is a tacit engagement with Hobbes's political thought throughout *Concept of the Political* and *Theory of the Partisan*. Indeed, Schmitt also refers to Lenin in these works, both explicitly and indirectly, but Schmitt never engages with Lenin as seriously as he does with Hobbes. Lenin is, so to speak, 'the absolute other' for Schmitt; Hobbes instead is 'the other as measure' against whom Schmitt compares himself.

From Leo Strauss to Richard Wolin, many interpreters have argued that Schmitt's political theory 'ends up by standing Hobbes on his head'.[2] Indeed, Hobbes is an enemy and a friend for Schmitt. This work hopes to have shown how close are the concerns of these theorists and how vast is the distance that separates their outlooks and solutions.

In this book we have claimed that Schmitt agreed with Hobbes on two key points: human nature is problematic, and the protection/ obedience principle is the *cogito ergo sum* of the state. But, as we have also seen, Schmitt disagreed with a number of Hobbes's claims, of which we may single out three: Hobbes's identification of the political with the state, his view that politics and hostility are mutually exclusive concepts, and his commitment to the individual. We argued that Schmitt's friend/enemy principle is premised on the tenets on which he and Hobbes agree. Schmitt then uses this common ground as a launching pad for challenging the Hobbesian ideas that he finds unsatisfactory.

We considered Schmitt's work on Hobbes's *Leviathan* in some detail and argued that although Schmitt's critique is uninspired, his intuition that Hobbes's concession to individualism affected his notion

of sovereignty provides the insight that helps us locate the point at which the theoretical wedge between Hobbes's and Schmitt's notion of state has been driven. For Schmitt, Hobbes is the friend who put forward the protection/obedience principle; Hobbes is also the enemy who, blinded by his individualism, jeopardized domestic unity. Hobbes is the friend who realized the dangers of moral disagreements, who realized that *auctoritas non veritas facet legem*, who grasped better than anyone the foundations of legality, legitimacy, political obligation, and sovereignty. But he is also the enemy who distinguished between private faith and public confession, *foro interno* and *foro externo*, and who made his theory of sovereignty depend on man's absolute right to self-preservation. Hobbes may be a friend, but Schmitt certainly has a bone to pick with him.

The combination of deep admiration and contempt that Schmitt had for Hobbes is well-illustrated by his contention that the failure of the state as political form was due to a flaw in Hobbes's theory: even Hobbes would not have had the hubris to believe that his *Leviathan* would have been used as the recipe book for making the modern state and that his miscalculations were responsible for it being half-baked.

Schmitt saw in Hobbes the spokesman for modernity: the man of the great classical dichotomies between politics and hostility, war and peace, reason and passion; the man of grand theories and systems. In contrast, Schmitt thought of himself as the spokesman for the crisis of modernity, of a world where reality is no longer tidy, neat, and organizable, where reason is not the opposite of instinct, where civilian is not the opposite of combatant, where peace is not the opposite of war. Even the modern mode of thinking joined the crisis. Schmitt claimed that 'the age of the great systems is now over' and that only two modes of thought were available to him, namely either 'a retrospective historical glance' or the 'aphoristic style'. He added that to a jurist 'a leap into aphorism' is impossible and so the former mode of thought becomes obligatory.[3]

IV

Although the present study has focused on the connection between *Concept of the Political* of the Weimar years and *Theory of the Partisan* of the post-war period, one exception was made: a whole chapter

was devoted to Schmitt's work on Hobbes's *Leviathan* published in 1938.

The value of this work is two-fold; firstly, it enables us to develop an understanding of Schmitt's problems with Hobbes's theory of the state, and secondly it help explain his subsequent theoretical interest in the phenomenon of the partisan. Hobbes took as his starting-point the individual and ended up with a theory of the state that had not removed the ultimate cause of domestic hostility, or so Schmitt believed; so what would happen to a theory that takes as a starting-point the group rather than the individual?

This, I believe, is the question that drove Schmitt to study the phenomenon of the partisan. The partisan is an umbrella concept for Schmitt, it covers many things: the member of the revolutionary total party of the Thirties, the partisan of the Napoleonic wars, the resistance partisan of World War Two, the national terrorist of the Sixties, the liberation fighter, the global terrorist and so forth. Schmitt distinguishes between two different types of partisan: the global partisan who aims at global unity under the aegis of some abstraction such as class or religion or race; and the telluric partisan, who instead has concrete aims, targets concrete enemies located in time and space, has concrete allies, and is a carrier of the political in Schmitt's sense.

The partisan as portrayed by Schmitt is the opposite of the individual who caused the famous 'crack' in Hobbes's theory. Even when working alone, the partisan is *the* anti-individualist agent; he always thinks and acts as the member of a group, as part of a public self fighting against a public enemy. He shares a public conscience and does not have a private one. Nothing that he does is for private self-interest or personal advantage. He is prepared to kill his mother or his priest for his group. He is certainly prepared to die for his friends.

Schmitt emphasizes the total bond within a partisan group and contrasts it with the formal, lukewarm relationships that people have in liberal democracies. The more a person is bound to another, the less the strictly personal counts; a total bond among people breaks down the stark inner/outer, private/public divide that afflicts Hobbes's theory. Would a theory of the political that takes the partisan as its starting point deliver a solution to domestic hostility? How would a theory of the partisan address the problem of international politics?

We suggested that Schmitt must have reflected long and hard on such questions. For example, Schmitt shows how the total bond inside a partisan group goes hand in hand with the notion that there is an enemy outside the group endangering its existence. Without the enemy, the total bond weakens. Moreover, Schmitt stresses that the telluric partisan (unlike the global partisan) is someone trying to defend his way of life from concrete enemies by means of pragmatic alliances.

Schmitt singles out Clausewitz, Lenin and Mao as contributors to the birth and growth of the theory of the partisan. Lenin and Mao, however, were committed, though to a different degree, to the global partisan and not to the telluric partisan. They aimed at some form of global order predicated on abstractions such as class and understood the political in a different sense from Schmitt. But then, who after Clausewitz gave a contribution to the theory of the telluric partisan? This book has suggested that Schmitt is such a contributor. We have tried to argue that Schmitt's concept of the political develops naturally into a theory of the telluric partisan, and that ultimately this is Schmitt's response to Hobbes's theory of the state.

Schmitt regarded the partisan group (be it in the form of the revolutionary total party of the Thirties or the nationalist terrorist group of later years) as the political form of the twentieth century. He presented it as an 'exceptional' form of the political, unlike the state which was the 'normal form' of the political for four centuries. In Schmitt's account, the partisan – the man of exception – precipitated the crisis of the twentieth-century state. But the partisan can lead the search for a new form of the political and, once this has been found, the partisan will wither away. Indeed, in Schmitt's account, the partisan works toward his own demise: he wants the recognition of his own legitimacy, but when recognition is attained, a partisan ceases to be a partisan.

V

In the present work, we dissected the friend/enemy principle, focusing on its function, essence, significance, and relation to political forms.

We referred to the *foundations* of the friend/enemy principle only in passing, showing that Schmitt often tried to explain his beliefs

– for example the belief that 'domestic pluralism is bad but international pluralism is good', or the belief that 'domestic unity is good but global unity is bad' – resorting to historical, theological and philosophical arguments. Even though Schmitt is probably more stimulating when he is polemical than when he toys with theology or with philosophy, his attempt to offer explanations, sometimes very elaborate, for holding his specific belief system is worthy of attention. It shows that over the years, in spite of his rejections of grand theories, Schmitt became increasingly interested in offering what Voegelin calls an 'integral theory of politics'.

Of course, a study of Schmitt's integral theory of politics is outside the mandate of the present work, but the preceding analysis enables us to cast a final glance in this direction.

Eric Voegelin claims that 'a theory of politics, if it penetrates to principles, must at the same time be a theory of history'.[4] He continues:

> To pursue a theoretical problem to the point where the principles of politics meet with the principles of philosophy of history is not customary today. Nevertheless, the procedure cannot be considered an innovation in political science; it will rather appear as a restoration, if it be remembered that the two fields that today are cultivated separately were inseparably united when political science was founded by Plato.[5]

As Carl Schmitt did aim at penetrating the principles of the political, one wonders whether Voegelin is right that there must be somewhere in his argument a philosophy of history.

Of course, the term 'philosophy of history' is highly value-loaded and it can mean many things. In 1927, Michael Oakeshott wrote that the term 'philosophy of history' can mean either that there are some universal laws which regulate history or that behind history there is a hidden plot. Among those who believe that history hides a plot, Oakeshott distinguishes those who identify the 'plot of history' with some 'skeleton' (which supports and gives meaning to the whole structure) from those who think of the plot of history as a 'puzzle' which acquires meaning from the gradual addition of pieces. Oakeshott warns that the analogy with the puzzle cannot be taken too far because in the case of history the shape and colour of the pieces

are not fixed and immutable but change with the identity of the person who tries to puzzle them together. Oakeshott concludes his reflections on the philosophy of history thus:

> The philosophy of history in the sense of the discovery of general laws of which historical events are instances, is an illusion; in the sense of the discovery of a plot in history it is ambiguous. If the plot be a mere skeleton of so-called essential facts, it is a chimera; and if it be all the facts seen as an interconnected whole, it differs in no respect from history itself.[6]

Whether or not we agree with Oakeshott's understanding of – and verdict on – the philosophy of history, it is helpful to borrow his concepts of 'plot', 'skeleton', 'puzzle', and 'general laws' to assess if Schmitt has a philosophy of history.

On the one hand, it can be observed that for Schmitt there are no general laws of history. On the other hand, there is often the suggestion in his argumentation that, from politics to history, everything is a puzzle that theology can solve. Moreover, from Schmitt's political theory, the friend/enemy principle emerges as the skeleton supporting and surviving all the various 'incarnations' of the political , from the Greek *polis* to the nation state, from the revolutionary party to the terrorist group. The skeleton, we are told, does not exist outside its incarnations, but it seems to survive them all. The friend-enemy principle is like the Aristotelian substance upon which different political forms supervene. Whereas in *Concept of the Political* Schmitt offers the timeless characteristics of the skeleton, in *Theory of the Partisan* instead he is more interested in reflecting on historical embodiments of the skeleton such as the state and the partisan. Should the political become extinct, Schmitt tells us, history as we know it would cease to exist, too.

From the remark that history has a skeleton it does not follow that history is going somewhere. Indeed, when reading Schmitt, one has the feeling that he would have agreed with Herbert Butterfield that 'history is not a train, the sole purpose of which is to get to its destination'[7] and that 'the word *pattern* itself is too hard to be applied to anything so elastic as history'.[8]

In the preceding chapters we have tried to show that for Schmitt the political is a process; it is not rigid and fixed, but liquid and

shapeless like water. Just as the colour of a river, the direction of its flow and shape of its meanders depend on the contours and character of the terrain, so too the political for Schmitt depends upon the complex socio-politico-historical landscape in which it exists. But the landscape is not completely beyond human control: men can build banks to contain their rivers and can find a new *nomos* to regulate their politics.

In this book, we have not explicitly discussed Schmitt's ideology; in part, this is due to the fact that many important historical and analytical studies of this topic can be found in the existing literature. Indirectly, however, we have suggested that it is very difficult to pin down Schmitt's *Weltanschauung.* On the one hand, Schmitt openly identifies his enemies, namely the supporters of liberalism, cosmopolitanism, just war theory, Marxism and Leninism. On the other hand, Schmitt is highly ambiguous about his friends. His condemnation of enmity inspired by abstract categories such as race and his dislike of global projects in international politics suggest some distance between Schmitt and Hitler; his commitment to the concept of *nomos* raises doubts about his political realism; his views on political theory, on the meaning of friendship, on the definition of the political, on history – to mention but a few – seem very different from those of Eric Voegelin, Leo Strauss and Michael Oakeshott; these views cast doubt on the claim made by some that Schmitt is a voice of twentieth century conservatism. For a theorist who claimed that political theory is part of the political struggle and that a fundamental element of this struggle is the grouping of friends and enemies, it is somewhat ironic that Schmitt himself was unwilling to find – or unable to recognize – any friends.

Notes

Chapter 1   Introduction

1 C. Schmitt, *Concept of the Political* (London and Chicago: University of Chicago Press, 1996 [1932]), p. 19.
2 C. Schmitt, *op. cit.*, p. 20.
3 C. Schmitt, *op. cit.*, p. 26.
4 'In diesem Mileu hat man aus einer vorsichtigen, ersten Absteckung eines Begriffsfeldes ein primitives Schlagwort gemacht, eine sogenannte Freund-Feind-Theorie, die man nur vom Hörensagen kennt und der Gegenpartei in die Schuhe schiebt', in C. Schmitt, *Der Begriff des Politischen. Text von 1932 mit einem Vorwort und drei Corollarien*, 7th edn (Berlin: Duncker & Humblot, 1963), p. 16.
5 In this book I make reference to the original German text, C. Schmitt, *Theorie des Partisanen: Zwischenbemerkung zum Begriff des Politischen* (Berlin: Duncker & Humblot, [1963] 1975) and all translations are my own.
6 F. Meinecke, *Machiavellism: The Doctrine of Raison d'Etat and its Place in Modern History* (London: Routledge and Kegan Paul, [1924] 1957). It is worth mentioning that Carl Schmitt read and commented on Meinecke's work in C. Schmitt, 'Zu Friedrich Meineckes "Idee der Staatsräson"', *Archiv für Sozialwissenshaft und Sozialpolitick*, 56:1 (1926) 226–34, published also in C. Schmitt, *Positionen und Begriffe* (Berlin: Duncker & Humblot, 1994).
7 C.J. Friedrich, *Tradition & Authority* (London: Pall Mall Press, 1972), p. 21.
8 E. Voegelin, *The New Science of Politics* (Chicago and London: The University of Chicago Press, 1987).
9 S. Wolin, *Politics and Vision* (Princeton: Princeton University Press, 2004).
10 N. Bobbio, *Thomas Hobbes and the Natural Law Tradition* (Chicago and London: University of Chicago Press, 1993), p. 29.
11 H. Arendt, *On Revolution* (Harmondsworth, Middlesex: Penguin Books, 1963), p. 19.
12 S. Wolin, *op. cit.*, p. 9.
13 Thucydides' 'The History of the Grecian War', translated by Thomas Hobbes, in W. Molesworth (ed.) *The English Works of Thomas Hobbes*, Vol. VIII (London: John Bonn, 1843), p. 348.
14 T. Hobbes, 'Of the Life and History of Thucydides', introduction to his translation of Thucydides' 'The History of the Grecian War', in W. Molesworth (ed.) *op. cit.*, Vol. VIII, p. xxiv.
15 E. Vögelin, *op. cit.*, pp. 1–2.
16 S. Wolin, *op. cit.*, p. 9.

17 E. Vögelin, *op. cit.*, pp. 2–3.
18 C.J. Friedrich, *op. cit.*, p. 21.
19 The lectures delivered at the University of Cambridge in 1948 are published in H. Butterfield, *Christianity and History* (London: G. Bell and Sons, 1954).
20 C. Schmitt, *Concept of the Political*, p. 32.
21 *Ibid.*, p. 32. Ideally, the state is the basic unit of the friend/enemy principle: 'the state as an organised political entity decides for itself the friend-enemy distinction', *Ibid.*, pp. 29–30.
22 Quoted by B. Arditi, 'On the Political: Schmitt contra Schmitt', *Telos*, 142 (2008) 7–28, p. 7.
23 C. Schmitt, *op. cit.*, pp. 33–5.
24 *Ibid.*, p. 35.
25 'The affirmation of the political is the affirmation of the state of nature', L. Strauss, 'Notes on Carl Schmitt: The Concept of the Political', in C. Schmitt, *op. cit.*, 81–107, p. 103.
26 L. Strauss, *op. cit.*, p. 92, fn. 2. A most interesting discussion of Carl Schmitt and Leo Strauss can be found in H. Meier, *Carl Schmitt and Leo Strauss: The Hidden Dialogue* (Chicago: University of Chicago Press, 1995). This book includes also Strauss's 'Notes on Schmitt: The Concept of the Political' and three letters from Strauss to Schmitt. In the course of this book I will argue that Strauss's claim that the Hobbesian state of nature and Schmitt's political state coincide needs important qualifications to be acceptable.
27 Schmitt says that 'the political can derive its energy from the most varied human endeavors, from the religious, economic, moral, and other antitheses. It does not describe its o*wn* substance, but only the intensity of an association or dissociation of human beings', C. Schmitt, *op. cit.*, p. 38.
28 *Ibid.*, p. 29.
29 *Nomos* is a very complex concept in Schmitt. It is defined in C. Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (New York: Telos Press Publishing, 2003), pp. 67–79. Schmitt explains that ' it is inexpedient to Germanize *nomos* as "law"' and 'it is no more expedient to translate *nomos* with words like tradition, custom, or contract than with the word law', C. Schmitt, *op. cit.* pp. 71–2. A good definition is: 'Thus, for us, *nomos* is a matter of the fundamental process of apportioning space that is essential to every historical epoch – a matter of the structure-determining convergence of order and orientation in the cohabitation of peoples on this scientifically surveyed planet. This is the sense in which the *nomos* of the earth is spoken here. Every new age and every new epoch in the coexistence of peoples, empires, and countries, of rulers and power formations of every sort, is funded on new spatial divisions, new enclosures, and new spatial orders of the earth.' C. Schmitt, *op. cit.*, pp. 78–9.
30 M. Merleau-Ponty, *Humanism and Terror* (Boston: Beacon Press, 1969), p. xiii.

31　C. Schmitt, 'The Visibility of the Church: A Scholastic Consideration', in the Appendix of C. Schmitt, *Roman Catholicism and Political Form* (Westport, Conn.: Greenwood Press, 1996), p. 56.

32　C. Schmitt, *Ex Captivitate Salus*, p. 89.

33　*Ibid.*, p. 90.

34　C. Schmitt, *Theorie des Partisanen*, p. 87.

35　A helpful discussion of *jus publicum europaeum* and *nomos* can be found in J.P. Burgess, 'The Evolution of European Union Law and Carl Schmitt's Theory of the Nomos of Europe', in L. Odysseos and F. Petito (eds) *The International Political Thought of Carl Schmitt*, (London, Routledge, 2007) 185–201.

36　D. Dyzenhaus, 'Putting the State Back in Credit', in C. Mouffe (ed.) *The Challenge of Carl Schmitt* (London: Verso, 1999) 75–91, p. 77.

37　As Schmitt puts it, 'State and revolution, Leviathan and Behemoth are actually or potentially always present', C. Schmitt, *The Leviathan in the State Theory of Thomas Hobbes* (Westport, Conn. and London: Greenwood Press, 1996), p. 35.

38　C. Schmitt, *Concept of the Political*, pp. 30–1.

39　*Ibid.*, p. 65.

40　*Ibid.*, p. 65.

41　H. Butterfield, *Christianity and History*, p. 106.

42　C. Schmitt, *Ex Captivitate Salus*, pp. 89–90.

43　Genesis, Chapter IV, Verses 3–5 (KJV).

44　Genesis, Chapter IV, Verse 7 (KJV).

45　There are excellent studies of the historical and intellectual context of Schmitt's texts. Among the most illuminating are: E. Kennedy, *Constitutional failure: Carl Schmitt in Weimar* (Durham and London: Duke University Press, 2004); G. Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt* (London and New York: Verso, 2000); J-W. Muller, *A Dangerous Mind: Carl Schmitt in Post-War European Thought* (New Haven, Conn. and London: Yale University Press, 2003).

46　J. Derrida, *Politics of Friendship* (London: Verso, 2003), pp. 155–6.

Chapter 2　Continuity and Novelty, Clarifications and Recommendations

1　As pointed out by Bolsinger, 'Schmitt's understanding of theory and concept formation must be seen as sensitive to the real existing social and political contexts'. See E. Bolsinger, *The Autonomy of the Political: Carl Schmitt's and Lenin's Political Realism* (London: Westport, 2001), p. 24.

2　For example, he draws the reader's attention to the fact that 'the word political is today often used interchangeably with party politics'. C. Schmitt, *Concept of the Political* (Chicago and London: University of Chicago Press, [1932] 1996), p. 32.

3　Although the expression is Schmitt's own, he himself did not use it in relation to liberalism. C. Schmitt, *Political Theology, Four Chapters on*

the Concept of Sovereignty (Baskerville: MIT Press, [1922, 1934] 1985), p. 54.

4 Schmitt writes that 'a part of the theories and postulates which pre-suppose man to be good is liberal' C. Schmitt, *Concept of the Political*, p. 60; on the romantic ambiguity about good and bad human nature see C. Schmitt, *Political Romanticism* (Cambridge, Mass. and London: MIT Press, [1919, 1925] 2001), p. 124.

5 C. Schmitt, *Concept of the Political*, p. 61.

6 *Ibid.*, p. 63.

7 *Ibid.*, p. 65.

8 *Ibid.*, p. 64.

9 Schmitt's original list can be found in Schmitt, *op. cit.*, p. 61. As Herbert Butterfield puts it: 'The truth is that if men were good enough neither the ancient city state nor the medieval order of things nor modern nationalism would collapse. Neither humanism, nor liberalism, nor democracy would be faced with intellectual bankruptcy'. H. Butterfield, *Christianity and History* (London: G. Bell & Sons 1954), p. 56. Butterfield continues: 'If we say that absolute monarchy is an evil we are really asserting that human beings are not sufficiently virtuous to make it a practical policy to allow them unlimited power' (p. 59), and 'it is essential not to have faith in human nature' (p. 47).

10 C. Schmitt, *The Leviathan in the State Theory of Thomas Hobbes* (Westport, Conn.: Greenwood Press, [1938] 1996), p. 43.

11 *Ibid.*, p. 72.

12 See, for example, C. Schmitt, *Concept of the Political*, pp. 43–4; C. Schmitt, *The Crisis of Parliamentary Democracy* (Cambridge: MIT Press, [1923] 1985), Chapter 2; C. Schmitt, *Political Theology*, esp. pp. 5–15; and, above all, C. Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, p. 72.

13 C. Schmitt, *Concept of the Political*, p. 52.

14 *Ibid.*, p. 52.

15 Aristotle, *Nicomachean Ethics* (London: Oxford University Press, 1954), 1167b, 3–4. On this, see also E. Voegelin, *The New Science of Politics* (Chicago and London: The University of Chicago Press, [1952] 1987), p. 77. Interesting discussions of Aristotelian friendship can be found in Richard Mulgan, 'The Role of Friendship in Aristotle's Political Theory', in P. King and H. Devere (eds) *The Challenge to Friendship in Modernity* (London: Frank Cass, 2000) 15–32; J.M. Cooper, 'Aristotle on Friendship' in A.O. Rorty (ed.) *Essays on Aristotles' Ethics* (Berkeley: University of California Press, 1980) 301–40; A.W. Price, *Love and Friendship in Plato and Aristotle* (Oxford: Clarendon Press, 1989).

16 On the history of friendship see for example the Introduction by Preston King in P. King and H. Devere (eds) *The Challenge to Friendship in Modernity* (London: Frank Cass, 2000), pp. 1–14. See also *Critical Review of International Social and Political Philosophy*, Special Issue on 'Friendship in Politics', edited by G. M. Smith and P. King, 10:2 (2007).

17 For more on pluralism, see C. Schmitt, *op. cit.*, pp. 40–1.

18 C. Schmitt, *op. cit.*, p. 53.

19 See, for example, G.L. Ulmen, 'Return of the Foe', *Telos*, 72 (1987) 187–93. Other distinguished contributions on this issue are those of G. Schwab, 'Enemy or Foe: A Conflict of Modern Politics', *Telos*, 72 (1987) 195–201 and of E. Kennedy, 'Hostis not inimicus. Toward a Theory of the Public in the Work of Carl Schmitt', *Canadian Journal of Law and Jurisprudence*, 10 (1997) 35–47. In more recent times, particularly interesting is S. Prozorov, 'Liberal Enmity: the Figure of the Foe in the Political Ontology of Liberalism', *Millennium: Journal of International Studies*, 35:1 (2006) 75–99. As to the presence of 'foe' in seventeenth century literature see, for example, T. Hobbes, *Behemoth* (Chicago and London: University of Chicago Press, 1990), p. 110.

20 C. Schmitt, *op. cit.*, p. 36. For Schmitt, the premise of humanitarian wars is that the enemy is seen as non-human or sub-human. In contrast, Schmitt claims that 'humanity excludes the concept of the enemy because the enemy does not cease to be a human being', *Ibid.*, p. 54.

21 *Ibid.*, p. 32. Similarly he conveys a definition of 'weapon' that is a-historical: 'The essence of a weapon is that it is a means of physically killing human beings', *Ibid.*, p. 33.

22 *Ibid.*, p. 28. Derrida has rightly pointed out that Schmitt seems to be unaware that there is an asymmetry between the Romans' distinction i*nimicus* / *hostis* and Plato's distinction quoted by Schmitt πολέμιος / ἐχϑρός'. Whereas Plato's πολέμιος means enemy in interstate wars and can be compared to the Latin *hostis* or public enemy, Plato's εχϑϱός' means enemy in civil war and is therefore different from the Latin *inimicus* or private enemy. See J. Derrida, *Politics of Friendship* (London: Verso, 1997), p. 89ff.

23 *Ibid.*, p. 28.

24 C. Schmitt, *Concept of the Political*, p. 27.

25 *Ibid.*, p. 27.

26 *Ibid.*, p. 36.

27 *Ibid.*, p. 33.

28 *Ibid.*, p. 28.

29 *Ibid.*, p. 33.

30 *Ibid.*, p. 53.

31 *Ibid.*, p. 36.

32 'Who can understand a thesis formulated in such abstract terms?', C. Schmitt, *Der Begriff des Politischen*, 7th edn (Berlin: Duncker & Humblot, 2002), p. 13. Schmitt excuses himself by reminding us of the didactic nature of *Concept of the Political*.

33 'The state of the Leviathan excludes the state of nature', C. Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, p. 47.

34 T. Hobbes, *Leviathan*, edited by E. Curley (Indianapolis and Cambridge: Hackett, [1651] 1994), p. 76.

35 C. Schmitt, *Concept of the Political*, p. 37.

36 For a discussion of the differences between Schmitt and Lenin see the study by Bolsinger in E. Bolsinger, *The Autonomy of the Political: Carl Schmitt's and Lenin's Political Realism*.

37 Schmitt's interpretation of the Cold War is not unusual: 'the Cold War was a classic example of splitting between righteous self (the West) and a projected evil (the East)', N. Gurr and B. Cole, *The New Face of Terrorism* (London and New York: I.B. Tauris Publishers, 2002), p. 187.

38 In his comparative study of Schmitt and Lenin, Bolsinger points out that 'neither Schmitt nor Lenin […] is interested in a purely theoretical analysis of the political reality. Either thinker considers political concepts and knowledge as having emerged from practice and as tools to intervene in it'. E. Bolsinger, *The Autonomy of the Political*, p. xv.

39 On the non-totalitarianism of Carl Schmitt, see G. Schwab, *The Challenge of the Exception: An Introduction to the Political Ideas of Carl Schmitt between 1921–1936* (Berlin: Duncker & Humblot, 1970), pp. 146–8.

40 See C. Schmitt, *op. cit.*, p. 26.

41 'The political can derive its energy from the most varied human endeavors, from the religious, economic, moral and other antitheses. It does not describe its own substance, but only the intensity of an association or dissociation of human beings whose motives can be religious, national (in the ethnic or cultural sense), economic, or of another kind and can effect at different times different coalitions and separations. The real friend-enemy grouping is existentially so strong and decisive that the non political antithesis, at precisely the moment at which it becomes political, pushes aside and subordinates its hitherto purely religious, purely economic, purely cultural criteria and motives to the conditions and conclusions of the political situation at hand'. C. Schmitt, *op. cit.*, p. 38.

42 For an interesting discussion of this and other issues see E. Van der Zweerde, 'Friendship and the Political', *Critical Review of International and Social Political Philosophy*, 10:2 (2007) 147–265.

43 C. Schmitt, *Political Romanticism*, p. 52.

44 C. Clausewitz, O*n War* (Ware: Wordsworth Classics, 1997).

45 He writes: 'Ich bin der letzte, bewuβte Vertreter des jus publicum Europaeum, sein letzter Leherer und Forscher in einem existenziellen Sinne', C. Schmitt, *Ex Captivitate Salus* (Berlin: Duncker & Humblot, [1950] 2002), p. 75. As anticipated in Chapter 1, this book suggests that on the one hand Schmitt supported limited enmity just like the jurists of *jus publicum europeaum*; on the other hand, he believed that in the twentieth century new foundations were needed to limit enmity. I will come back to this issue in later chapters.

46 'Auf keinen Fall ist es ein Fortschritt im Sinne der Humanität, den gehegten Krieg des europäischen Völkerrechts als reaktionär und verbrecherisch zu ächten und statt dessen, im Namen des grechten Krieges, revolutionäre Klassen – oder Rassenfeindschaften zu entfesseln, die Feind und Verbrecher nicht mehr unterscheiden können und auch nicht mehr unterscheiden wollen'. In *Der Begriff des Politischen* pp. 11–12.

47 J. Bendersky, 'Carl Schmitt at Nuremberg', *Telos*, 72 (1987) 91–107, pp. 98–101.

48 C. Schmitt, *Concept of the Political*, p. 30.

49 This is discussed in B. Arditi and J. Valentine, *Polemicization: The Contingency of the Commonplace* (Edinburgh: Edinburgh University Press, 1999), esp. pp. 36–43.
50 C. Schmitt, *op. cit.*, pp. 30–1.
51 *Ibid.*, p. 31.
52 B. Arditi, and J. Valentine, *op. cit.*; E. Bolsinger, *The Autonomy of the Political.*
53 A discussion of the influence of Schmitt's thought on the European Left can be found in J-W. Muller, *A Dangerous Mind: Carl Schmitt in Post-War European Thought* (New Haven and London: Yale University Press, 2003). See also E. Bolsinger, *op. cit.*
54 J. Derrida, *Politics of Friendship* (London: Verso, 1997), p. 117, but see also F. Dallmayr, 'Derrida and friendship' in P. King and H. Devere (eds) *The Challenge to Friendship in Modernity* (London: Frank Cass, 2000) 105–30. For more on the diagnostic features of Schmitt thought see also G. Borradori, *Philosophy in a Time of Terror: Dialogues with Jurgen Habermas and Jacques Derrida* (Chicago and London: University of Chicago Press, 2003).
55 G. Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt* (London and New York: Verso, 2000).
56 Important contributions to this debate can be found in P. Hirst, *Representative Democracy and its Limits* (Cambridge: Polity, 1990); J. McCormick, *Carl Schmitt's Critique of Liberalism* (Cambridge: Cambridge University Press, 1997); R. Bellamy, *Rethinking Liberalism* (London and New York: Pinter, 2000); J. Huysmans, 'Know your Schmitt: a godfather of truth and the spectre of Nazism', *Review of International Studies*, 25 (1997) 323–8; D. Kelly, 'Rethinking Franz Neumann's Route to Behemoth', *History of Political Thought*, 23 (2002) 458–96; R. Cristi, 'Carl Schmitt on Liberalism, Democracy and Catholicism', *History of Political Thought*, 14 (1993) 281–300; J.Z. Muller, 'Carl Schmitt, Hans Freyer and the radical conservative critique of liberal democracy in the Weimar Republic', *History of Political Thought*, 12 (1991) 695–715; P. Caldwell, 'Ernst Forsthoff and the legacy of radical conservative state theory in the Federal Republic of Germany', *History of Political Thought*, 15 (1994) 615–41; W. Scheuerman, 'The rule of law under siege: Carl Schmitt and the death of the Weimar Republic', *History of Political Thought*, 14 (1993) 265–80; and W. Scheuerman, 'Legal indeterminacy and the origins of Nazi legal thought: the case of Carl Schmitt', *History of Political Thought*, 17 (1996) 571–90. See also S. Holmes, *The Anatomy of Anti-Liberalism* (Cambridge, Mass.: Harvard University Press, 1994); E. Kennedy, *Constitutional Failure: Carl Schmitt in Weimar* (Durham, N.C. and London: Duke University Press, 2004); H. Meier, *Carl Schmitt and Leo Strauss: The Hidden Dialogue* (Chicago and London: University of Chicago Press, 1995); and H. Meier, *The Lesson of Carl Schmitt: Four Chapters on the Distinction between Political Theology and Political Philosophy* (Chicago and London: Chicago University Press, 1998).
57 J. Bendersky, *Carl Schmitt: Theorist for the Reich* (Princeton, NJ: Princeton University Press, 1983), p. 208.

58 S. Holmes, '"Carl Schmitt: Theorist for the Reich" by J. Bendersky, Book Review', *American Political Science Review*, 77 (1983) 1066–7, p. 1067.

59 J. Huysmans, *op. cit.*, p. 323.

60 *Ibid.*, p. 323.

61 *Ibid.*, p. 324.

62 J.P. Sartre, *What is Literature?* (New York: Philosophical Library, 1949).

63 M. Merleau-Ponty, *Humanism and Terror* (Boston: Beacon Press, 1969), p. xlvi.

Chapter 3   On Domestic Hostility

1 See M. Ojakangas, *A Philosophy of Concrete Life: Carl Schmitt and the Political Thought of Late Modernity* (New York: Lang, 2006).

2 Schmitt singles out Machiavelli as a precursor of the nationalist myth famously described by Mussolini in October 1922 before the March on Rome. See C. Schmitt, *The Crisis of Parliamentary Democracy* (Cambridge Massachusetts: MIT Press, 1988), p. 76.

3 C. Schmitt, *The Leviathan in the State Theory of Thomas Hobbes* (Westport, Conn.: Greenwood Press, [1938] 1996), p. 85.

4 C. Schmitt, 'The State as Mechanism in Hobbes and Descartes', Appendix, *op. cit.*, pp. 91–103, p. 92.

5 *Ibid.*, p. 93.

6 *Ibid.*, p. 93.

7 *Ibid.*, p. 65.

8 *Ibid.*, p. 57, emphasis added.

9 L. Strauss, *The Political Philosophy of Hobbes* (Chicago and London: The University of Chicago Press, [1936] 1952), p. 26.

10 T. Hobbes, *Leviathan*, edited by E. Curley (Indianapolis and Cambridge: Hackett, [1651] 1994), p. 36. On the same page, Hobbes also writes: 'When two or more men know of one and the same fact, they are said to be CONSCIOUS of it one to another, which is as much as to know it together. And because such are fittest witnesses of the facts of one another, or of a third, it was and ever will be reputed a very evil act for any man to speak against his conscience or to corrupt or force another so to do [...] Afterwards, men made use of the same word metaphorically, for the knowledge of their own secret facts and secret thoughts; and therefore it is rhetorically said that the conscience is a thousand witnesses.'

11 *Ibid.*, p. 212.

12 *Ibid.*, p. 212.

13 'When our refusal to obey frustrates the end for which the sovereignty was ordained, then there is no liberty to refuse; otherwise there is. Upon this ground a man that is commanded as a soldier to fight against the enemy, though his sovereign have right enough to punish his refusal with death, may nevertheless in many cases refuse without injustice [...] there is allowance to be made for natural timorousness [...] When Armies fight, there is on one side, or both, a running away; yet when

they do it not out of treachery, but fear, they are not esteemed to do it unjustly, but dishonourably', *Ibid.*, p. 142.

14 'A covenant not to defend myself from force by force is always void. For […] no man can transfer or lay down his right to save himself from death, wounds, and imprisonment (the avoiding whereof is the only end of laying down any right) […] And this is granted to be true by all men, in that they lead criminals to execution and prison with armed men, notwithstanding that such criminals have consented to the law by which they are condemned', *Ibid.*, p. 87; 'covenants not to defend a man's own body are void. Therefore, if the sovereign command a man (though justly condemned) to kill, wound, or maim himself, or not to resist those that assault him, or to abstain from the use of food, air, medicine, or any other thing without which he cannot live, yet hath that man the liberty to disobey', *Ibid.*, pp. 141–2.

15 L. Strauss, *op. cit.*, p. 114.

16 *Ibid.*, p. 72.

17 'Every day it appeareth more and more that years and days are determined by motions of the earth. Nevertheless, men that have in their writings but supposed such doctrine, as an occasion to lay open the reasons for and against it, have been punished for it by authority ecclesiastical. But what reason is there for it? Is it because such opinions are contrary to true religion? That cannot be, if they be true.' T. Hobbes, *op. cit.*, p. 468.

18 *Ibid.*, p. 468.

19 *Ibid.*, p. 300, emphasis added.

20 *Ibid.*, p. 338, emphasis added.

21 *Ibid.*, p. 246.

22 *Ibid.*, p. 113.

23 See S. Wolin, *Politics and Vision* (Princeton: Princeton University Press, [1960] 2004), p. 245.

24 T. Hobbes, *op. cit.*, p. 143.

25 T. Hobbes, *The Elements of Law, Natural and Politic* (London: Frank Cass, [1642] 1969), p. 139.

26 *Ibid.*, p. 158.

27 'Another doctrine repugnant to civil society is that whatsoever a man does against his conscience is sin; and it dependeth on the presumption of making himself judge of good and evil. For a man's conscience and his judgement is the same thing and as the judgement so also the conscience may be erroneous. Therefore, though he that is subject to no civil law sineth in all he does against his conscience, because he has no other rule to follow but his own reason, yet it is not so with him that lives in a commonwealth because the law is the public conscience, by which he hath already undertaken to be guided. Otherwise, in such diversity as there is of private consciences, which are but private opinions, the commonwealth must needs be distracted, and no man dare to obey the sovereign power farther than it shall seem good in his own eyes.' T. Hobbes, *Leviathan*, p. 212.

28 T. Hobbes, *The Elements of Law: Natural and Politic*, p. 146.

29 T. Hobbes, *Leviathan*, p. 300.
30 E. Bloch, *Natural Law and Human Dignity* (Baskerville: MIT Press, 1996), p. 47.
31 Schmitt regarded C.E. Vaughan as 'a distinguished English authority on Hobbes', C. Schmitt, *op. cit.*, quoted from E. Voegelin, *The New Science of Politics*. (Chicago and London: The University of Chicago Press, [1952] 1987), p. 21.
32 C.E. Vaughan, *Studies in the History of Political Philosophy Before and After Rousseau*, Vol. One (Manchester: Manchester Press, 1925), p. 23.
33 L. Strauss, *op. cit.*, p. 158.
34 S. Wolin, *op. cit.*, p. 238.
35 *Ibid.*, p. 246.
36 C. Schmitt, *op. cit.*, p. 72.
37 T. Hobbes, *Leviathan*, p. 142.
38 C. Schmitt, *op. cit.*, p. 46.
39 E. Van der Zweerde, 'Friendship and the Political', *Critical Review of International and Social Political Philosophy*, 10:2 (2007) 147–265, p. 155.
40 C. Schmitt, *op. cit.*, p. 38.
41 *Ibid.*, p. 49.
42 *Ibid.*, p. 34.
43 L. Strauss, *op. cit.*, p. 155.
44 I owe this insight to private correspondence with Tomaz Mastnak and Tom Sorell.
45 C. Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (Baskerville: MIT Press, [1922, 1934] 1985), p. 5. 'If such a [political] entity exists at all, it is always the decisive entity, and it is sovereign in the sense that the decision about the critical situation, even if it is the exception, must always necessarily reside there', C. Schmitt, *Concept of the Political* (Chicago and London: University of Chicago Press, [1932] 1996), p. 38.
46 C. Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, pp. 46–7.
47 C. Schmitt, *Concept of the Political*, p. 71.
48 *Ibid.*, p. 160.
49 'Nirgendwo anders ist die Trennung von Innen und Außen bis zu dieser Beziehungslosigkeit von Innen und Außen getrieben worden. Die innerliche, restlose Gleichschaltung [...] einer derartigen Bildungsschicht ist ebenso schwierig, wie ihre äußerliche Gleichschaltung glatt und einfach vonstatten geht', C. Schmitt, *Ex Captivitate Salus* (Berlin: Duncker & Humblot, [1950] 2002), pp. 18–19.
50 'Die Pflicht, einen Bürgerkrieg zu entfasseln, Sabotage zu treiben und zum Märtyrer zu warden, hat ihre Grenzen', *Ibid.*, p. 21.
51 C. Schmitt, *Concept of the Political*, p. 46.
52 An interesting discussion of Hobbes and Schmitt on democracy and the case of exception can be found in T. Sorell, 'Schmitt, Hobbes and the Politics of Emergency', *Filozofski Vestnik*, 24:2 (2003) 223–41.
53 Eric Voegelin is, generally speaking, right when he says that 'nothing can be gained from weighing the theory [by Hobbes] on the scales of liberty

and authority; nothing from classifying Hobbes as an absolutist or fascist'
E. Voegelin, *op. cit.*, p. 155. Even so, the fact is that Hobbes's primary
commitment to the individual is often played down in order to make
Hobbes fit in the order-versus-anarchy tradition. Schmitt alerts us to this
danger.

54 J. Locke, *Two Treatises on Government*, 1690 quoted by C.J. Friedrich,
Tradition & Authority (London:, Pall Mall Press, 1972), p. 66 and p. 131.
Friedrich's discussion of the 'problem of discretion' in democratic con-
stitutional governments enables us to see the far conceptual origins of
Schmitt's notions of 'emergency' and 'case of exception', from the
'divine rights of kings', to the Lockean concept of 'prerogative'. An inter-
esting discussion of this topic can be found in I. Hampsher-Monk and
K. Zimmerman, 'Liberal Constitutionalism and Schmitt's Critique', *His-
tory of Political Thought*, 28:4 (2007) 678–96 and in W. Scheuerman, 'The
rule of law under siege: Carl Schmitt and the death of the Weimar Repub-
lic', *History of Political Thought*, 14 (1993) 265–80 and W. Sheuermann,
'American Kingship? Monarchical origins of modern presidentialism',
Polity, 37:1 (2005) 24–53. See also Clement Fatovic, 'The Political Theology
of Prerogative: The Jurisprudential Miracle in Liberal Constitutional
Thought', *Perspectives on Politics*, 6:3 (2008) 487–501; Clement Fatovic,
'Constitutionalism and contingency: Locke's theory of prerogative', *History
of Political Thought*, 25:2 (2004) 276–97 ; Pasquale Pasquino, 'Locke on
king's prerogative', *Political Theory*, 26:2 (1998) 198–208.

Chapter 4   The Partisan, or the Man of Exception

1 C. Schmitt, *Concept of the Political* (London and Chicago: University of
Chicago Press, [1932] 1996), p. 29 and p. 45.
2 C. Schmitt, *op. cit.*, p. 32.
3 G. Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt*
(London and New York: Verso, 2000).
4 G. Balakrishnan, *op. cit.*, p. 102.
5 G. Balakrishnan, *op. cit.*, p. 208.
6 E. Bolsinger, *The Autonomy of the Political: Carl Schmitt's and Lenin's
Political Realism* (London: Westport, 2001), p. 35.
7 E. Bolsinger, *op. cit.*, p. 112.
8 C. Schmitt, *Theorie des Partisanen* (Berlin: Duncker & Humblot, 2002),
p. 50.
9 Schmitt refers us to books 6 and 8, Chapter 6B of Clausewitz' *On War*.
The quotation in the text is from C. Clausewitz, O*n War* (Ware: Words-
worth Classics, 1997), p. 357. See Aron, R. *Clausewitz: Philosopher of War*
(London: Routledge, 1983).
Aron, R. *History and the Dialectic of Violence* (London: Harper and Row,
1975).
Aron, R. *Peace & War: A Theory of International Relations* (New Brunswick,
N.J. and London: Transaction Publishers, 2003).

10 On this topic, see for example E. Bolsinger, *op. cit.*, pp. 37–40.

11 A discussion of Carl Schmitt and Karl Marx can be found in J.E. Dotti, 'From Karl to Carl: Schmitt as a Reader of Marx' in C. Mouffe (ed.) *The Challenge of Carl Schmitt* (London and New York: Verso, 1999), 92–117.

12 For a comparative analysis of Schmitt and Lenin's views on politics and power, see E. Bolsinger's *The Autonomy of the Political*.

13 C. Schmitt, *Theorie des Partisanen*, p. 55.

14 C. Schmitt, *op. cit.*, p. 30.

15 C. Schmitt, *op. cit.*, p. 35.

16 C. Schmitt, *op. cit.*, p. 42.

17 Most stimulating discussions on norm and exception can be found in William E. Scheuerman, 'The rule of law under siege: Carl Schmitt and the death of the Weimar Republic', *History of Political Thought*, 14 (1993) 265–80 and 'Legal indeterminacy and the origins of Nazi legal thought: the case of Carl Schmitt', *History of Political Thought*, 17 (1996) 571–90. See also E. Kennedy, *Constitutional Failure: Carl Schmitt in Weimar* (Durham, N.C. and London: Duke University Press, 2004), D. Dyzenhaus, *Constitution of Law* (Cambridge: Cambridge University Press, 2006); and R. Cristi, *Carl Schmitt and Authoritarian Liberalism* (Cardiff: University of Wales Press, 1998).

18 As argued by Jerry Z. Muller, for Schmitt 'a normal state was one in which relations of enmity were directed outward, in which the "enemy" was foreign'. See J.Z. Muller 'Carl Schmitt, Hans Freyer and the radical conservative critique of liberal democracy in the Weimar Republic', *History of Political Thought*, 12 (1991) 695–715, p. 709.

19 Schmitt, *Theorie des Partisanen*, p. 87.

20 Schmitt, *Theorie des Partisanen*, pp. 83–7.

21 In *Theorie des Partisanen*, Schmitt does not restate his view on the total state and on the distinction between the quantitative and qualitative senses of 'total state'. On this issue, see Jerry Muller, who quotes from Schmitt's article in the *Europäische Revue* of February 1933: 'the total state [in the qualitative sense] is an especially strong state […] Such a state allows no forces to arise within it which might be inimical to it, limit it, or fragment it […] Such a state can distinguish friend from foe', J.Z. Muller, *op. cit.*, p. 712.
See also J-W. Muller, *A Dangerous Mind: Carl Schmitt in Post-War European Thought* (New Haven and London: Yale University Press, 2003), Part One; on the meaning of the 'totality of the political' see E. Bolsinger, *op. cit.*, p. 120, fn 32. For more on the debate on the total state in Nazi Germany see, for example, P. Caldwell, 'Ernst Forsthoff and the legacy of radical conservative state theory in the Federal Republic of Germany', *History of Political Thought*, 15 (1994) 615–41.

22 It is worth mentioning that the link between weak state and partisan guerrilla has been confirmed by empirical research. J. Fearon and D. Laitin summarize the finding of their empirical research on internal wars in the 1990s thus: 'Decolonization from the 1940s through the 1970s gave birth to a large number of financially, bureaucratically and militarily

weak states. These states have been at risk for civil violence for the whole period, almost entirely in the form of insurgency, or rural guerrilla warfare […] The conditions that favor insurgency [are] state weakness marked by poverty, a large population, and instability'. See J. Fearon and D. Laitin, 'Ethnicity, Insurgency, and Civil War', *American Review of Political Science*, 97:1 (2003) 75–90, p. 88.

23 Schmitt, *Theorie des Partisanen*, pp. 41–2.
24 Schmitt, *op. cit.*, p. 76.
25 Schmitt, *op. cit.*, pp. 77–8.
26 Schmitt, *op. cit.*, pp. 27–8.
27 Schmitt, *op. cit.*, p. 83.
28 This latter issue is discussed admirably in J-W. Muller's *A Dangerous Mind.*
29 See G. Borradori, *Philosophy in a Time of Terror: dialogues with Jürgen Habermas and Jacques Derrida* (Chicago and London: University of Chicago Press, 2003). Important contributions on this topic can be found in L. Odysseos, 'Crossing the Line? Carl Schmitt on the Spaceless Universalism of Cosmopolitanism and the War on Terror', in L. Odysseos and F. Petito (eds) *The International Political Thought of Carl Schmitt* (New York and London: Routledge, 2007) 124–43; G.L. Ulmen, 'Partisan Warfare, Terrorism and the Problem of a New Nomos of the Earth', in L. Odysseos and F. Petito (eds) *The International Political Thought of Carl Schmitt* (New York and London: Routledge, 2007) 97–106; and A. Behnke, 'Terrorising the Political: 9/11 within the context of the Globalisation of Violence', *Millennium: Journal of International Studies*, 33:2 (2004) 279–312.
30 J. Derrida, *Politics of Friendship* (London: Verso, 1997).
31 See A. Jongman and A. Schmid, *Political Terrorism* (Amsterdam and Oxford: North Holland Publishing Co., 1988).
32 P. Wilkinson, *Terrorism versus Democracy* (London: Frank Cass, 2001).
33 R.D. Howard and R.L. Sawyer (eds) *Terrorism and Counterterrorism* (Guilford, Conn.: McGraw-Hill/Dushkin, 2004).
34 B. Cole and N. Gurr, *The New Face of Terrorism* (London and New York: I.B. Tauris, 2000).
35 M. Crenshaw (ed.) *Terrorism in Context* (University Park: Pennsylvania State University Press, 1995). See also M. Crenshaw, 'The Causes of Terrorism', *Comparative Politics*, 139 (1981) 379–400.
36 W. Laqueur, *The New Terrorism* (London: Pheonix, 2001).
37 C. Townshend, *Terrorism* (Oxford: Oxford University Press, 2002).
38 B. Hoffman, *Inside Terrorism* (London: Victor Gollancz, 1998).
39 M. Wieviorka, *The Making of Terrorism* (Chicago and London: University of Chicago Press, 1993), p. 294.
40 W. Laqueur, *op. cit.*, p. 12. Also note that 'the institutional origins of modern terrorism can be located in the structure of the Carbonari secret organizations, which began to operate during the Napoleonic era', M. Miller, 'The Intellectual Origins of Modern terrorism in Europe', in M. Crenshaw (ed.) *Terrorism in Context*, 27–62, p. 32.
41 B. Hoffman, *op. cit.*, p. 41. See also P. Wilkinson, *Terrorism and the Liberal State* (London: Macmillan, 1977), p. 60.

42 C. Townshend, *op. cit.*, p. 5.
43 C. Townshend, *op. cit.*, p. 7.
44 C. Townshend, *op. cit.*, p. 53.
45 S. Khilnani, quoted by C. Townshend, *op. cit.*, p. 5.
46 M. Crenshaw, 'Current research on terrorism: the Academic perspective', *Studies in Conflict and Terrorism*, 15 (1992).
47 C. Schmitt, *Concept of the Political*, pp. 30–1.
48 On this issue see T. Honderich, *Terrorism for Humanity* (London: Pluto Press, 2003), pp. 14–16; and see also his *After the Terror* (Edinburgh: Edinburgh University Press: 2002), pp. 25–9, 150–1.
49 Crenshaw's 'Introduction' to her *op. cit.*, p. 7.
50 C. Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (New York: Telos Press Publishing, 2003), pp. 78–9.
51 I owe this insight to Sergei Prozorov.
52 Jean-Francois Kervegan says 'Schmitt begins his article Weiterentwicklung des totalen Staates in Deutschland which appeared at the very moment when Hitler came to power [...] by saying "There is a total state. It is possible with all kinds of alarmed and distressed clamour, to reject the 'total state' ... but for all that, the thing itself is not made to disappear"', J-F. Kervegan, 'Carl Schmitt and World Unity', in C. Mouffe (ed.) *op. cit.*, 54–74, p. 59.
53 C. Schmitt, *Concept of the Political*, pp. 22–3.
54 For more on this issue, see Jerry Muller, who quotes from Schmitt's article in the *Europäische Revue* of February 1933: 'the total state [in the qualitative sense] is an especially strong state. [...] Such a state allows no forces to arise within it which might be inimical to it, limit it, or fragment it. [...] Such a state can distinguish friend from foe', J.Z. Muller, 'Carl Schmitt, Hans Freyer and the radical conservative critique of liberal democracy in the Weimar Republic', *History of Political Thought*, 12 (1991), 695–715, p. 712.
    See also Part One of J. Muller, *A Dangerous Mind: Carl Schmitt in Post-War European Thought* (New Haven, Conn., and London: Yale University Press, 2003).
    For more on the meaning of the 'totality of the political' see E. Bolsinger, *The Autonomy of the Political* (Westport, Conn.-London: Greenwood Press, 2001), p. 120, fn. 32.
    For more on the debate on the total state in Nazi Germany see, for example, P. Caldwell, 'Ernst Forsthoff and the legacy of radical conservative state theory in the Federal Republic of Germany', *History of Political Thought*, 15 (1994) 615–41.
55 Schmitt's writings between 1937 and 1941 suggest that a possible answer to the question of a true political form that can replace the state is the *Grossraum*; see for example J. Kervegan, 'Carl Schmitt and World Unity', in C. Mouffe (ed.), *op. cit.*, 54–74, especially pp. 62–4 and P. Stirk, 'Carl Schmitt's Völkerrechtliche Grossraumordnung', *History of Political Thought*, 20 (1999) 357–74.

Chapter 5   Hostility: Historical and Conceptual Forms

1 'Der Hauptmangel in der Sache liegt darin, daß die vershiedenen Arten des Feindes – konventioneller, wirklicher oder absoluter Feind – nicht deutlich und präzise genug getrennt und unterschieden werden.' C. Schmitt, *Der Begriff des Politischen*, 5th edn (Berlin: Duncker & Humblot, 2002), p. 17.

2 See for example C. Schmitt, *Ex Captivitate Salus* (Berlin: Duncker & Humblot, [1950] 2002), p. 69.

3 C. Schmitt, *Concept of the Political* (Chicago and London: University of Chicago Press, [1932] 1996), p. 34.

4 C. Schmitt, *Theorie des Partisanen* (Berlin: Duncker & Humblot, [1963] 1975), p. 39.

5 'Auch der Feind hat einen Status; er ist kein Verbrecher', C. Schmitt, *Der Begriff des Politischen*, 5th edn (Berlin: Duncker & Humblot, 2002), p. 11. See also *Theorie des Partisanen*, p. 39.

6 C. Schmitt, *Der Begriff des Politischen*, p. 11. A similar idea was put across in A. Brenet, *La France et l'Allemagne devant le droit international, pendant les operations militaries de la guerre 1870–71* (Paris: A. Rousseau, 1902).

7 K. Nabulsi, *Traditions of War: Occupation, Resistance, and the Law* (Oxford: Oxford University Press, 1999), p. 5. An earlier voicing of a similar view can be found in D. Graber, *The Development of the Law of Belligerent Occupation 1863–1914: A Historical Survey* (New York: Columbia University Press, 1949).

8 I am referring to the 1868 St Petersburg Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight. It may be recalled that the agreement followed the development of a bullet which exploded upon contact with a hard surface. Apparently the bullet was introduced into the Imperial Russian Army to be used for the blowing up of ammunition wagons. In 1864 the Imperial War Minister considered it to be improper to use such a bullet against troops and its use was therefore strictly controlled. In 1867 a modification of the bullet was developed which enabled it to explode on contact with even a soft surface. Understanding that such a bullet posed a greater danger to troops, the Imperial War Minister did not want it used either by the Imperial Russian Army or the Armies of other states. Hence a conference met in St Petersburg attended by the representatives of sixteen states and a Declaration followed. The 1868 Declaration entered into force on the 11 December 1968 and was undersigned by Austria-Hungary, Bavaria, Belgium, Denmark, France, Great Britain, Greece, Italy, Netherlands, Persia, Portugal, Prussia and the North German Confederation, Russia, Sweden and Norway, Switzerland, Turkey and Wurtenberg.

9 R. Guelff and A. Roberts, *Documents on the Laws of War*, 3rd edn (Oxford: Oxford Clarendon Press, 1989), pp. 54–5.

10 C. Schmitt, *Theorie des Partisanen*, pp. 47–8.

11 *Ibid.*, p. 12.

12 *Ibid.*, pp. 41–2.

13 *Ibid.*, p. 33.
14 *Ibid.*, p. 35.
15 *Ibid.*, pp. 33–5.
16 *Ibid.*, p. 33.
17 *Ibid.*, p. 78.
18 *Ibid.*, p. 17.
19 *Ibid.*, p. 18.
20 *Ibid.*, p. 17.
21 *Ibid.*, p. 93.
22 M. Walzer, *Just and Unjust Wars*, 3ʳᵈ edn (New York: Basic Books, 2000), Chapter 11.
23 *Ibid.*, p. 176.
24 C. Schmitt, *op. cit.*, p. 39.
25 The following quotation from a veteran of Vietnam seems to support Schmitt's insight:
   'It was no orderly campaign […] but a war for survival waged in a wilderness without rules or laws; a war in which each soldier fought for his own life and the lives of the men beside him, not caring who he killed in that personal cause or how many or in what manners and feeling only contempt for those who sought to impose on his savage struggle the mincing distinctions of civilized warfare – that code of battlefield ethics that attempted to humanize an essentially inhuman war', Caputo quoted in A.J. Coates, *The Ethics of War* (Manchester: Manchester University Press, 1997), p. 27. Like Caputo, Schmitt believes that this happens in all guerrilla wars. Indeed, for Schmitt it applies to all the civil and colonial wars that characterized he second half of the twentieth century.
26 Schmitt's views of the treatment of Germany are endorsed by many; see Kennan in A.J. Coates, *op. cit.*, p. 26 and p. 38, fn 1.
27 E. Bolsinger, *The Autonomy of the Political* (London: Westport, 2001), p. 156.
28 C. Schmitt, *Ex Captivitate Salus*, p. 73.
29 C. Schmitt, *Der Nomos der Erde* (Berlin: Duncker & Humblot, [1950] 1997), p. 299.
30 C. Schmitt, *Concept of the Political*, p. 36 and see also p. 54.
31 C. Schmitt, *Theorie des Partisanen*, p. 75. See also C. Schmitt, *Concept of the Political*, p. 54 fn. 23.
32 V.I. Lenin, *What is to be Done?: Burning Questions of our Movement* (New York: International Publishers, 1969), p. 11.
33 *Ibid.*, p. 47.
34 C. Schmitt, *op. cit.*, p. 54.
35 A. Hitler, *Mein Kampf* (London: Pimlico, 1992), p. 60. Italics in the original.
36 In *Theory of the Partisan*, Schmitt makes the point that after the Second World War international jurisprudence has increasingly attempted to go beyond the regulation of inter-state wars based on the classical distinctions between war and peace. Although Schmitt accepts that these changes have been motivated by humanitarian principles that are worthy

of admiration, he warns us that any attempt to legislate civil and revolutionary wars and to try to regulate irregular warfare is not simply futile but dangerous as it opens the door on the 'abyss' in so far as revolutionary groups (influenced by Lenin and Mao) can take advantage of such regulations without feeling bound by the concept of reciprocity as they reject the legitimacy of such legislation. See C. Schmitt, *Theorie des Partisanen*, p. 37. A similar point is made also in C. Schmitt, *Der Begriff des Politischen*, p. 12.

37 C. Schmitt, *Der Begriff des Politischen*, p. 18.

38 *Ibid.*, pp. 18–19.

39 On this topic, see for example E. Bolsinger, *op. cit.*, pp. 37–40.

40 For a comparative analysis of Schmitt and Lenin's views on politics and power see E. Bolsinger, *op. cit.*

41 C. Schmitt, *Theorie des Partisanen*, p. 94. *Prima facie* the association of Lenin with 'absolute enmity' made by Schmitt in *Theory of the Partisan* seems to contradict the association of Lenin with 'real enmity' suggested by Schmitt in *Concept of the Political*. The balance of evidence seems to me to suggest that when writing *Theory of the Partisan* Schmitt thought that Lenin made practical use of autochthonous partisans (whose enemy is real), while theorizing the notion of global revolutionary and hence the notion of absolute enmity.

42 In *Theory of the Partisan*, Schmitt attempts to reconstruct 'das Bild der Kriegslehre dieses neuen Clausewitz' (p. 60). Earlier Mao is defined by Schmitt as 'the greatest practitioner [Praktiker] and the most famous theorist [Theoretiker] of revolutionary war' (p. 59).

43 'Maos Revolution ist tellurischer fundiert als die Lenins', *Ibid.*, p. 61.

44 C. Schmitt, *Concept of the Political*, p. 26.

45 We have seen on many occasions that Schmitt speaks of absolute enmity only in a very derogative way. He never fails to point out disapprovingly that absolute enmity de-humanizes the enemy; depicts him as a monster; urges us to fight aggressive and punitive wars; motivates us to annihilate the enemy.

46 Important contributions to this debate can be found in J. Derrida, *Politics of Friendship* (London: Verso, 1997) and G. Marramao, 'The Exile of the Nomos: for a critical profile of Carl Schmitt' in *Cardozo Law Review*, 21 (2000) 1577–87. See also B. Arditi, 'On the Political: Schmitt contra Schmitt', *Telos*, 142 (Spring 2008) 7–28 and P. Stirk, 'Carl Schmitt's Völkerrechtliche Grossraumordung', *History of Political Thought*, 20:2 (1999) 357–74.

47 See C. Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (New York: Telos Press Publishing, 2003), pp. 140–1.

48 This view is endorsed in G. Marramao, *op. cit.*

49 R. Aron, *Clausewitz: Philosopher of War* (London: Routledge, 1983).

50 I discuss this G. Slomp, 'Kant Against Hobbes: Reasoning and Rhetoric', *Journal of Moral Philosophy*, 4:2 (2007) 208–23.

Chapter 6   The Righteous Warrior

1 This chapter draws on my article G. Slomp, 'Carl Schmitt's Five Arguments against the Idea of Just War', *Cambridge Review of International Affairs*, 19:3 (2006) 434–47.

2 In *Concept of the Political*, Schmitt makes the ambiguous remark that culture is cultivation of nature and is very polemical when talking about civilization. However, in *Theorie des Partisanen* he defines *jus publicum europaeum* as a product of rationalism. Moreover, by attributing to it the merit of having restrained hostility, Schmitt suggests that culture can direct and guide nature and above all can contain its excesses.

3 C. Schmitt, *Concept of the Political* (Chicago and London: University of Chicago Press, [1932] 1996), p. 48.

4 *Ibid.*, p. 49.

5 See E. Kennedy, 'Hostis not inimicus. Toward a Theory of the Public in the Work of Carl Schmitt', *Canadian Journal of Law and Jurisprudence*, 10 (1997) 35–47.

6 Of course, utilitarianism can at times recommend surrender rather than war. See, for example, F. Struckmeyer, 'The "Just War" and the Right of Self-defence', *Ethics*, 82:1 (1971) 48–55, especially pp. 50–1.

7 H. Butterfield, *Christianity, Diplomacy, and War* (London: Epworth Press, 1953), pp. 27–8.

8 Augustine, *Contra Faustum*, Book XXII, Chapter LXXIV. Augustine's views on killing and just war are far from simplistic. On the one hand, he questions the belief that killing in self-defence is morally justifiable and puts across the view that killing and war are never right if the motivation is love of oneself; on the other hand, a war inspired by love of the weak is for Augustine justifiable as long as one never forgets that for a Christian the enemy cannot be the object of hatred but must be loved too.

9 See T. Hobbes, *Leviathan*, edited by E. Curley (Indianapolis/Cambridge: Hackett Publishing, [1651] 1994), 'Whatsoever is the object of any man's Appetite or Desire; that is it, which he for his part calleth *Good* […] For these words of Good, Evil, and Contemptible, are ever used with relation to the person that useth them, there being nothing simply and absolutely so' (pp. 28–9) and 'For there is no such *Finis ultimus* nor *Summum Bonum* as is spoken of in the Books of the old Morall Philosophers' (p. 57).

10 C. Schmitt, *op. cit.*, p. 49.

11 C. Schmitt, *op. cit.*, p. 27.

12 C. Schmitt, *Der Begriff des Politischen* (Berlin: Duncker & Humblot, 2002), p. 11. Quotation is from the 1963 Foreword.

13 L. Kotzsch, *The Concept of War in Contemporary History and International Law* (Geneva: E. Droz, 1956), p. 86.

14 For example, Augustine recommended that war be fought without violating the law of charity: to fight without hatred and with compassion is a moral requirement.

15 L. Miller, 'The Contemporary Significance of the Doctrine of Just War', *World Politics*, 16:2 (1964) 254–86, p. 266.

16 C. Schmitt, *Concept of the Political*, p. 66.

17 C. Schmitt, *Ex Captivitate Salus* (Berlin: Duncker & Humblot, [1950] 2002), p. 15.

18 F. de Vitoria, *Political Writings*, edited by J. Lawrence and A. Pagden (Cambridge: Cambridge University Press, 1991).

19 Grotius, *De Iure Belli ac Pacis*, Book II, Ch. XXIII, Sec. XIII.

20 Alberico Gentili, *De Jure Belli Libri Tres*, Volume Two. In several of his writings, Schmitt reminds us of Alberico Gentili's famous dictum '*Silete, theologi, in munere alieno!*'. See, for example, C. Schmitt, *Ex Captivitate Salus*, p. 70; *Der Nomos der Erde* (Berlin: Duncker & Humblot, [1950] 1997), Chapter 3; and the Foreword to *Der Begriff des Politischen*, p. 15. The dictum symbolizes the separation between politics and the legal aspects of war on the one hand and theology and ethics on the other.

21 C. Schmitt, *The Leviathan in the State Theory of Thomas Hobbes* (Westport, Conn.: Greenwood Press, [1938] 1996), p. 45.

22 Erasmus, *The Education of a Christian Prince* (New York: W.W. Norton, 1968), p. 249. On Erasmus' ambiguity regarding just wars, see for example J. Fernandez, 'Erasmus on the just war', *Journal of the History of Ideas*, 34:2 (1973) 209–26.

23 '[der Bürgerkrieg] kann nicht anders als gerecht im Sinne von selbstgerecht sein und wird auf diese Weise zum Urtypus des gerechten und selbst-gerechten Krieges überhaupt', C. Schmitt, *Ex Captivitate Salus*, p. 57.

24 C. Schmitt, *Theorie des Partisanen* (Berlin: Duncker & Humblot, [1963] 1975), p. 33.

25 *Ibid.*, pp. 41–2.

26 *Ibid.*, p. 36.

27 *Ibid.*, p. 17.

28 For Aquinas, the other two conditions are that there must be a just cause and that the belligerent party must possess a just intention 'to do the good and avoid the evil', Thomas Aquinas, *Summa Theologica*, II, II, 40.

29 J. McKenna, 'Ethics and War: A Catholic View', *American Political Science Review* (1960) 647–58. He lists seven conditions for just war, all of which are discussed and rejected in D. Wells, 'How much can "the just war" justify?', *The Journal of Philosophy*, 66:23 (1969) 819–29.

30 D. Wells, *op. cit.*, p. 821.

31 D. Luban, 'Just War and Human Rights', *Philosophy and Public Affair*s, 9:2 (1980) 160–81, p. 172. On the next page he writes: 'War in our time seems most often to be revolutionary war, war of liberalisation, civil war, border war between newly established states, or even tribal war, which in fact is a war of nations provoked largely by the noncongruence of nation and state'.

32 For more on Schmitt and Lenin, see E. Bolsinger, *The Autonomy of the Political: Carl Schmitt's and Lenin's Political Realism* (London: Westport, 2001).

33 From his 1963 Foreword to C. Schmitt, *Der Begriff des Politischen*, p. 11.

34 *Ibid.*, p. 11.

35 For example, von Elbe, writing in 1939, pointed to a gradual trend among sixteenth-century scholars to abandon the idea that war needs a just cause. War became 'nothing more than a procedural device that may be resorted to even the redress of a probable wrong without exposing either party to the blame of injustice', see J. von Elbe, 'The Evolution of the Concept of the Just War in International Law', *American Journal of International Law*, 33:4 (1939) 665–88, p. 674.

Over the centuries this approach to war grew so that 'the majority of writers' during the nineteenth and at the beginning of the twentieth century considered 'war as an act entirely within the uncontrolled sovereignty of the individual state' (*ibid.*). A similar assessment of the attitude to war from the eighteenth to the nineteenth century is given by Richard Falk: he, too, notices that until at least the close of the nineteenth century 'a state was in a position to legitimate recourse to war by giving its own explanation' and with no recourse to moral arguments. See R. Falk, 'Revolutionary Nations and the Quality of International Legal Order', in Morton Kaplan (ed.) *The Revolution in World Politics* (New York: Wiley, 1962), p. 320.

36 E. de Vattel, *The Laws of Nations*, Book III, Chapter 12 (1758) reprinted in C. Brown *et al.* (eds) *International Relations in Political Thought* (Cambridge: Cambridge University Press, 2002), p. 376.

37 Gerald Draper quoted in L. Miller, *op. cit.*, p. 255. Miller believes that such a causal relation can never be proven: 'It is probably futile to attempt to determine whether the doctrine of just war emerging from the Middle Ages fell into disrepute in the modern age because it failed to combine rules regarding the legitimate resort to war with those concerning its conduct or whether its decline was the result of an overemphasis upon meeting the conditions of *jus ad bellum* at the expense of restraint in the conduct of war' (p. 259).

38 C. Schmitt, *Concept of the Political*, p. 45.

39 Writing in 1939, von Elbe, like Schmitt, sees in the Versailles treaty 'the starting point for a movement once more to distinguish between just and unjust wars'. See von Elbe, *op. cit.*, p. 687. The view that 'the Versailles Treaty represented a return to the concept of war of earlier times and a reversion of the concepts of *jus publicum europaeum*' is widely accepted. See, for example, M. Kaplan and N. Katzenbach, *The Political Foundations of International Law* (New York: Wiley, 1961), pp. 209–10.

40 Writing in 1938, Schmitt comments that the conclusion of the Great War was a contravention of *jus publicum europaeum*. See C. Schmitt, *Der Begriff des Politischen*, pp. 102–11.

41 See L. Miller, *op. cit.*, p. 254.

42 Schmitt's 1963 Foreword to his C. Schmitt, *Der Begriff des Politischen*, pp. 18–19.

43 'The last war of humanity is necessarily unusually intense and inhuman because […] it degrades the enemy into moral and other categories and is forced to make of him a monster that must not only be defeated but also utterly destroyed. In other words, he is an enemy who no longer

must be compelled to retreat into his borders only', C. Schmitt, *Concept of the Political*, p. 36.

44 In his words: 'To confiscate the word humanity, to invoke or mono-polize such a term probably has certain incalculable effects, such as denying the enemy the quality of being human and declaring him to be an outlaw of humanity; and a war can thereby be driven to the most extreme inhumanity', C. Schmitt, *Concept of the Political*, p. 54.

45 *Ibid.*, p. 54.

46 *Ibid.*, p. 67.

47 C. Schmitt, *Theorie des Partisanen*, p. 75.

48 Schmitt regards civil and revolutionary war as the hallmark of the twen-tieth century and as a by-product of European colonization and of Leninism. A similar view is put across in H. Arendt, *On Revolution*, (Harmondworth: Penguin Books, 1973), p. 11: 'Wars and revolutions – as though events had only hurried up to fulfil Lenin's early predictions – have thus far determined the physiognomy of the twentieth century […] war and revolution still constitute its two central political issues'.

49 A similar diagnosis to that provided by Schmitt in 1963 can be found in other works of the same period; see for example, L. Miller, *op. cit.*, p. 254.

50 J. McCormick, *Carl Schmitt's Critique of Liberalism: Against Politics as Technology* (Cambridge: Cambridge University Press: 1997), p. 2. See also his J. McCormick 'Fear, Technology, and the State', *Political Theory*, 22:4 (1994) 619–52.

51 C. Schmitt, *op. cit.*, p. 76.

52 C. Schmitt, *Ex Captivitate Salus*, p. 73.

53 C. Schmitt, *Der Nomos der Erde*, pp. 298–9.

54 Schmitt's view was far from obsolete in the 1960s. See, for example, R. Falk, *Law, Morality and War in the Contemporary World*, (New York and London: Frederick A. Praeger for Princeton University, 1963), p. 53: '[A]s a result of modern weapons developments it is no longer possible to distinguish between combatant and non combatant in modern war'. See also L. Miller, *op. cit.*, p. 281.

55 C. Schmitt, *op. cit.*, p. 299.

56 The clearest explanation of this aspect of Hobbes's theory can be found in N. Bobbio, *Thomas Hobbes and the Natural Law Tradition* (Chicago and London: University of Chicago Press, 1993).

57 J.B. Elshtain, *Just War against Terror* (New York: Basic Books, 2003).

58 C. Brown, 'From Humanised War to Humanitarian Intervention: Carl Schmitt's Critique of the Just War Tradition' in L. Odysseos and F. Petito (eds) *The International Political Thought of Carl Schmitt: Terror, Liberal War and the Crisis of Global Order* (London and New York: Routledge, 2007) 56–69, p. 63.

59 C. Schmitt, *Concept of the Political*, p. 33.

60 M. Ignatieff, *Virtual War: Kosovo and Beyond* (London: Vintage, 2001), p. 4.

61 *Ibid.*, p. 100.

62 *Ibid.*, pp. 197–8.
63 *Ibid.*, p. 199.
64 *Ibid.*, p. 62.
65 *Ibid.*, p. 62. The liberal aversion to risking the life of one's own armed forces *vis-à-vis* foreign civilians is also examined in M. Howard, *War and the Liberal Conscience* (Oxford: Oxford University Press, 1978), C. Coker, *Humane Warfare* (London: Routledge 2001) and J. Der Derian, *Virtuous War* (Boulder, Colorado: Westview, 2001).
66 M. Ignatieff, *op cit.*, p. 150.
67 *Ibid.*, p. 161.
68 On the issue of just war, C. Schmitt, *Nomos of the Earth*, pp. 131–40 are particularly relevant.
69 M. Ignatieff, *op cit.*, pp. 213–14.
70 F. Struckmeyer, *op. cit.* He adopts this image and claims that there is a third position between the extremes of pacifism and jingoistic militarism. On this, see also, N. Rengger, 'On the just war tradition in the twenty-first century', *International Affairs*, 78:2 (2002) 353–63, p. 354.
71 Of course, one can deny that just war justifies all means. For the claim that the principle of humanity does not justify all means see, for example, T. Honderich, *After the Terror* (Edinburgh: Edinburgh University Press, 2002), p. 56.

Chapter 7   Friendship: Domestic and International

1 M. Oakeshott, 'The New Science of Politics' in *Times Literary Supplement* (7 August 1953), reprinted in M. Oakeshott, *What is History?: and other essays*, edited by L. O'Sullivan (Exeter: Imprint Academic, 2004) 229–33, p. 229.
2 He refers to criminal law and observes that it would be absurd to contend that criminal law gives special value to criminality over law-abidance.
3 C. Schmitt, *Theorie des Partisanen* (Berlin: Duncker & Humblot, [1963] 1975), p. 21.
4 Self-interest, Schmitt stresses, is what motivates the ally or 'third party' (der interessierte Dritte) to help terrorist groups throughout the world; the influence and power that the third party has on the terrorist group enhances its own standing on the international stage. Conversely, the terrorist group has an interest in establishing a relationship of trust with an established state because in return it receives not only weapons and money, but also political recognition. See C. Schmitt, *Theorie des Partisanen*, pp. 77–8.
5 The meaning and significance of friendship – and in particular of political friendship – in Aristotle's theory are a matter of debate. On this topic, in additions to the works by Mulgan, Price, Cooper, etcetera mentioned in Chapter 2, worthy of attention are: J. Annas, 'Plato and Aristotle on Friendship and Altruism', *Mind*, 86 (1977) 105–14; J.M. Cooper, 'Aristotle on the forms of friendship', *Review of Metaphysics*, 30 (1977) 619–48;

W.W. Fortenbaugh, 'Aristotle's Analysis of Friendship: Function and Analogy, Resemblance and Focal Meaning', *Phronesis*, 20 (1975) 51–62; A.D.M. Walker, 'Aristotle's Account of Friendship in the Nicomachean Ethics', *Phronesis* 24 (1979) 180–96; S. Stern-Gillet, *Aristotle's Philosophy of Friendship* (Albany NY: State University of New York Press, 1995).

6 I failed to make this point clear in my G. Slomp, 'Carl Schmitt on Friendship: Polemics and Diagnostics', *Critical Review of International Social and Political Philosophy*, 10:2 (2007) 199–213.

7 For more on the career of friendship in Western political thought, see P. King and H. Devere (eds) *The Challenge to Friendship in Modernity* (London: Frank Cass, 2000) and *Critical Review of International Social and Political Philosophy*, Special Issue on Friendship in Politics, G.M. Smith and P. King (eds), 10:2 (2007).

8 Important discussion of the political in Schmitt can be found in B. Arditi, 'On the Political: Schmitt contra Schmitt', *Telos*, 142 (2008) 7–28; G. Sartori, 'The Essence of the Political in Carl Schmitt', *Journal of Theoretical Politics*, 1 (1989) 64–75; C. Galli, *Genealogia della Politica: Carl Schmitt e la Crisi del Pensiero Politico Moderno* (Bologna: Il Mulino, 1996); P. Gottfried, *Carl Schmitt: Politics and Theory* (Westport, Conn.: Greenwood Press, 1990); N. O'Sullivan, 'Difference and the Concept of the Political in Contemporary Political Philosophy', *Political Studies*, 45 (1997) 739–54.

9 We may notice that the quotation from Däuber ('Der Feind ist unsre eigne Frage als Gestalt') can be found also in *Ex Captivitate Salus*, in the section entitled 'Wisdom of the Cell' where Schmitt reflects on the meaning of enmity for him personally, C. Schmitt, *Ex Captivitate Salus* (Berlin: Duncker & Humblot, [1950] 2002), p. 90. For a discussion of this point see C. Schmitt, *Theory of the Partisan* (New York: Telos Press Publishing, 2007), p. 85, Ulmen's footnote 89.

10 C. Schmitt, *Theorie des Partisanen*, p. 87.

11 J. Bendersky, *Carl Schmitt: Theorist for the Reich* (Princeton, NJ: Princeton University Press, 1983), p. 89.

12 C. Schmitt, *Concept of the Political*, p. 85.

13 L. Strauss, 'Notes on Carl Schmitt: The Concept of the Political' in C. Schmitt, *The Concept of the Political* (London and Chicago: University of Chicago Press, 1996), p. 101.

14 Interesting views on this can be found in C. Mouffe, *The Return of the Political* (London: Verso, 1993) and C. Mouffe (ed.) *The Challenge of Carl Schmitt* (London and New York: Verso, 1999).

15 For an interesting discussion of Schmitt's views on identity see for example N. O'Sullivan, *European Political Thought since 1945* (Houndmills and New York: Palgrave Macmillan, 2004).

16 M. Oakeshott, *Rationalism in Politics* (London: Methuen, 1962), pp. 416–17, emphasis added.

17 On the role of the 'case of exception' in Schmitt see, for example, J. McCormick, 'The dilemmas of Dictatorship: Carl Schmitt and Constitutional Emergency Powers', *Canadian Journal of Law and Jurisprudence*, 10 (1997) 163–88; W. Scheuerman, 'The rule of law under siege: Carl Schmitt

and the death of the Weimar Republic', *History of Political Thought*, 14 (1993) 265–80; W. Scheuerman, *Between the Norm and the Exception: The Frankfurt School and the Rule of Law* (Cambridge: MIT Press, 1994); G. Schwab, *The Challenge of the Exception: An Introduction to the Political Ideas of Carl Schmitt between 1921–1936* (Berlin: Duncker & Humblot, 1970); and last but not least G. Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005).

18 A.J. Coates, *The Ethics of War* (Manchester: Manchester University Press, 1997), p. 30.

19 P. Caputo, *A Rumor of War* (London: Book Club Associates, 1978), p. xvii, quoted in A.J. Coates, *op. cit.*, p. 31.

20 W.S. Churchill, *The Second World War: Vols. I–VI*, Volume One (London: Penguin Books, 1985), pp. 186–7, quoted in A.J. Coates, *op. cit.*, p. 20.

21 On this, see E. Kennedy, 'Hostis not inimicus. Toward a Theory of the Public in the Work of Carl Schmitt', *Canadian Journal of Law and Jurisprudence*, 10 (1997) 35–47. See also A. Colombo 'The Realist Institutionalism of Carl Schmitt' in L. Odysseos, L. and F. Petito (eds) *The International Political Thought of Carl Schmitt* (New York and London: Routledge, 2007) 21–35 and F. Petito, 'Against world unity: Carl Schmitt and the Western-centric and liberal global order' in L. Odysseos and F. Petito (eds), *op. cit.*, 166–84.

22 As many interpreters have pointed out, it seems that some of Morgenthau's remarks could have been penned by Schmitt himself: '[The political realist maintains] the autonomy of the political sphere against its subversion by other modes of thought', H.J. Morgenthau, *Politics among Nations* (New York and London: McGraw-Hill, 1993), p. 13, is one example. Holding that 'the realist though not unaware of the existence and relevance of standards of thought other than political ones…cannot but subordinate these other standards to those of politics', H.J. Morgenthau, *op. cit.*, p. 11, is another.

23 Moreover, in his 1932 *Concept of the Political*, Schmitt writes that the intertwined schools of utopianism, idealism, and moralism are not just theoretically misguided approaches to international politics but are forces with tragic practical consequences. This is not dissimilar to the argument in E.H. Carr's *The Twenty Years' Crisis*, 3rd edn (London: Macmillan, 1981), originally published in 1939.

24 Cited in A. Montagu, *Man's Most Dangerous Myth: The Fallacy of Race* (Walnut Creek and London: AltaMira Press, 1997), p. 81.

25 Like many Realists, Schmitt stresses that political theory needs to be predicated on the assumption that human nature is evil (see Chapter 2).

26 Throughout his life Schmitt regarded the idealist or moralist at best as a dangerous if well-intentioned fool, at worst as a self-indulgent hypocrite. In the 1932 publication of *Concept of the Political*, Schmitt is particularly keen to denounce the hypocrisy of the righteous and to expose the fact that violence and destruction motivated by desire for power and greed are masked by the rhetoric of imposing higher values on people with lower values. In the 1963 Foreword to the re-publication of *Concept of the Political*, Schmitt concedes, as he does in *Theory of the Partisan*, that the intentions of

idealists may be noble and praiseworthy but he stresses the dangerous consequences of well-meaning individuals and institutions. For Schmitt, as for many realists, international relations become more rather than less violent as a result of well-intentioned but entirely misconceived moral ideals; far from fostering peace, moral ideals have the effect of exacerbating hostility.

27 In 1972, Carl Friedrich famously identified *nomos* with tradition: 'Nomos very clearly suggested to the Greek mind what tradition does to us: the sacred transmitted beliefs, rituals, thoughts of our ancestors' C.J. Friedrich, *Tradition and Authority* (London: Pall Mall Press, 1972), p. 23. Friedrich also emphasized the difference between tradition and ideology: 'Tradition seen as a set of established values and beliefs having persisted over several generations is therefore the antithesis of ideology with which it is often confused by those who see any system of ideas as an ideology. But a programmatic set of ideas concerned with the change and/or maintenance of a political system which an IDEOLOGY properly speaking is, contrasts sharply with TRADITION as here defined', C.J. Friedrich, *op. cit.*, p. 18. Although Schmitt and Friedrich's notions of *nomos* do not coincide they agree that *nomos* restrains hostility whereas ideology unleashes it.

28 See for example, J. Derrida, *Politics of Friendship* (London: Verso, 1997); A. MacIntyre, *After Virtue* (London: Duckworth 1981); Sybil Schwarzenbach, 'On Civic Friendship', *Ethics* 107:1 (1996) 97–128; S. Schwarzenbach, 'Civic Friendship: A Critique of Recent Care Theory', *Critical Review of International and Social Political Philosophy* 10:2 (2007) 233–55; Evert van der Zweerde, 'Friendship and the Political', *Critical Review of International and Social Political Philosophy* 10:2 (2007) 147–65. On friendship and international relations see for example Andrea Oelsner, 'Friendship, Mutual trust and the Evolution of Regional Peace in the International System', *Critical Review of International and Social Political Philosophy* 10:2 (2007) 257–79; Antoine Vion, 'The Institutionalization of International Friendship', *Critical Review of International and Social Political Philosophy* 10:2 (2007) 281–97; E. Roschchin, 'The concept of Friendship: From Princes to States', *European Journal of International relations*, 12:4 (2007) 599–624; Felix Berenskoetter, 'Friends, There are no friends? An Intimate reframing of the International', *Millennium: Journal of International Studies*, 35:3 (2007).

Chapter 8   Final Thoughts

1 J-F. Kervegan, 'Carl Schmitt and "World Unity"', in C. Mouffe (ed.) *The Challenge of Carl Schmitt* (London: Verso, 1999) 54–74, p. 55. He distinguishes between: Carl Schmitt before National Socialism (before 1933), 'Nazi' Carl Schmitt (1933–1942) and Carl Schmitt after National Socialism (after 1943).

2 R. Wolin, 'Carl Schmitt: The Conservative Revolutionary Habitus and the Aesthetics of Horror', *Political Theory*, 20:3 (1992) 424–47, p. 442. On the relationship between Schmitt and Hobbes, particularly valuable

contributions can be found in J. McCormick, 'Fear, Technology, and the State', *Political Theory*, 22:4 (1994) 619–52, and especially H. Bredekamp, 'From Walter Benjamin to Carl Schmitt, via Thomas Hobbes', *Critical Inquiry*, 25:2 (1999) 247–66.

3 C. Schmitt, *Concept of the Political* (Chicago and London: University of Chicago Press, [1932] 1996), p. 13.

4 E. Voegelin, *The New Science of Politics* (Chicago and London: The University of Chicago Press, [1952] 1987), p. 1.

5 *Ibid.*, p. 1.

6 'The Philosophy of History' in M. Oakeshott, *What is History?: and other essays*, edited by L. O'Sullivan (Exeter: Imprint Academic, 2004) 117–32, p. 127.

7 H. Butterfield, *Christianity and History* (London: G. Bell & Sons, 1954), p. 67.

8 *Ibid.*, p. 81.

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