

Echoes of Carl Schmitt among the ideologists of the New American Empire

Mark Twain wrote that 'History never repeats itself, but the kaleidoscopic combinations of the pictured present often seem to be constructed out of the broken fragments of antique legends' (Twain and Warner, 1873 [1874], 76). More pithily, he is widely quoted as having said some variant of the following: 'History never repeats itself, but it sometimes rhymes'. I hear Schmitt rhymed when Robert Kaplan (2002, 4) writes of danger in the twenty-first century as likely to come from 'populist movements, taking advantage of democratization,' and as requiring the establishment of order abroad, through self interested leadership on the part of the United States. This 'pagan' self-interested leadership must be prepared to set aside morality in the service of effectiveness, and thus, while '[t]he [US-] Mexican War [1846-8] was probably unjust-motivated as it was by sheer territorial aggression,' yet, 'it was a war worth fighting: the United States acquired Texas and the entire Southwest, including California' (Kaplan, 2002, 130). George W. Bush rhymed Schmitt when, in defending Donald Rumsfeld in April 2006, he described his own style of government: 'I hear the voices, and I read the front page, and I know the speculation. But I'm the decider, and I decide what is best' (Henry and Starr, 2006). The reading list for the Bush administration that took office in January 2001 included Terry Eastland's (1992) *Energy in the Executive: The Case for a Strong Presidency* and in Eastland's advocacy, and in Bush's practice, of a President with almost unlimited powers, a unitary executive, I hear more Schmitt rhymes (Dean, 2007 [2008], 100). I heard them too, when, in April 2004, George W. Bush set aside UN resolutions and, while advocating the creation of a Palestinian state, yet reassured Israeli Prime Minister, Ariel Sharon, that, '[i]n light of new realities on the ground, including already existing major Israeli populations centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949' (Anon., 2004). I heard Bernard Lewis (1990) rhyme Schmitt when he spoke of a 'civilizational jealousy' that meant the world of Islam hated the West for surpassing the Arab world in technology, wealth, and power and described a 'clash of civilizations' between two global blocs defined essentially by religion, with Islam as the auld enemy of Christendom. And, having borrowed Lewis's incendiary phrase for his own study of international relations as *The Clash of Civilizations* (Huntington, 1997), Samuel Huntington turned to the internal divisions within the United States and I heard rhymes of Schmitt in his bemoaning the dilution of WASP dominance through the immigration of Mexican Catholics (Huntington, 2004).

A week after the international crimes of 9/11 Congress passed an authorization for the use of force: 'the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons' (Anon., 2001). The Bush administration touched its house jurist, John Yoo, for a legal opinion that would give it unfettered war powers under this indefinite and unspecific mandate. Yoo obliged in terms that certainly rhyme easily with Schmitt. Some of these opinions have recently peeped out into the press and we now know that Yoo's sketch 'included assertions that the president could use the nation's military within the United States to combat people deemed as terrorists and to conduct raids without obtaining a search warrant. [... And] that the president could unilaterally abrogate foreign treaties, deal with detainees suspected of terrorism while rejecting input from Congress and conduct a warrantless eavesdropping program' (Lewis, 2009). The Schmittian rhymes were there, too, a bare ten days after the international crimes of 9/11, when George Bush declared war on terror and enjoined his fellow Americans to

recognize that 'we have found our mission and our moment' (Bush, 2001a). A mere five days after the attacks, he had spoken also of '[t]his crusade, this war on terrorism' (Bush 2001b). Asked a few years later if he had consulted his father, the former President, George H. W. Bush, about how to respond to 9/11, the son could not remember anything in detail but then added: '[y]ou know, he is the wrong father to appeal to in terms of strength. There is a higher father that I appeal to' (Woodward, 2004, 421). I hear Schmitt too in this theological politics.

Carl Schmitt's work seems to speak to our times. In our daily news, we find echoes of his accounts of states, of sovereignty, and of international relations. We might conclude that his work encapsulated some inescapable dimensions of politics; hard lessons that we must learn once again. Instead, I want to suggest that there are a variety of ways that states, sovereignty and international relations have been and can be configured and that Schmitt argued in favour of certain of them: his approach was normative. Furthermore, he engaged with his own times and found much to criticize and occasionally things to praise in the way peoples, states, and foreign affairs were managed by his contemporaries. We find today, people who share Schmitt's values and promote policies similar to those he promoted. Politicians, strategists, and intellectuals seem to echo Schmitt in part because desiring similar ends they see things in much the same way as did Schmitt. Schmitt would have strongly disagreed with this reading of his work. As a friendly critic, Leo Strauss, noted of Schmitt's analysis of the political, 'it is immaterial in Schmitt's express opinion, whether one regards the political as desirable or detestable: the intent of the position "is neither bellicose or militarist, nor militarist nor pacifist." Schmitt desires only to know *what is*' (Strauss, 1932 [2007], 108, quoting Schmitt, 1932 [2007], 33). I want to show some of the ways that this is a misleading characterization of Schmitt's geopolitical arguments. After a brief account of the context of Schmitt's geopolitical writings, I take up five aspects of these works. I consider first Schmitt's account of the different forms taken by the *nomos* of the earth. I turn then to nation-states and outline Schmitt's critique of liberalism, before moving to a consideration of force (the reality that Schmitt insisted liberals avoid), and then to the notions of identity that he both described, and indeed advocated. I end by relating these themes to the theological tenor of Schmitt's politics.

Geopolitical Justifications

Gopal Balakrishnan (2000) has tracked the ways that Schmitt's writings about his central concerns responded to contemporary political events. After defeat in the First World War, Germany was rent by monarchic reaction and socialist revolution. Schmitt was one of those conservatives who made an anathema of socialism, thinking authoritarian reaction rather than mass democracy a safer bet for property, stability, and morality (Woods, 1997). In Germany during the 1920s the main political forces were: first, an authoritarian conservatism that wanted to organize the state through the army and the civil service as directed by an élite recruited from the landed and professional classes and responsive very largely to the needs of industrial corporations; second, a liberal middle class; third, a revolutionary proletariat that sought to expropriate private property and install soviet socialism; and, finally, a radical nationalism stoking populist and racist anger to salve the continuing shame of the settlement imposed after military defeat. Schmitt identified with the first, was contemptuous of the fuzzy thinking of the second, detested the third, and joined the fourth when it became the dominant power in the land. Thus, after a prompt from Martin Heidegger, Schmitt joined the Nazi party on 1 May 1933, about five weeks after Hitler had effectively suspended civil liberties with the so-called Enabling Act to which Schmitt had given early and eager support (Bendersky, 1983, 203-4).

Schmitt reaped academic and public rewards for his loyalty but the party ideologists mistrusted him and others who had not been foot-soldiers during the long rise to power and by 1936 Schmitt was forced out of his party positions despite his very public endorsing of anti-Semitic purges in intellectual and professional life (Schwab, 1970 [1989]). Schmitt blamed, in large part, some of his Jewish ex-students who, from exile outside Germany, expressed their disappointment

with their former mentor by claiming that Schmitt's conversion to Nazism was not only late but insincere (Bendersky, 1983, 225). At the end of the war, Schmitt was held for some fourteen months by American forces while they investigated his responsibility for the waging of aggressive war before finally deciding to bring no charges. Schmitt refused to submit to de-Nazification and unlike many other Nazi academics he did not return to high professional office, living out his last two score of life in what he announced as internal exile by naming his house *San Casciano*, recalling both where Machiavelli spent his own internal exile under the Medicis and the third-century martyr who was executed at the hands of his own students (Hoelzl and Ward, 2008, 2).

One way of responding to Balakrishnan's analysis is to examine the place of geopolitical reasoning in the justifications for various policy options that Schmitt developed in his writings, almost all of which had distinct and immediate political purchase. Much of Schmitt's early work concerns what he saw as the problems of liberalism and it reflected his disdain for mass democracy and it justified government by elites. Two sets of ideas from these early writings recur in the later work on international politics. In the first place, Schmitt argues that individualism is an improper postulate for understanding society, religion, or law for the human being 'is not alone in the world,' but, rather, is always 'in the company of other' people (Schmitt, 1917 [1996], 51). Schmitt's communitarian perspective is developed further as a justification for authoritarian government through the second strong theme in these early writings and that is his claim that democracy can only function when there is substantial equality among the members of the polity for, according to Schmitt (1926a [1985], 9), 'democracy requires homogeneity and [thus]-if the need arises-[the] elimination or eradication of heterogeneity.' At the very least this required the articulation and inculcation of an integrative myth, which he believed must be 'a national myth,' with a 'common spiritual enemy' (Schmitt, 1926b [1985], 75). In the 1920s, this enemy was usually identified by Schmitt as communism and in the second half of the 1930s, the enemy was more frequently represented as Jewish people. Schmitt (1932 [2007], 32) was anxious that internal enemies be subdued so that civil war be avoided and thus also the 'self-laceration' that 'endangers the survival' of the state and 'has the effect of weakening the common identity vis-à-vis another state.' This anti-individualism and aggressive nationalism were later important themes in his geopolitical writings.

Schmitt's German patriotism inflamed his anger at the shaming of Germany at the hands of the allied powers after the First World War. When he collected some of his writings from the 1920s and 1930s, Schmitt (1940) gave the collection the title, *Positionen und Begriffe im Kampf mit Weimar-Genf-Versailles, 1923-1939* (Positions and Concepts in the Struggle against Weimar-Geneva-Versailles). Weimar, of course, was the republic constructed out of the compromised sovereignty allowed to Germany by the peace settlement of Versailles, and policed by the League of Nations, based in Geneva. Schmitt saw them as related aspects of Germany's humiliation. His early geopolitical writings were evident justification and provocation for a German policy of defying these arrangements. A central argument in these writings was that the League of Nations was based upon a hypocritical caesura between form and content. In form, the League announced itself as based upon the equality of states, the elimination of war, and the principle of non-interference by others in the internal affairs of sovereign states. Instead, observed Schmitt (1938a, 47), the League had an explicit civilizational scale in distinguishing between peoples who were capable of self-government and those 'unable to forge an organizational apparatus character of a modern state' who were to be consigned to protectorates if on the way to self-government or to colonies where their case was for the moment hopeless.

But, beyond his irritation with the hypocrisy of the League of Nations, Schmitt (1938b [2004], 15) was yet more disturbed by the threat of a global federal government based upon the twin poles of 'individualism and universalism.' Schmitt saw the rights of states being dismembered between the two. Individuals, through the 'so-called rights of minorities' (Schmitt, 1938b [2004], 15) would have the protection of the League against their governments while states would lose the right to wage war with impunity since the League reserved to itself the right to adjudicate upon the

causes of war and thus unite the free world against the unjust. In this way, Schmitt suggested, by means of a discriminating concept of war, dividing states into innocent victims and unjust aggressors, 'the whole order of international law allows itself to be unhinged, yet [the League] creates no new order' (Schmitt, 1938b [2004], 44-5). Schmitt was seeking to justify Germany's defiance of complaints about its treatment of Jewish people, with the revocation of naturalization in July 1933, and he was also reserving to Germany the right to wage war in exercise of 'the will of self-assertion of free peoples' (Schmitt, 1938b [2004], 5).

In defending the national autonomy and right to self-assertion of Germany, Schmitt claimed he was asking for no more than the United States had already arrogated to itself. In the two very interesting essays, one of 1933 on the 'Forms of Modern Imperialism' and the other of 1939 on '*Grossraum* versus Universalism,' reprinted earlier in this book, Schmitt developed an analysis of the Monroe doctrine (1823) that was central to his justification for German imperialism. He argued that the Monroe doctrine was nothing more than a fig leaf for the assertion of the imperialistic policies of the United States both economically and militarily. The United States itself decided when and how to invoke the principle of non-interference by outside powers in the affairs of the Western hemisphere. Furthermore, he pointed out that the United States had forced the League of Nations to incorporate into its Covenant the basic rights claimed by the United States under the doctrine, even though the United States chose ultimately to remain outside the League. Schmitt saw the Monroe doctrine as another nail in the coffin of the League's claims to universalism and indeed he proposed that Germany was claiming no more in its European domain than the United States claimed in its American one. In March 1939 Germany invaded Czechoslovakia and a few weeks later Schmitt lectured in Kiel defending just this sort of action as a legitimate exercise of German power within its *Grossraum* and he said that it was no more than the application in Europe of the principles of the Monroe doctrine (Bendersky, 1983, 252). A few weeks later on 28 April, Hitler justified the aggression in the same precise terms, producing Schmitt's fawning observation of 15 May that his *Führer* had now 'cleared the way to the restoration of the true and original Monroe doctrine' (Schmitt, 1939 [2011?], 302?).

The final justificatory theme to which I wish briefly to advert concerns Schmitt's rebuttal of the charge that Germany had been a reprehensible aggressor in either world war. Schmitt's discussion of the bracketing of war in eighteenth- and nineteenth-century Europe rested in part upon the claim that such wars were limited in nature because the belligerents did not claim for them the righteousness of total war, that the 'so-called "cabinet war," was essentially and deliberately a partial war' (Schmitt, 1937 [1999], 29). But the discussion also served as a justification for such wars, this 'great accomplishment' (Schmitt, 1974 [2003], 140) of European civilization. The First World War, he proposed, had begun as a limited conflict but absolute enmity had been 'generated by the conflict itself' (Schmitt, 1937 [1999], 35). It had been generated out of the clash between two logics of war. Facing the German army with its continental tradition of limited war had been Great Britain, a country that early had 'detached herself from the Continent, [had ...] not passed through the [straits] of Continental statehood' (Schmitt, 1956 [2006], 55), and had never accepted the concept of limited war because 'naval wars were based on the idea of the necessity of treating the enemy's trade and economy as one. Hence the enemy was no longer the opponent in arms alone, but every inhabitant of the enemy nation, and ultimately, every neutral country that had economic links with the enemy' (Schmitt, 1954 [1997], 47). Total war, self-righteous war, these were the fault of the maritime power not the land power. At the end of the war, the same totalistic struggle was waged by the Bolsheviks who began a 'global civil war of revolutionary class enmity' (Schmitt, 1975 [2007], 95).

Schmitt made the same claim for Germany in the build-up to and during the Second World War. It was, he urged, the universalistic principles of the League of Nations that by claiming to make war illegal invited the international community to gang-up on states that might be prosecuting the traditional form of limited war within their domain and in doing so threatened to convert every war

'into an international civil war and therewith [the war] achieves a kind of totality that is as horrid and destructive [as] a facile propaganda has accused the national totality [of being]' (Schmitt, 1938c, 44-5).

It is evident, I hope, why I cannot agree with Bendersky (1983, 242) that in the face of criticisms of his lack of Nazi ideological commitment, after 1936, '[t]o avoid further complications, [Schmitt] never again dealt with domestic or party politics, but turned his attention to the study of international relations, and soon passed into obscurity.' Rather than being a disengagement from ideology and politics, Schmitt's geopolitical writings grew out of his nationalism, his hostility to mass democracy and his contempt for liberalism. The themes of rootedness and hierarchy, which were part of his organic and communitarian view of the state, likewise run through his geopolitical writings. Mitchell Dean (2007) has elaborated in detail how Schmitt developed a mythology around the concept of the *nomos* in order to justify Jewish exclusion and German expansion. Having sketched the political context of Schmitt's geopolitical writings and having asserted that they demonstrate a clear engagement with political debate and serve as explicit justifications for certain conservative, nationalistic, and fascist policies, I want now to show how Schmitt made his central geopolitical concepts carry the normative weight of his political position. I take up in turn the opposition of land and sea, the nature of liberal states, the glorification of force, and finally the theological meaning of global conflict.

Land and Sea

Carl Schmitt (1974) described as the *nomos* of the earth, the territorial processes of the incorporation of land into polities. In Roman times, this was organized by empires with the crucial relations being between empires, between empires and their subjects, and between empires and the nomadic tribes that existed at the margins of the territory claimed by the empire. With medieval Christendom, the world was divided between Christian Europe, the Islamic enemy around Europe's southern and eastern borders, and after 1492 new territory open for mission and commerce in the Americas. The Pope was the point of reference for the *nomos* and he licensed the unbridled violence practiced abroad as crusade, just war, and mission. Within Europe, he limited the scale of conflict between Catholic princes. With the Reformation, the Pope lost this spiritual monopoly and conflict within Europe took the form of unlimited just war as each side in religious wars fought to the finish. With the Peace of Westphalia (1648), a phase began where each monarch chose the religion for their subjects and did not go to war to change the religion of other European states. Beyond Europe, were polities in Asia with whom Europeans established trading relations, African societies that were raided or rendered protectorates, and the new lands of America where the Europeans allowed each other to take colonies. The combination of limited war in Europe and common imperialism in the Americas was held together by British domination of the seas that left them open for commerce. This period of international European law, of the *Jus Publicum Europaeum*, was codified with the Treaty of Utrecht in 1713 and while it lasted until the First World War, it was already called into question when, in 1823, the Americas were closed to further European colonialism with the Monroe doctrine and the US declaration of a colonial exclusion zone for the Western hemisphere. The United States had thereby declared and created a large sphere of influence, or *Grossraum*. The United States, however, remained semi-detached from Europe, claiming isolation while interfering in international treaties or making arrangements of its own from its recognition of the Belgian company controlling the Congo in 1884 to its attempts to practice an imperialism of its own in China with its call for an open door policy there in the early twentieth century. This indeterminacy lasted effectively until the Cold War when the *Grossräume* of the United States and the Soviet Union were extended towards each other.

The normative dimensions of Schmitt's account are threefold. First, the limitation of war within Europe is celebrated as a 'great accomplishment' resting upon the free seas ensured by British naval power, the balance of power in Europe created by the detached perspective of British

sea power, and the draw of so-called 'free lands' in the Americas (Schmitt, 1974 [2003], 140). The attempt to cut off access to free lands, then, either in the Americas after 1823 or in Africa after 1885 is understood to pose serious problems for the balance of power in Europe. For a late colonizer like Germany, this insistence that it was only the possibility of colonialism and imperialism abroad that kept wars constrained in Europe, that protected the 'great accomplishment,' meant that its own colonial ambitions were not only justified but necessary for European peace, indeed part of the arrangement by which the concert of Great Powers had pacified Europe. In the second place, the singular imperialist projects of the United States, from declaring a European exclusion zone in 1823, to demanding an open door China, to extending its security zone far out to sea and skipping island by island across the Pacific, inaugurated a new global *nomos* of *Grossräume*. From 1939, Schmitt argued that modern conditions of commerce, war and politics, made states anachronistic and that only by copying the US example could a people survive. Thus Germans had to develop their own *Grossraum* in central and eastern Europe if they were not to disappear (Kennedy, 2004, 26).

Finally, Schmitt makes significant use of the distinction between land and sea power. At one level, Schmitt follows Hegel in contrasting favorably sea with land power, for Hegel had suggested in *The Philosophy of Right* that '[b]y the substitution for the tenacious grasp of the soil, and for the limited round of appetites and enjoyments embraced within the civic life, of the fluid element of danger and destruction, the passion for gain is transformed' (Hegel, 1820 [2001], 190 [para. 247]). Schmitt goes further because for him the bourgeois love of safety is contemptible and thus the danger of the seas is akin to the riskiness of life and death, peace and war, which grounds the very notion of the political for Schmitt (Kennedy, 2004, 103). Schmitt set these arguments out in his 1942 work, *Land und Meer. Eine weltgeschichtliche Betrachtung* (Land and Sea: A Reflection upon Universal History). In *Land und Meer*, Schmitt argued that the British era of sea-power, the age of Leviathan, was nearing its end and Raphael Gross reports that in large part, Schmitt attributed this to Jewish people feasting upon the Leviathan, undermining the British (Gross, 2001 [2007], 161-2). Schmitt suggested that the Age of Leviathan would be superseded by the Reich, a land-based German *Grossraum* (Gross, 2001 [2007], 161-2).

Schmitt argued, further, that it was precisely the sea power of the British that had introduced the notion of total war. Although in many places he traces the practice of total war to the religiously sanctioned violence of a just war, in "*Nomos*" of the Earth, he contrasted the limitations placed upon land war between Europeans, with its protection of civilians, its forbidding of plunder, and what Schmitt saw as the symmetry of soldiers on each side who equally risked death, with the lawlessness of the seas where booty and prize were unrestrained and where there was no limit to the acceptable forms of blockade or bombardment of the inhabitants of ports. It is sea power that provides the nearest model for the industrialized asymmetry of aerial bombardment and the projectile violence of total war (Schmitt, 1974 [2003], 312-20). Thus Schmitt argues that total war was pioneered by Britain, the sea-power, and that for long they were the only power able to prosecute total war (Kennedy, 2004, 115). The end of the Age of Leviathan can only be secured with war for '[o]nly in battle can the new *nomos* arise. [...] Some believe that they are experiencing the end of the world. In reality we are experiencing only the end of the previous relationship of land and sea' (Meier, 71; quoting Schmitt, 1954 [1997], 59). So Schmitt contrasted land and sea power and saw Germany as the rising land power but, furthermore, while prizing the adventure of sea-power, he blamed it for letting out the genie of total war in Europe, and thus undoing the great accomplishment of the *Jus Publicum Europaeum*. The blame for the unbridled violence of the European world wars: lay with those sea-powers that prevented Germany from acquiring colonies: could be shared with the United States for setting the example of *Grossraum* development: and good share might be given to Britain for pioneering total war. The spatial dynamics of the *nomos*, then, led Germany to engage in a war essential to its survival and in which it but followed the lead of others. Land and sea power are something like floating signifiers for although there are certain fairly obvious and uncontroversial things to be said about each of them, in fact, they are usually

opposed in ways which make the use of force in one mode less ethical than in the other. They are also regularly placed in series which present one or other as the wave of the future, or the march of progress.

Liberalism and States

Schmitt's arguments about the elimination of peoples through international competition placed great stress upon states organizing themselves to face their international challengers. In *Political Theology*, Schmitt (1934 [2005], 53) set out one of his many attacks upon romantics who, he claimed, 'possess an odd habit: everlasting conversation.' Although in his early writings Schmitt was very much concerned with literary and artistic topics, Ellen Kennedy (2004, 47) remarks that Schmitt came to criticize the aesthete as someone who refuses the decisions that are part of the true ethical life. Against what he terms political romanticism, Schmitt insists that in politics decisions are made with absolute finality (Strong, 2007, xiii). These decisions are not constrained by rules and law, instead Schmitt insists that the essence of sovereignty consists in choosing when to suspend law, when to make an exception and how to decide upon the exception. For Schmitt, liberalism was an obstacle to political decision-making. By institutionalizing social or religious divisions as parties, it fomented disagreement about policy. Indeed, if democracy was a system for expressing the will of the people, Schmitt was sure that liberalism was antithetical to democracy. Again, Schmitt related this failing of the state to the influence of Jewish people and Jewish thought (Kennedy, 2004, 179-80). Drawing upon a classic anti-Semitic figure, Schmitt said Jewish people were migratory and rootless, having a natural affinity for universal rather than nationalist ideas. Indeed, he saw Jewish people as the bearers of the idea of freedom of thought and thus as people who undermined public authority, which had to rest upon truth and authority, not pluralism and opinion.

Understanding mere opinion as inimical to authority, Schmitt approached liberalism as a form of value relativism that led people to forget the theological and mythological basis for the absolute values that alone could command obedience and deliver final decisions (Bielefeldt, 1998, 25). Dominique Leydet (1998, 109) writes that Schmitt viewed the liberal state as little more than the 'aggregate of compromises between heterogeneous groups.' He argued that under modern conditions of mass media and public interest in the affairs of parliament, representatives were held to account as delegates of interest groups rather than as disinterested rational disputants: '[t]he situation of parliamentarism is critical today because the development of modern mass democracy has made argumentative public discussion an empty formality' (Schmitt, 1926a [1985], 6). Schmitt praised Marxists and anarchists for appreciating the distance between the balance of parties in a bourgeois parliament and the true interests of the people, a distance that might make a minority the agent of the general good. Setting aside the forms of parliamentarism, the truly political actor might embrace dictatorship and force instead of representation and chatter: '[a]s Trotsky justly reminded the democrat Kautsky, the awareness of relative truths never gives one the courage to use force and to spill blood' (Schmitt, 1926b [1985], 64). While Schmitt was opposed to socialism and anarchism as political movements because he saw the identity of the people rooted in a spiritual *Volk* consciousness rather in sectional economic interests, he shared their criticisms of modern representative systems and he came to prefer a plebiscitary leader who would have the legitimacy of popular endorsement but would be free from the legality of formal law, and thus could lead the people to a clearer understanding of their true interests. Only the decisive leader could unite the realms of norms in the state, of action in the political movement, and of identity in the people (Kennedy, 2004, 21-2).

Schmitt's distrust of representation is not really conservative since it does not rest upon a respect for historical precedent. It is rather a form of authoritarianism that seeks to justify government as a permanent state of exception, a continual state of war with the centralization of power typically claimed by the executive in dangerous times. Schmitt did not accept that there was anything positive in value pluralism, or in neutrality, that non-discrimination might even demand

no less (Beilefeldt, 1998, 29). Jürgen Habermas (1996 [1998]) gives the best response to Schmitt when he contrasts Schmitt's substantive to his own procedural account of democracy. For Schmitt, democracy must express a national will that he assumes already exists, whereas Habermas suggests that it is through the democratic process that people discover their common interests. Dominique Leydet (1998, 124) makes the important point that norms can be effective even if not applied with absolute rigor because, where legislation must be argued for as being in the general interest, then, this places some limits upon the most egregious sectarianism. As Reinhard Mehring (1998, 148) suggests, majorities that, cognizant of the public virtue of tolerance, wish to avoid appearing despotic will choose to attend to the rights of minorities even though as Schmitt observes they do not have to. Moreover, in acting in this way they renew the liberal virtues that Schmitt insists must corrode and fade as soon as they are embodied in imperfect institutions. Heiner Bielefeldt (1998, 32) argues, further, that the exception need not be lawless in the manner anticipated by Schmitt. The exceptional circumstances will not be completely without precedent and the executive may use analogous cases to justify the measures taken. More effectively, perhaps we may insist that exceptional measures not carry blanket immunity and that conduct during emergencies should be examined more soberly after the event and the conduct of the executive subject to retrospective and tolerant review. Schmitt preferred an authoritarian regime but he reduces liberalism to absurd caricature in order to make it seem an unavoidable choice.

Force, Death and Identity

For Schmitt (1932 [2007], 52), politics is the struggle for national survival and '[i]f a people is afraid of the trials and risks implied by existing in the sphere of politics, then another people will appear which will assume these trials by protecting it against foreign enemies and thereby taking over political rule.' Schmitt's advocacy of force goes beyond the merely tactical. Whereas Habermas proposes that democratic engagement can forge identities, Schmitt insists that it is force alone that can manifest a people's intrinsic identity. He asserts that '[a] life which has only death as its antithesis is no longer life but powerlessness and helplessness,' amounting to 'a renunciation of the struggle' (Schmitt, 1929 [1996], 95). In other words, to be really living a person must be struggling against others while to survive a people must struggle against other peoples. This trial is what gives life its purpose, and identity its meaning, for, as Strong (2007, xv) puts it, 'Schmitt [...] thought [...] that people will only be responsible for what they are if the reality of death and conflict remain present.' According to Schmitt, the only rights people deserve are those they have fought for, and the only principles that matter are those that they will die for, or, rather, those that they will kill for. The effective leader is the one who can show a people their distinct nature by identifying their enemy, the one that poses an existential threat, the one that endangers 'one's own way of life' (Schmitt, 1932 [2007], 49). Between 30 June and 2 July 1934, Hitler ordered the assassination of Ernest Röhm and between 250 and 1,000 others that he identified as political opponents. As Chancellor, he went to the Reichstag and in announcing and defending 74 of the murders, he declared: 'If anyone reproaches me and asks why I did not resort to the regular courts of justice, then all I can say is this: In this hour I was responsible for the fate of the German people, and thereby I became the supreme judge of the German people' (Shirer, 1960 [1990], 226). Alone among leading German jurists, Carl Schmitt, justified Hitler's actions (Kennedy, 2004, 24). As Dyzenhaus remarks, in 'The Führer guards the law,' Schmitt, praised Hitler for having 'done everything that Schmitt positively required of a leader. Hitler had made the distinction between friend and enemy, as proved in the murders, had established himself decisively as the supreme source and judge of all right and law, and had done away with the liberal and parliamentary 'fictions' of Weimar. Most important of all, he had through his personal representation of the German people as a substantive homogeneous unit, brought about the democratic identity that Schmitt prized above all else' (Dyzenhaus, 1998, 3). Hitler had brought Germany from the false

transcendence of liberal or universal ideals, to the real immanence of *Volk* consciousness (Strong, 2007, xxx).

For Schmitt, legitimacy was more important than legality, and legitimacy was based on articulating the national will by identifying the national enemies. You will know your enemies because they contradict the guiding principles of your own ideology. Schmitt shared the regime's anti-Semitism. He drew a contrast between the Nazi 'Just State' and a liberal, or 'Jewish constitutional state' (Gross, 2001 [2007], 34). The Just State was grounded in the legitimacy of a national consciousness, whereas the cosmopolitan alternative was based on the legality of a false universalism. Schmitt supported measures taken to make Jewish people visible as an alien presence within Germany who would thereby recall German people to their own distinctive national identity, one that Jewish people could not share. This national consciousness justified, for Schmitt writing in 1933, purging public life of 'non-Aryan elements of a foreign kind' (Gross, 2001 [2007], 32). Schmitt believed that the new times required a total state and by this he meant a society where the friend-enemy distinction colonized all spheres of life. Thus whereas the separate spheres were based on distinct forms of antithesis (religion on belief:heresy; economics on profitable:unprofitable; aesthetics on beautiful:ugly etc.), '[e]very religious, moral, economic, ethical, or other antithesis transforms into a political one if it is sufficiently strong to group human beings effectively according to friend and enemy' (Schmitt, 1932 [2007], 37). Identifying a German and a non-German form of religion, of art, etc., would enable the state to colonize all spheres of life and thereby create social unity through a total state. Schmitt welcomed this development under Hitler.

Schmitt's version of German national values was a combination of religion and authoritarianism. Because he believed that humankind was essentially fallen, evil, or dangerous, he was an authoritarian rejecting the optimism of anarchist utopias where the people are instead to be trusted. He believed that Catholicism provided a good example and set of practices that instituted obedience and authority. In contrast, Protestant appeals to individual conscience and liberal appeals to fundamental rights, undermined authority and homogeneity. Hitler promised both authority and homogeneity, and Schmitt recognized a leader whose practice might restore German *Volk* consciousness and act upon it without the diversions of modernist individualism. Calling Germans to an orgy of national renewal and foreign aggression, Hitler was the politician needed for politics as defined by Schmitt. Schmitt's posthumously published *Glossarium* ended with this hope: 'With each newly born child a new world is born. God will, each newly born child will be an aggressor!' (Strong, 2007, xxxi).

This was a vision of the national polity as resting upon an assumed internal homogeneity and an asserted external forcefulness. It presented aggression as redemptive, dismissing cooperation as a hostage to fortune, and legality as a false universalism. It was offered as a realistic description of the ways things actually were but its normative dimensions are evident. It is mere assertion to say that the only things that give meaning to life are those for which you would take another's life. Not only is this grim, it is manifestly untrue. Schmitt elided the taking of life and the self-sacrifice of risking one's life. People dedicate their lives to all sorts of causes and in all sorts of ways. Taking a decision to live your life in a certain way because of your fidelity to some set of values in many cases does not involve risking your life or accepting the responsibility of taking another person's life. Taking life is not in itself a guarantee of purity of purpose; it is all too easy for gangsters who have little nobility, merely greed.

Political Theology

Religion was very important to Schmitt. Paul Gottfried (1990, 7-9) writes of Schmitt's devotion to the Latin culture of the Catholic regions of south Germany, notes that several of Schmitt's uncles were priests, and that about one half of his earliest publications were in Catholic journals. Schmitt appealed to both scriptural and papal authority in his political writings. Thus, in his arguments about friend and enemy, he felt impelled to navigate around the Sermon on the Mount where Jesus

is reported as saying: 'Ye have heard that it hath been said, Thou shalt love thy neighbour, and hate thine enemy. But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you' (Matthew 5:43-4; King James version). Schmitt's (1932 [2007], 29) response was that this referred only to private enemies but that public enemies were quite another matter as shown by the papal blessing of crusades for Christians had always defended Europe against their public enemy, the Saracens, Muslims in general. Schmitt noted that the concept of the just war developed from the identification of those who resist Christianity as permanent enemies. Thus, a missionary war was sanctioned both by papal practice and, on Schmitt's reading, from Christ's injunction to evangelize: 'Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost.' (Matthew 28:19; King James version). But Schmitt's favourite biblical injunction was from Genesis where he found a life of struggle promised for the original sin of disobedience. When humanity fell through Adam's sin under Satan's temptation, Schmitt was sure it fell into a world of endless strife for the Bible has God promise: 'And I will put enmity between you and the woman, and between your offspring and hers; he will crush your head, and you will strike his heel' (Genesis 3:15; King James version). Yet this is addressed to the serpent and unless Schmitt wanted to see foreign powers as spawn of the Devil, it is difficult to see its application to international relations. However, he had ample precedent and one that he quoted with relish was Oliver Cromwell who addressed his fellow English Puritans as follows: "'The Spaniard is your enemy," his "enmity is put into him by God." He is "the natural enemy, the providential enemy," and he who considers him to be an "accidental enemy" is "not well acquainted with Scripture and the things of God," who says: "I will put enmity between your seed and her seed"' (Schmitt, 1932 [2007], 68).

Religion was important to Schmitt in part because he saw most political concepts as secularized versions of religious concepts but also because this secularizing trend was one that he wanted to resist. Schmitt argued that while Jewish people had a transcendent view of God so that the law could be the unmediated realm of God's word, for Catholics God also was immanent and thus had a representative on earth, so that in this way papal direction gave law and society a hierarchical basis that reached back to divine authority (Gross, 2001 [2007], 97). He wanted as far as possible to re-enchanted society with the truth of Revelation. In this way, a principled Christian nation might help delay the End of Days, might act as a constraint, or *Katechon*, against the Antichrist. Whereas, Schmitt praised the limited war of the period of European international law, it is quite clear that the common European ground was Christendom and the respect Christian princes could cultivate towards each other based on their common faith. Beyond Europe, there was ever only just war with Christian heel being laid upon heretic head. Only the conversion of all nations would end missionary wars. With God on his side, Schmitt set out a geopolitics that justified a political practice based on a sense of one's own exceptionalism, an appeal to national homogeneity, an authoritarian form of government, the use of violence as redemptive, a rejection of international law as a fraud, and a religiously sanctioned crusade against the permanent enemies of the righteous. These goals are widely shared and thus we find time and again people using state power in precisely the way Schmitt advocated. This repeats his beliefs rather than vindicating his analysis.

References

- Anon. (2001) The Authorization for the Use of Military Force Against Terrorists (Pub.L. 107-40, 115 Stat., enacted 18 September 2001. Accessed on 22 March 2009 at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ040.107.
- (2004) Bush Letter to Sharon Recognizes 'Facts on the Ground' *Foundation for Middle East Peace. Settlement Report 14:3* May-June. Accessed on 22 March 2009 at <http://www.fmep.org/reports/archive/vol-14/no.-3/bush-letter-to-sharon-recognizes->

facts-on-the-ground.

- Balakrishnan, F. (2000) *The Enemy: An Intellectual Portrait of Carl Schmitt*. Verso: London.
- Bendersky, J. W. (1983) *Carl Schmitt: Theorist for the Reich*. Princeton University Press: Princeton NJ.
- Bielefeldt, H. (1998) Carl Schmitt's Critique of Liberalism: Systematic Reconstruction and Countercriticism. In *Law as Politics: Carl Schmitt's Critique of Liberalism* (Ed., D. Dyzenhaus). Duke University Press: Durham NC, pp. 23-36.
- Bush, G. W. (2001a) Address to a Joint Session of Congress and the American People, 20 September 2001. Accessed on 21 March 2009 at <http://www.dhs.gov/xnews/speeches/speech0016.shtm>.
- Bush, G. W. (2001b) Remarks by the President; White House Lawn, 16 September 2001. Accessed on 21 March 2009 at <http://avalon.law.yale.edu/sept11/president015.asp>.
- Dean, J. W. (2007 [2008]) *Broken Government: How Republican Rule Destroyed the Legislative, Executive, and Judicial Branches*. Penguin: New York.
- Dean, M. (2007) *Nomos: Word and Myth*. In *The International Thought of Carl Schmitt* (Eds., L. Odysseos and F. Petit). Routledge: New York, pp. 242-58.
- Dyzenhaus, D. (1998) Introduction: Why Carl Schmitt? In *Law as Politics: Carl Schmitt's Critique of Liberalism* (Ed., D. Dyzenhaus). Duke University Press: Durham NC, pp. 1-20.
- Eastland, T. (1992) *Energy in the Executive: The Case for the Strong Presidency*. Free Press: New York.
- Gottfried, P. (1990) *Thinkers of Our Time: Carl Schmitt*. Claridge Press, 1990.
- Gross, R. (2001 [2007]) *Carl Schmitt and the Jews: The "Jewish Question," the Holocaust, and German Legal Theory*. University of Wisconsin Press: Madison WI.
- Habermas, J. (1996 [1998]) On the Relation between the Nation, the Rule of Law, and Democracy (Trans., C. Cronin). In J. Habermas, *The Inclusion of the Other*. MIT Press: Cambridge MA, pp. 129-53.
- Hegel, G. W. F. (1820 [2001]) *Philosophy of Right* (Trans., S. W. Dyde). Batloche Books: Kitchener, Ontario.
- Henry, E. and Starr, B. (2006) Bush: 'I'm the Decider' on Rumsfeld. Defense Secretary: Changes in Military Meet Resistance *CNN News* 18 April. Accessed on 22 March 2009 at <http://www.cnn.com/2006/POLITICS/04/18/rumsfeld/index.html>.
- Hoelzl, M. and Ward, G. (2008) Editors' Introduction. In C. Schmitt, *Political Theology II: The Myth of the Closure of Any Political Theology*. Polity: Cambridge, pp. 1-29.
- Huntington, S. (1997) *The Clash of Civilizations and the Remaking of World Order*. Simon and Schuster: New York.
- (2004) *Who are We? The Challenges to America's National Identity*. Simon and Schuster: New York.
- Kaplan, R. D. (2002) *Warrior Politics: Why Leadership Demands a Pagan Ethos*. Random House: New York.
- Kennedy, E. (2004) *Constitutional Failure: Carl Schmitt in Weimar*. Duke University Press: Durham NC.
- Lewis, B. (1990) The Roots of Muslim Rage *Atlantic Monthly* 266:3, 47-60.
- Lewis, N. A. (2009) Bush Administration Memos Claimed Vast Powers *International Herald Tribune* 3 March. Accessed on 22 March 2009 at <http://iht.com/articles/2009/03/03/america/terror.php>.
- Leydet, D. (1998) Pluralism and the Crisis of Parliamentary Democracy. In *Law as Politics: Carl Schmitt's Critique of Liberalism* (Ed., D. Dyzenhaus). Duke University Press: Durham NC, pp. 109-30.
- Meier, H. (1988 [1995]) *Carl Schmitt and Leo Strauss: The Hidden Dialogue* (Trans. J. H. Lomax). University of Chicago Press: Chicago IL.

- Mehring, R. (1998) Liberalism as a 'Metaphysical System': The Methodological Structure of Carl Schmitt's Critique of Political Rationalism. In *Law as Politics: Carl Schmitt's Critique of Liberalism* (Ed., D. Dyzenhaus). Duke University Press: Durham NC, pp. 131-58.
- Schmitt, C. (1917 [1996]) The Visibility of the Church: A Scholastic Consideration (Trans., G. L. Ulmen). In C. Schmitt, *Roman Catholicism and Political Form*. Greenwood Press: Westport CT.
- (1926a [1985]) Preface to the Second Edition (1926): On the Contradiction between Parliamentarism and Democracy (Trans., E. Kennedy). In C. Schmitt, *The Crisis of Parliamentary Democracy*. MIT Press: Cambridge MA, pp. 1-17.
- (1926b [1985]) *The Crisis of Parliamentary Democracy* second edition (Trans., E. Kennedy; first edition, 1923). MIT Press: Cambridge MA.
- (1929 [1996]) The Age of Neutralizations and Depoliticizations (Trans., M. Konzett and J. P. McCormick). In C. Schmitt, *The Concept of the Political*. University of Chicago Press: Chicago IL, pp. 80-96.
- (1932 [2007]) *The Concept of the Political* second edition (Trans., G. Schwab; first edition, 1928). University of Chicago Press: Chicago IL.
- (1934 [2005]) *Political Theology: Four Chapters on the Concept of Sovereignty* second edition (Trans., G. Schwab; first edition, 1922). University of Chicago Press: Chicago IL.
- (1937 [1999]) Total Enemy, Total War and Total State. In C. Schmitt, *Four Articles 1931-1938* (Trans., S. Draghici). Plutarch Press: Washington DC, pp. 28-36.
- (1938a [2008]) *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol* (Trans., G. Schwab and E. Hilfstein). University of Chicago Press: Chicago IL.
- (1938b [2004]) *War/Non-War* (Trans., S. Draghici). Plutarch Press: Corvallis OR.
- (1938c [1999]) Neutrality According to International Law and National Totality. In C. Schmitt, *Four Articles 1931-1938* (Trans., S. Draghici). Plutarch Press: Washington DC, pp. 37-45.
- (1939 [2011]) *Grossraum* versus Universalism: The International Legal Struggle over the Monroe Doctrine [Trans., M. Hannah], above in this volume, pp. ??
- (1940) *Positionen und Begriffe im Kampf mit Weimar-Genf-Versailles*. Hanseatische Verlagsanstalt: Hamburg.
- (1954 [1997]) *Land and Sea* (Trans. S. Draghici; first edition 1942). Plutarch Press: Washington DC.
- (1974 [2003]) *The "Nomos" of the Earth in International Law of the "Jus Publicum Europaeum"* second edition (Trans., G. L. Ulmen; first edition 1950). Telos Press: New York.
- (1975 [2007]) *Theory of the Partisan: Intermediate Commentary on the Concept of the Political* second edition (Trans., G. L. Ulmen; first edition, 1963). Telos: New York.
- Schwab, G. (1970 [1989]) *The Challenge of the Exception: An Introduction to the Political Ideas of Carl Schmitt between 1921 and 1936*. Greenwood Press: Westport CT.
- Shirer, W. L. (1960 [1990]) *The Rise and Fall of the Third Reich: A History of Nazi Germany*. Simon and Schuster: New York.
- Strauss, L. (1932 [2007]) Notes on Carl Schmitt, *The Concept of the Political* (Trans., J. H. Lomax). In C. Schmitt, *The Concept of the Political*. University of Chicago Press: Chicago IL, pp. 97-122.
- Strong, T. B. (2007) Foreword: Dimensions of the New Debate around Carl Schmitt. In C. Schmitt, *The Concept of the Political*. University of Chicago Press: Chicago IL, pp. ix-xxxi.
- Twain, M. and Warner, C. D. (1873 [1874]) *The Gilded Age: A Tale of Today, Volume III*. George Routledge and Sons: London.
- Woods, R. (1997) *The Conservative Revolution in the Weimar Republic*. Palgrave Macmillan: London.
- Woodward, B. (2004) *Plan of Attack*. Simon and Schuster: New York.