

**London School of Economics and Political Science**

**Carl Schmitt: A Conceptual Exegesis and Critique of IR Theory**

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## **Declaration**

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## **Abstract**

Carl Schmitt has something of a semi-detached relationship to IR Theory. Largely treated as an outsider or a source of critical interventions with which to unpick the dominant traditions, rather than a theorist of IR in his own right. This thesis takes a different approach. The first section outlines a broad interpretation of Carl Schmitt's main works, with a mind to discovering and examining what unites each of his theoretical interventions, insofar as they pertain to IR Theory.

The next part of the thesis lays out some organising principles through which to frame a Schmittian critique of each of the main traditions of IR Theory. This commences by examining the idea of IR theory as united by a common curiosity – rather than divided by warring methodologies – revolving around questions concerning collective identification and legitimate violence. The critiques substantiate a meta-theoretical reformulation of IR theory by reference to two underlying divisions; philosophical realism against philosophical idealism on the one hand, and historical progressivism against a more static or cyclical view on the other.

With this in mind, Schmitt cannot be classed as a Liberal, Marxist, or indeed a Realist, but he does clear space for a consideration of the English School as a tradition in its own right, organised around a suspicion of the idea of progress in history, and the interpretive focus of philosophical idealism. Finally, IR theory is schematised as a polemical playing field, and the recent bifurcation of IR between the 'tired old traditions' and the endless and multiplying 'critical turns' – usually informed by an individual theorist, Carl Schmitt among them – can be re-examined. Carl Schmitt thus emerges as a theorist who has much to contribute to IR Theory, not because of any particular critical insights, but because he forces a re-examination of what it means to theorise IR.

## Acknowledgements

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All remaining imperfections, confusions and inconsistencies and cul-de-sacs are mine and mine alone. Some time in the last few years I believe I came close to grasping the full significance of the aphorism 'Il n'y a pas de hors-texte'. This thesis cannot carry the burden of refuting it, but writing these acknowledgments reminds me that – for the author – it is not quite as simple as that.

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## Thesis Introduction

The name Carl Schmitt inevitably excites a multitude of different responses, few of them positive, but he consequently remains relatively enigmatic. He wrote a number of important texts on questions of legal and political theory that are widely understood in respect of a few choice quotes; his main texts have been translated into English over a relatively long period of time, leading to a somewhat skewed introduction into the discipline of International Relations<sup>1</sup> – a predominantly Anglophone discipline – and most importantly, he pursued an active career in politics which led to the one decision that everyone is fully familiar with – that of joining the Nazi Party. This simple act, in 1933, some months after they had come to power – and on the same day as fellow academic Martin Heidegger – has ensured that Schmitt's writings have been treated with extreme caution, if not outright hostility for most of the last seventy six years. This has led to considerable emphasis being placed on certain of his works, as opposed to others, but it has also led to the donning of a protective disposition when writing about his works, as if they must be kept at arms length to prevent conceptual contamination.<sup>2</sup>

Unfortunately this has had a number of problematic implications for International Relations. On the one hand, Carl Schmitt has emerged into International Relations in several guises, derivatively through the writings of Political Theorists and Philosophers whose principal objects of inquiry are removed from the key concerns of International Relations, and on the other hand as a sort of negative parameter, inscribing the limits of certain rather dangerous ways of thinking. Both of these approaches are encountered within this thesis, along with the opening suggestion that preconceptions about Schmitt's works are left behind at the outset. There is obviously something important that needs explaining about Schmitt's decision to join the Nazi party, but the contention upon which this thesis is built is that one would gain a better perspective on Schmitt's decision in the light of a full appreciation of his ideas and their exposition, than by the

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<sup>1</sup> A point made by Ellen Kennedy, along with a brief genealogy of English translations of his Weimar texts in *Constitutional Failure: Carl Schmitt in Weimar*, (London: Duke University Press, 2004).

<sup>2</sup> There are many examples of this throughout the literature on Schmitt. Kennedy refers to this aspect of the literature in *Constitutional Failure*, p 18. Ernst-Wolfgang Böckenförde also deals with this point in a lecture he delivered in 1997, translated and published as 'Carl Schmitt Revisited' in *Telos*, 109, 1996. Among the many recently published texts on Schmitt, Kam Shapiro suggests that 'Carl Schmitt has gone from obscurity to cliché' before declaring that 'it is no longer necessary to justify a serious appraisal of his contributions to political theory' in *Carl Schmitt and the Intensification of Politics* (Plymouth: Rowman and Littlefield, 2008), p xvii.

reverse process of viewing the ideas in the light of the fateful decision. Therefore the thesis does not open with a warning that we must be careful when considering the theories of Carl Schmitt – lest we forget he was a Nazi – but instead seeks to defer consideration of his decision to join the Nazi party until after a period of reflection following a fuller examination of his ideas and how they evolved over the course of his life. This thesis only aspires to offer the fuller examination of his works from within a conceptual context of IR Theory, and leaves judgment of his career choices to the reader, not as an attempt to rehabilitate Carl Schmitt, but in order to avoid his character becoming the principal subject under discussion. It is a work of theory, makes no claims concerning Schmitt’s soul, and trusts the reader to know his own. Instead the central effort is to establish terms upon which to approach an assessment of Schmitt’s career, poised as it was midway between reflection and action, then to extrapolate an evolutionary account of his ideas insofar as they revolve around problems ordinarily dealt with by scholars of International Relations, and finally it allows consideration of what contribution Schmitt’s lucubrate speculations make to contemporary interpretations both of the discipline of IR and the theoretically challenging business of international relations that are emerging and mutating every day.<sup>3</sup>

The first section of the thesis concentrates on the important works of Carl Schmitt and attempts to explain them in their own terms. It acts as both a literature review and an interpretive companion in that it organises his thoughts twofold. In the first chapter he is treated as a conceptual theorist, who was attempting to theorise irreducible constants of social theory, which he took to be the primordial character of political expression through the oppositional and constitutive ‘friend / enemy’ distinction. This is expanded to discuss his theoretical propositions on the related concepts of ‘the decision’, ‘sovereignty’ and his speculations concerning the relationship between legitimacy and legality. This way of thinking about Schmitt has the longest pedigree, and is the least controversial, as most of his writing on these matters was done in the 1920’s during the period of the Weimar Republic. It can easily be argued that his texts served as a warning for the inevitable collapse of the Weimar Republic unless – as he advocated – President Hindenburg became more robust in utilising article 48 of the constitution authorising

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<sup>3</sup> Throughout this thesis I follow the convention of using ‘IR’ to denote the academic discipline of International Relations, and ‘ir’ to refer to what has become understood as the practice of international relations

the assumption of emergency powers.<sup>4</sup> Thus Schmitt is often presented as possessing some credibility as a political theorist because he argued against the emerging Fascists and warned his political allies on the right of the German political spectrum against cooperating with them.<sup>5</sup> However, to suggest that certain of his texts are untainted by Nazism because he was against them in practical terms is little different to steering clear of his later texts because he had joined them earlier in his career. Both are prior qualifications on the value of certain arguments, before the arguments have been made, and according to terms which have no bearing on the argument. There has been some more recent literature concerning his later work in *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*<sup>6</sup> and *Theory of the Partisan: Intermediate Comment on the Concept of the Political*,<sup>7</sup> which relies on an assumed rehabilitation of Schmitt's political theoretical credentials.<sup>8</sup> Interestingly, but predictably, his least prominent texts were written during the time of his Nazi collaboration, particularly an essay on Hobbes' *Leviathan*,<sup>9</sup> and a historical essay entitled *Land and Sea*.<sup>10</sup> Nevertheless, the notion that theories are produced by minds that are somehow dispositionally tainted in respect of particular political associations is another way of not engaging seriously with the ideas. It merely ranks ideas in relation to the acceptability of the theorist, rather than the coherence and persuasiveness of the ideas themselves, irrespective of whether the ideas were formulated before or after Schmitt's decision to join the Nazi party.

The second approach to theorising Schmitt, outlined in the first section moves away from thinking about him in purely conceptual terms and instead suggests that at all

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<sup>4</sup> Paul Hirst, 'Carl Schmitt's Decisionism', *Telos* Volume 72.

<sup>5</sup> Gopal Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt* (London: Verso, 2000)

<sup>6</sup> Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, (New York: Telos Press, 2003 [1974, 1<sup>st</sup> Edition 1950]), translated by Gary Ulmen. From hereon usually shortened to *Nomos*.

<sup>7</sup> Carl Schmitt, *Theory of the Partisan: Intermediate Comment on the Concept of the Political*, (New York: Telos Press, 2007 [1962]), translated by Gary Ulmen. From hereon shortened to *Theory of the Partisan*.

<sup>8</sup> Louiza Odysseos and Fabio Pettito (eds), *The International Political Thought of Carl Schmitt: Terror, Liberal War and the Crisis of Global Order* (London: Routledge, 2007); Andreas Behnke, 'Terrorising the Political: 9/11 Within the Context of the Globalisation of Violence', *Millennium: Journal of International Studies*, Volume 33, Issue 2, p 279-312.

<sup>9</sup> Carl Schmitt, *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, (Westport Connecticut: Greenwood Press, 1996 [1938]), translated by George Schwab and Erna Hilfstein.

<sup>10</sup> Carl Schmitt, *Land and Sea*, (Washington D.C.: Plutarch Press, 1997 [1954, 1<sup>st</sup> Edition 1942]), translated by Simona Draghici.

times Schmitt was commenting on particular problems within particular academic parameters, much more in line with the approach taken by what has become known as Conceptual History.<sup>11</sup> This allows an appreciation of the continuities in his work by acknowledging the shifting contours of his historical perspective. It permits conclusions to be drawn concerning Schmitt's awareness of the historical specificity of his work, and indeed his implied endorsement of theoretical approaches that do not lead to conclusions in terms of universal conceptual absolutes. His conceptual work is thus reinterpreted in respect of this awareness and he is presented as a post-Nietzschean anti-foundationalist attempting to deal with a set of problems concerning the web of relationships between authority and order outside of the relatively stable context of tradition, prevalent institutional forms, or assumptions concerning universally valid norms.<sup>12</sup> He is, in short, a theorist of historical crisis, constantly scraping away at the idea of certain foundations for political institutions, all the way from the Weimar Republic, to the whole edificial idea of International Society. Then the thesis comes fully into view with the observation that it is these problems, these questions that lie at the heart of what has emerged as the 'discipline' of IR, that also animated Schmitt's curiosity. Therefore it is through apprehending the sense and context of Schmitt's curiosity, rather than the truth of his conceptual formulations, that he becomes interesting for contemporary IR theory, for in attempting to resolve the particular dilemmas at the heart of questions of order he was recognisably engaged in exactly the sort of theorising that IR scholars have been attempting from the post World War I origins of the discipline.

The next section of the thesis builds upon the approach outlined in the first section and presents a meta-theoretical critique of the three the main paradigms or approaches

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<sup>11</sup> The most prominent theorists ordinarily included within the category of 'Conceptual Historians' are Quentin Skinner and Reinhart Koselleck, although from the field of IR, Herbert Butterfield receives an honourable mention.

<sup>12</sup> Nietzsche's influence on Schmitt's work is not easy to establish directly, as he rarely mentions him except in passing. However, his existential formulations show a clear conceptual lineage to Nietzsche's anti-foundationalism. Ellen Kennedy suggests that Schmitt's primary philosophical influence was actually Søren Kierkegaard, but that he referred to Nietzsche as one of the 'three high priests' of this 'private priesthood' in her chapter on the intellectual firmament of Schmitt's early years. In this revealing analysis, Kennedy examines Schmitt's early literary work and shows him deeply influenced by the post-Nietzschean milieu of pre-war Berlin, in which Expressionism was of the moment, and paramount was 'the sovereignty of ideas', Kennedy, *Constitutional Failure*, p 41-43, going so far as to point out that 'Unlike his jurisprudence, Schmitt's literary work assumes a world in which there are no definitions, where everything is possible'. Furthermore, David Dyzenhaus refers to Schmitt as '[asserting] that God is dead in that different gods ... now compete for our attention' in 'Now the Machine Runs Itself: Carl Schmitt on Hobbes and Kelsen' in *Cardozo Law Review*, Volume 16, Issue 1, p 5.

within IR, informed by a Schmittian perspective. It follows the outline of the ‘animating curiosity’ at the heart of IR – established in the first section – and notes points of comparison and differentiation between Schmitt’s particular arguments and those of the three main traditions of IR – Liberalism, Realism and Marxism – all broadly construed. This leads inevitably towards a consideration of the limits of the three main traditions as coherent frameworks of interpretation and establishes the theoretical coordinates for the last part of the thesis.

The third and final section makes a comparison between Schmitt’s thought and the English School, working up a Schmittian critique of the ES that leaves in place a remarkably cogent reworking of the relationality of English School terminology by which we can both make sense of Carl Schmitt, and equip ourselves with a robust set of conceptual tools with which to understand problems of international relations today. The final chapter paints a wide angle landscape composition of the discipline of IR insofar as this thesis can be used to make sense of it. This is not attempted as an authoritative comment on the entire discipline, but instead simply as a way of drawing together the meta-theoretical threads contained within this thesis into a coherent and holistic critique. The thesis then offers a few suggestions on the common features of the main traditions as contextualised expressions of an underlying confrontation between idealism and materialism – the eternal battle for supremacy between concept and object, or epistemology and ontology – further divided by a disposition towards history as either progressive and teleological, or static and repetitive.

Following this, the frame of argument – if not the methodology – utilised in the thesis is posited as an example of how IR should examine political and philosophical thinkers in terms of their direct contribution to IR rather than their derivative interpretation through political theory or philosophy, particularly in respect of those theorists most often thought of as providing ‘critical’ insights into the tradition. Thus the thesis has five basic aims;

- To provide the reader with a concise understanding of Schmitt’s conceptual vocabulary and the context in which it was developed;

- To posit a set of approximate questions concerning the constitutive curiosity of IR, comparable to the pre-occupations that unite Schmitt's work.
- To suggest a conceptual architecture for the inter-relationships between the main theoretical traditions or frameworks of IR theory;
- To argue for the value of the English School as a distinctive and fully formed '4<sup>th</sup> tradition' – within which coherent resolutions and formulations of problems of contemporary international relations become possible, and demonstrate the clarifying potential of Schmitt's theoretical precision for improving the coherence of the ES and enriching a contextual understanding of its place within the discipline;
- And lastly to offer an implicit template by which to apprehend the value of any political or philosophical thinker as a theorist of IR *ab initio* without the disciplinary mediation of political theory or philosophy. Permitting an appreciation of theorists like Carl Schmitt – and other 'critical' voices – as directly involved in a process of active contestation on the playing field of IR Theory, rather than merely 'critical' thereof.

Schmitt's principle defence when placed under interrogation was that he 'drank the Nazi bacillus, but was not infected'.<sup>13</sup> It is to be hoped that this thesis is read in the same spirit, that the only way to conduct a conceptual exegesis of Carl Schmitt, is to take him seriously and rely on one's own capacity for judgment both as a guide through the hazardous terrain of Schmitt's peculiar brand of authoritarian politics, and as protection from one's own fears. Where Nietzsche remarked of Schopenhauer, 'the errors of great men are more fruitful than the truths of little men';<sup>14</sup> this thesis proceeds on the basis that Schmitt's errors of judgment needn't be excused before consideration of the value of his work more generally.

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<sup>13</sup> Mark Lilla, *The Reckless Mind: Intellectuals in Politics*, (New York: New York Review, 2001), p 52. It should be noted that Lilla had little time for Schmitt's exculpatory appeals, hence the title.

<sup>14</sup> Friedrich Nietzsche, 'Fragment of a Critique of Schopenhauer', in *The Portable Nietzsche*, (London: Penguin, 1976), p 30.

## Section I: Carl Schmitt on his own terms

### *Introduction*

The first section of this thesis attempts to explain some of Schmitt's key ideas in their own terms. This serves to draw out the particular aspects of his thought that directly pertain to IR theory, but also to present a critical summary of his underlying curiosity. He was after all, interested in resolving certain problems that emerged at certain times, and his thinking clearly evolved over the course of his life. The first chapter deals with the conceptual vocabulary he developed in the 1920s and 1930s and with which he is most commonly associated, and the second chapter seeks both to contextualise this and explore his more historically informed commentaries, or indeed his commentaries on history – which have only been properly available to an English speaking readership since 2004.<sup>1</sup> The two chapters are organised in this way because of the two fundamentally distinct processes of inquiry at play throughout Schmitt's work. On the one hand much of his early work sought to articulate conceptual formulations concerning particular political problems, and on the other hand, much of his later work consists of historical commentary concerning the development of these concepts, along with further refinements to these earlier conceptual formulations.

In effect, this leads one to think seriously about the relationship between theory and history and provides a starting point from which to examine International Relations as a discipline. Schmitt himself remained an ambiguous and incomplete thinker – even perhaps contradictory<sup>2</sup> – in many respects, but once his reflections are properly contextualised one can move away from considering him as a purely conceptual thinker and instead see him as a perceptive analyst of historical processes who utilised a conceptual language while remaining sensitive to its limits, both historically and in terms of what he attempted to theorise.<sup>3</sup>

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<sup>1</sup> This marks the date of publication of *Nomos*, but precedes publication of *Theory of the Partisan*.

<sup>2</sup> A point clarified by Ellen Kennedy in *Constitutional Failure*, p 5.

<sup>3</sup> Accords with Derrida's characterisation of Schmitt as 'lucid', 'fearful' and a 'besieged watchman', Jacques Derrida, *The Politics of Friendship*, (London: Verso, 1997), p 107, n 4.

Each of these treatments of Schmitt – as a conceptual theorist and a historical commentator – is accompanied by some thinking on what concepts ‘are’ and what approach to history accommodates concepts most easily, so that the reader will be familiar with the manner in which this relationship is consistently navigated throughout the thesis as a whole. This in turn will outline the methodological premise of the thesis, which considers Schmitt as a theorist from the perspective of conceptual history,<sup>4</sup> but nevertheless situates itself in the world of IR through assuming a common curiosity that unites IR as a discipline. This is important simply because conceptual history provides a coherent way to examine both thinkers and the evolution of their thought in context, yet provides no tools or insights that can be directly appropriated for IR as a process of contemporary theorising, except if IR itself is presumed to have historical origins and treated as an evolving progression of ideas united around specific, persistent and ongoing political dilemmas.

Conceptual history is therefore methodologically distinct from IR. However, if the conceptual history approach instructs sensitivity to the context in which ideas find their origin and the terms of their mutation, it also demands that one confronts the origin of one’s own curiosity. That answers depend upon questions is an overlooked truism, but if one wishes to explain the relevance of one particular thinker for IR theory, one needs to have a clear idea of what is meant by IR theory. Against this background it becomes possible to take a conceptual historical approach to the analysis of Carl Schmitt as a theorist – explaining both the context in which he formulated his ideas, and the limited utility of taking those ideas out of their original context – while simultaneously observing the parallels between the problems he was trying to address and the constitutive web of problems that animate the discipline of IR.

In the end, the thesis will attempt to demonstrate that Schmitt should be thought of as a fully fledged theorist of International Relations in his own right – by virtue of the commonalities shared by his own curiosity and the animating curiosity that unites the discipline of IR – rather than simply a store of useful conceptual formulations that can

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<sup>4</sup> Borrowing principles of interpretation from Reinhart Koselleck and Quentin Skinner, whose work largely focuses on studying ideas in context and in terms of their relationship both to the historical exigencies of the moment and to the extant conceptual inheritance of their times. Quentin Skinner, ‘Meaning and Understanding in the History of Ideas’ in *History and Theory*, Volume 8, Issue 1, 1969, and Reinhart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society*, (Cambridge: MIT Press, 1988 [1959]).

be used within IR. Furthermore it attempts to outline the manner in which a Schmittian rendering of IR can be most appropriately incorporated within IR. In doing this, as will become clear, Schmitt emerges as someone whose continual and prolonged obsession with the problems of order and community were addressed from a position where there was no possibility of taking anything for granted. Furthermore, Schmitt appears as rather more than merely a 'critical voice' – among many – for IR, and instead is deeply implicated in the polemical contestation, and therefore the conceptual reproduction, of IR theory. This in turn has left an endowment of sharply written texts that make a frontal assault on some of the most difficult questions upon which IR theorists often founder – a meta-theoretical exploration of which will form the main content of Section II.

## Chapter 1: Carl Schmitt as a Conceptual Theorist

*I against my brother*  
*I and my brother against our cousin*  
*I, my brother and our cousin against the neighbours*  
*All of us against the foreigner*

Bedouin Proverb, quoted from *The Songlines*, by Bruce Chatwin.

### Introduction: The Concept of a Concept

A concept is most simply understood as a generalised idea of a thing. It is an abstract postulation that attempts to capture particular characteristics of an idea or a class of objects. Justice, for instance, can be thought of as a concept, as can legitimacy, the political, etc.. From a Platonic perspective, concepts correspond to divine forms, in that they are shadowy silhouettes, imperfectly representative of the specific divine form that they represent.<sup>1</sup> Certain types of theorising rely on sets of ontological assumptions – concerning actors or theorised objects, to which are added further conceptual formulations concerning theorised relationships and the further interaction of those starting assumptions and concepts. By this means certain statements can be isolated and complex scenarios reduced to simple formulae, and thereby hypotheses postulated. For example; the existence of a man standing in the path of a car travelling at 30mph towards him can be assumed. If nothing changes, then the mere passage of time will ensure the car will strike the man who will suffer a very high likelihood of injury. The theory suggests that the man either jump out of the way, or the driver slow down or change direction, both of which would be intervening factors produced by a generalised and assumed desire that the car not hit the man. If the driver wishes to hit the man, then the onus would be on the man to jump out of the way. If the man wished the car to hit him, then the onus would be on the driver to brake or swerve. Either way the language is that of assumption, cause and effect. Actors and units are assumed and conceptualised, then held to be robust enough to sustain interpretation within a network of postulated causes and effects.

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<sup>1</sup> Plato's famous theory of forms, in *The Republic*, (London: Pan Books, 1981 [380BC]), translated by G.M.A. Grube.

An elegant theory seeks parsimony by reducing assumption to the barest minimum and suggesting inevitable outcomes as a way of modelling the 'real world' and exploring effective strategies of intervention in 'real world' processes; in other words, to understand the consequences of specific actions. And to this extent, a great deal of history and International Relations is framed in the language of cause and effect. E.H. Carr baldly stated that 'the study of history is the study of causes'.<sup>2</sup> The historian or the IR theorist who seeks an explanation, makes certain assumptions concerning dependent and independent variables, and postulates the manner of their interactions. Furthermore, the language of cause and effect inevitably survives criticism of the observability of causation. Even if David Hume and Bishop Berkley's absolute idealism undermines the certainty with which causes can be assumed or inferred as anything other than subjective associations, the dominant language of a discipline such as IR inevitably perseveres with the assumption that whatever doubts exist concerning one's access to the 'real world', there are things and activities taking place that need to be understood in terms of their durability and persistent interrelations. It could be considered something like an ontological axiom, which is different from an ontology. The presumption of an ontology is to say nothing necessarily ontological, that is to say, to assume that things exist, is not the same as making direct claims concerning their nature.

Invoking causation or causality inevitably involves one in heated philosophical and methodological debates in IR, neatly and richly summarised by Milja Kurki in *Causation in International Relations*.<sup>3</sup> However, I wish to side-step these arguments until Chapter 3 when their salience can be put in better relation to the aspiration of the thesis as a whole. Suffice for now to say that the position I adopt is one in which the language of causation is not restricted to a positivist theoretical framework. Even the most recondite interpretive or hermeneutical IR texts are concerned with the conceptual conditions under which causal relations are theorised and acted upon. The deeper question concerns whether causation can be spoken of in ontological terms; i.e. as a component of a mind independent reality. Nevertheless, these philosophical debates have such a long pedigree that many different terms exist which refer to similar things or concepts. And at this point in the argument it is merely necessary to assert the

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<sup>2</sup> E.H. Carr, *What is History?*, (Basingstoke: Palgrave, 1986), p 81.

<sup>3</sup> Milja Kurki, *Causation in International Relations: Reclaiming Causal Analysis*, (Cambridge: Cambridge University Press, 2008).

difference between an object and a concept. That particular objects exist is an ontological claim, but the mind – in order to know and recognise an object – must have a concept, or a little piece of mental architecture, by which to distinguish it from the formless mass of aggregate sensation to which the mind is continually subjected. The distinction between concept and object is thus of fundamental importance, and concepts are thus the indispensable medium of all knowledge for theorists of all persuasions. Simply put, empiricists and idealists take the view that concepts constitute the world, realists that concepts directly relate to real world objects, which in turn can be identified, specified, and assumed to exist in spite of their perception and interpretation. Returning to the beginning of this introduction, it is not simply justice and legitimacy that can be thought of as concepts, but also simple objects – like a table, or an apple, or an individual – insofar as they must be framed conceptually.<sup>4</sup>

This thesis interprets Schmitt by drawing on the idealist philosophy of Michael Oakeshott in order to treat reality as experience – rather than an observable series of objectively true events – and Schmitt’s texts as progressive attempts to establish conditions of coherence on *that which he was obliged to think* – Oakeshott’s description of ‘objective reality’.<sup>5</sup> What this means is quite a complex thing to convey – particularly to one possessed of the realist or ‘common sense’ notion that words merely describe, rather than construct the world – but is built upon the idea that the mind only sees what it has learnt to see through experience, what it has learnt to conceptually describe, and depends upon the existence in the mind of ‘concepts’, to the parameters of which external objects must conform before they can be understood as fully formed and coherent objects. Therefore if one sees something that does not conform to one’s internal conceptual and categorical distinctions – something like the experience of ‘the sublime’ over which there has been a great deal of philosophical speculation – it is the external world that ‘obliges’ an internal adjustment or correction. However, it should be clearly understood that these obligations are imposed on the internal world of

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<sup>4</sup> This way of thinking may seem somewhat confusing – especially to those of a philosophically realist frame of mind to whom objects are objects, and our perception of them depends upon merely clear sightedness – but as a way of thinking about perception and the mind, it is almost entirely taken for granted among neurologists. Indeed, one recently published book makes this quite clear by distinguishing between ‘inherited concepts’ and ‘learned concepts’ in order to make the case for studying culture as an arena of ‘philosophical enquiry by neurological means.’ Semir Zeki, *Splendours and Miseries of the Brain: Love, Creativity and the Quest for Human Happiness*, (Oxford: John Wiley and Sons, 2009).

<sup>5</sup> Micheal Oakeshott, *Experience and its Modes*, (Cambridge: Cambridge University Press, 1933), p 59.

experience, and given that meaning cannot be seen in any case, the occasions when the external world obliges an adjustment on the internal world of experience are likely to be rare and indeed limited to occasions when direct conceptual propositions can be definitively repudiated. The difficulty with this explanation is that Oakeshott – being an extreme idealist – would himself have rejected it, as he rejected a distinction between subject and object, however I include it in a probably vain attempt to make sense of an absolute idealist philosophy from within a context where the distinction between subject and object, external and internal, is taken very much for granted.<sup>6</sup> For Oakeshott, even to talk of ‘objective reality’ is nonsensical, as an object is dependent upon a subject, and a subject is dependent upon an object; reality is experience, and as such can only be understood in terms of the absolute reconciliation of subject and object.<sup>7</sup> Such is the burden of radical idealism.

The key insight that Oakeshott offers is that reality remains experience in spite of assumptions made concerning its objective qualities. To claim to know that something can exist in spite of the act of observing it is to claim to know that which – as a condition of itself – is necessarily unknown, which represents a contradiction for Oakeshott. Nevertheless, ‘reality is not whatever [one] think[s], it is what [one is] obliged to think.’<sup>8</sup> This provides a robust philosophical platform from which to break away from the positivist language of much of IR, while remaining within the realm of explanation by being attentive to the communicability of ideas and the obliging characteristics of the ‘external world’ in which they must be collectively reconciled, rather than the conditioning truth of material reality. In short, the thesis treats Schmitt as conforming to a type of theorising that would have been understood by Oakeshott, and other philosophical idealists. He was concerned with concepts over objects, epistemology over ontology, and as such was indebted to a whole tradition of sceptical thought in which ontological propositions are held to be contingent, subordinate to the manner of their epistemological framing.

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<sup>6</sup> Oakeshott himself despairs of finding a way through this linguistic turmoil, venturing only that maybe something like Hegel’s ‘world of meanings’ would provide a language fit to bypass ‘extraneous conceptions’, *Ibid.*, p 61.

<sup>7</sup> *Ibid.*, p 60. Beyond ‘reality is experience’ he immediately goes on to say that ‘experience is a world of ideas’.

<sup>8</sup> *Ibid.*, p 59.

Schmitt's conceptual formulations can and have been simply transplanted into other scholar's accounts of IR, but usually without paying attention – or only in passing – to either the context in which these concepts were formulated, or to the later commentaries which Schmitt produced that shed a whole new light on the problems he was attempting to address, both in the context in which he was addressing them, and the insights his curiosity reveals to scholars today. This treats Schmitt's conceptual formulations as if they are pure concepts, rather than concepts nested within – and therefore dependent upon – an entire conceptual architecture through which he interpreted the world. As explained in the introduction, consideration of Carl Schmitt as a theorist of International Relations must extend beyond using him as a conceptual storehouse, or a 'critical voice'. Nevertheless, it is through an examination of some of his conceptual formulations that one must commence a Schmittian engagement with the broader strands of IR theory. Accordingly, these conceptual formulations need to be explored as a way of grasping his central curiosity before going on to consider his broader historical commentaries and decide on the appropriate terms on which to judge his value as an IR theorist.

## **The Concept of the Political**

Of all the conceptual formulations attributable to Carl Schmitt, his *The Concept of the Political* is both the best known and most frequently referenced, serving as a useful point of introduction. For Schmitt, 'the concept of the state presupposes the concept of the political',<sup>9</sup> which artfully shifts the focus of analysis away from the state and towards the underlying social conflict that produces the state. Following this simple articulation, the state becomes a second order phenomenon, an expression of, and therefore vulnerable to, shifting tensions at the level of 'the political'.<sup>10</sup> This is not how the aphorism has always been read – as shall be shown – but forms a central assumption in this thesis. Therefore, according to Schmitt, the state is not itself an arena of political contest, but is instead the 'stabilised results of conflict'.<sup>11</sup> True political conflict within a state places the continued existence of the state in question, whereas for politics – at a

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<sup>9</sup> Carl Schmitt, *The Concept of the Political*, (London: University of Chicago Press, 2007 [1932]), trans by George Schwab, p 19.

<sup>10</sup> Alain de Benoist echoes this point, in 'Global terrorism and the state of permanent exception: The significance of Carl Schmitt's thought today', in Odysseos and Petito (eds), *The International Thought of Carl Schmitt*, p 73.

<sup>11</sup> Hirst, 'Carl Schmitt's Decisionism', op. cit., p 9.

domestic level – to take place properly, the continued existence of the state must be assumed through some degree of homogeneity between the recognised political actors within it, and true political struggle must be externalised in some way.<sup>12</sup> Of all the arenas of social activity; moral, political, economic and aesthetic, the *differentia specifica* of the political,<sup>13</sup> according to Schmitt was the friend / enemy distinction. Thus the critical duality of the political is the difference between friend and enemy, just as in the moral sphere, it is between good and evil, and in the economic sphere, between profitable and unprofitable.<sup>14</sup>

However, the political as a category of social interaction does not sit alongside the others, it is instead *prior to* the others. The political dimension – in which a person distinguishes between friend and enemy – constitutes groups that will then articulate meaning in the other spheres of human activity according to their own habits and customs and in the light of their prior political separation. Any difference, linguistic, religious, moral or economic has the capacity to become political if it reaches an intensity sufficient to become conflictual and involve the possibility of actual killing.<sup>15</sup> But once a difference has become political, it constitutes a new sphere in which this new political distinction stands prior to new meanings within other areas of social activity such as morality and economics, creating a context of ‘order out of nothing’.<sup>16</sup> Thus it becomes impossible merely to reverse a political distinction and consider it within the realm of its pre-political category, for it has already become the conceptual mechanism by which two groups are divided from one another and cannot be further rationalised. This commitment is existential in nature and cannot be subject to external analysis.

Only the actual participants can correctly recognize, understand, and judge the concrete situation and settle the extreme case of conflict. Each participant is in a position to judge whether the adversary intends to negate his opponent’s way of life and therefore must be repulsed or fought in order to preserve one’s own form of existence.<sup>17</sup>

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<sup>12</sup> Ibid.

<sup>13</sup> Schmitt, *Concept of the Political*, p 26.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid., p 33.

<sup>16</sup> Jan-Werner Müller, *A Dangerous Mind: Carl Schmitt in Post-War European Thought*, (London: Yale University Press, 2003), p 234.

<sup>17</sup> Ibid., p 27.

When 'the political' is described in this way, it should be stressed again that it can no longer be considered simply a *separate* sphere of social activity, but stands clearly *prior to* other spheres of activity such as morality or economics, establishing the parameters of a normative ground upon which a framework of values and meaning can be constructed, from which morality and economics draw their underlying reference points.<sup>18</sup>

The distinction of friend and enemy denotes the utmost degree of intensity of a union or separation, of an association or dissociation. It can exist theoretically and practically, without having simultaneously to draw upon all those moral, aesthetic, economic, or other distinctions. The political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor, and it may even be advantageous to engage with him in business transactions. But he is, nevertheless, the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible. These can neither be decided by a previously determined general norm nor by the judgement of a disinterested and therefore neutral third party.<sup>19</sup>

It is customary to ascribe the causes of conflict to economic factors, ethnic or religious differences. However, according to Schmitt, while the primary instance of conflictual activity can usually be rooted in a religious dispute or a matter of economic interests, once the matter becomes conflictual, the conflict itself structures the emergent faith groups or economic interest groups into a hostile configuration of friends and enemies which in turn structures all further interactions between the collectives. In a sense this reflects both the resonance and the relevance of the old story concerning the two warring enemies that had long forgotten what they were fighting about, only in this case the observation would be valid for all instances of conflict.<sup>20</sup> Once a truly political conflict has begun, the terms and articles of further mediation are drastically altered and

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<sup>18</sup> There is a significant debate concerning the intellectual origin of this assumption of the 'priority of the political sphere'. Schueurman makes the case that Hans Morgenthau made this distinction in comments to Schmitt after the first [1927] edition of *The Concept of the Political*, which was then revised into the second edition [1932] without acknowledgment (the second edition is the only one translated into English). William E. Scheuerman, *Carl Schmitt: The End of Law* (London: Rowman and Littlefield, 1979), p 225. Either way, it has become a constituent part of Schmitt's theories regardless of questions regarding authorship, and it will be further discussed in Chapter 5.

<sup>19</sup> Schmitt, *Concept of the Political*, p 27.

<sup>20</sup> In modern literature, H.G. Wells makes extraordinary use of this ancient parable in *The Shape of Things to Come*, which commences when a World War breaks out in 1940, and is so destructive, that by the time a new order of scientists emerges to wipe out the phenomenon of war and build a new civilisation on the ashes of the old, no-one has any recollection of what caused the war, nor what was being fought over. H.G. Wells, *The Shape of Things to Come*, (London: Penguin, 2007 [1933]).

it becomes no longer possible to negotiate effectively between the two emergent sides by returning to the original dispute – or at least impossible to simply revisit the original terms of disagreement – as this has been superseded by the overwhelming friend / enemy logic of the new conflict.

The political operates at a conceptual level, and needs to be understood conceptually before application to specific examples of conflict, suffice to say that the political – manifested in the friend / enemy distinction – assumes a position prior to other spheres of social relations and determines interactions in respect of these relations. To do business with the enemy is possible – even desirable – but remains doing business with the enemy, rather than conducting normal transactional activities with other individuals. It is undeniably a formula for a type of ‘existential communitarianism’,<sup>21</sup> in which individuals only gain a sense of self-understanding within a pre-existing community, learning both the habits and prejudices of that community. However, it is important to see this as a fluid process. There are always sets of friend / enemy distinctions that structure communities, but there is no conceptual barrier to the evolution of these friend / enemy distinctions. Indeed such evolution should be assumed as inevitable, necessarily so if the political is to remain theoretically important. After all, Schmitt theorised the political, not simply as an act of political anthropology, but in order to expose the dangers of ignoring it.

The dyadic language of friend and enemy may seem unduly harsh to theorists more used to dealing with progressive degrees of enmity. It has the appearance of a black and white distinction, unsuited to making sense of the twilight greys of which the ‘real world’ is largely comprised. However, this would be to compare constitutive conceptual absolutes with their derivative expressions. That there are many states in the world that have varying degrees of association is not to theorise their origins in processes of hostile separation, nor does it preclude the continuing operation of dyadic friend / enemy oppositions in which their relations can be regulated. To put it simply, Schmitt’s proposition that the political derives its special meaning from the intense and existential dyadic opposition between friend and enemy is merely to theorise the necessary existence of separate, self-aware, hostile communities. That these communities retain

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<sup>21</sup> This phrase is borrowed from David Dyzenhaus, *Legality and Legitimacy: Carl Schmitt, Hans Kelsen and Hermann Heller in Weimar*, (Oxford: Clarendon Press, 1997), p 2.

their sense of separateness and yet reach out to form relationships with other communities – not necessarily hostile – is only to see the effects of their prior establishment as political collectives. Schmitt's framing of the concept of the political in dyadic terms speaks only to the absolute precondition for the continued existence of the community as a separate community. The concept of the political cannot be applied simply to the relations between states without first making the assumption that existing states are the sole and perpetual carriers of the political. To assume that states are like persons, or beings, that can freely choose the form of their relations with other states is to cast the relations between states in entirely different terms from the constitutive friend / enemy dyadic that Schmitt posed. It is instead to assume the existence of states prior to any expression of the political, the very assumption – and indeed mistake – Schmitt accused his liberal opponents in Weimar Germany of making.<sup>22</sup>

The real challenge of this theoretical landscape is to imagine how a community preserves itself in the face of these evolutionary logics of differentiation and subsumption. How does a community prevent the emergence of a new friend / enemy distinction that would cleave it into two new communities, conflictually disposed towards one another? Or, alternatively prevent being subsumed into a wider community through the recognition of a common threat and the emergence of a grander friend / enemy distinction in which previously conflictual relations are effaced by a greater threat of common extinction? It is possible to see analogies in the shifting alliances between states throughout history, but the political should not simply be applied to states. It is the process which produces states, but at the same time destroys them. It is the metaphoric building of a new temple on the shattered foundations of its predecessor. At this stage it is necessary simply to understand the friend / enemy distinction as at the root of Schmitt's theoretical inquiries, and it is easy to see that without some form of institutionalisation, there would be a constant upwelling of new pressures – environmental or social – that would result in new and highly mobile configurations of enmity. The political can then be seen as describing something like a force of nature,

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<sup>22</sup> There are many examples of this type of theorising, but a very good one is an article by Felix Berenskoetter, 'Friends, There Are No Friends?: An Intimate Reframing of The International' in *Millennium: Journal of International Studies*, 2007, Volume 35, Issue 3. In this article, Berenskoetter draws upon a wide range of theorists to make the case for friendship to be elevated as an explanatory variable, particularly for constructivists. But once again, the existential energy of a constitutive framing of friendship and enmity is missing from this work, positing friendship as just one type of possible relationship between pre-existing entities.

under constant assault by the construction of traditions, prejudices and conservative social practices set up to contain its primordial dynamism. For Schmitt, the political has a protean, radically indeterminate quality; and it is something of a historical irony that it took such a naturally conservative thinker to posit such a raw and radical theory of the destructive power of the political.

## **The Collective Nature of the Political**

If the political dimension is the arena of human affairs defined by the differentiation between friend and enemy, then one crucial aspect of this distinction is its solely collective nature.

‘An enemy exists only when, at least potentially, one fighting collectivity of people confronts a similar collectivity. The enemy is solely the public enemy, because everything that has a relationship to such a collectivity of men, particularly to a whole nation, becomes public by virtue of such a relationship.’<sup>23</sup>

Schmitt contrasts a private enemy to a public enemy in order to make the point clear. Although the English language has only one word for enemy, the distinction is present in Latin, where an enemy translates either as *hostis* or *inimicus*. *Hostis* carries the root of ‘host’ as in multitude but translates as ‘stranger, enemy’, whereas *inimicus* is the opposite of *amicus* and means enemy in direct and personal sense, as opposed to the general and collective sense of *hostis*. As a reference Schmitt quotes the bible:

‘The oft quoted “Love your enemies” (Matt. 5:44; Luke 6:27) reads “diligite inimicos vestros,” and not diligite hostes vestros. No mention is made of the political enemy. Never in the thousand-year struggle between Christians and Moslems did it occur to a Christian to surrender rather than to defend Europe out of love towards the Saracens or Turks.’<sup>24</sup>

The collective nature of the political further clarifies, and indeed demands consideration of man as a social animal, as opposed to an atomistic individual. Which in turn leads towards some differential comparison between Schmitt’s formulation of the political with the theories of Thomas Hobbes. Unfortunately, Hobbes exists in many guises. He is also a complex and thoughtful philosopher concerned with the changing political climate of his times, as well as a useful theorist of social relations, basing all social

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<sup>23</sup> Schmitt, *Concept of the Political*, p 28.

<sup>24</sup> Schmitt, *Concept of the Political*, p 29.

interaction on the primal imperative of fear. The Hobbesian state of nature is characterised as the “miserable condition of Warre, which is necessarily consequent (as hath been shewn) to the naturall passions of men, when there is no visible Power to keep them in awe,”<sup>25</sup>. He also extends consideration of these men to “small Familyes”, “And as small Familyes did then; so now do Cities and Kingdomes which are but greater Familyes”<sup>26</sup>. This will be familiar to all students of International Relations, but there is a problem here, and one that is relatively un-theorised – even by Hobbes himself. The manner in which states and political collectives are merely equated with individuals in a state of nature both by Hobbes and by later theorists of IR is understandable, but poses a difficulty. Can it be assumed that a state or political collective acts in a comparable manner to an individual? Do states feel fear? Can they die? Can they be considered actors at all? All of these are hugely important questions within IR and have many different answers, but they also go to the heart of this thesis and therefore a careful explanation of the differences – both explicit and implicit – between Hobbes and Schmitt over this question of political community is crucial.

For Hobbes, the Leviathan is a metaphor for a social institution in which many individuals subordinate their freedom in exchange for security, and in doing so escape the state of nature. If one could imagine a state of nature in which there were a number of individuals occupying a valley or an island, all known to each other, one can also imagine the possibility that – according to Hobbes – they would each have a reason for exchanging obedience for security. Therefore, the theorised Leviathan would achieve a state of perfection only if it included all of the people in the valley or on the island. There is no *necessary* outside within this conceptual formulation. Were a single individual to refuse to join, the Leviathan would have an obligation to protect those that had by eliminating him, thus achieving total membership of the remaining population. One can extrapolate from this example to greater and greater geographical areas, and greater and greater populations, but the logic remains the same. The Leviathan would always have an obligation to incorporate all people in the obedience / security covenant, or to destroy the outsiders as a duty to its obligation of protection. Were the Leviathan not to destroy an outsider who had not signed up to the social covenant, then this could

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<sup>25</sup> Thomas Hobbes, *Leviathan*, (London: Penguin Classic, 1985 [1651]), Part II Of Commonwealth, Chap XVII, p 223.

<sup>26</sup> Ibid.

only signify that the Leviathan was behaving *as if* the outsider had signed up to the contract by assuming that he had acknowledged its power to destroy him, and had consequently internalised the forceful logic of obedience. The possibility of destruction at the hands of the Leviathan would therefore act as a powerful regulative influence on individual behaviour regardless of any actual decision to obey in exchange for protection. The important thing to take account of is that the logic of the Leviathan is internal to the theorised state of nature. It requires no outsiders, and indeed, is perpetually threatening to outsiders, and to the notion of an outside. Hobbes does give a number of reasons – 6 in fact – why man would not perpetually live in a single community, but these reasons are rooted in an assessment of man’s sinful nature, as distinct from ants and bees, and are secondary questions that follow the establishment of political community under the protection of a Leviathan, rather than a co-constitutive dimension of the conditions under which a Leviathan would emerge.

Were the state of nature to span the globe, the same assimilative logic would apply to the entire population of the earth, and there would be no conceptual barrier to the Leviathan attaining a global expression, indeed, this would be the logical terminus of Hobbes’ argument. So as a conceptual device, Hobbes’ Leviathan achieves perfection only by incorporating everyone. His comments about ‘familyes, Cities and Kingdomes’ are merely his way of allowing for a variegated historical and geographical evolution from a universal state of nature.

Consider the universal state of nature; with a variegated geography, and a lack of modern day communications technology, numerous Leviathans might emerge which would eventually confront one another, giving rise to a type of political scenario that realists would recognise. These competing Leviathans may find some way of regulating their interactions, which would in turn give rise to something akin to a system or society of states. Nevertheless, the logic for each Leviathan would remain assimilative, and assumptions that the system would likely remain pluralist would have to be based upon pessimism concerning the eventual, possible, or even desirable triumph of one power over all the others.<sup>27</sup> In any event, the pure conceptual system of the Hobbesian state of

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<sup>27</sup> There is an explicit parallel to this kind of thinking in the manner in which strands of realist thought concern the historically apparent reduction from multipolarity to bipolarity, to unipolarity, and even

nature and the universal Leviathan is only disturbed by the introduction of the extra variables of geography, history, human nature and even perhaps morality. The Hobbesian logic of IR – in which states act like individuals in the state of nature – therefore turns out not to be purely conceptual in form, but instead derives its structure through the intervention of historical and geographical distance and variability. The continued existence of a plurality of political collectives remains therefore a conceptual anomaly for a genuinely Hobbesian view of IR, proof of the continued existence of the state of nature – found in the international domain in which differently attired Leviathans metaphorically joust with each other.<sup>28</sup>

The manner in which the characteristics of individual behaviour are assumed to transpose easily to political collectives is to elevate Hobbes' explanation of a conceptual anomaly to a foundational prescription within IR theory, albeit a realist one. Hobbes was formulating his theory of Leviathan as a way of explaining the reasons for social relations between individuals.<sup>29</sup> To extrapolate from this to a system of International Relations whereby states are assumed to behave like individuals has no theoretical argument in support of it, except to say that the international is the remnant 'state of nature' in which the existence of enemies can be assumed. Each Leviathan is an artificial person that is the expression of a covenant between the respective subjects, but the question of whether there can be a covenant between Leviathans in a similar fashion is more complicated and will be addressed in Chapter 5. There is, simply put, no conceptual barrier to the expansion of a Hobbesian state to encompass the entire globe. In a Hobbesian frame, all people are individuals subject to natural law and by their nature seek to organise themselves to be free of the violence and threat of others. This fundamental Hobbesian imperative has no conceptual limit on its expression.

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potentially to a condition of apolarity. Barry Buzan, *The United States and the Great Powers: World Politics in the 21<sup>st</sup> Century* (Oxford: Polity, 2004).

<sup>28</sup> Michael C. Williams goes some way to establishing that a Hobbesian theory of the international looks nothing like its realist portrayal in Michael C. Williams, *The Realist Tradition and the Limits of International Relations*, (Cambridge: Cambridge University Press, 2005). And John Vincent makes this exact point, along with many others in his 'The Hobbesian Tradition in Twentieth Century International Thought' in *Millennium: Journal of International Studies*, Volume 10, Issue 2, p 95.

<sup>29</sup> So much has been written about Thomas Hobbes, but this conclusion is supported by referencing a wide range of work; David P. Gauthier, *The Logic of Leviathan*, (Oxford: Clarendon Press, 1969); Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Genesis*, (Oxford: Clarendon Press, 1936); Richard Tuck, *Hobbes*, (Oxford: Oxford University Press, 1969); Quentin Skinner, *Visions of Politics, Vol III: Hobbes and Civil Science*, (Cambridge: Cambridge University Press, 2001). None of these important texts dwell on Hobbes and 'the international', principally, it would seem, because Hobbes was not terribly interested in questions concerning what we understand as 'the international'. Also see footnote 27, this chapter.

Schmitt's account, on the other hand, is different in one crucial way. In eschewing Hobbes' ontological or methodological individualism, Schmitt theorises the necessity and perpetuity of a plurality of political collectives. Indeed, an individual cannot constitute a political community, and is therefore not an actor at the level of the political. Recognition of the friend / enemy distinction is itself constitutive of at least a duality of political collectivities and provides a conceptual foundation for the existence of a plurality of communities.<sup>30</sup> Given the same universal state of nature, either in a small valley or an island – or even spanning the entire globe with perfect communications – Schmitt's account provides a coherent conceptual account that would explain – indeed necessitate – the existence of a plurality of political collectives without recourse to the vagaries of geography or history, or even just the assumption of essentialised enemies. A political community can only develop a recognisable system of norms or modes of social organisation once it understands itself as a political community separate to others, or at least *another*. The friend / enemy distinction is *necessarily* prior to the establishment of any other mechanisms of communal identification, and individual behaviour presupposes a collective context in which it finds mutually recognisable form. One can actually see these sorts of assumptions operating in the background in Hobbes, but they are both secondary problems, and part of a universally asserted human nature, which in the end simply take for granted merely that there are a plurality of potential enemies.

What this means is that Schmitt's concept of the political can provide a conceptually coherent theoretical framework that is capable of explaining the existence of a plurality of political communities without it being merely a problematic anomaly or a source of ambiguity, as with Hobbes. In addition when utilising Schmitt's framework, no assumption needs to be made concerning the state or other form of political collective sharing similar motivations for survival and collective organisation as the individual in the state of nature. Furthermore, Hobbes' account provides no mechanism for explaining how the assumed units evolve or collapse, save human nature, or the

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<sup>30</sup> It is tempting to think that a purely Schmittian state of nature, fully worked out, would exist only as a duality not a plurality, but the fact that it is *at the very least* a duality is an important distinguishing characteristic between a Hobbesian and a Schmittian conceptual framework, particularly in respect of their relevance as theorists of a distinctive sphere of International Relations, as opposed to political theorists more generally.

intervention of another assumed variable; power – which is extremely difficult to pin down analytically. Schmitt's theory on the other hand is predisposed to expect the expansion, evolution, subsumption or collapse of political collectives. Indeed, as will be seen in the next chapter, he goes to great lengths to explain the persistence of stable normative frameworks in their historical expression, as opposed to wallowing in cyclical pessimism.

For Schmitt, the political reduces to a process of collective identification, which can only take place constitutively of a recognisable collective of outsiders, collectively termed 'the enemy'. It is only after this communal identification has taken place that a Hobbesian covenant of security for obedience can be theorised. For Hobbes on the other hand – while he does acknowledge the power of the enemy to inspire collective organisation<sup>31</sup> – the fundamental drive for the establishment of the Leviathan is mutual fear among the covenanted population itself – of each other, not outsiders. His analysis is not constitutive of an outside, but instead assumes the existence of a multitude of potentially hostile groups as self-evident rather than conceptually explained, allowing for the postulation that everyone could be subsumed into one group in which the same dynamic of mutual fear could result in a global Leviathan.<sup>32</sup> There are suggestions in his text that man's natural desire for honour would render such a totality very unstable, but it is not a central part of his analysis.<sup>33</sup> It marks the difference between Hobbes, who sought an explanation for human behaviour in our nature, and Schmitt, who sought a conceptual formulation of social relations that is rooted in our inadequacy as individuals to be complete without the imprinting of some social norms that presuppose – and indeed depend upon – the possibility of alternative and opposing modes of behaviour; the friend / enemy distinction.

Simply put, the distinction between Hobbes and Schmitt consists in where they start from. Hobbes begins his analysis with the individual and extrapolates outwards to family, through bonds of kinship towards types of social organisation that have claims on the loyalty of the individual. If the implication that these bonds become weaker and weaker depending upon the distance and abstraction from the everyday concerns of the

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<sup>31</sup> Hobbes, *Leviathan*, Part II, Chapter XVII, p 225.

<sup>32</sup> Vincent, *op. cit.*, p 95.

<sup>33</sup> *Ibid.*

individual is accepted, one can see how Hobbes or Hobbesians might postulate that universal claims on identity must necessarily be very weak and vulnerable to fracture or contestation, however, there is no conceptual barrier to their meaningful expression. In other words – despite realist assertions to the contrary – Hobbes cannot be used to rule out the emergence of a universal identity. Indeed, a properly Hobbesian world is one in which Leviathans must strive for dominance as a condition of the protective guarantees they offer for obedience. Schmitt – on the other hand – starts his analysis from the group, constituted by the successful articulation of the friend / enemy distinction. It is this distinction that creates a context of identification in which norms and values operate as connecting threads. The individual is a *function* of this distinction, and cannot be apprehended as external to a prior friend / enemy distinction, except in its barest, non-social expression – a person without language, knowledge, or the capacity to comprehend right and wrong, comparable only to both a psychopath or a completely autistic individual.<sup>34</sup>

Man as a social animal is already inhabited by social norms, so when Hobbes starts his analysis from the perspective of a man capable of reasoning his interests, his comprehensive framework is already contaminated by the norms that constructed the reasoning individual in the first place, a process which – for Schmitt – presupposes the prior existence of a constitutive friend / enemy distinction. Instead of understanding the individual as a freethinking and reasoning singularity, the process of socialisation introduces the human animal to more than simply a practice of interaction, but clear normative terms on which such interaction can take place. From a Schmittian perspective, as the individual become socialised he learns the pejoratives of a pre-existing discursive firmament in which he finds expression as an individual. Therefore, for Schmitt, the political has existential characteristics that are immune to categorical analysis. Societies rooted in the friend / enemy distinction are prior to any analysis of those societies. A Hobbesian analysis starts with the individual, and therefore makes assumptions concerning the characteristics of that individual. A Schmittian analysis can only consider the individual as an *effect* of the process of group formation, which, as it is an existential and reflective process, theorises the inevitability of this group formation

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<sup>34</sup> In this Schmitt has more in common with Rousseau's notion of the pre-social individual, than with Hobbes' rational man, see Jean-Jacques Rousseau, *Discourse on the Origins of Inequality*, (Hanover: University Press of New England, 1992 [1754]), and Alfred Cobban, *Rousseau and the Modern State*, (London: Allen and Unwin, 1964), p 149.

process as a precondition for the very activity of examining the differential characteristics of individuals. Individuals therefore view the world through an inescapably ‘partisan schema’<sup>35</sup> that conditions their historical experience. Nietzsche reflects this kind of perspectivist thinking when explaining ‘truth’ in such a way as to invoke Hobbes and prefigure Schmitt’s representation of the decision.

...from boredom and necessity, man wishes to exist socially and with the herd; therefore, he needs to make peace and strives accordingly to banish from his world at least the most flagrant *bellum omni contra omnes* (war of all against all). This peace treaty brings in its wake something which appears to be the first step toward acquiring that puzzling truth drive: to wit, that which shall count as ‘truth’ from now on is established. That is to say, a uniformly valid and binding designation is invented for things, and this legislation of language likewise establishes the first laws of truth.<sup>36</sup>

Therefore, the political decision, in a Schmittian sense, is that which makes politics comprehensible. It is that which organises violence collectively and in relation to particular and existentially concrete normative parameters, as opposed to the un-patterned and un-interpretable violence associated with a multitude of individual acts that might occur outside of the realm of the political. Just as criminality cannot be understood except in relation to the law which creates and contextualises it, so can political violence not be understood outside of the political context which structures it. Organised social action depends upon a basis for that organisation and a principle around which to organise, as in the above quote from Nietzsche, in which a norm is associated with a ‘truth’. If the central principle around which to organise politically must begin with a separation in order that social organisation can be understood in relation to what it is not, then Schmitt provides a powerful – and conceptually workable way of understanding this centrality.

So according to Nietzsche, the grounds for truth are established in the decision that constitutes a social group, although he is less specific than Schmitt about the confrontational origins of the group. Nevertheless, Hobbes starts with an ontological individualism that implies a weak universalism. Schmitt starts from a constitutive existential communitarianism that necessitates the production of political pluralism. For

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<sup>35</sup> This form of words is borrowed from Balakrishnan, *The Enemy*, p 268, although he uses it in a slightly different context.

<sup>36</sup> Friedrich Nietzsche, *Philosophy and Truth: On Truth and Lies in a Nonmoral Sense*, (New Jersey: Humanities Press, 1999), p 81.

Hobbes, a world state is a possible – if unlikely – eventuality dependent upon the emergence of a global Leviathan. For Schmitt a world state can exist only as a graveyard or a confusing darkness. A Hobbesian account of the relations between communities can only take those communities for granted, whereas Schmitt provides a theory of community that roots conflictual relations between communities as constitutive of the communities themselves. For Hobbes, theorising International Relations concerns the negotiation of differences between reconcilable communities, as simply one stage between the universal state of nature, and the universal state. Whereas for Schmitt, international relations as a field of inquiry is both the beginning, and the end of social theory. The beginning, in that a self-conscious political community presupposes a plurality thereof, and gains its existential specificity from the manner in which it understands itself as distinct from that plurality; and an end because the elimination of the prevailing plurality of political communities would presuppose the elimination of the process of existential differentiation – the friend / enemy distinction – upon which any interaction with the universal can take place.

The difference between the implications of Hobbesian and Schmittian worldviews is extremely important for this thesis and is rooted in the existential character of the latter and the different meaning of boundaries in each formulation. For Hobbes, there is no constitutive necessity of an outside for the formation of a political community. If a state of nature is theorised involving just a few individuals, the Hobbesian imperative would be for those individuals to agree collectively to abide by certain rules, which they would collectively defend. What this proscribes is stepping outside of those rules. Schmitt on the other hand presupposes a social separation that allows norms to be established and understood in recognisably distinctive terms. It necessitates a group of outsiders that behave in recognisably different ways. The norms that bind a society must be understood as concretely different rather than abstractly so, and certainly not universally valid. For behavioural norms to emerge presupposes a process of identification. The boundary of the community is therefore a point of normative inversion where the outside is *concretely* different rather than abstractly so. Whereas for Hobbes the outside could be entirely abstract, in which case the boundary itself would only have abstract expression and not mark a point of division, after all, a boundary is not a boundary if there is nothing beyond it. This can be graphically expressed as follows:

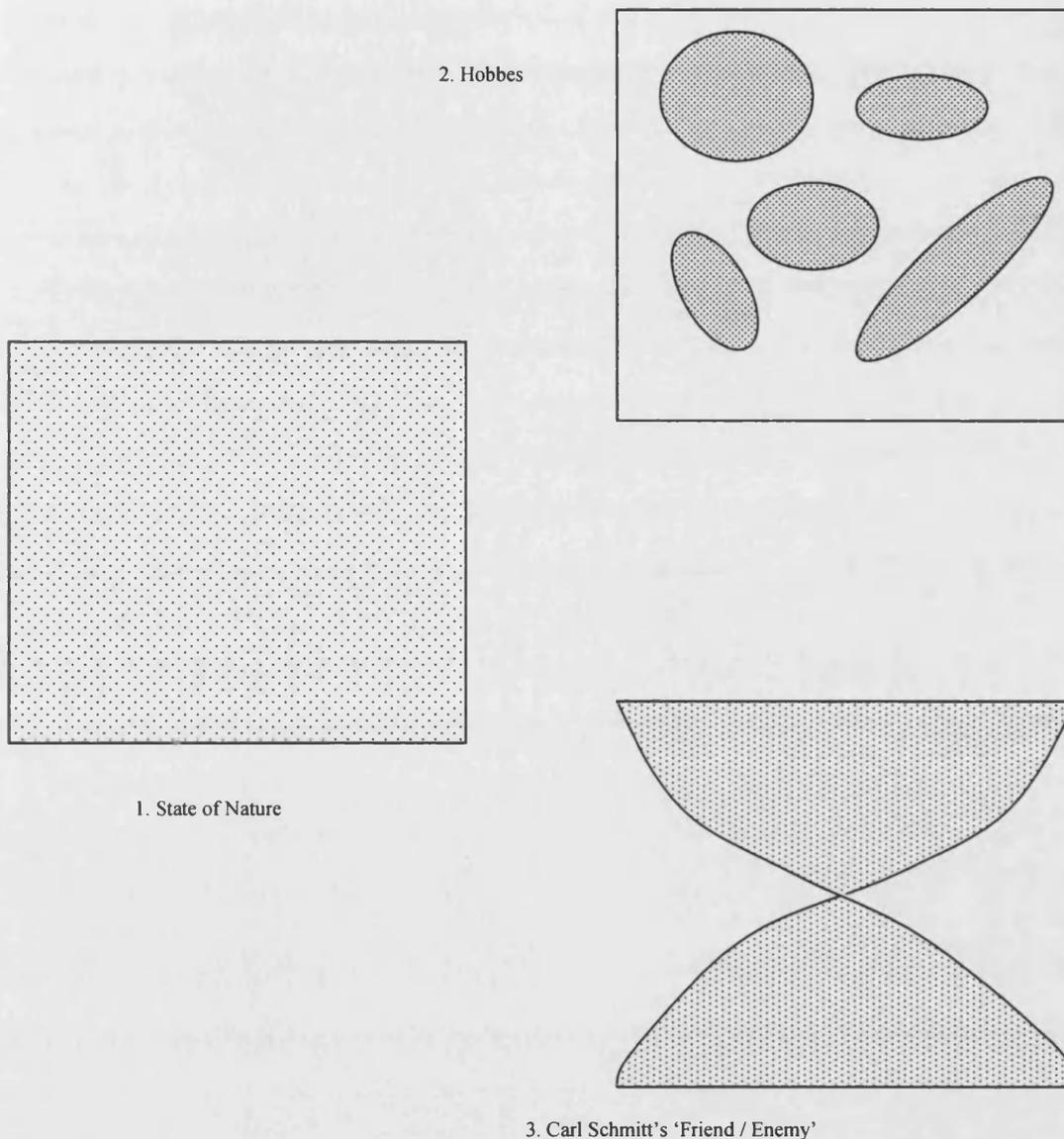


Figure 1. shows the Hobbesian state of nature, or Schmittian *anomie*, in which each dot represents an unsocialised individual. Figure 2. shows the normal realist characterisation of Hobbes' theory, with individuals socialised into a variety of distinctive groups. Figure 3. shows the Schmittian version. As can be clearly seen, Schmitt's conceptual formulation theorises the inversion of the terms of enframing, and thus precludes the emergence of an outside, or any space outside of the friend / enemy distinction. All individuals are structured into a friend / enemy distinction, and thus gain a sense of themselves from the terms of their inclusion / exclusion. It also shows that the two new communities are umbilically linked by the precise normative character of the friend / enemy distinction; as there is no following separation, only a constant restatement and reinforcing of the original distinction. To progress from this

basic distinction towards an even more divided world would impose too many demands on the graphical representation, but the point is clear that the formation of a distinctive political community depends upon a friend / enemy distinction that inverts the relationship between friend and enemy into a series of crucial opposites.

## The Decision

A further conceptual formulation that is associated directly with Schmitt is that of ‘the decision’. It is not a description of an actual process, but is an attempt to capture something in the conceptual realm that can make sense of the ‘real world’ and was applied initially to the foundations of law. Simply speaking, a decision is that which divides ‘the norm’ from ‘the exception’, which raises further questions such as who makes the decision, and under what circumstances is a decision made or required. None of these questions has a simple answer, but attempting to answer them reveals some of the ambiguities inherent within the terms used by Schmitt, in order that comprehensible applications of certain politically important concepts, such as sovereignty, can be formulated.

Schmitt’s writing on the decision came before that on the political,<sup>37</sup> and was a contribution to prevailing legal arguments in Weimar Germany, most particularly against the arguments of Hans Kelsen, described by Jan-Werner Müller as a prominent ‘neo-Kantian’ and ‘legal positivist’.<sup>38</sup> Kelsen’s particular tradition of thought relies on a hypothetical norm as the foundation of law.<sup>39</sup> This is distinct from a tradition of natural law, in which there are – in principle – right actions, which can be judged according to a natural law, which in turn can only be *revealed* and not created. The difference is subtle but important; according to the natural law tradition, laws are imperfect expressions of a pre-existing and universal set of norms, and each law can in theory be judged according to what is universally right. This system of thought permits a judgment that a law can

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<sup>37</sup> Schmitt’s ‘decisionism’ can be unearthed in all of his texts at one level or another, but the clearest discussions can be found in, Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, (London: University of Chicago Press, 1985 [1934, 1<sup>st</sup> Edition 1922]), translated by George Schwab, and Carl Schmitt, *The Crisis of Parliamentary Democracy*, (London: MIT Press, 1985 [1926]), translated by Ellen Kennedy.

<sup>38</sup> Müller, *A Dangerous Mind*, p 22.

<sup>39</sup> For a useful discussion on these complex legal/philosophical arguments see Sylvie Delacroix, ‘Schmitt’s Critique of Kelsenian Normativism’, *Ratio Juris*, March 2005, Volume 18 Issue 1, or Hidemi Suganami ‘Understanding Sovereignty through Kelsen/Schmitt’, *Review of International Studies*, 2007, Volume 33, Issue 3.

itself be wrong and that moral arguments can be used to disobey it, or even to oblige disobedience. Needless to say, much of the thinking on universal human rights springs from this tradition. Legal positivism, on the other hand considers laws as *created* not revealed.<sup>40</sup>

The first distinction in legal theory is therefore to be made between the ‘natural law’ tradition and the tradition of ‘legal positivism’. Both Schmitt and Kelsen were ‘legal positivists’ in the broadest sense, however Schmitt attacked legal positivists not for their positivism *per se*, but for their failure to properly theorise the ‘conditions of emergence’ for law.<sup>41</sup> In Kelsen’s words: ‘As it is the task of natural science to describe its object – reality – in one system of natural laws, so it is the task of jurisprudence to comprehend all human law in one system of norms’.<sup>42</sup> For Schmitt, there was no ‘system of norms’ prior to the political decision. Schmitt follows the Hobbesian formulation in that ethics and law are separate, but as can be seen in his notion of ‘the political’, instead of a norm upon which laws are based, it is a *decision* between friend and enemy that underwrites law. This theory therefore comprises a form of legal positivism, although one steeped in the existential logic of the Schmitt’s wider formulations. In other words, for Kelsen and other legal positivists, the normative realm remains universal and mediated by – although separate to – coherent systems of law. Kelsen goes so far as to suggest that the international legal order is the ‘source of validity’ for national legal orders.<sup>43</sup> Whereas for Schmitt, there are no norms by which to judge either individual laws – as with theories of natural law – or legal systems – as in Kelsenian positivism. Furthermore, his analysis takes one step beyond Hobbes, who had some notion of the rational and fearful man covenanting a secure relationship with others as the foundational element of his system. As has been shown, Schmitt’s concept of the political places the decision at the very moment of constituting a group in opposition to another group. Hobbesian legal positivism remains internal to the community, and demands that the Leviathan be

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<sup>40</sup> Hobbes is therefore considered one of the first ‘legal positivists’ for the simple reason that the Leviathan is the embodiment of axiomatic positivism, although Quentin Skinner makes a detailed genealogical excavation of the roots of legal positivism and theories of the state, finding them in the texts of the reformation, rather than simply Hobbes *sui generis*, Quentin Skinner, *The Foundations of Modern Political Thought: Volume II, The Age of Reformation*, (Cambridge: Cambridge University Press, 1978).

<sup>41</sup> Delacroix, *op. cit.*, p 30.

<sup>42</sup> Hans Kelsen, ‘The Pure Theory of Law and Analytical Jurisprudence’, in *Harvard Law Review*, Volume 55, Issue 1, 1941, p 70.

<sup>43</sup> Kelsen, ‘The Pure Theory of Law’, and for a more elaborate explanation see Hans Kelsen, *Law and Peace in International Relations: The Oliver Wendell Holmes Lectures, 1940-41*, (Cambridge: Harvard University Press, 1942).

obeyed at all times. Schmittian decisionism encodes the norms implicit within the original decision into the political community itself, and therefore theoretically defies the potential for arbitrary power that the Hobbesian sovereign might otherwise possess.

If a decision forms the grounds for truth, then truth reduces to a contextually agreed norm. But what is the difference between a norm and a decision? If, as in Kelsen's version of legal positivism, laws can change, then the general understanding of the hypothetical norm on which they are based is also subtly altered. Whereas for Schmitt, laws can change but must remain consistent in respect of the original friend / enemy distinction. For legal positivists, law is not arbitrary, but is distilled in a process of reasoning – at least theoretically. Whereas Schmitt is explicit in his endorsement of an underlying decision, and no register of norms or reason against which to judge this constitutive decision.<sup>44</sup> This has been criticised as leading to a justification of *Furherprinzip* and even the end of law.<sup>45</sup> However, if law is bound to reflect the underlying conditions of enmity through which it was constituted and from which it gains its ultimate justification, then law itself becomes bound by its terms, and the existential terms of political community within which the laws operate set parameters on how the laws can be written and rewritten. Otherwise the constant vulnerability of the political community would be refracted through disputes over individual laws.

The friend / enemy distinction therefore becomes analogous to a kind of normative bedrock against which the members of the community can judge whether laws conform to its precarious undulations. Thus, despite being a kind of legal positivism, a context of Schmittian decisionism reunites law and ethics, although ethics are contextually bound by the friend / enemy distinction within which laws are drawn up. So there can be no reference to any universal norms, or indeed norms that exceed the constitutive friend / enemy distinction in any way. However, the friend / enemy distinction is the condition of possibility for laws and normative evaluations, and the specific nature of the original decision sets the terms by which these norms are laid down. Therefore, if *Furherprinzip* is taken to be the total enslavement of a political community to the shifting will of one leader, then it becomes obvious that Schmittian decisionism does not permit this, as the

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<sup>44</sup> For a neat discussion of these legal ideas in a political context see Gianfranco Poggi, *The Development of the Modern State: A Sociological Introduction*, (Stanford: Stanford University Press, 1978).

<sup>45</sup> Scheuerman, *Carl Schmitt: The End of Law*.

constitutive nature of the original distinction between friend and enemy encodes a set of ideational parameters into the community itself that even a sovereign leader must take account of. This will be further explored in the brief section on sovereignty, but forms a further distinction between Schmitt and Hobbes, in that Hobbes' Leviathan has far greater powers of command and obedience simply because he is obeyed and because the terms of obedience are internally rooted in a mutual fear and mistrust among the members of the community. Whereas for Schmitt, it is a capacity to distinguish outsiders that produces collective identification, therefore the sovereign must continue to attend to the terms upon which the community maintains its internal coherence. To restate; the Leviathan can determine the conditions of obedience that apply to its community, whereas the Schmittian sovereign must always respect the prior conditions of coherence for his or her political community, established in the specific nature of the friend / enemy distinction, over which he has little control. The sovereign is therefore merely embedded in the broader normative structure of the community, rather than a free and unfettered emperor. He must answer to the constitutive needs of the community or either he – or the community itself – will fall.

As with the concept of the political, the decision describes a point of inversion rather than simply a boundary. It does not simply constitute a collective – in its separateness and absolute freedom of action – as a group, but rather constitutes a group in terms of its relationship with other groups, and the specific terms upon which the distinction is made remain constitutive features of the group itself, cohering and giving it recognisable and ongoing form.

In terms of the three legal traditions; the natural law tradition relies upon a realm of ethics that is constantly apparent or at least hypothesised and regulative, along with each individual's capacity to determine right within a stable context of universal norms. The legal positivist tradition – sometimes called normativism – steps aside from norms and concentrates on establishing legal frameworks that retain legal force even when judged to produce wrong outcomes as they are fundamentally rooted in some assumption of underlying universal principles. Even Hobbes has a universal assumption built into his positive framework, which he invokes with his references to nature and providence. Schmittian decisionism does not rely on universal norms, and instead helps to identify points of inversion that separate political communities from one another,

allowing the conceptualisation of different contexts of identification and interpretation within which norms function as threads of meaning and coherence for the group, and which are in turn structured both by the original constitutive distinction and the sovereign husbanding of its evolution. But it should also be understood that although the constitutive decision may appear to be arbitrary, it must animate a community prior to its articulation or it would not be understood or interpreted as a constitutive distinction. In order to understand how the distinction is articulated and finds form, the conceptual formulation of the sovereign needs to be elaborated.

## The Sovereign

Throughout Schmitt's work, he makes reference to particular idealised individuals. Among his earliest texts is 'the dictator'<sup>46</sup>, and in his later work he writes interesting commentary about 'the pirate' and further dedicates an entire book to a theory of 'the partisan'.<sup>47</sup> Given what has been already outlined in the above sections, it should be clear that there is little room in Schmitt's analysis for individuals. The political only operates at a collective level; communities are constituted in ways that set the terms for individuals to understand themselves as such, and collective identification is prior to establishing the evaluative norms that allow for self identification within groups. So when discussing 'the sovereign', it should be apparent that he was not attempting to create a category of behavioural traits common to pre-existing sovereigns. Nor was he a sociologist trying to identify different types of sovereign. He was instead trying to identify that which was essential to the idea of sovereignty – a concept of sovereignty, or a conceptualisation of the idea of sovereignty – and to do this he asked what is the particular task of the sovereign in relation to the community? His answer is another of his famous quotes; 'Sovereign is he who decides on the exception'.<sup>48</sup>

The exception, for Schmitt, was anything that threatened the norm, and he elaborated this idea as a way of describing how legal systems could not legislate for all eventualities, that there would always need to be some provisions within a constitutional system for the preservation of exceptional sovereign power over the

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<sup>46</sup> Schmitt, *Die Diktatur: Von den Anfängen des modernen Souveränitätsgedankens bis zum proletarischen Klassenkampf*, (Munich: Dunker & Humblot, 1928).

<sup>47</sup> The 'pirate' features in discussions both in *Land and Sea* and *Nomos*, and the 'partisan' in *Theory of the Partisan*.

<sup>48</sup> Schmitt, *Political Theology*, p 1.

community. In keeping with his critique of Kelsenian normativism, the law itself could not be considered sovereign, but was dependent upon the capacity of the sovereign to step outside the law in order to defend it, to declare an exception and claim exceptional authority to restore the norm. The previous discussion of the decision concentrated on the original decision that provides the foundation for law. With his discussion on sovereignty, Schmitt further elaborates on the relationship between law and the political.

A decision operates in two ways, on the one hand as a kind of conceptual device concerning a historical distinction between friend and enemy that establishes a context in which norms can emerge to regulate the behaviour of the group, and as an ongoing mechanism for the preservation of the norm against the exception. The Sovereign can be seen as the holder of this remnant authority, a living embodiment of the coherence of the community, and someone – or some institution – entrusted, indeed obliged, to maintain that coherence. Therefore sovereign authority, like that of the Leviathan, resides in the obligation to protect the community, understood as a system of norms derived from the original and constitutive friend / enemy distinction – the decision at the root of law. The original decision is therefore constantly re-inscribed by the sovereign acts undertaken to defend the norm against the exception, and therefore the existential sovereign decision represents a limit concept for any group that understands itself as a group. It exists both in relation to some conceptual origin in history, and as that which continues to distinguish the group in its separateness and potentially hostile relations with the concrete enemy.

The decision between the norm and the exception has therefore come to be understood in terms of historical and spatial limits; with both the emergence of the community, and in terms of its continued expression in spatial terms.<sup>49</sup> But this is not necessary at a conceptual level. Time and space considerations are separate to the decision at a conceptual level. Every moment of decision has its sovereign, as implied by the maxim quoted above, however, when the sovereign decision is transposed onto the institution

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<sup>49</sup> Louiza Odysseos, 'Dangerous Ontologies: the ethos of survival and ethical theorising in International Relations', in *Review of International Studies*, Volume 28, Issue 2, 2002, and Louiza Odysseos, 'Crossing the line? Carl Schmitt on the "spaceless universalism" of cosmopolitanism and the War on Terror', in Louiza Odysseos and Fabio Petito (eds.) *The International Political Thought of Carl Schmitt: Terror, liberal war and the crisis of global order*, (London: Routledge, 2007).

of sovereignty, whereby it is expected that the sovereign will keep the power of decision, this introduces time to the conceptual formula. Furthermore, considering the sovereign decision within the context of the modern state system inevitably concerns how the institutions of the sovereign and of sovereignty are indelibly associated with maintaining the particularity of a specific group expressed in state form. Nevertheless at a conceptual level the sovereign has a direct relationship with the members of the community in whose name he or she 'decides'. In other words, the formula is entirely reversible. The grammatical structure of the maxim posits the sovereign as the subject, and the community is only implied in the background. However, if examining the statement as if it is designed to *identify* the sovereign within a presupposed community – rather than spell out an utterly arbitrary freedom of decision in the hands of the sovereign – it has the opposite meaning, one that is highly suggestive of the reflexive nature of sovereignty; or as Oakeshott has it, 'authority is always an endowment by those who it obligates'.<sup>50</sup>

Aligning the sovereign decision with the political moment shows that a community in whose name the sovereign speaks cannot be presupposed – not until the friend / enemy distinction is made. And although it is the sovereign who articulates the friend / enemy distinction, the necessary implication is that the sovereign and the community, are *co-constitutive*. Furthermore, if it is suggested that the sovereign decision continually re-inscribes the community, we can see that the sovereign and the community are perpetually co-constitutive, not simply related at one point of semi-divine or mythical origin. This is an important reflection for several reasons. First of all it further insulates the sovereign from comparison with an absolute dictator whose will commands all, secondly it describes the sovereign as in thrall to the friend / enemy distinction rather than in arbitrary command of it, and thirdly, it posits the community as having a logic that is internalised from the character of the prevailing friend / enemy distinction. What this means is that although the original friend / enemy distinction imprints itself on the community, the manner in which the sovereign re-inscribes the distinction over time allows for a subtle evolution of its terms. But it also imposes a duty on the sovereign to attend to the manner in which the political community evolves. Nevertheless the implication is that the sovereign is not simply free to decide whatever exception he or

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<sup>50</sup> Michael Oakeshott, 'Talking Politics', in *Rationalism in Politics and other essays*, (Indianapolis: Liberty Fund, 1991), p 442.

she likes and direct his or her subject community accordingly, but must be able to recognise the emergent exception whose terms are themselves constrained. Imagine, for example, if a sovereign simply failed to see an emergent threat to a community and failed to act against it. Without wishing to be prescriptive, the likelihood is that either the community will be destroyed by the emergent exception, or the institutional sovereign will simply be ousted and replaced by someone better placed to respond, or better able to identify the exception.<sup>51</sup> If the community survives, the institution of sovereignty must form a part of its expression.

Once again Schmitt wrote about this during the Weimar period when he was active as a constitutional lawyer. It was – in context – a theoretical component of his defence of the emergency powers of the President, most particularly article 48 of the constitution, which gave the President wide powers to rule by decree. This has been widely interpreted as supporting a perpetual rule by decree, and ultimately a form of fascism. But viewed in the way set out above, sovereignty becomes a social institution, one necessitated by the very practice of existential differentiation that marks out the political community in the first place, and the sovereign is obliged to occupy the helm of that community as it navigates its course through history. But, to adapt a reputed aphorism of Otto von Bismark, the helmsman merely ensures that a ship stays on course, and must respond to the direction of both wind and currents. The political decision lives both in the continued existence of the community as a community, and in the underlying friend / enemy distinction that inscribed its unity in the first place. In this context, Schmitt's expressive defence of the emergency powers of the President looks less like a defence of a particular form of authoritarian government, and more like a defence of the idea of Germany itself.

### **Proto-securitisation theory?**

The combination of Schmitt's concept of the political, and his notion of decision, lead ineluctably towards some comparison with the modern day Copenhagen School and what has become known as 'securitisation theory'.<sup>52</sup> To abstract from Schmitt's situated

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<sup>51</sup> Examples of this might include Churchill's rise to power, by which it could be imagined that Churchill *accumulated* sovereignty by his consistent opposition to appeasement, and was eventually seen as a 'natural' candidate for office by simple virtue of having long warned of the rise of Germany.

<sup>52</sup> There is a large amount of literature on this theme, commencing with Ole Wæver, 'Securitization and Desecuritization', in Ronnie D. Lipschutz (ed), *On Security*, (New York: Columbia University Press,

critique of the constitutional instability of the Weimar Republic towards a more general theory of social relations does produce a form of reflexive identification and exclusion that Ole Wæver would recognise as at least similar, or related, to the speech act inspired process of Securitization Theory. The basic similarity is clear enough; security is inter-subjectively constituted between the securitizing actor and the wider society in which both the authority of the securitizing actor and the referent object are politically contested. Michael Williams makes much of the similarities in his article, 'Words, Images, Enemies'<sup>53</sup>, in which he makes very clear the direct lineage between Schmitt's radically indeterminate theorising of the political and his decisionism which sits at the genealogical root of Wæver's securitization theory. This view is shared by Jef Huysmans although perhaps Huysmans is stronger in his denunciation of the ethos of 'political horror' that this radical indeterminacy in the realm of the political inevitably, he believes, inevitably leads to.<sup>54</sup>

This debate concerning Schmitt's position at the conceptual root of securitization theory will surely continue, although one intervention is worth referencing for it points in the same direction as this thesis. Holger Stritzel introduces the epistemological language of 'internalism' and 'externalism' as a way through what he identifies as a problem with some securitization literature, in that it fails to provide a useful empirical toolkit. He clarifies the distinctions between an 'internalist' logic, that draws inspiration from Derrida, and by implication Schmitt,<sup>55</sup> and an 'externalist' logic that permits the application of these terms to empirically assumed entities that exist in the 'real world'. The reason this is both useful and important is that it clarifies the epistemological priorities of securitization theory, in that if securitization theory is primarily concerned with a process by which security threats are inter-subjectively constituted, it is difficult to apply to contexts in which the 'real world' is held to be durable and mind independent. Just to be clear, Stritzel claims to offer a way through this problem, but

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1995), and followed by Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: A New Framework for Analysis*, (London: Lynne Rienner, 1998), with an indispensable review by Jef Huysmans, 'Revisiting Copenhagen: Or, On the Creative Development of a Security Studies Agenda in Europe', in *European Journal of International Relations*, Volume 4, Issue 4, 1998.

<sup>53</sup> Michael C. Williams, 'Words, Image, Enemies: Securitization and International Politics', in *International Studies Quarterly*, Volume 47, Issue 4, 2003.

<sup>54</sup> Jef Huysmans, 'The Question of the Limit: Desecuritisation and the Aesthetics of Horror in Political Realism', in *Millennium: Journal of International Studies*, Volume 27, Issue 3, 1998.

<sup>55</sup> Holger Stritzel, 'Towards a Theory of Securitization: Copenhagen and Beyond' in *European Journal of International Relations*, 2007, Volume 13, Issue 3. It is 'by implication Schmitt', because his reference is to the article by Michael C. Williams, 'Words, Images, Enemies' rather than directly to Schmitt.

nevertheless makes an important – and to my mind valid – connection between the post-structural theories of Jacques Derrida, and the radical existentialism of Carl Schmitt, not to mention the ‘Wilful Realism’ of Michael Williams.<sup>56</sup> This theme will be picked up again in Chapter 5, but examining Wæver’s original work, it is fairly clear he did not intend to leave securitisation theory stuck in the existential mire, therefore Stritzel’s article is both a worthwhile intervention and a useful clarification.

## **Legitimacy and Dictatorship**

The three basic conceptual formulations outlined above are sufficient for understanding the mechanics of Schmitt’s theoretical reflections on the idea of community, for it should be obvious by now that what interested Schmitt was community above other things. The concepts of the political, the decision and sovereignty are all interlinked by his attempt to understand the besetting deficiencies of Weimar Germany and were formulated in respect of what Schmitt thought were the conceptual and ideational conditions thereof. They provide a notion of community that is uprooted from the foundationalism which merely views political communities as having historical or geographical origins, and those that regard communities as rooted in kinship, language or even culture. Schmitt’s reflections on community are anti-essentialist, rooted in the present through the constant re-articulation of the friend / enemy distinction that provides the underlying conditions for the establishment and navigation of contextual social truths.

Each community has its own existentially relevant reference points of differentiation that condition its relations with others, but each must remain attentive to the fact that as a community it is not grounded on an external norm, nor is it able to reason its existence as separate community. It does not ‘simply exist’ except through a continual re-expression of difference *via* the sovereign management of the friend / enemy distinction.<sup>57</sup> If a community fails to understand its relationship to this ongoing process of exclusion, then it risks not being able to recognise its vulnerability to an emergent exception. Which in turn places a general obligation on the sovereign to remain attentive to the idea of the exception. Individuals can only understand themselves as such if they already have a perspective, and are already inhabited by the inherited and

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<sup>56</sup> Williams, *The Realist Tradition and the Limits of International Relations*.

<sup>57</sup> Huysmans, ‘The Question of the Limit’, *op. cit.*

evolved pejoratives of a friend / enemy community. There is no neutral position from which to observe these competing communities, as each individual is existentially committed to a worldview that is itself dependent upon the contextual truths that derive ultimately from one side of a friend / enemy distinction – in other words, everyone is already deeply implicated in a ‘partisan schema’.

This existential presentism that inhabits a community is navigated through the reflexive relationship between the sovereign and the people. The prejudicial exclusion that forms the substance of the friend / enemy distinction resides in each and every member as an condition of existential recognition, thus the sovereign and his or her people are umbilically linked by a shared co-constitutive prejudice. For Schmitt, this relationship exists regardless of mechanisms designed to reflect or produce it, but when Schmitt was commenting on Weimar Germany, it is easy to see why he favoured a type of plebiscitary populism as a way of endowing the President with legitimacy.<sup>58</sup> In fact, it was central to his argument of Presidential authority and the exceptional power vested in article 48 of the constitution that the President carried greater legitimacy than the representative body of parliament precisely on account of his direct election, and therefore his direct relationship with the people. His early reflections on dictatorship<sup>59</sup> advanced the idea of a consular dictatorship with the exceptional power to restore the norm, echoing the traditions of the Roman Republic.<sup>60</sup> In his work on *Legality and Legitimacy*, Schmitt provides a prescient analysis of the problems besetting the Weimar constitution and shows himself alive to the prevailing threat. Balakrishnan suggests that he was far more concerned about the rising power of the Nazis than he is often given credit for, judging them to have a malign intent to change the constitution after achieving power.<sup>61</sup> It was a course of action to which he was actively hostile, suggesting that the power of a simple majority could never legitimately constrain the minority’s capacity to hold power in the future.<sup>62</sup> And indeed that such a strategy would represent an emerging friend / enemy distinction within the constitutional framework itself. Which once again highlights the vulnerability inherent within any institutionalised form to the dimension of the political, which is prior to its institutionalisation.

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<sup>58</sup> Carl Schmitt, *Legality and Legitimacy*, (Durham: Duke University Press, 2004 [1932]), translated by Jeffrey Seitzer.

<sup>59</sup> Schmitt, *Die Diktatur*.

<sup>60</sup> Ibid.

<sup>61</sup> Balakrishnan, *The Enemy*, p 175.

<sup>62</sup> Ibid., p 96.

It is this historical and conceptual web that surrounds and informs Schmitt's notion of community that the rest of the thesis relies on to explain what value Schmitt has for International Relations theory. However, there is little room to engage with the myriad critical responses to these legal and political arguments in and of themselves. At this stage in the argument, it is simply important to excavate these Schmittian formulations in order to get at the underlying curiosity that inhabits his work. There is no doubt that his legal arguments concerning exceptional powers and legitimacy have spawned endless arguments within the legal field,<sup>63</sup> as well as further philosophical speculation concerning the relationship between law, sovereignty and the political.<sup>64</sup> All this is acknowledged openly. But for the purpose of this thesis, the trio of concepts outlined above are laid out to give some insights into the intellectual disposition of the man who formulated them. Which in turn allows one to bypass much literature on Schmitt, and to focus this thesis away from abstracted debates concerning the 'true meaning' of certain legal interpretations, or the 'subtext' of violence that inhabits his work. Instead, by providing a relatively basic outline of Schmitt's ideas concerning the political, the decision, and the sovereign, it becomes possible to explain how these terms were expressed in his historical commentaries and his attempts to theorise systems of international order. It also becomes possible to place him and his curiosity at the centre of the analysis, rather than the particular concepts – and their implications – which he formulated.

## Conclusion

The use of Schmitt as a conceptual storehouse has produced a large number of hugely interesting works of political theory, legal theory, and philosophy. But nowhere has a thorough account of him as a theorist of International Relations in his own right appeared. Each of his concepts has been picked up and used, either as a substantial component of another's work, or as clearly expressed concept to be elaborated or

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<sup>63</sup> Scheuerman, *Carl Schmitt: The End of Law*, plus Sylvie Delacroix, *op. cit.*,

<sup>64</sup> Notable contributions to this literature include: Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, (Stanford: Stanford University Press, 1998), translated by Danile Heller-Roazen, *State of Exception*, (Chicago: University of Chicago Press, 2005), translated by Kevin Attell. Jacques Derrida 'Force of Law: The "Mystical Foundations of Authority".' in Drucilla Cornell, Michael Rosenfeld and David Gray Carlson (eds.), *Deconstruction and the Possibility of Justice*, (New York: Routledge, 1992). Jenny Edkins, Veronique Pin-Fat and Michael J. Shapiro (eds.), *Sovereign Lives: Power in Global Politics*, (London: Routledge, 2004).

deconstructed. The effect of this has been to reduce Schmitt's thought to a series of spare parts in other works, or as a critical foil whose selective interpretation does incomplete justice to the range of his reflections. Chantal Mouffe has transposed his concept of the political into her own work on 'agonistic democracy', and Giorgio Agamben has provided a detailed and elaborate reworking of Schmitt's notion of the exception in order to move on from Foucault's use of the panopticon metaphor towards that of the concentration camp as a way of understanding contemporary social relations. William Scheuerman and many others have restricted themselves to talking about legal arguments and sought to criticise the radical indeterminacy in Schmitt's formulations,<sup>65</sup> while simultaneously detecting a series of 'hidden dialogues' with later scholars. John McCormick has tried to reveal the underlying logic of Schmitt's critique of liberalism in order to substantiate his connection with fascism;<sup>66</sup> and notably, Ellen Kennedy has sought to identify Schmitt's significant participation within the original debates of the Frankfurt School.<sup>67</sup>

Each of these and other literatures represents a worthwhile and interesting engagement with aspects of Schmitt's thought, but each also relies on a capacity to isolate the particular aspect of his thought under discussion. However, in taking only specific aspects of Schmitt's thought and then either using them or criticising them, these approaches rely on the relatively hidden idea that Schmitt is a legitimate authority on the concepts under discussion. This turns Schmitt into a series of relatively one dimensional representations in which he is either accorded a troubling degree of respect – for a man who joined the Nazi party in any case – or is treated as a grand straw man, whose Nazi party membership makes the point almost by default. Even when scholars of International Relations have used Schmitt, it is usually a Schmittian formulation of a particular concept that they bring to their argument.<sup>68</sup> There are many examples of this, from liberals taking on his critique of liberalism, to postmodern approaches that acknowledge the brilliant and incisive dualism of his friend / enemy formulation – for postmodernists who already agree with him that is – to realists who claim him as one of their own and one who burnishes their suspicion of universal values, to critics of

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<sup>65</sup> Scheuerman, *Carl Schmitt: The End of Law*.

<sup>66</sup> John McCormick, *Carl Schmitt's Critique of Liberalism: Against Politics as Technology*, (Cambridge: Cambridge University Press, 1997).

<sup>67</sup> Ellen Kennedy, 'Carl Schmitt and the Frankfurt School', *Telos* 71 1987.

<sup>68</sup> This applies to many theorists, from Michael C. Williams, to Chantal Mouffe and Louiza Odyseos.

liberalism who revitalise his critique and transpose it to a contemporary setting. Each relies on the assumption that Schmitt produced useful and transportable conceptual formulations. But each also leaves questions unanswered.

If Schmitt is so useful to such a widespread variety of thinkers, this implies that his reception and interpretation lacks precision. Other theorists are accorded a place within certain traditions of International Relations, like Hobbes, Grotius and Kant. They are plucked out of history and accorded membership of an IR team.<sup>69</sup> Thus there is a long and honourable discussion concerning what a Hobbesian or Kantian vision of IR looks like; assessments have been made of the whole picture and there is a general awareness of both the strengths and weaknesses of the entire schema. It is well known, for instance, what questions Hobbes left unanswered, and it is possible to speculate authoritatively what Kant's perpetual peace reveals about his worldview. Schmitt on the other hand – with his concepts – provides a variety of tactical insights into how to play the game, but remains unselected as a player. Much therefore is known about his concepts, most particularly in relation to which other scholars use them and why, but this has not produced any deep reflection on what a Schmittian vision of IR looks like, what insights it provides, and what are its shortcomings.

In setting out and stitching together the Schmittian conceptual formulations in this chapter, this thesis can now go on to look at both the specific context that informed his curiosity and the manner in which he utilised his own conceptual formulations in order to theorise international relations. For one thing that becomes clear about reading Schmitt's later works, is that he had a fully worked out set of ideas about the international, about the state, and about the historical processes that produced them both. Also, his later works can be used to clarify his earlier thinking as they are clearly still organised around the underlying curiosities that informed his entire intellectual output – the fragile and undulating relationships between community, order and violence.

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<sup>69</sup> Chris Brown explicitly adopts the team analogy in his *International Relations Theory: New Normative Approaches*, (Hemel Hempstead: Harvester Wheatsheaf, 1992).

## Chapter Two: Carl Schmitt as a theorist of Historical Crisis

*Nomos is Greek for 'pasture', and 'the Nomad' is a chief or clan elder who presides over the allocation of pastures. Nomos thus came to mean 'law', 'fair distribution', 'that which is allocated by custom' – and so the basis of all Western law.*

Bruce Chatwin, *The Songlines*.

### Introduction

In the previous chapter, an outline account was given of some conceptual terms that lie at the heart of Schmitt's worldview. This chapter will seek to clarify the changing contexts in which Schmitt felt it necessary to attempt these conceptual formulations, and his broader disposition toward history. In effect, his analysis of the problems that beset the Weimar republic and his involvement in the intense legal constitutional debates of those times acts as an unorthodox introduction to a theory of world historical crisis that reconciles the various facets of his work, and in which the problems of Weimar Germany were but one highly distilled microcosm.

To this end it is possible to see the entire body of Schmitt's work as something like an iterative process, in which he attempted to understand the underlying roots of a narrow range of problems that nevertheless unfolded within wider and wider political and geographical contexts. Hence Schmitt's speculations went from thoughts on the roots of law, through criticism of the perceived failings of parliamentary democracy, to advocacy of the use of emergency powers and contemplation of the existential roots of political community. Then as the same problems that he sought to resolve simply intensified and the Weimar constitution itself collapsed – a process in which he can be justifiably implicated in its later stages – his concerns turned to the wider European dimension of international order and eventually the entire normative structure of international order. More simply, his work can be seen as a broadening search for the durable normative mechanisms that provided content and stability to the shifting dynamics of international order and disorder, and while his earliest works concentrated on the specific institutional mechanisms that allow states to function, he quickly graduated to the wider sphere of a more generalised crisis of the European state, and then the entire international order, to find firmer ground on which to base his understanding of the existential problem of political community. That the firmest

ground he could eventually establish was written as a lament for a lost world is indicative of how elusive these foundations were for him, and explains both his fascination for grand metaphors and his sensitivity to the idea of history.<sup>1</sup> For it is upon specific historical events – and their characterisation – that Schmitt depends in order to substantiate his conceptual formulations. It is therefore the contingency of history that allows for form and content to adhere to his theories and render them both comprehensible and in some sense relevant to any interpretation thereof.

## Critique and Crisis

Rheinart Koselleck provides a series of conceptual steps that allow for the interpretation of Carl Schmitt as first and foremost a theorist of historical crisis. In his text, *Critique and Crisis*, Koselleck links the practice of critique with the emergence of crisis.<sup>2</sup> In short he suggests that the act of criticism, or judging, places the moral or intellectual capacities of the critic in a privileged relationship to the subject under criticism. Criticism relies upon a dualistic polarity, a ‘this’ opposed to a ‘that’, and in setting up this polarity the critic gives life to it, and does not merely discover or enunciate a given opposition. In his own words;

Criticism is the art of judging; its function calls for testing a given circumstance for its validity or truth, its rightness or beauty, so as to arrive at a judgement that extends to persons as well. In the course of criticism the true is separated from the false, the genuine from the spurious, the beautiful from the ugly, right from wrong.<sup>3</sup>

When examined alongside Schmitt’s description of ‘the political’ as rooted in the distinction between – or perhaps *judgement* or *decision* in respect of – friend and enemy, the inescapable conclusion is that Schmitt’s notion of the political operates as a kind of perpetual critique. Furthermore, when allied to Koselleck’s notion that critique gives rise to the oppositional terms in which it is framed, and thus every critique contains its own crisis hidden within it, Schmitt becomes a theorist of crisis precisely because the critique he offered always seemed to reveal some hidden aspect of an

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<sup>1</sup> Schmitt’s *magnum opus* - *The Nomos of the Earth* – contains his most expansive account of the period of European modernity, which as far as Schmitt was concerned had come to a definitive end by the time he wrote about it in the late 1940s.

<sup>2</sup> Rheinart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society*, (Cambridge: MIT Press, 1988 [1959]). Koselleck is well known for having learnt much from Schmitt, but the relationship is clarified best in Rheinhard Mehring’s, ‘Carl Schmitt and his Influence on Historians’, in *Cardozo Law Review*, Volume 21, 1999.

<sup>3</sup> *Ibid*, p 103.

unfolding crisis by merely framing it in oppositional terms. Furthermore, and in keeping with this chapter's implicit divisions, as Schmitt's critique grew in scope to take in the wider horizons of European political order, then the whole notion of international order, the crisis he progressively revealed also needed to match the breadth of his analysis. Hence his early career adopted a legal and political-theoretical language in order to grasp at the ongoing dilemmas of a shaky new republic. Then his critique developed a highly polemical and divisive tone when attempting to clarify the vortex of political instability into which Europe plunged in the 1930s. Lastly his ongoing critique was cast in reflective and world historical terms to capture the ongoing global crisis of the emergent Cold War, and the end of European modernity.

It would of course be overstating it to say that Schmitt's critique in and of itself brought about the end of European modernity, but given that his critique has always been seen in terms of its radical edge, it is not going too far to claim that Schmitt participated actively in a more general process of critique, which in turn had many facets.<sup>4</sup> The three phases of Schmitt's career then, are not ultimately subject to the restrictions imposed on him by liberal interpreters, but instead divide themselves in relation to the widening contexts into which his ongoing critique clarified their corresponding crises. His critique of Weimar Germany pointed the way very directly toward its collapse and overthrow by the Nazi party, then his widening attempt to theorise a new European order definitively revealed the terms under which the old order would be eviscerated and replaced by an unstable balance of ideological rivals. Lastly his critique of this emergent world order contains within it the seeds of its collapse and subsumption into a broader liberal world order, to which he was both resolutely opposed and intellectually resigned. It is therefore, no surprise that his analysis became increasingly popular after the collapse of the Soviet Union and seemed temporarily so prescient. His critique of the post war order contained within it the terms of the crisis it invoked, in that it heralded a world without order, or one with a false representation of a universal order. Which in turn goes some way to explaining why Schmitt can be so easily invoked by

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<sup>4</sup> His early communication with Walter Benjamin and Otto Kirchheimer are dealt with in Chapter 6, and his involvement with radical right-wing politics is well known. The extent to which Schmitt's writings have always been regarded as deeply troubling is best captured by Ernst Junger, who said that his work was like 'a mine that explodes silently', Andrew Norris, 'A Mine that Explodes Silently: Carl Schmitt in Weimar and After', in *Political Theory*, Volume 33, Issue 6.

such a variety of different theorists; from realists to post-Marxists, they are all united in hostility to the idea of a universal world order.

### Three Phases

This thesis has already outlined a strong opposition to periodising Schmitt in respect of his association with Nazism. However, this is not to dispense with the idea of identifying different periods within which to examine his theoretical output. Instead of considering when Schmitt arrived at a certain conceptual formulation – in order to judge its general value or even its permissibility – this thesis places each of his theoretical works alongside the particular scale and dimension of the unfolding crisis to which it is addressed. In this way, his early works can be seen to be directed at the crisis of constitutionalism engendered by the invention of a new liberal constitutional framework in the post World War I years, as a replacement for the Wilhelmine aggregation of inherited authority, tradition and hierarchical social norms that preceded it. This period encompasses his earliest work up to and including the first edition of *The Concept of the Political*,<sup>5</sup> and is characterised by a focus on the particular legal and constitutional debates, which took place in Weimar Germany. His middle period, in which he found it possible to associate himself with Fascism, and ultimately Nazism, probably dates from about 1929 – with the publication of *The Age of Neutralisations and De-politicisations* – and ends with the clarifications and equivocations offered to his Nuremberg interrogators.<sup>6</sup> Within this period he was attempting to conceptually address the great crisis of European meaning, for which Nazism offered its own degraded narrative of racial purity, but which also took many other forms. Schmitt's preoccupation during this period was less with racial theories, than with a deep fear of Bolshevism, and a natural Catholic hostility to the collapse of European traditions and practices of statecraft. This is also the period in which he developed his theory of *Großraum*, which by coincidence is regularly offered as a contribution to a continuing version of the crisis of European meaning found within European contributions to the debates surrounding the concept of 'multipolarity'. The third or 'late' period of Schmitt's interpretive range was marked by

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<sup>5</sup> Including; *Political Theology*, *The Necessity of Politics*, *The Rhineland as an Object of International Politics*, *The Crisis of Parliamentary Democracy*, *Die Diktatur*, *The Concept of the Political*, and *Legality and Legitimacy*. Please see 'Works Cited' for details.

<sup>6</sup> Including; 'The Age of Neutralisations and Depoliticisations', *The Leviathan in the State Theory of Thomas Hobbes*, *Völkerrechtliche Großraumordnung*, and his Nuremberg Testimony. Please see 'Works Cited' for details.

his descent into eulogy and a profound pessimism concerning the legitimate establishment of a global world order.<sup>7</sup>

These three different periods are marked not by distinctive normative commitments to particular political realities, but instead involve Schmitt in exploring the implications of the same set of underlying questions as they played out in ever widening geopolitical dimensions. Nevertheless they are all connected, and all form widening perspectives on what eventually becomes a rather grand theory of global historical crisis to be found in *The Nomos of the Earth*. The first period – the crisis of the Weimar years – simply became incorporated into a widening theory of international crisis, and in retrospect was cast by Schmitt as merely the first tremors thereof. It is therefore understandable that this early work takes on a fairly abstract character in that he was involved in actual legal / academic debates concerning constitutional principles. The second period is marked by a far greater degree of polemical commitment – even a sense of cultural and political emergency – very much in keeping with the descent of Europe into Fascism and war. The late period of Schmitt's reflections are expressed in a grander and more historical mode. The polemics have mostly disappeared, except as exculpatory moments alongside the general eulogistic sermonising, but equally the abstract dimension of his earlier work conforms more directly to the dictates of historical contingency. Ideas, which in his early work tend towards the universal language of principle and law, in his later work are more directly rooted in the historical progression of antecedent practices and context bound responses to real historical dilemmas.

It is perhaps only to be expected that Schmitt is often referred to – as the first chapter made plain – in terms of his conceptual formulations, but it is the late work of Schmitt in which these conceptual formulations find their fullest and most coherent expression. Confirming once again, not only the need to take account of the context of Schmitt's speculations, but also the manner in which the context of Schmitt's life and endeavours itself went through several evolutions, a knowledge of which is necessary in order to reconcile his early theories, with his later lamentations.

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<sup>7</sup> Including; *Land and Sea*, *The Nomos of the Earth*, *Theory of the Partisan*, and 'The Legal World Revolution'. Please see 'Works Cited' for details.

## Early Schmitt: The Collapse of the Wilhelmine state The Political and the State

Much of the literature on Schmitt seems to ignore or explain away the principal and clearly expressed meaning of his famous declaration, ‘the concept of the state presupposes the concept of the political’. Indeed, even in the introduction to the English translation of the 1932 edition of *The Concept of the Political* Charles Schwab considers this question directly, and adds further comments from correspondence of Schmitt’s, which is worth quoting at length.

Though this essay contains only germs of what subsequently matured into a relatively complete model, in the opening sentence of the 1932 essay *Schmitt indivisibly linked state and politics*. Reflecting on the connection between the two, he recently commented: ‘The decisive question....concerns the relationship of ... state and politics. A doctrine which began to take shape in the sixteenth and seventeenth centuries, a doctrine inaugurated by Machiavelli, Jean Bodin, and Thomas Hobbes, endowed the state with an important monopoly: the European state became the sole subject of politics. Both state and politics were linked just as indivisibly as polis and politics in Aristotle.’<sup>8</sup> (italics added for emphasis)

In declaring that the state is *indivisibly* linked to the political, Schwab has simply inverted the only conclusion that can be properly drawn, and which is reinforced by the very quotes Schwab presents in support of his alternative formulation. The words Schwab uses were also available to Schmitt, yet Schmitt cast the relationship in entirely different terms, and this was quite deliberate. According to a Schmittian reading, the state is merely the contingent expression of a primordial and ever present political predicament, that is a regulative feature of human societies of all types. Schmitt is ultimately just acknowledging that an insistent focus on the state as the sole carrier of the political is consequent on the acceptance of a doctrine – an exclusively European doctrine – that monopolises the political through the institution and *convention* of the state.<sup>9</sup> This convention bears no necessary relation to the political – to the existential quality of the political decision – it is merely the historically contingent convention in which the process has become conventionally expressed at a pan-European level, along

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<sup>8</sup> Schmitt, *Concept of the Political*, p 6.

<sup>9</sup> Conclusion supported by the more recent work of Alain de Benoist, ‘Global terrorism and the state of permanent exception’, op.cit.

with the tradition of Great Power politics and the *Jus Publicum Europaeum* that Schmitt theorised in his later work.<sup>10</sup>

The reason it is important to distinguish between the political and the state is that it allows for an investigation into the relationship between the two by requiring an examination of how the political becomes manifested in the state and what supports that process. Far from preventing this by assuming the indivisibility of the state and the political, Schmitt, by forcing an examination of the particular aspects of each, makes it possible. The political decision to distinguish between friend and enemy constitutes an inside and an outside, and the state can be thought of historically as an institutional mechanism by which a political community mediates interaction with the outside. Returning to the conceptual formulae outlined in Chapter 1, the reason Schmitt wrote about these ideas was because the Weimar state seemed ill-equipped to deal with certain prevalent exceptions, and therefore he made a distinction between the political and the state precisely because he thought it important to acknowledge the dependence on and *extreme vulnerability* of the state to the political. He viewed the existence of violent militia committed to overthrowing the prevailing constitutional settlement as inimical to the interests of the state, and the state form therefore needed more powerful legal arguments and instruments with which to defend itself. This is why he theorised the decision at the root of law, as a way of warning the Kelsenian positivists to attend to the arbitrary prejudice that is prior to the establishment of constitutional form. It was, he thought, a mistake to assume that a constitution was founded on a norm, as Kelsen argued, for this led to a kind of legal proceduralism in which the state was cast as a neutral space for the adjudication of political disagreements, within a broader normative context.<sup>11</sup> Instead, Schmitt suggested that the state could not be neutral in respect of itself, that it was vulnerable to division or collapse precisely because it was *not possible* to take the relationship between the state and the political for granted, or to treat them as indivisible. Schwab is partially right in that the state was dependent on the political, but this is only one way in which the relationship works. If cast the other way around, the political is certainly not dependent on the state, therefore the two are by no means indivisible. Indeed when Schmitt wrote that ‘the concept of the state presupposes the

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<sup>10</sup> Schmitt, *Nomos*.

<sup>11</sup> Balakrishnan, *The Enemy*, p 46-7.

concept of the political'<sup>12</sup> he was precisely making a distinction between the two in order to demonstrate their *divisibility* and by implication, the historical specificity of their relationship. And when he further commented that the relationship between the state and the political is a 'decisive question' he reasserts the distinction, suggesting that the reader needs to understand the nature and historical contingency of the relationship as a decisive question, not merely an indivisible quality.

What this demonstrates is that as soon as Schmitt's purely conceptual realm is set aside to allow consideration of forms of political organisation that exist in the world, the prevailing historical context intrudes. In the aftermath of The Great War, Germany's position in the world was itself under question. Not only had its borders changed and parts of it remained occupied, but also, there were a considerable variety of interpretations concerning its role in the recent war, its place in history, and its future course, from the payment of reparations to the restoration of full sovereignty.<sup>13</sup> The victorious powers had established the League of Nations, and were establishing new rules of behaviour between states by which they were seeking to retrospectively judge Germany. The liberal constitution of Weimar was not universally accepted as a proper form or framework for the continued government of Germany. The young Willhelmine state brought together by Bismark had been torn apart, leaving behind a deeply conservative militancy that viewed the end of the war as a betrayal, alongside which there was a large and widespread leftist insurrection. Germany was no longer simply a philosophical and territorial problem united at least by the idea of itself as a unity, but represented instead an ideational playing field in which legal and philosophical arguments were a necessary part of any claim on the legitimacy to govern. Therefore questions such as 'what is a state?' and 'what is law and how does it relate to the state?' and even 'when is it justified to use violence in support of constitutional norms?' were paramount and extremely important questions of day-to-day policy, not merely matters of abstract law. With this in mind, Schmitt's texts of this period can only be seen as shaped by this wider context. The experience of Germany was that of incipient social, political, and economic collapse; beset by violent *Spartacist* action and equally violent

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<sup>12</sup> Schmitt, *Concept of the Political*, p 19.

<sup>13</sup> This problem is dealt with extensively in Schmitt's essay, *The Rhineland as an Object of International Politics*, (Cologne: Rhenish Centre Party, 1925), translated by Dr. Karl Rick. But just in terms of common historical knowledge, compare the full restoration of France to the concert of Europe in the aftermath of the Napoleonic wars – twice!

suppression by the *Freikorps*; further troubled by the constitutional wrangles of a regionally differentiated country, occupied and cast as an international criminal whose deposed sovereign lived out his days in the Dutch countryside, hostage to article 227 of the Treaty of Versailles that demanded his prosecution by specially convened tribunal.<sup>14</sup> Germany represented a problem at every level of the nascent system of international order, all the way from regional constitutional wrangles and the legitimacy of violence, to questions concerning the nature and extent of her 'sovereignty'.<sup>15</sup>

This was the context in which attenuated questions of legal and philosophical theory had concrete meaning and effect. When Schmitt theorised the exception and the norm, and the friend / enemy distinction, he was responding to a changed world in which the old certainties had become indistinct, and therefore in need of clarification. At the end of the war and all through the 1920s Germany faced many crises, both political and economic, and it was often the very constitutional fabric of the state that appeared uncertain. This was the context in which Schmitt formulated his understanding of community as radically uncertain and ultimately anti-foundational, formed in the proclamation and reception of speech acts and the existential matter of collective identification. Therefore one can see how even in its barest conceptual form, Schmitt's thought – as critique – is informed by a context in which it had immediate historical significance and application.

The ivory tower of the pure historian or the pure theorist was simply never available to Schmitt. His conceptual formulations were developed 'in the breach' so to speak, and were forged in the radically uncertain conditions of an actually – as opposed to a theoretically – struggling state, steering a course through the abstract principles of the Weberian liberal constitution, and the concrete demands of political coalitions formed to nurse violent grievances spilling out from the collapsed order of the Willhelmine state and the wider international crisis that followed the armistice in 1918. The United

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<sup>14</sup> *The Treaty of Peace between the Allied and Associated Powers and Germany*, (London: HMSO, 1920), Article 227, p 97.

<sup>15</sup> Consider the exchange between Walter Benjamin and Carl Schmitt, whereby Schmitt sought to ascribe the right of violence to the sovereign (along Weberian lines) whereas Benjamin sought to describe the general strike as the site of divine violence. It is difficult to imagine any country in the world at the time where such an utterly polarised dispute would have been possible, or even comprehensible. This debate forms the subject of some of Giorgio Agamben's essays. *Potentialities: Collected Essays in Philosophy*, (Stanford: Stanford University Press, 1997), p 160.

States – a non European power – had become involved in a European war for the first time in history, and indeed had a decisive influence on the outcome. The Soviet Union had emerged through socialist revolution – consequent upon the depredations of effective defeat in 1917<sup>16</sup> – which together challenged the very terms of legitimacy on which pre-war Europe was based. Thus Schmitt, in defence of a fragile order, contemplated the limits and latitude of authority in extreme circumstances, and questioned the casual assumptions of normative legal theorists and their implication of a neutral standard, which stood guard over the liberal principles of the new republic. The culmination of this period of active reflection was *The Concept of the Political*, and the anti-foundational, strife-worn relationalism implied by the sovereign decision, married to the irrational prejudice of the friend / enemy distinction that sets the conditions for the defence of an articulated norm. All of Schmitt's writings of the period, from *Die Diktatur*, through *The Crisis of Parliamentary Democracy* and *Legality and Legitimacy*, to *The Concept of the Political* can be understood in relation to the deeper constitutional crisis of the Weimar Republic through which he lived and participated.<sup>17</sup>

### **Middle Schmitt: The Crisis of European Meaning The Age of Neutralisations and Depoliticisations**

Schmitt's attitude towards history is to some extent revealed by a short lecture he gave in 1929, when he baldly states – following Hegel – ‘that all historical knowledge is present knowledge, that such knowledge obtains its light and intensity from the present and in the most profound sense only serves the present’.<sup>18</sup> This text prefigures Schmitt's later notion of *nomos*, which needs some explanation in order for its origins to be fully explored. *Nomos* is a Greek word which is usually taken to mean law, but in keeping with Schmitt's focus on the conditions of possibility for law, he pushed the idea of *nomos* to being rooted in a foundational act of land-appropriation.<sup>19</sup> He therefore considered *nomos* to be an all encompassing ideational dimension which is associated with land-appropriation, or a constitutive spatial ordering. This was linked by Schmitt to his earlier critique of legal positivism in the manner in which he sought to theorise some prior ordering principles onto which laws are then written. Laws can therefore be

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<sup>16</sup> Robert Service, *A History of Twentieth Century Russia*, (London: Penguin, 1997).

<sup>17</sup> A point made emphatically clear by Duncan Kelly in *The State of the Political: Conceptions of Politics and the State in the Thought of Max Weber, Carl Schmitt, and Franz Neumann*, (London: British Academy, 2004).

<sup>18</sup> Schmitt, ‘The Age of Neutralisations and Depoliticisations’.

<sup>19</sup> Schmitt, *Nomos*, p 67.

neutral only as far as they do not pertain to the conditions of their possibility. *Nomos*, as a word, refers to the decisive origins of an existing order. ‘The *nomos* can grow and multiply like land and property: all human *nomoi* are “nourished” by a single divine *nomos*.’<sup>20</sup> This concept will be developed extensively as the thesis progresses, but is offered here because the subtext of his essay ‘The Age of Neutralisations and Depoliticisations’ touches on the issue of grand historical evolutions in the ideational substrate upon which laws and ordering mechanisms are built and signified. When Schmitt eventually wrote *The Nomos of the Earth*, the specific *nomos* he elaborated was rooted in a global land-appropriation by the European powers, after which Europe became a privileged sphere of ‘bracketed’ warfare, where the rest of the world was reduced to a force-field of European Imperial competition.

The earlier essay – ‘The Age of Neutralisations and Depoliticisations’ – was offered as an account of how the *nomos* – although the word *nomos* is not explicitly mentioned, the entire essay is pregnant with forewarning of his later work – of European modernity had migrated through several ‘neutral centres’, and how each of these navigations had posed a sort of general threat to the stable normative mechanics of international order.<sup>21</sup> Adopting the schema of a theological centre giving way to the metaphysical, which in turn gave way to the humanitarian and finally to the economic via the interruption of romanticism, he tried to describe the shifting contours of the intellectual vanguard of European opinion. If anything, these transformations in the intellectual life of Europe nevertheless took place in a historical context in which the existence of Europe as a privileged sphere – one of the key themes of Schmitt’s theory of *nomos* – was taken for granted. It therefore formed a detailed framing of the evolution of chosen terms of conflict and agreement between European powers from the emergence of modernity, to the period of crisis that followed the First World War. In effect it can be seen as a preliminary comment on the concept of *nomos*, offered before he had fully given up on the old order, or more metaphorically, before the ‘falling of the dusk’.<sup>22</sup> What it

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<sup>20</sup> Ibid., p 70. See once again the hinting at the divine, which partly explains why Schmitt is widely regarded as a Political Theologist, Heinrich Meier, *The Lesson of Carl Schmitt*, (London: University of Chicago Press, 1998).

<sup>21</sup> Schmitt, ‘The Age of Neutralisations and Depoliticisations’.

<sup>22</sup> Following Hegel’s aphorism that ‘the owl of Minerva spreads its wings only with the falling of the dusk’ – From the preface of his *Philosophy of Right*, (Oxford: Oxford University Press, 1967 [1825]), p 13. – which is often interpreted as reflecting the value of hindsight, which is a deeply crude characterisation of what amounts to a profound philosophical principle of the nature of idealist history.

contains in some detail is a practical refutation of Hegelian dialectics<sup>23</sup> and the offer of an alternative, anti-foundational and anti-progressive account of grand historical evolutions. But most importantly, its conceptual range has moved beyond the abstract institution of the modern European state – a key subject of his earlier legal writings – and instead talks of the idea of Europe. This served the function of elevating the Weimar crisis to a more general European level, and rhetorically supporting what would later become a more general German geo-political claim, that of protecting Europe from the expanding threat from the East, from Russia; Bolshevism.

Progress is – according to Schmitt – an illusion consequent upon our perspective. Judging the normative conditions of one epoch against another is impossible due to the transformation of the very normative terms that might be brought to bear on the problem. Or as he put it ‘the concepts of changing generations can only be understood from these shifting centres’. There is no objectively neutral centre, yet there is always the quest for one, for terms upon which agreement can be reached or disagreements framed in a manner that would allow for eventual settlement. As an accompanying text to *The Concept of the Political*, ‘The Age of Neutralisations and Depoliticisations’ could not be more clearly anti-foundational, nor could this be more aggressively stipulated, and its implications – when aligned with his eventual decision to join the Nazi party – could be thought of as a troubling endorsement of the moral relativism that allowed Nazism to thrive. It is certainly a counter narrative to the idea that the period of modernity was characterised by enlightenment and progress, suggesting instead that progress is a matter of mere interpretation, and has no basis beyond a desire to see things that way. To demonstrate this he suggests that the idea of progress itself became dominant in the 18<sup>th</sup> Century –

an age of humanitarian-moral progress. Accordingly, progress meant above all progress in culture, self-determination and education: *moral* perfection. In an age of economic or technical thinking, it is self-evident that progress is economic or technical progress. To the extent that anyone is still interested in humanitarian progress, it appears as a by-product of economic progress.<sup>24</sup>

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<sup>23</sup> Which can also be found in greater detail in the Preface to the 2<sup>nd</sup> Edition of Schmitt’s *Crisis of Parliamentary Democracy*.

<sup>24</sup> Schmitt, ‘The Age of Neutralisations and Depoliticisations’, p 135.

While Schmitt succeeds in distancing himself from any sense of historical progress, he does not quite complete the picture in the way he eventually managed with *The Nomos of the Earth*. Indeed, this earlier account of ‘The Age of Neutralisations and Depoliticisations’ contains several elements that he goes on later to refute; most particularly his brief characterisation that the principal of ‘*cujus regio ejus religio*’ only had political meaning as long as religious-theological matters remained the central focus of the European intellectual vanguard – again the focus on Europe. He follows this with the idea that when culture began to occupy the neutral centre, nations took shape (*cujus regio ejus natio*), and that when economics came to occupy the neutral sphere, it became imperative that only one kind of economic system could exist within a state. To this end he suggested that the Soviet Union ...

realised the maxim *cujus regio ejus oeconomia* in a way which proves the connection between a compact sphere and compact intellectual homogeneity holds not only for the religious struggle of the 16<sup>th</sup> Century and for the majority of small and middle-sized European states but always accommodates the changing central spheres and the changing dimensions of autarkic world empires.<sup>25</sup>

This gives rise to a difficulty when compared to Schmitt’s later reconciling concept of *nomos*. For in accepting the idea of bracketed warfare, and the subordination of bracketed conflict in Europe to genuine political conflict outside of Europe, then the nature of disputes within Europe – organised around the neutral centre – was still not genuinely political; giving rise to the implication, later developed in *The Nomos of the Earth*, that in the period of European modernity, wars in Europe were not genuinely political. However, it remains possible to see how Schmitt’s notion of the neutral centre is compatible with his presentist idea of history, and indeed how it illustrates the mechanisms by which the genuine friend / enemy distinction that he theorised at the core of his later *nomos* – that of a spatial distinction between Europe and non-Europe – did change over time in respect of the terms in which it was cast. And just as a conceptual sovereign must remain attentive to the shifting terms in which the constitutive friend / enemy distinction finds expression – either that or the political community becomes vulnerable to evolving exceptions from both within and without – so too must the grand political distinction of Europe against non-Europe also be understood as possessing evolving dynamics. In other words, it is because the neutral

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<sup>25</sup> *Ibid.*, p 136.

centre of the European intellectual vanguard was able to change over time that the Europe / non-Europe distinction could remain as the constitutive spatial distinction upon which the Eurocentric spatial order of the *jus publicum Europaeum* depended. It was the constant 'striving for a neutral sphere' that Schmitt implicitly suggests was at the heart of Europe's self perception as Europe, and the necessary complement to the preservation of the superior domain of the *jus publicum Europaeum*. Put in the simplest possible terms, this short polemical essay delivers Schmitt's earlier reflections on the existential roots of political community to a historical context in which Europe itself was losing its normative and legal constitutional bearings. It was prophetic in the sense that it marked the beginning of a slow turn in Schmitt's thought, away from the particularities of Weimar's constitutional difficulties and towards an analysis that saw the ongoing Weimar turmoil as symptomatic of a deeper European malaise.

### ***Großraum***

*The Concept of the Political* contains Schmitt's definitive comment on the crisis in the idea of the state, but contains little reflection on what may succeed the state as the defining political idea. 'The Age of Neutralisations and Depoliticisations', constitutes a much more direct piece of historical commentary than *The Concept of the Political*, but nevertheless bridges the gap between a crisis in the idea of the state, and the historical experience of a crisis of the idea of the state in Europe, within which the state was the primary political unit. Schmitt became more and more pessimistic concerning the stability of the old state system itself, concluding that it had been consigned to history, and with this he attempted to theorise both what had been lost, and what would emerge in its place. The frantic period of the early thirties, as the Weimar republic was hollowed out and overthrown by both the Nazis and their naïve right wing 'stirrup holders'<sup>26</sup> provided the context for Schmitt's theory of *Großraum*, which deserves brief elaboration in order to see the emergence of his geo-political instincts.

What can be seen in *Großraum*, is Schmitt's recognition that the old Westphalian order of territorially distinct sovereign states was breaking down. At this stage of his analysis the identified causes are rooted in the liberal universalism of the League of Nations, and the long occupation of the Ruhr valley by foreign powers. According to traditional

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<sup>26</sup> Hermann Beck, 'The Nazis and their Conservative Alliance Partner in 1933: The Seizure of Power in a New Light', in *Totalitarian Movements and Political Religions*, Volume 6, Issue 2, 2005.

interpretations of International Law, occupation merely prefigured annexation or restoration, but the occupying power had the legal responsibilities of a governing authority. In the case of the Rhineland, this relationship between the occupiers and the occupied was complicated by the instrument of a League of Nations Mandate, which left it unclear who was responsible for what. For Schmitt this was the worst of all possible worlds, as this meant that the French had secured control of certain mineral rights through a Mandate – in order to secure payment of reparations<sup>27</sup> – without taking on the responsibilities of government. Allied to this, the criminalisation of Germany and the new international context of the League of Nations – which outlined certain principles governing the relations between states – introduced a challenge to old notions of state sovereignty and, for Schmitt, presaged a decline of the state itself. Furthermore the non spatial roots of the League and the relationship to an overarching ethical realm in which states could be judged good or bad shifted the basis for the organisation of the international, away from sovereign states having a right of war in a grand contest of strength, towards humanistic norms that judged war to be a crime except in self defence, depriving sovereigns of their ultimate – and indeed for Schmitt, decisive – authority.<sup>28</sup>

As the state and the international are essentially co-constitutive, as soon as the international is endowed with an ethical component, the state as the unit of the international is no longer sovereign in certain respects. In other words, it is no longer the business of states to determine the mechanics of their own interrelations as these are delimited by certain ethical parameters.<sup>29</sup> Predictably, it was in the newly criminalised state of Germany where the full implications of these problems were realised. After all, it was a retrospective determination of the Treaty of Versailles that criminalised ‘aggressive war’ in order to hold Germany responsible for the First World War. Certainly many Germans felt aggrieved that responsibility for the war was accredited to them, but more so that there were judicial penalties to pay for this responsibility in the form of a curtailment of sovereignty. Nor were these grievances felt only on the extreme

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<sup>27</sup> Schmitt, *The Rhineland as an Object of International Politics*.

<sup>28</sup> This is a very long standing critique – not restricted to Schmitt – that remains of some importance today and can be found in many texts, although Philip Cunliffe, Christopher Bickerton and Alex Gourevitch (eds), *Politics without Sovereignty: A Critique of Contemporary International Relations*, (London: Routledge, 2007), is an illustrative edited volume, the debate is addressed directly by Hidemi Suganami in ‘Understanding Sovereignty through Kelsen/Schmitt’, *Review of International Studies*, 2007, Volume 33, Issue 3.

<sup>29</sup> A comparable contemporary UN doctrine of ‘Responsibility to Protect’ is merely the logical extension of this principle.

right of the political spectrum. To quote Meinecke, a prominent Weimar theorist of power politics,

It was suggested to us (Germany) that we had indulged the cult of power and of *raison d'état* to an impermissible extent; and on this basis our conquerors assumed the right to treat us, not as a nation honourably defeated, but rather as a criminal. This reproach was quite clearly the mask of their own power-policy and *raison d'état* ...<sup>30</sup>

Although this sense of grievance is thought to have contributed to the rise of Fascism in Germany,<sup>31</sup> for Schmitt it prompted a deeper meditation on the place of the state within the broader context of international order. Eventually, Schmitt tried to theorise the kind of international order that might emerge from this conceptual disorder and stabilise the international situation, that itself did not rely on the now outdated unit of the state. The international order was already moving beyond the state in several respects. Not only was Europe no longer the centre of an existing international order, but the models on offer had no spatial grounding, such that they were expressed in a universalistic language.

The theory of *Großraum* (great space)<sup>32</sup> was first hinted at in the late 1920's<sup>32</sup> long after the notion of *Lebensraum* was first intimated in Hitler's *Mein Kampf*,<sup>33</sup> and is crucially different from it in several respects.<sup>34</sup> It actually bears closer resemblance to the European element of longstanding German thinking on geopolitics, which aimed at the domination of three separate spaces *Mitteleuropa*, *Mittelafrica* and *Mittelasia*.<sup>35</sup> *Großraum* can be understood conceptually as a way of grounding powerful states within

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<sup>30</sup> Friedrich Meinecke, *Machiavellism*, (London: Routledge, 1956 [1924]).

<sup>31</sup> The main conclusion of Niall Ferguson's *The Pity of War*, (London: Penguin, 1999).

<sup>32</sup> Schmitt, *Nomos*, p 19. Eventually the theory was fully realised in Carl Schmitt, *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte: Ein Beitrag zum Reichsbegriff im Völkerrecht*, (Berlin: Duncker und Humblot, 1941). As yet, no English translation exists, although an exceptionally good survey and interpretation of the idea can be found in Peter Stirk, *Carl Schmitt, Crown Jurist of the Third Reich: On Preemptive War, Military Occupation, and World Empire*, (Lampeter: The Edwin Mellen Press, 2005).

<sup>33</sup> Adolf Hitler, *Mein Kampf*, (London: Pimlico, 1992), the idea of 'living space' matched with the idea of the German race and nation needing 'sufficient soil' to be a great power appears towards the end of the volume when he orients National Socialist policy towards the East.

<sup>34</sup> Schmitt makes this point very directly in his 'Nuremberg Testimony', op. cit., but the differences are also considered by Joseph Bendersky in his *Theorist for the Third Reich* (Princeton: Princeton University Press, 1983), p 253, who also distinguishes *Großraum* from other similar *Raum* theories related to Karl Haushofer, *Macht und Erde, Vol. III, Raumüberwindende Mächte*, (Leipzig: 1934).

<sup>35</sup> Fritz Fischer, *Germany's Aims in the First World War*, (London: Chatto and Windus, 1967), p 7. There is also a direct comparison between Schmitt's theories and these wider German geo-political discourses in, Patricia Chiantera-Stutte, 'Space, *Großraum* and *Mitteleuropa* in Some Debates of the Early Twentieth Century', in *European Journal of Social Theory*, Volume 11, Issue 2, 2008

specific spatial zones in which their primacy is clearly recognised, but most importantly it was a ‘political idea’.<sup>36</sup> The Cold War antithesis of East versus West, although resembling a spatial distinction, was different for Schmitt because East and West were relative positions, unlike North and South which were fixed.<sup>37</sup> Each *Großraum* would in itself constitute – to adopt the language of the English School – an international society, allowing for some complex juridical formulations, but relations between *Großräume* (great spaces) would be more systemic.

What this represents in the progression of Schmitt’s thought was his first attempt to theorise a notion of world order that was different to the liberal vision of the League of Nations. It corresponds to a fairly simple kind of multipolarity, and is invoked in an early 21<sup>st</sup> Century context with a similar aim in mind.<sup>38</sup> At the time it was Schmitt’s way of holding on to the traditional association of ‘the political’ with the spatial, conceived as territory. In context it can be seen as an attempt – following Schmitt’s earlier foreboding concerning Russia, expressed in ‘The Age of Neutralisations and Depoliticisations’ – to hold on to a particular German vision / aspiration of its place as the guarantor of European freedom against the concrete threat of Russia.<sup>39</sup> There are any number of contemporary ideas to which *Großraum* can be compared, from *Lebensraum*, to the more discursive connections between capitalism and Zionism as threats to the integrity of Europe. But aside from these possible comparisons, what is more interesting about Schmitt’s formulations is the manner in which he provided further context in which to estimate the value of *Großraum* in his later texts. He never quite gave up on the idea, but it became apparent how he relegated it to a status of some kind of intermediary condition, useful during periods in which the terms of order were openly contested – a way of providing stability to a culturally pluralistic world in which difference continued to have a spatial expression. In the opening and closing essays of *Nomos* he posits it as one of three potential outcomes to the prevailing context of

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<sup>36</sup> Bendersky, *Theorist for the Reich*, p 253.

<sup>37</sup> Schmitt, *Nomos*, p 353.

<sup>38</sup> Chantal Mouffe makes a qualified endorsement of this type of spatial thinking as an aspect of her project of resisting American hegemony, in ‘Carl Schmitt’s warning on the dangers of a unipolar world’, in Odysseos and Petito (eds), *The International Political thought of Carl Schmitt*.

<sup>39</sup> Schmitt, ‘The Age of Neutralisations and Depoliticisations’. Schmitt makes many elliptic references to Russia as a ‘mirror of Europe’ in this essay.

indistinction, and not by any means the most likely.<sup>40</sup> But this will be examined later in the chapter, after a further examination of the Schmittian concept *nomos*.<sup>41</sup>

## The *Katechon*

The *Katechon* was originally a Kabbalistic metaphor, and was invoked by Schmitt to describe the defender of an established order. The word translates from the Hebrew as 'restrainer' or 'bulwark' and for Schmitt, accompanied *nomos* – against *anomos* – as its metaphoric champion,<sup>42</sup> holding back the tide of Hegelian progress, cleaving out a spatial or temporal envelope in which the European order could be contained and protected.<sup>43</sup> Once again, Schmitt reached for esoteric metaphor in order to conceptualise the importance of ideas rather than their material expression. He sought to explain that order needs more than simply material guarantees, but ideational content. In his later work, he further explained that the old pre-modern European *nomos* – prior to the establishment of the first truly global *nomos* – had the old Byzantine empire as its *Katechon*, not because it was immensely strong, on the contrary, it was weak, but because it was still recognised as authoritative.<sup>44</sup> Even at its end, the Byzantine Imperial rituals were adhered to by the envoys of other European powers, it still had extensive sea power, both in itself, and through its nominal suzerainty of Venice, and it shielded Europe from the powerful and exceptional threat of the Seljuk and Ottoman armies. Schmitt makes the rather selective point that without the Byzantines, Italy would have been entirely conquered by the Moors,<sup>45</sup> but much more importantly, the fate of the Byzantine Empire was central to collective European political and strategic activity from 1071 to 1453. In 1071, the battle of Manzikert – in which the Seljuk Turks destroyed the last serious Byzantine army – prompted a major international crisis to which Europe's response was the promulgation of the First Crusade and the

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<sup>40</sup> Schmitt, *Nomos*.

<sup>41</sup> This will be covered in the section on 'Late Schmitt', on page 77.

<sup>42</sup> Mika Ojakangas, 'A terrifying world without and exterior: Carl Schmitt and the metaphysics of international (dis)order', in Louiza Odysseos and Fabio Pettito (eds), *The International Political Thought of Carl Schmitt: Terror, Liberal War and the Crisis of Global Order* (London: Routledge, 2007). Ojakangas provides the most interesting explanation and interpretation of the concept of the *Katechon* that I have yet found.

<sup>43</sup> Balakrishnan associates Schmitt's notion of the *Katechon* with earlier examples of Schmitt's thought, from the 'commissarial dictator' through 'the sovereign' to 'leviathan', in *The Enemy*, p 225.

<sup>44</sup> Schmit, *Land and Sea*, 7-8. Schmitt is not consistent in his identification of the pre-modern *Katechon*, for in *Nomos*, he more often refers to the Holy Roman Emperor as the *Katechon*.

<sup>45</sup> *Ibid.*, p 8.

inauguration of the crusading principle, central to the pre-modern European *nomos*.<sup>46</sup> 1453 on the other hand, marked the end of Constantinople as a Christian city and prompted a new crisis of European identity, which flowed into Europe's re-orientation towards the open ocean in search of trading routes to the Indies, and the new legal concepts of 'discovery' and 'occupation'.<sup>47</sup>

Previously, Venice had been the Christian power that controlled the important trade routes from the East, but after the final conquest of Constantinople, the Ottoman Turks changed the terms of trade. The search for new routes prompted the Portuguese discovery of the route around the Cape of Good Hope, and the discovery of the New World – or *novus orbis* – a phrase taken directly from a verse by the Roman poet Seneca.<sup>48</sup> Thus can be seen in Schmitt's historical interpretations a sensitivity to the intellectual and ideational scaffolding upon which the material world depends to take shape and the metaphoric figure of the *Katechon* as the immense and esoteric defender of the European order, or what would become his idea of *nomos*.

## **Late Schmitt: The Crisis of International Order**

### **Land and Sea**

So far this thesis has only hinted at the dependence of much of Schmitt's analysis on the association he made between his *Concept of the Political* and the idea of finite controllable space. His analysis began attempting to address the problem of order in the disordered context of Weimar Germany, and progressed through several evolutions before bringing into question the relationship he theorised so strongly as a condition of European modernity. Space – or territory – became the crucial mediator of political conflict, through the principles of territorial sovereignty outlined in the treaty of Westphalia, and the conceptualisation of Europe as a privileged sphere of bracketed conflict by which European powers contained their rivalry by externalising its most intense expression to the extra-European sphere. The legal and theoretical formulations of the spatial system of world order Schmitt termed the first global *nomos*, and is examined and described in *The Nomos of the Earth in the International Law of the Jus*

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<sup>46</sup> Johnathan Riley-Smith makes a similar argument by locating his analysis of Crusading very much in the world of ideas, in *The First Crusade and the Idea of Crusading*, (London: Athlone, 1986).

<sup>47</sup> Schmitt, *Nomos*, p 66.

<sup>48</sup> Schmitt, *Land and Sea*, p 32. The manner in which Schmitt draws the connection between Seneca's poem and the dawning of the modern age becomes fully clear in this small work.

Publicum Europaeum. But the esoteric origins of this system are addressed in his much shorter and slightly earlier excursus on the relationship between *Land and Sea* as the perennial ordering opposition behind every system of political and social order. *Land and Sea*, therefore acts as a transitional text between his middle and late periods, the point at which he reaches for an international context in which to cast the deteriorating crisis of European order. According to Schmitt, the terms of the relationship between ‘land’ and ‘sea’ are always coded into prevailing conceptions of order, and as conceptions of one shift, so too do conceptions of the other. ‘Man’, he asserts, ‘is a groundling’,<sup>49</sup> describing the earth as ‘his standpoint and his base’. However, in *Land and Sea*, he weaves a tale of historical development that is entirely shaped by Man’s understanding – and progressive mastery – of the sea. With this in mind he describes the place of England and the English as comparable to the Venetians in the pre-modern period, except that – borrowing terminology from Ernst Kapp<sup>50</sup> – Venice was described as a *thalassic* (sea) power for their domination of the Mediterranean Sea, whereas England was a *maritime* (oceanic) power.

The apparent point of this book is to make sense of history by explaining a constitutive oppositional relationship that can be used to trace patterns of ideas, but also to explain the specificity of the period of European modernity as the period characterised by a full and widespread appreciation of the totality of the planet. The former is made particularly clear by his reference – once again – to the Kabbalistic metaphors of Leviathan and Behemoth as capturing the essential qualities of this primordial struggle.<sup>51</sup> The latter is clarified by his comments on Seneca’s mysterious verse that seemed to forewarn of the emergence of the planetary space,<sup>52</sup> interrupted only by the slow decline and collapse of Rome, and its burial under the frosted soil of the dark ages and the closure of the European mind.

The one absolute conclusion that can be drawn from the book is Schmitt’s exclusive focus on the realm of ideas and their expression and appearance, both in theory, and in literature. It is not a materialist study of the economic or geographic conditions that presaged the discovery and conquest of the New World, nor an analysis of the strategic

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<sup>49</sup> Ibid., p 1.

<sup>50</sup> Ibid., p 9.

<sup>51</sup> Ibid., p 6.

<sup>52</sup> Ibid., p 31.

advantages of sea power. He even goes so far as to explain that the European discovery of the Americas can be properly called a European discovery – rather than a mere encounter – because the Europeans went looking for it, i.e. their exploration and discovery was imagined before it was performed. It is a work of interpretation, involving elements of imaginative speculation, appreciation of context, and even something like discourse analysis, and although it is a mere essay in comparison to *The Nomos of the Earth*, it provides considerable insight into the way the ideas in it developed. Most of all, it helps to illustrate his approach to history, which he viewed in broadly Hegelian terms as an attempt to interpret the past according to the present, which allows it to emerge as a meaningful explanation thereof. In other words, it is a present centred act of interpretation *before* it is a series of facts and dates. The facts and dates that comprise history are selected in respect of their significance within an interpretive framework, and this framework is conditioned by the terms and demands of the present.

### ***The Nomos of the Earth and the Jus Publicum Europaeum***

Where *Großraum* displays a certain poverty of imagination – and was conceived of both as a critique of a collapsing order and a potential replacement – by far the most sophisticated theoretical abstraction in Schmitt's oeuvre is the *jus publicum Europaeum* and the accompanying idea of *nomos*. This is brought out most distinctively by his comparison between the *jus publicum Europaeum* and the notion of *Völkerecht*. The difference between the two is crucial for an understanding of Schmitt, and amounts to the *jus publicum Europaeum* (European Public Law) being a Eurocentric spatial order based on a strong spatial distinction between Europe and the rest of the world. *Völkerecht* on the other hand is merely described as interstate law with no spatial restrictions and corresponds with our current understanding of international law whereby states are the recognized units of interaction and are all theoretically bound by them equally.<sup>53</sup>

The *jus publicum Europaeum*, or Eurocentric spatial order, became endowed with a sufficiently political character that it allowed for the bracketing of war in Europe. This is what Schmitt means by the bracketing of war; that war was regarded as a legitimate

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<sup>53</sup> Schmitt, *Nomos*, p 227-232.

and rule bound activity for the settlement of disputes between recognised states. However, for Schmitt, this bracketing was dependent upon the spatial distinction between Europe and the rest of the world, i.e. the rest of the world amounted to a geographical area in which unrestricted wars took place between European powers. For a European state to go to war against an African tribe was in no way regarded as a breach of the peace in Europe. For two European countries to go to war in Africa against each other was equally not the same as going to war in Europe.<sup>54</sup> Schmitt makes much use of the concept of amity lines – map coordinates written into treaties that allow for peace and war to be separated geographically – in order to illustrate his point.<sup>55</sup> As evidence, he draws on examples where European countries were at peace in Europe yet at war elsewhere, and the numerous treaties that make reference to particular coordinates beyond which hostilities were foresworn by the parties. The point that underlies this conception of the international system is that it was constructed around an explicit spatial distinction between Europe and the rest of the world. European powers were legal equals within the *jus publicum Europaeum*, but non European powers were not.<sup>56</sup>

For Schmitt, *The Nomos of the Earth in the Jus Publicum Europaeum* is a historical and diagnostic investigation and explanation of the origins and dynamics of international order that existed prior to 1917-18. He clearly felt the need to emphasise what he felt was the necessary spatial dimension of any international system. For him, the ability to bracket war in Europe depended upon a spatial zone in which conflict was not bracketed. He wrote it at a time when this spatial element was missing from international politics, and expressed the view that this was a tremendous problem.<sup>57</sup> It was on this theoretical basis that he described the First World War as *bracketed* war when it began,<sup>58</sup> but that due to the collapse of the spatial order, became *political* war by the end. When the Treaty of Versailles was signed and the League of Nations

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<sup>54</sup> This way of thinking about a Eurocentric spatial order corresponds well with what Edward Keene theorises as the hierarchical order of Westphalia, in *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics*.

<sup>55</sup> Schmitt, *Nomos*, p 92.

<sup>56</sup> The whole theory, when examined in detail amounts to exactly the kind of hierarchical international structure theorised by ‘post-colonial’ theorists – Edward Keene in particular – making Schmitt a fairly unapologetic ‘colonial theorist’.

<sup>57</sup> As an example of the language he uses, ‘Till now, the singular achievement of international law was not the elimination, but the bracketing of war.’ *Nomos*, p 187.

<sup>58</sup> *Ibid.*, p 259.

established, Schmitt felt that the universal character of the new legal order could not withstand the re-emergence of political struggle, and he was equally pessimistic about the end of the Second World War, although not so explicitly. Furthermore he clearly did not feel Germany – or indeed himself – had much to say on the concept of the new world order, announcing in the forward to *The Nomos of the Earth*;

The earth has been promised to the peacemakers. The idea of a new *nomos* of the earth belongs only to them.<sup>59</sup>

But despite this, he does provide some interesting commentary on the period leading up to and immediately following the First World War. Many commentators have interpreted this book as an extended critique of America and its universalist aspirations,<sup>60</sup> and although it has this flavour, he is not unremittingly critical of America. He is certainly critical of the idea of a non-spatially grounded international law, as he makes clear when he invokes positively the work of Alejandro Alvarez who theorised a specifically American international law in 1910, claiming that the Americans missed a great opportunity to reorder the world on firm spatial foundations.<sup>61</sup>

Schmitt also locates the origins of this *Nomos* of the Earth – which he terms the first global *nomos* – as a reaction to the discovery of the New World. In brief, he suggests that the transformation of the European imagination brought about by the emergence of the planet earth as a finite spatial sphere provoked a series of theological, legal and philosophical discourses that eventually produced the Westphalian order as the *jus publicum Europaeum*, consequent upon the idea that Europe was a privileged legal sphere and the rest of the world was a domain of absolute political conflict. It is clearly a somewhat romantic view, but will be discussed in more and more detail as the thesis goes on. Suffice for now to say that Schmitt regarded the *nomos* of the Westphalian order as the great achievement of European civilisation.

Shorn of its spatial limits, international law becomes *Völkerecht*, an attempt to encompass all political struggle within the constraints of a universal international law.

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<sup>59</sup> Ibid., p 39.

<sup>60</sup> Chantal Mouffe, 'Carl Schmitt's warning on the dangers of a unipolar world order', Louiza Odysseos, 'Crossing the line? Carl Schmitt on the "spaceless universalism" of cosmopolitanism and the War on Terror', Chris Brown, 'From humanized war to humanitarian intervention: Carl Schmitt's critique of the Just War tradition', all in Odysseos and Petito (eds), *The International Political Thought of Carl Schmitt*.

<sup>61</sup> Schmitt, *Nomos*, pp. 229-230

Schmitt regarded this as fatally compromised because it assumes that pure existential political struggle, can be encompassed by laws regarding its conduct; whereas the domain of the political – with its existential oppositions – was prior to any law, however international. When considering alternatives, Schmitt uses the model of the Monroe doctrine to demonstrate his theory of *Großraum*, which further distances him from a criticism of all things American.<sup>62</sup> The international law that emerged out of the First World War was incompatible with Schmitt's view of the irrepressible political dimension and the need for a spatial grounding to the international order, but the Monroe doctrine and the possibility of an American world order, was not.

This juridical realm of the *jus publicum Europaeum* forms a background that is crucial to understanding the nature of European conceptions of war. A definition of war is quite hard to pin down as the word is used so widely, but it should not be equated merely with organised violence. Moreover, the juridical context in which war had a legal meaning is vital to understanding war as an activity of states, rather than a merely disordered state of affairs. Clearly the word war has a meaning beyond its legal aspect, but without the international juridical context in which war becomes the business of states, war reduces to an empirical contest of force against force. In this sense, war can be said to have an implicit connection with the idea of justice, as the justice that attaches to war is written in to the juridical sphere of the international. Just War theory is a long tradition of scholarship, but is fundamentally rooted in a theory of natural law – that laws are to be discovered as codifications of right actions according to a divine or universal standard. Schmitt's theory of war as a legitimate activity of states means precisely that wars formally conducted by states are necessarily just wars.

Another meaning of 'just war' places war within an ethical matrix that analyses each participant's reasons for going to war.<sup>63</sup> So the question of which approach to take in relation to an analysis of the justice of war is determined by whether war is considered to be the legitimate activity of states and prior to ethical considerations, or whether an ethical sphere in which the fact of war can be determined as just or unjust is theorised.

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<sup>62</sup> William Rasch makes this point well when he explores the admiration Schmitt had for the ability of the Americans to transpose their own national values onto the universal domain, much as he was also critical of it. *Sovereignty and its Discontents*, (London: Birkbeck Law Press, 2004).

<sup>63</sup> This corresponds with a 'neo-Aristotelian' view of Just War theory outlined by Chris Brown in 'From humanized war to humanitarian intervention: Carl Schmitt's critique of the Just War tradition', all in Odysseos and Petito, *The International Political Thought of Carl Schmitt*.

This forms a neat distinction between ‘*jus in bello*’ and ‘*jus ad bellum*’. *Jus in bello* relates to the treatment of combatants in war, and offers no commentary on the justice of the war itself. On the other hand, ‘*jus ad bellum*’ is specifically concerned with whether or not the war itself can be justified. Ironically, extending the notion of justice from the treatment of combatants to the justice of the entire war could (and for Schmitt did) imperil the lives of the combatants by invoking a moral dimension for their actions.<sup>64</sup> According to Schmitt’s critique of Just War, judging a war to be just legitimises the most appalling atrocities.<sup>65</sup> He makes the point that in mediaeval wars, certain weapons like the crossbow were outlawed by papal decree, but the effect of this was to specifically endorse the use of these weapons against heretics or non-Christians. Laws concerning the justice of wars – for Schmitt – ensured a greater ferocity of prosecution, whereas laws concerning the conduct of soldiers in war, implicitly recognised the legitimacy of war as a practice of states, and were a feature of the ‘bracketing’ he theorised as a constitutive component of the *jus publicum Europaeum*. In other words, the comradely conduct of soldiers in European wars was predicated on the savage treatment of non-Europeans, or of Europeans in a non-European context.

For Schmitt, elevating ethics above the question of war – rather than judging the individual behaviour of soldiers in war – forces consideration of war from an ethical perspective. If war is a question of ethics, then ethics must also be a question of war. If war is a matter for states, then the only unjust war is waged by outsiders to the state system; which in turn forms the central and most powerful argument that underlay the establishment of the interstate system through the accumulation of treaties and the slow emergence of an identity of interests between the states that constructed the *jus publicum Europaeum*. It is no accident that both war and peace during the period when the *jus publicum Europaeum* prevailed were legal states between only states, and not merely existential conditions of hostility or amity. It set the conditions for the crackdown on piracy – for example – by all European powers after the terms of the international order were firmly established, and it was accompanied by the principle of non-interference, by which European states suppressed and expelled unwelcome

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<sup>64</sup> Schmitt even applauds St Augustine’s ‘wonderful Chapter 7’ in which he says ‘that, for a wise man, human imperviousness makes the idea of just war even more discouraging than the idea of war itself.’ *Nomos*, p 155, from St Augustine, *City of God*.

<sup>65</sup> Schmitt, *Nomos*, p 321.

minorities. Both of these practices are embedded within the development of the European sovereign state, and by extension the principle of sovereignty.<sup>66</sup>

## The Partisan

The Partisan formed the subject of one of Schmitt's last important works (and will be discussed in more detail in Chapter 6) and explains his estimation of the territorial, or *telluric* quality of the resistance fighter.<sup>67</sup> This connects many different themes from across his writings, but most particularly his sense of the political being a fierce existential opposition, which has no external normative context in which it can be framed, merely an aesthetic 'vehicle of confusion'<sup>68</sup> from which it can be drawn. The political moment is an absolute beginning, which establishes the norm of order and the content thereof, in opposition to the prevailing exception; it divides the norm from the exception and names them both. The title of the work is *Theory of the Partisan: Intermediate Commentary on the Concept of the Political*, which shows that he viewed it as a clarification of his earlier work. Indeed, what becomes clear in reading it is the stress that Schmitt continued to place on the important mediating condition of space, suggesting that the *telluric* qualities of the partisan obviate any need for further abstract justification of his or her actions.

The notion of man as a 'groundling' returns to point up his implied valorisation of autochtheneity as an unimpeachable claim of legitimate action. In essence *Theory of the Partisan* is merely the logical entailment of his earlier work on *The Concept of the Political*, the principle difference being the 'global political context'. In the earlier work, he was concerned to point out the contingent nature of the state as an institution, and its vulnerability to the paralysing indecision of parliamentary democracy. It was a work very much of its time that accompanied his polemical insistence that President Hindenburg should invoke article 48 – claiming emergency powers – and arrest the prevailing threats to the constitutional norm. After theorising *The Concept of the Political* – in which the state's existence is rendered contingent upon the prior category of the political – Schmitt went on to offer a critique of both the assumptions behind a

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<sup>66</sup> A view found in detail both in Schmitt, *The Nomos of the Earth*, and in Janice Thomson, *Mercenaries, Pirates and Sovereigns: State-building and Extra Territorial Violence in Early Modern Europe*, (Princeton: Princeton University Press, 1994).

<sup>67</sup> Schmitt, *Theory of the Partisan*, p 21.

<sup>68</sup> Schmitt, 'The Age of Neutralisations and Depoliticisations', p 84.

new European order, and eventually the wider international context of *The Nomos of the Earth* in order to encompass the historical limits of the period in which the normative foundations upon which the state and the state system had been built, no longer held sway.

*The Concept of the Political* has been read as a defence of the state, which it is, but that Schmitt thought the state needed defending is itself illustrative of his view of its vulnerability. His further reflections on *Großraum* and the idea of *nomos* demonstrate that he had given up on the state – and by implication European modernity – as it was dependent upon the normative foundations of a *nomos* that had collapsed.<sup>69</sup> Therefore *Theory of the Partisan* can be seen as part of Schmitt's attempts to understand the establishment of order in a world without a governing *nomos*. Thus *Theory of the Partisan* became an *Intermediate Commentary on the Concept of the Political* in a political context in which the normative remnants of a former system of order had been definitively blown away. Furthermore, despite being something of a career codicil for Carl Schmitt, it has been written about many times as one of his most illuminating texts for the post Cold War age, bringing the analysis in this chapter all the way back to the beginning in offering insights for why Schmitt's critique of the Post-war world were taken up so readily in the post Cold War world. Once again, Schmitt offered a critique of a world without order, or with a false sense of liberal order, and in the aftermath of the Cold War many theorists opposed to such a world were looking for intellectual resources with which to meet this new challenge. Then, in the aftermath of 9/11 his texts took on added significance for realists who imagined he had been 'right all along', and that he could thus be mobilised as a source of 'critical insights' for IR. Needless to say, the variety of interpreters of Schmitt had some way to go to establish common terms of interpretation, but they largely avoided any attempt to understand Schmitt as a theorist of historical crisis, engaged principally with critiquing the progressive

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<sup>69</sup> Roland Axtmann 'Humanity or Enmity? Carl Schmitt on International Politics' in *International Politics*, Volume 44, 2007. Axtmann refers clearly to the view that Schmitt was looking for forms of political organisation that replace the existence of state and state system, but seems also to support the view that *Großraum* was a coherent and sufficient new *nomos* that could replace the old *nomos*. This thesis takes issue with this line of argument. Schmitt's commitment to *Großraum* only really extended to the years encompassing his accommodation with Nazism, and in *Nomos*, he lists it as only one of three potential replacements, and one merely able to operate as a sort of stable conceptual holding pattern until new conditioning ideas emerged. *Großraum* essentially reduces to a regional expression of the principle of non-interference and has nothing to say about how those regions might be acknowledged or recognised by other regions with other regional hegemony.

unfolding and collapse of the *nomos* of the old global European order, and instead tended to transplant his theory of crisis onto an unfamiliar world.

## **A New Nomos?**

At the very end of *The Nomos of the Earth*, Schmitt theorised three possible outcomes in which a new international order might emerge: and it is worth examining them in order to explore further the context in which offered his late phase critiques. First was the idea that one global power might ‘win’ the newly established rivalry of the Cold War and appropriate the whole earth according to its own Imperial designs. Schmitt explicitly discounts this possibility, presumably in part because he recognised that it would no longer be Europe but one of the emergent superpowers, but also because it would represent ‘the end of history’ and importantly he states that,

A widespread, purely technical manner of thinking knows no other possibility, because, for it, the world has become so small that it can be overseen and managed easily.<sup>70</sup>

Which directly implicates certain modes of Hegelian or Marxist dialectical thought. Even when Schmitt wrote these words, it must have been clear to him that such an eventuality was an extraordinarily difficult strategic objective. But this book was published in 1950, and until 1949 there had been only one global power with a nuclear bomb. The significance of this is made abundantly clear when one considers that even Bertrand Russell (among others) – the academic and prominent pacifist – openly advocated the use of the nuclear weapon on the both the Soviet Union and Britain if they attempted to develop the bomb.<sup>71</sup> For Russell, it was the unanswerable power of the atom bomb on which a new civilisation might be built – that is to say, a new *nomos* might emerge. So as far as Schmitt was concerned, he warned against the terrible eventuality of a single world civilisation precisely because he felt it was theoretically unattainable, and potentially horrifying. But he made this warning at a time when the idea of a new world civilisation informed the thinking of a great many academics and statesmen around the world.

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<sup>70</sup> Schmitt, *Nomos*.

<sup>71</sup> Bertrand Russell, ‘The Bomb and Civilization’, in *Glasgow Review*, Number 33, 18<sup>th</sup> Aug 1945.

The following two possibilities are where he directed his more considered interest. The next possibility follows an explicitly Mahanian logic,<sup>72</sup> whereby he suggested that the US may be able to restore the age old balance between land and sea (the fundament of the old *nomos*) and also introduce the new element – air. In Schmitt’s words;

A second possibility might be an attempt to retain the balance structure of the previous *nomos*, and to maintain it in a way consistent with the contemporary technical means and dimensions. That would mean that England’s former domination of the oceans be expanded to a joint domination of sea and air, which only the United States is capable of doing. America is so to speak, the greater island that could administer and guarantee the balance of the rest of the world.<sup>73</sup>

This essentially characterises Britain as the *Katechon* for the old *nomos*, to be replaced by the United States as a new and more powerful *Katechon* able to take up the burden of guaranteeing something comparable to the old *nomos*, now that Britain had lost both the means and the will. It actually breaches a number of Schmitt’s theoretical stipulations concerning the constitutive distinction between Europe and non-Europe as the structuring friend / enemy dichotomy for the old *nomos*, but at least appeals to the possibility that the US might serve as a proxy for a European power, or that they may establish the US as a privileged sphere according to the same logic.<sup>74</sup> He clearly remained critical of the implicit Wilsonian impulse that – at least in part – continued to drive American foreign policy considerations, but he might have at least seen the logic in the more conservative tradition of *realpolitik* that formed an important alternative influence. The third scenario is the idea of *Großraum*, as mentioned previously. It only warrants a short paragraph in *The Nomos of the Earth*, quoted here.

The third possibility also is based on the concept of a balance, but not one sustained and controlled by a hegemonic combination of sea and air power. A combination of several independent *Großräume* or blocs could

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<sup>72</sup> There is a long and extensive tradition of geopolitical thought, from Mahan in the USA, Mackinder in Britain, and extended by Douhet’s consideration of the effects of air power. There are also many German predecessors for this type of geopolitical thinking, notably Haushofer, op.cit., Alfred Thayer Mahan, *The Interest of America in Sea Power: Present and Future*, (London: Sampson Low, Marston & Co, 1897). Douhet, Giulio, *The Command of the Air*, (London: 1943), translated by Dino Ferrari. Mackinder, Halford, ‘The Geographical Pivot of History’, *Geographical Journal*, 23, 1904. For an excellent summary of this literature, refer to Patricia Chiateri-Stutte, ‘Space, Großraum and Mitteleuropa in Some Debates of the Early Twentieth Century’, in *European Journal of Social Theory*, Volume 11, Issue 2, 2008.

<sup>73</sup> Schmitt, *Nomos*, p 355.

<sup>74</sup> Referring back to Alvarez, discussed in Schmitt, *Nomos*, p 229.

constitute a balance, and thereby could precipitate a new order of the earth.<sup>75</sup>

There are interesting aspects to this idea, but he clearly had no wish to develop them at the time of publication. At the end of the Second World War, Schmitt had been captured by the Russians first, who released him as a harmless academic, but then by the Americans, who held him for some time before also deciding to release him. The conflicting agendas of the US and the USSR at Nuremberg after the war are interesting in their own right, but it is clear that the arrest and questioning of Schmitt does highlight the greater ideological component of US intentions at Nuremberg. The Soviets wanted a show trial of the political and military leadership, followed by their execution, but the US and Britain wanted to put the *idea* of Nazism itself on trial. To this end the questioning that Schmitt endured revolved to a large extent on whether his theory of *Großraum* had in any way provided an ideological justification for what the Americans considered to be war crimes.<sup>76</sup> In other words the Soviets were interested in who ordered and led the invasion of the Soviet Union, whereas the US were just as interested in who justified it. Therefore any idea that seemed to reflect or support German aspirations for hegemonic control of Europe were necessarily suspect.

However, as has been pointed out, the idea of *Großraum* was also problematic on Schmitt's own terms. It had none of the clarity and normative depth of *The Nomos of the Earth* as expressed in the *jus publicum Europaeum*, and given that each regional hegemon would be an absolute enemy of every other – there being no possibility of externalising their implicit rivalry and creating a spatial zone of bracketed conflict – order would be characterised by a world of perpetual conflict at the borders of great regions. There would be no means by which to determine which country belonged to which region except naked military contest. If anything *Großraum* as a system, looks remarkably like Samuel Huntington's *Clash of Civilisations* thesis, although without the essentialised civilisations to provide its taxonomical foundations.<sup>77</sup> In any event, Schmitt never pursued the idea of a new *nomos* very vigorously, content to lament the

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<sup>75</sup> Schmitt, *Nomos*, p 355.

<sup>76</sup> Transcript of 'Interrogation at Nuremberg by Robert Kempner, Parts I, II, and III', plus written responses to questions in *Telos* 72, 1987 [1947], translated by Joseph W. Bendersky and Capers Rubin.

<sup>77</sup> Samuel Huntington, *The Clash of Civilisations and the Remaking of World Order*, (New York: Simon and Schuster, 1996).

fall of the old *nomos*, and proclaim the right of the new rising powers of the earth to form a new one.<sup>78</sup>

One thing that can be asserted, is that the idea of *Großraum* is theoretically difficult to reconcile with Schmitt's other ideas, and that it does not comprise a significant component of his work – being articulated mostly in a couple of texts written at the height of his accommodation with Nazism<sup>79</sup> – which makes it all the more surprising that it is one of the few ideas taken up almost without criticism as applicable to the modern world. Schmitt himself implicitly acknowledges these theoretical deficiencies at the beginning and the end of *The Nomos of the Earth*. At the end of the second of the *Five Introductory Corollaries to The Nomos of the Earth* – referring to the premodern system of competing empires – he states,

The idea of a coexistence of true empires, of independent *Großräume* [literally, large spaces; figuratively, large spatial spheres] in a common space, lacked any ordering power, because it lacked the idea of a common spatial order encompassing the whole earth.<sup>80</sup>

When Schmitt returns to the idea of *Großräume* in the final lines of his book, he leaves open the question of their 'meaningful differentiation', without which, the same theoretical limitations as he identified for the pre-modern version of *Großräume* necessarily apply.<sup>81</sup>

The perceived contemporary polemical imperative of 'resisting American power' finds form in a variety of theories of multipolarity, which are directly comparable to, and occasionally openly claim inspiration from Schmitt's theory of *Großraum*, once again demonstrating the problem with using Schmitt as a conceptual storehouse. To repeat, the interesting thing about Schmitt's notion of *Großraum* is what it reveals about the spatial preponderance of his theoretical formulations. It also draws attention to the problems that he thought needed resolving and highlights some of the compromises he

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<sup>78</sup> Schmitt, *Nomos*, p 39.

<sup>79</sup> Most of Schmitt's serious writing on *Großraum* was written in 1940 and 1941: 'Raum und Großraum im Völkerrecht', in Carl Schmitt, *Staat, Großraum, Nomos: Arbeiten aus den Jahren 1916-1969*, (Berlin: Duncker & Humblot, 1995), and Carl Schmitt, *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte: Ein Beitrag zum Reichsbegriff im Völkerrecht*, (Berlin: Duncker und Humblot, 1941).

<sup>80</sup> Schmitt, *Nomos*, p 55.

<sup>81</sup> *Ibid*, p 355.

thought were necessary for at least a temporary resolution to the prevailing absence of a secure *nomos*. Beyond that, assuming that Schmitt's notion concerning the temporary utility of *Großraum* has applicability today presupposes that the same fundamental problem of a slowly collapsing world order that Schmitt progressively critiqued, characterises the political context of today, a claim that must be considered deeply contestable for reasons outside the scope of this analysis.

## Conclusion

This chapter, in characterising Schmitt's collected reflections as a form of Koselleckian critique, repudiates the interpretation of Schmitt as a purely conceptual thinker, and instead suggests that Schmitt's continuing importance resides in the consistency of his critique as applied to an ever widening crisis of historical meaning. The insights that a study of Schmitt provides consist both in his conceptual formulations on their own terms – insofar as they provide examples of a sophisticated attempt to address the difficult problem of order in a disordered and deracinated post-Nietzschean world – and also crucially in their limitations. It is because Schmitt was attempting to make sense of a slowly collapsing international order that he was confronted with the need to theorise prevailing and expanding problems of order, law, legitimacy and sovereignty. And it is because he theorised no absolute or essential foundation for his concepts, but instead offered them as highly contextual aspects of a broader and unfolding critique, that gives him a degree of contemporary relevance. He attempted to formulate a coherent and workable conceptual framework in which it would be possible to explain the structuring effects of ideas on historical events, insofar as ideas express ongoing attempts to frame perennial existential dilemmas. However, his critique stands as a kind of forensic dissection of a normative order that no longer obtains, therefore its value resides in the extent to which certain ideas concerning international order which were held to be true, continue to be held to be true.

This argument has also affirmed an image of Schmitt as possessing a philosophically idealist disposition in that he was concerned with ideas over objects, but also very much influenced by elements more characteristic of Nietzsche than Hegel (the foremost idealist philosopher with an obvious influence on Schmitt). This is not without its own difficulties, as Nietzsche's eschewal of Hegel's *Philosophy of History* makes a comparison difficult, but following Allan Bloom's distinction between Nietzsche's

value relativism, and his psychologism or naturalism,<sup>82</sup> Schmitt's criticism of Hegelian dialectics and his clear anti-foundationalism show that he carries a full measure of Nietzsche's value relativism without imbibing his naturalism. Thus although Schmitt clearly lived in the world of idealist philosophy, he was nevertheless informed by an absence of certain foundations upon which coherent frameworks of ideas could be built; ideas without an accompanying measure for their truth. Hence he searched for resolutions to the problems of order, authority, legitimacy etc. and reached out from specific, context bound, conceptual and legal formulations in his early career, to the wider and wider horizons of the history of European ideas, and the transformational character of historical events on whole systems of reconciling norms in which the preceding problems of order could be framed.

Schmitt's historical commentaries should therefore be read, not as a series of well-informed and testable opinions concerning the truth of particular propositions or discourses, still less an ideological attempt justify the rise of Nazism, but instead as a complex and evolving set of arguments concerning the prevailing migration of international norms. These reached all the way from his conceptual contributions to a generalised legal and constitutional crisis that accompanied the entire period of Weimar Germany, through the crisis of historical meaning into which Europe plunged in the late 1920s and early 1930s, eventually erupting into the Second World War as the collapsed European, juridical order of empire and bracketed warfare, finally atomised somewhere between Potsdam and Hiroshima.

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<sup>82</sup> Allan Bloom, *The Closing of the American Mind*, (New York: Simon and Schuster, 1987).

## Section II: Carl Schmitt's Implied Critique of IR

### *Introduction*

The first section concentrated on outlining Schmitt's ideas on their own terms. This commenced with consideration of some of his conceptual formulations that have been widely drawn upon in later works of political theory, then these ideas were drawn together to explain both their historical context and their connecting preoccupations in order to present them as a form of ongoing critique. From this point on in the thesis, the focus rests on the value of Carl Schmitt for International Relations theory today. It is well known – for instance – that he said many things that people would later regard to be prescient observations, even predictions, concerning the direction certain political dynamics would take, not least in respect of the Cold War,<sup>1</sup> but also in the aftermath of the attacks on the World Trade Centre and the Pentagon on Sept 11<sup>th</sup> 2001. It could be argued that there was a minor 'turn' towards Carl Schmitt at this point on account of the clarity of his Manichaean formulation of the political and the apparent need of new theoretical tools to describe a transformed political landscape, but this turn was relatively superficial and relied largely upon only the barest Schmittian terminology of friend and enemy. He was – for a time – associated with Samuel Huntington's *Clash as Civilisations* thesis, and lauded as having been right all along.<sup>2</sup> Then, as the American response to 9/11 grew into a renewed sense of exceptionalism which seemed to take hold of the Executive office, inspiring the kind of universalising rhetoric not heard since Reagan – or even Kennedy<sup>3</sup> – linkages were made between Schmitt and what has become understood as 'Straussian neo-conservatism', as if somehow Carl Schmitt was the evil genius behind the Project for the New American Century. This interpretation was quite strongly resisted by theorists with a longer standing interest in Carl Schmitt, whose response was best articulated by Chantal Mouffe when she made the case that, if anything, neo-conservatism should be understood as exactly the kind of 'muscular

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<sup>1</sup> Schmitt, *Nomos*, p 355. Schmitt foresaw that only the US – 'as the greater island' – could sustain a balanced international order.

<sup>2</sup> Bryan S. Turner, 'Sovereignty and Emergency: Political Theology, Islam and American Conservatism', in *Theory, Culture and Society*, Volume 19, Issue 4, 2002.

<sup>3</sup> The search for the authoritarian roots of so-called 'neo-conservatism', particularly insofar as it has become understood as a foreign policy discourse of intervention and democracy promotion has always seemed slightly misplaced to me, particularly when even a cursory glance at President John F. Kennedy's famous inauguration speech – in which he pledged to 'pay any price... bear any burden' seems to have all the important elements.

Wilsonianism' that Carl Schmitt warned against.<sup>4</sup> Unfortunately this reduces to a doctrinal dispute about the 'correct' interpretation of Carl Schmitt, attaching significance to whether Schmitt was 'right' in his formulation of the political. Equally, it confirms once again that regardless of admonitions that Schmitt must be 'handled with care', he is often invoked by those with only limited understanding of his work or its context, or – as in the case of Chantal Mouffe and others – defended as if his association with Nazism has only limited implications for the utility of his 'critical edge'.

This thesis on the other hand, takes the view that it is neither his 'true' understanding of the human condition nor his capacity for predicting future events – these being very unspecific at best – that make him interesting in the present context, but instead that Schmitt was an intelligent and revealing commentator on his own times; a 'lucid', 'fearful' and 'besieged watchman', as Derrida described him.<sup>5</sup> There are aspects of his thought that appear fairly dated now – two or three generations past his prime – but examples in his works of short-sightedness or even downright refusals on his part to engage with the complete contingency of the political as he himself formulated it, are both telling and interesting. There is no doubt that he favoured authoritarian solutions to particular manifestations of disorder, and there is little doubt that his Catholic faith informed many of his dispositional cadences.<sup>6</sup> Nevertheless, he was clearly a gifted thinker and insightfully aware of the absence of any certain and immutable laws concerning human societies, or at least, none that transcended a universal human impulse toward social organisation with any actual content concerning the nature or

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<sup>4</sup> Mouffe, 'Carl Schmitt's warning on the dangers of a unipolar world order', in Odysseos and Petito (eds.) *The International Political Thought of Carl Schmitt*, and Sergei Prozerov, 'Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism', in *Millennium: Journal of International Studies*, Volume 35, Issue 1, 2006.

<sup>5</sup> Derrida, *Politics of Friendship*, p 107, footnote 4.

<sup>6</sup> Schmitt had a semi-detached relationship to his church on account of a divorce and second marriage but his Catholicism finds expression in both his account of politics as theology – see Meier, *The Lesson of Carl Schmitt* – and his *Roman Catholicism and Political Form*, among other works. I take the view expressed by Allan Bloom that 'philosophers cannot believe in God' without demanding that they become atheists. For Schmitt, his suggestion that all modern political concepts are merely secularised theological propositions leads somewhat to understanding what might be termed a *Catholo-Philosophical Gestalt*, heretical perhaps, but respectfully so. The Catholic church for Schmitt represented what he termed a '*complexio oppositorio*' or complex of ideational opposites from which meaning can emerge. In any event, this thesis has no room, nor enthusiasm, for discussing the strength of Schmitt's faith, merely to note the often and repeated use of Catholic terminology, and the disputatious temperament of a man highly trained in the scholastic traditions of an ancient and serious Church.

characteristics of the actual forms of social organisation that would necessarily emerge or evolve.

When attempting to situate a theorist within wider strands of thought and intellectual tradition, the process is complicated by the assumptions made about the other theorists to which the subject is compared. As this thesis depends upon treating Schmitt, not in terms of his authentic and unambiguous contribution to true formulations of concepts useful to International Relations, but instead treats his formulae as locations of intellectual contestation around which interpretations of IR are negotiated, so too do the thinkers he is compared to also exist as sites of contestation for others ideas. When referring to Hobbes therefore, it is necessary – as has been ‘shewn’ – to try to clarify points of difference rather than merely assume their joint membership of some category of analysis. And a problem that then emerges is that there are various interpretations of the work of Hobbes. Equally so the main traditions of IR – Liberalism, Realism, Marxism and the English School – against which an image of Schmitt has been and is to be projected. Nevertheless, viewing the thought of Carl Schmitt himself as a lens through which these other traditions of thought might be examined, allows – even perhaps obliges – one to play a parlour game of ‘Schmitt by proxy’ as a way of illuminating a topological relationship between different types of theorising. In other words, it is possible to illustrate a Schmittian theoretical disposition by imagining how he might relate to each of these bodies of theory in turn, and in so doing, reveal what is assumed about the bodies of theory themselves in order not to get bogged down in debates about whether ‘Constructivism’ actually resolves the materialist / idealist dilemma, or some such other theoretical conundrum. Each of these bodies of theory are attempts to provide a coherent way of understanding the world, and looking at them from a ‘quasi-Schmittian’ perspective allows us to sharpen an understanding of him as a theorist, at least in so far as he reveals himself theoretically. However, this examination should proceed from some understanding of his theories, rather than searching his texts for references to Realism or Liberalism, let alone the English School. Thus the argument concerning Schmitt’s relationship with IR theory needs to have a philosophical character concerning the coherence of the ideas as ideas. In this sense, a theoretical comparison is always an examination of hidden dialogues produced by an alignment of ideas, rather than an explicit examination of the actual engagements that theorists had between themselves. It is possible for example, to examine the comments

made about Carl Schmitt by Hans Morgenthau, but these should not be mistaken for authoritative comments on the comparability of their theoretical formulations, for to do so sidesteps any judgement of the value of these comments. Instead it is necessary to approach a comparison of the two thinkers by the *via media* of understanding their basic theoretical propositions and determining the more coherent formulation of the common elements.

According to Scheuerman, Schmitt had little engagement with academic philosophy beyond a few questionable references to Hegel,<sup>7</sup> but this thesis has already made reference to Hegel and Nietzsche as intellectual markers, in order partly to acquire intellectual bearings. The reason this is important is quite simply that thinking contextually about particular thinkers imposes an obligation to appreciate the context of one's own inquiry, yet this in due course implies a circularity of analysis.

This section therefore, commences by considering Schmitt's intellectual disposition, describing in approximate terms what kind of thinker he was, and then outlines an appropriate way to consider his contribution to the history of ideas. The argument has already been partially made in Section I, but is made more substantially in this section in order to permit examination of the three main traditions of IR as coherent traditions, while retaining some grasp on the broader intellectual undercurrents that inform them.

Following this, there are chapters that explore the relationship between Schmitt and the different basic traditions of IR which each serve several functions; first of all, I provide further clarification of Schmitt's thought and explain why Schmitt does not lend himself easily to categorisation as an IR theorist, and why he is more often simply treated as a 'critical voice'. Then I attempt to expose some of the limitations of the main categories of IR insofar as they are understood as different theoretical dispositions divided by different philosophical and historical assumptions about the external world. Finally I characterise the whole discipline of IR as a series of responses to common underlying questions concerning the appropriate preconditions for the legitimate use of violence between collective actors. All of the arguments both in Section I and in Section II can be thought of allegorically – to borrow terminology from Clausewitz – as arguments of

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<sup>7</sup> Scheuerman, *Carl Schmitt and the End of Law*, p 265, n 21.

*movement*, which set up the final Section III, for the rather more demanding argument of *position* on which the thesis stands, and this argument of position attempts to encapsulate the conclusions of this section by outlining a few propositions situated at the level of philosophical coherence. In short, the final section will offer some conclusions on the relationship between Schmitt and IR theory, having used the first two sections to throw both into question. Metaphorically speaking, this will resemble the examination of two distinct traditions of scholarship in order to get some bearings on the meta-theoretical high-ground from which it becomes possible to observe illuminating and productive commonalities; applicable in turn to the broader project of understanding the dynamics and mechanisms of contemporary problems of order, collective identification, and the legitimate use of violence in the world today.

## Chapter 3 – Carl Schmitt, Theory-politics and IR Theory

*History, like the drama and the novel grew out of mythology, a primitive form of apprehension and expression in which – as in fairy tales listened to by children or in dreams by sophisticated adults – the wine between fact and fiction is left undrawn. It has, for example been said of the Iliad that anyone who starts to read it as history will find that it is full of fiction but, equally anyone who starts reading it as fiction will find that it is full of history.*

*All histories resemble the Iliad to this extent, that they cannot entirely dispense with the fiction element. The mere selection, arrangement and presentation of facts is a technique belonging to the field of fiction.*

Arnold J. Toynbee<sup>1</sup>

### Introduction

The first section of this thesis has concentrated on presenting a direct interpretation of Carl Schmitt as a theorist, in order to develop a rich but relatively straight-forward reading of what unites his work. However, in order to proceed from this direct reading of what Schmitt actually proposed, towards a more reflective and abstracted reading, something like a ‘methodology’ is needed in order to look at Schmitt as more than simply a political commentator searching for and utilising idealised concepts in order to interpret a period of historical crisis. With this in mind, this chapter draws much from the work of Quentin Skinner in order to establish a basis for the interpretation of Schmitt in context, and from this extract a measure of the ‘surplus value’<sup>2</sup> in his work that might contribute to an understanding of his significance for IR theory today. The first section implicitly followed a Skinnerian or Koselleckian conceptual historical approach, in that it sought to explain the continuities in Schmitt’s thinking by excavating his underlying curiosity, that is to say, the questions that he sought to resolve and which inhabit much of his work. This is extended in this chapter, and following this, an approximate curiosity posited that inhabits and unifies the broad trends within IR as a discipline.

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<sup>1</sup> This quote is taken from the novel *The 25<sup>th</sup> Hour* by Virgil Gheorghiu, (London: Heinemann, 1950), for which it serves as an introductory comment.

<sup>2</sup> Kari Palonen, *Quentin Skinner: History, Politics, Rhetoric*, (Cambridge: Polity, 2003), p 69.

Where Oakeshott provides a foundation for understanding theory – laying out a clear set of tools for a philosophically idealist argument, and distinguishing between philosophy and scholarship such that distinct traditions of scholarship can be compared meta-theoretically as components and expressions of different philosophical dispositions – which in turn sets the argumentative context of the thesis, Skinner and Koselleck on the other hand, provide an approach to thinking about Schmitt as a theorist; a way of threading his works together as a progression of ideas – unified by a single underlying curiosity – formulated in response to an evolving historical context. Using Skinner also allows for the prospect that IR can be characterised as a self-conscious context in which ideas have progressed within implicit parameters, and as a looser set of responses to a recognisable, and fairly durable, matrix of interlinked questions.

Of course the work of Quentin Skinner – and conceptual historians more generally – is not without different interpretations, but as will be shown, given the subjects of his analysis, and his own intellectual associations, his work is in some ways comparable with Schmitt's and of interest to IR more generally. Skinner – for example – talks extensively about understanding Machiavelli through both of his main texts insofar as they each reveal a different kind of thinking but both as particular kinds of political argument made in different contexts.<sup>3</sup> They can – and have been – simplistically divided into early and late Machiavelli,<sup>4</sup> but this misses the subtlety of Skinner's argument. According to Skinner, there are not two separate and coherent Machiavellis, but instead two separate contexts in which each of his texts was written,<sup>5</sup> comparison of which exposes an underlying coherence that they both share. The differences between them reveal to a certain extent how the prevailing political climate flexed and bent over the period of Machiavelli's life and the changing conditions of his social context, how new modes of expression had arisen in the intervening period, and how different kinds of political problems presented themselves to the relatively consistent and unified curiosity that animated him.

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<sup>3</sup> Quentin Skinner, *The Foundations of Modern Political Thought: Volume I, The Renaissance*, (Cambridge: Cambridge University Press, 1978), p 118.

<sup>4</sup> Leo Strauss, *Thoughts on Machiavelli*, (Glencoe: Free Press, 1958), in which there is a chapter entitled 'The Twofold Character of Machiavelli's Teaching'.

<sup>5</sup> This is a similar argument to that made by Maurizio Virolo, *Machiavelli*, (Oxford: Oxford University Press, 1998), p 3. He makes the point, following Skinner, that Machiavelli was a rhetorician, thus the problem of the 'two Machiavellis' simply disappears.

Taking a Skinnerian conceptual historical approach to Schmitt – and following the arguments outlined in the first section – sees Schmitt’s work in respect of its continuities. Accordingly account must be taken of *both* his body of main texts and their respective contexts for what each reveals about him and his theoretical interventions. Taking a Skinnerian approach to IR Theory as a whole is altogether more complicated, but is nevertheless an important part of the argument. Although IR Theory cannot be assumed to embody as coherent and unified a curiosity such as might inhabit an individual, it is at least unified as a collective endeavour, and the idea that the discipline has at its heart several important questions is indisputable. Exactly what those questions are has been and always will be disputed, not simply in terms of their substance, but also their form and expression, which also means that they will be altered by the very debates in which they are contested.

However every participant within the discipline must assume that they are engaged in the same basic pursuit as every other, even if they have deeply critical attitudes to other modes of theorising. By the same token religious practices may differ across the faiths, even to the point of violence, but they are all engaged with questions that can be summarised with concepts like God and or the human soul. In other words, people may have very different answers to the same questions, but they at least have to assume a degree of agreement over the underlying questions, otherwise there can be no disagreement, let alone eventual agreement. In any event, if a person can be understood by reference to their inhabiting curiosity, the idea of an academic discipline must also conform to a similar analysis, insofar as it has existed and continues to exist as a discipline. To describe oneself as a scholar of International Relations is to engage in particular kinds of debates and claim knowledge of particular conceptual formulations. Therefore to suggest that the entire discipline can be understood in terms of an evolving – but relatively stable – matrix of central problems to which everyone applies themselves and contributes, is not altogether outlandish, even if there is considerable disagreement about the terms that might be used to frame these problems.

### **Quentin Skinner and Theory-politics**

Skinner prioritises the role of language in politics. He follows Wittgenstein in thinking about language games and the ‘grammar’ inherent in every word, in order to theorise the inherent normative structure of any language in which it is possible to say only

certain things.<sup>6</sup> Certain phrases are incoherent as they associate words that can have no meaningful association in the prevailing normative linguistic structure. A good example would have once been the phrase ‘animal rights’ in that rights-bearing subjects were citizens within a legal context, whose central attribute was a capacity to articulate and represent those rights. Animals have no such capabilities, therefore when the term was first coined, it would have been incomprehensible except as an attempt to open up the normative structure of language to a different kind of use. The effect of this association was to alter the meaning of a rights-bearing subject. The role of the theorist is therefore primarily linguistic or ‘rhetorical’.<sup>7</sup> A theorist exists within a context in which meaning can only be conveyed according to certain linguistic conventions. He or she therefore seeks to change word associations, making connections between words that are pejorative, and those that are not, in order to open up new possibilities for political action. In the contemporary context, phrases like ‘New Labour’ or ‘Compassionate Conservatism’ are obvious examples of this kind of rhetorical technique.

Skinner is most famous for writing about theorists like Machiavelli and Hobbes, and he engages in a prolonged excursus on the development of the concept of sovereignty, locating its emergence as a very specific response to the religious wars sweeping Europe in the 16<sup>th</sup> Century.<sup>8</sup> He pays particular attention to the example of France becoming a sovereign nation through the cathartic consolidation of power following the St Bartholomew’s day massacre. This process is captured most emphatically in the writings of Jean Bodin, often thought of as the ‘father of sovereignty’. But the power of Skinner’s argument rests in his prioritisation of *context* when interpreting *meaning*. He specifically avoids the notion that there is an ideal type of sovereignty, or that it was a concept that was *discovered* in 16<sup>th</sup> Century Europe. He articulates the importance of *context* in order to explain that the concept of sovereignty needed formulation in language before it could be in any way understood, and that Bodin was responsible for altering the structuring norms within the prevailing political discourse in order to provide a solution to a prevailing problem. That this later became understood as the concept of sovereignty, in all its conceptual finery, merely disguises the sense that it was a highly contextual response made possible only through the rhetoric of Bodin’s

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<sup>6</sup> Palonen, *Skinner*, p 4.

<sup>7</sup> *Ibid.*, p 133.

<sup>8</sup> Skinner, *Foundations: Vol II*, p 289.

text and argument. It was a concept that was invented through a series of rhetorical shifts, bending and twisting the pejorative associations of words in order to navigate a restrictive set of linguistic conventions that were invested with tremendous normative power. Because Bodin was able to do this, conceptual formulations migrated to form new constellations of meaning around the idea of sovereignty.

Interestingly this closely parallels Schmitt's approach to the very same concept of sovereignty which he explores from the perspective of a range of early modern thinkers who were grappling with a particular set of problems, and who 'produced' the solution of sovereignty as a response to the chaos of the religious wars.<sup>9</sup> For Schmitt, sovereignty was in no way merely waiting to be discovered. The sovereign state and the *jus publicum Europaeum* were the highest achievements of European civilisation,<sup>10</sup> and being an 'achievement' means a 'rhetorical artefact' very much in the Skinnerian mode.

This way of looking at the relationship between language and politics, which takes so much from Wittgenstein, turns theorists into politicians, and politicians into the mere functionaries of theorists. In other words, although the politician may be the organ grinder, the theorist writes the tune. This may seem a somewhat self-serving metaphor, but for a philosophical idealist, concerned with the conditions of coherence and sufficiency, there is no other available interpretation. It is the normative conditions of structuring ideas that Schmitt was exploring with his conceptual formulations, ideas which are expressed in language, or rhetoric. If it is assumed that politicians have a power with words – a power of oratory – then it is the power *over* words upon which they are dependent, a power encapsulated by Skinner's theory-politics.

## **The State of Exception**

Another important element to be considered when using Skinner is the notion of 'surplus meaning'. If we interpret rhetoric as shifting the normative structure of language, then surplus meaning can be understood as the possible directions these rhetorical actions open up. In this sense a political theorist engages directly with contemporary problems, but of necessity cannot fully engage with the implications of doing so. For instance in devising the concept of sovereignty as a response to the

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<sup>9</sup> Schmitt, *Nomos*, p 127.

<sup>10</sup> *Ibid.*, p 151.

religious wars in the 16<sup>th</sup> century, Bodin *et al.* could not have imagined all of the ramifications of this rhetorical shift. Their interest lay in finding a resolution to immediate problems, not setting the normative terms for 300 hundred years of European history.

However, when drawing on previous thinkers, it must be acknowledged their theory-politics apply to a different context, that is to say, they are exploring areas and rhetorical associations which no longer necessarily apply. A first example of developing the surplus value in Schmitt can be examined by briefly considering how Giorgio Agamben relates Schmitt's ideas directly to those of Walter Benjamin. When considering Benjamin and the 'Eighth Thesis in his "Theses on the Philosophy of History"'<sup>11</sup> he makes much of the so called 'state of exception', which he claims originated in Schmitt's *Political Theology*. According to Schmitt, 'Sovereign is he who decides on the exception',<sup>12</sup> a position itself derived from the Hobbesian treatment of miracles, whereby the Sovereign relied upon the decisionist dictum '*Auctoritas, non Veritas*'<sup>13</sup> to declare what constituted a miracle, and therefore what *must* be believed to be a miracle.<sup>14</sup> The relationship between Schmitt and Benjamin is exposed and extended by Agamben in developing his theory of 'a perpetual and interminable state of exception'<sup>15</sup>, 'the context in which Benjamin's theses acquire their proper meaning.'<sup>16</sup>

Schmitt himself did not theorise a permanent state of exception.<sup>17</sup> As has been shown in Section 1, he theorised the state of exception to be that which gave meaning to the norm. It had a legal meaning that permitted and obliged the sovereign to step outside of the law in order to restore the norm. It feeds into his critique of liberalism in that a state cannot be indifferent to itself and must preserve an understanding of its constitutive existence in respect of an original friend enemy distinction. However, in theorising a 'state of exception' he could not control where this would lead or how it would be developed and interpreted. Both Benjamin and Schmitt were fully aware of each other's

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<sup>11</sup> Giorgio Agamben, *Potentialities: Collected Essays in Philosophy*, p 161-2.

<sup>12</sup> Schmitt, *Political Theology*, p 1.

<sup>13</sup> 'Nothing here is true, all is authority'

<sup>14</sup> Schmitt, *The Leviathan in the State Theory of Thomas Hobbes*, p 55.

<sup>15</sup> Agamben, *Potentialities*, p 171.

<sup>16</sup> *Ibid.*

<sup>17</sup> This runs counter to Mark Lilla's conclusion in *The Reckless Mind*, but it is clear enough from Schmitt's writings that he would not theorise a permanent state of exception, although perhaps the permanent possibility of a state of exception.

work, and indeed were partly writing against each other. For Schmitt the exception was within the exclusive power of the sovereign, and as has been explained, exposed the reflexive co-constitutive character of the sovereign and the community. Benjamin, on the other hand, was a peculiar kind of aesthetic Marxist, imagining legitimate violence to be properly located in the general strike. Thus the two were opposed to one another in locating sovereign violence as emerging from opposite ends of the social spectrum; for Schmitt, in the declaration of the sovereign, and for Benjamin, the action of the working class.<sup>18</sup> Agamben performs a fascinating act of deconstruction in linking the two thinkers, but there is no way that Schmitt, or for that matter Benjamin, intended this interpretation.

But without Schmitt and his central claims concerning the exception and the condition of sovereignty, what would have provided Benjamin with his point of departure? Mark Lilla makes the point that Benjamin continued to credit Schmitt as a major influence on his work up to 1930 when he dedicated a book to him.<sup>19</sup> So in a Skinnerian sense, we can see Benjamin utilising the rhetorical shifts and the new normative conventions opened up by Schmitt when enacting his own theory-politics and writing *Political Theology*. In other words, Schmitt's 'surplus meaning' allowed Benjamin to draw insights of his own, and further enabled Agamben to condense his reflections into the contemporary social metaphor of the concentration camp, giving rise to the common usage of the word 'camp' in a great deal of contemporary literature.<sup>20</sup>

## The Political

Building on the Koselleckian insights from Chapter 2, Schmitt's formulation of 'the political' deserves brief re-examination. From this perspective it is easy to see why Schmitt's *Concept of the Political* could be described as theory-politics in that he elaborates a prior category of 'the political', based on the friend / enemy distinction that gives rise to the institutional form of the state. In this way he describes the state in a similar way to Hobbes for whom the state was rooted in a natural human instinct for

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<sup>18</sup> Walter Benjamin, 'Critique of Violence', in Peter Demetz (ed), *Reflections: Essays, Aphorisms, Autobiographical Writings*, (New York: Schocken Books, 1977).

<sup>19</sup> Lilla, *Reckless Mind*, p 95.

<sup>20</sup> Along the lines Agamben has traced, Jenny Edkins and Veronique Pin-Fat (and others) have consistently explored the theme of the exception, which arguably draws inspiration from this same original debate between Benjamin and Schmitt. For an indicative edited collection see Edkins, Pin-Fat and Shapiro (eds), *Sovereign Lives*.

survival. But as extensively explained in Section 1, Schmitt does not carry the ontological individualism of Hobbes and talks in much more Rousseauian terms about social collectivities. The friend / enemy distinction is thus a much more powerful explanatory metaphor than Hobbes' state of nature in that it provides a conceptual analysis that explains the continued existence of a plurality of states or state-proxies. This is a decisive move away from a taxonomical analysis in which the state is treated as a category and studied for its variation. This is – according to Hirst<sup>21</sup> – partly the inspiration for Schmitt's *The Concept of the Political* addressed as it is not to the comparative nature of pre-existing states, but to the origins of states as self asserted expressions of political commonality.

Schmitt has been read as merely a 20<sup>th</sup> century Hobbes, and his admiration for him does little to dispel the comparison.<sup>22</sup> But in a very strong sense, Schmitt's theory-politics opens up the analysis of the state by exposing the inherent vulnerability of the state to further friend / enemy distinctions, both within the state, and transcending the state. Hobbes does something similar in valorising Leviathan as the mortal god, but contrasts this against chaos, whereas Schmitt invites the interpretation that it is not simply chaos or 'nature' that threatens the state, but other kinds of friend / enemy distinctions, i.e. the political both constitutes *and* threatens the state.

A war need be neither something religious nor something morally good nor something lucrative. War today is in all likelihood none of these. The obvious point is mostly confused by the fact that religious, moral and other antitheses can intensify to political ones and can bring about the decisive friend-and-enemy constellation. If, in fact, this occurs, then the relevant antithesis is no longer purely religious, moral, or economic, but political.<sup>23</sup>

The numerous changes and revolutions in human history and development have produced new forms and dimensions of political groupings. Previously existing political structures were destroyed, new kinds of foreign and civil wars arose, and the number of political entities soon increased or diminished.<sup>24</sup>

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<sup>21</sup> Hirst, 'Carl Schmitt's Decisionism', op. cit.

<sup>22</sup> There is extensive praise for Hobbes, along with a dedication, in Schmitt, *Leviathan in the State Theory of Thomas Hobbes*.

<sup>23</sup> Schmitt, *Concept of the Political*, p 36.

<sup>24</sup> Ibid, p 46.

In writing the first edition of *The Concept of the Political* in 1927, Schmitt was explicitly engaged in the project of defending the Weimar Republic from the twin threats of Bolshevism and Fascism. In it and in other texts (particularly *The Crisis of Parliamentary Democracy*) he makes the point that the state cannot be neutral; it cannot be indifferent to itself. The state finds its origins in a constitutive friend / enemy distinction, and is ordered around that exclusionary moment. If it fails to recognise and to sustain that exclusivity, it gives up on the necessity to defend itself as a separate and coherent political collectivity and falls victim to new order structured around a different friend / enemy distinction. During this period he actively campaigned for the use of emergency powers to arrest and detain those whose political objectives were the overturning of the state.

Whatever his political choices, his presentation of the state as a contingent entity – rather than a complete category of analysis – is an extremely potent rhetorical move. For now he could be read as a theorist of a strong state, precisely because he was acutely aware of its critical vulnerability – very much in contrast to the whole tradition of ‘German Power Politics’ epitomised by Meinecke for whom the state was the *sine qua non* of International Politics.<sup>25</sup> The question remains as to how often this crisis of vulnerability occurs, which is an important practical question for IR scholars who might reasonably suggest that the state is a sufficiently robust institution to deserve categorisation as a fundamental pillar of the International System. This will be picked up in Chapter 5, but for now the originality of Schmitt’s move is posited as provoked by the actual condition of the Weimar republic, and when pondering the vulnerability of the Weimar state, Schmitt’s analysis was necessarily directed towards the constitutive norms of the international system of states also. Therefore, although IR scholars can easily assume a condition of stability for the international state system, this in turn renders them dependent upon the continuation of that same condition of stability. Schmitt, on the other hand, attempted to expose and understand the limits of that stability, and therefore the normative qualities it possessed and the exclusionary dynamics upon which it rested.

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<sup>25</sup> Friedrich Meinecke, *Machiavellism*, (London: Routledge, 1956 [1924]).

Furthermore, *The Concept of the Political* does not simply mark Schmitt's commitment to the state form, but also reads like the last word he will say on the matter of the state, for shortly afterwards, he moved away from the state as the key form of political modernity. Interestingly, one of Skinner's insights when talking about politics as rhetoric, is that in searching for modes of legitimation through language, because of the power of the prevailing normative structure of language, a theorist may be easily misunderstood. If the theorist is attempting to shift and open up prevailing linguistic conventions, he or she runs the risk of being interpreted according to the old rules. It can therefore take a far sighted interpreter to understand the significance of his/her rhetoric, or indeed the passage of time for the surplus meaning to become apparent. In the case of this particular example, it is striking to see just how many theorists and interpreters have invoked Schmitt precisely because of his strong commitment to the state form,<sup>26</sup> without apparently understanding the manner in which he undermined it by rendering it vulnerable to a prior category of 'the political'. Furthermore, it is interesting to note how Schmitt himself was always aware of, but felt uncomfortable with this particular interpretation of his work and made a range of rather flimsy qualifications to this relationship between the state and the political over the course of his life.<sup>27</sup>

One can read directly from here to Schmitt's 1963 text *Theory of the Partisan*, where Schmitt considers the figure and metaphor of the partisan, as the purest embodiment and carrier of 'the political', who articulates an opposition to a prevailing order, has a strong *telluric* connection. The partisan constitutes his own legitimacy claim and engages in his own acts of 'sovereign violence' outside of a stable context in which to describe them as such. The interesting thing about this development from a Skinnerian perspective is the extent to which Schmitt can be read as directly addressing the matter of *legitimate* violence. In writing about the partisan, Schmitt can be interpreted as attempting to shift the normative content in the linguistic structures that had hitherto contained the notion of guerrilla or partisan activity. He talks about the generality of contexts, which set the condition of possibility for guerrilla and partisan activity to be interpreted as such,<sup>28</sup> and then goes on to draw distinctions within this wider conceptual milieu. At root this can be seen as an attempt to legitimate particular kinds of resistance

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<sup>26</sup> Schwab's foreword to *The Concept of the Political*, this is discussed at length in the early part of Chapter 2.

<sup>27</sup> Ibid.

<sup>28</sup> Schmitt, *Theory of the Partisan*, p 68.

activity that accompanies a kind of analytical explanation of the phenomenon. In Schmitt's world however, the Partisan does not simply oppose himself to the state, but to his much grander concept, *nomos*. In the era of the state and the encompassing state system, the partisan could only be understood as a criminal, yet he acquires a *telluric* legitimacy in times when the whole normative order is thrown into question. In the case of Schmitt's analysis, this was a situation that he thought prevailed in the contested post-World War II world, the tremors of which he observed in the earlier global conflict of the Napoleonic wars. So it is indicative of the linguistic shift enjoined by Schmitt's earlier *Concept of the Political* that he felt the need to address this particular topic as and when he did. In a sense the latter subject is a direct consequential interest of his earlier theory-politics, and the title – in addressing itself to the earlier text – reflects exactly this.<sup>29</sup>

### **The *Nomos* of the Earth**

This introduces further consideration of a concept that has unique and particular Schmittian characteristics. As Schmitt moved away from his consideration of the state as the most appropriate form in which the political finds effective expression, he engaged in a kind of historical sociological analysis that attempted to explain the origins of the state in a more historically contingent way. This in no way conflicted with his theory of the political, but was a further exploration of the connection between the political and the state.

In *The Nomos of the Earth* Schmitt expands on the concept of *nomos* to incorporate a dimension that amounts to a constitutive appropriation.<sup>30</sup> The nature and form of the appropriation are discussed in Chapters 2 and 4, but briefly consist in the idea that Europe – after the discovery of the New World – commenced a series of theological, legal and philosophical discussions that eventuated in the legal categorisation of Europe as a privileged sphere distinct from the non-European realm, which in turn was legally classified as a zone in which European states could mount contests of strength and domination without disturbing the peace in Europe. It was this legal classification – and the norms that surrounded and enabled it – which set the course and laid the foundations

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<sup>29</sup> *Ibid.*, remembering that the full title of the work ends with *Intermediate Commentary on the Concept of the Political*.

<sup>30</sup> Schmitt, *Nomos*, Part 1, Chapter 4, 'On the Meaning of the Word *Nomos*'

of European domination of the rest of the world and was therefore a normative appropriation upon which relative peace – or bracketed war – in Europe was constructed. This runs counter to alternative conceptions of *nomos* that, even today, are rooted in the concept of ‘conventions’ or ‘laws’.<sup>31</sup> In much the same way as a freestanding category of ‘the state’ was not sufficient for Schmitt, a free standing and un-interrogated category of ‘international order’ equally provided only a limited explanatory grasp. When elaborating on the concept of *nomos*, he describes it as a context in which the state can find expression as a territorial entity. Moreover the *nomos*, allows for the existence of formal war and formal peace and by extension neutrality.<sup>32</sup>

Schmitt’s idea of *nomos* is closely tied up with the classical European state system epitomised by the treaty of Westphalia, but represents the prior condition in which the Westphalian state system became possible. This is classic theory-politics. Schmitt is explicit in seeking to associate the concept of order with that of appropriation, suggesting that order depends upon a prior appropriation. The two words have different normative values, appropriation carrying more pejorative meaning than order. This is exactly how Palonen describes the Skinnerian methodology of theory-politics.<sup>33</sup> The manner in which political theory reduces to language play for Schmitt is merely evidence of the manner in which he sought to shift the firmament in which political discourse took place. This was not merely innocent analysis or diagnosis. This was politics as rhetoric.

*Nomos*, for Schmitt, had a constitutive aspect, without which its central meaning would be lost. This constitutive moment was not rooted in a purely political discrimination itself, but gave rise to new modes in which the central political discrimination between friend and enemy could take place. The prevailing *nomos* of European modernity was brought about by ‘an unrepeatable historical event’<sup>34</sup>; the discovery of the New World. What becomes apparent from reading his descriptions of how this event shattered the old *nomos*, based on the legitimacy of the church in Europe, and inaugurated a new, and

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<sup>31</sup> For example – Richard Ned Lebow makes extensive reference to *nomos* as approximating to laws, traditions practices and social conventions, *The Tragic Vision of Politics: Ethics, Interests and Orders*, (Cambridge: University of Cambridge Press, 2003), p 141-146.

<sup>32</sup> Schmitt, *Nomos*, p 142.

<sup>33</sup> Palonen, *Skinner*, p 51.

<sup>34</sup> Schmitt, *Nomos*, p 39.

for the first time *global nomos*, is that this event was fundamentally *aesthetic* in character. When he described the origin of this great historical change, he referred to the shift in global image that occurred over a period of time, the emblematic event of which was the discovery of the new world in 1492. Which in turn evokes Schmitt's comments on the aesthetic dimension as a 'zone of confusion', from which new constellations of meaning can emerge.<sup>35</sup>

In *Land and Sea*, he implies that all revolutions are spatial revolutions.<sup>36</sup> This book, along with *The Nomos of the Earth*, is built upon the idea that the emergence into modernity and the emergence of the Westphalian system, were contingent upon the arrival of a new global image. The spherical earth, finite and measurable, floating in the great void of the distant heavens, changed the idea of Man's place in the cosmos. That the modern territorial state emerged in Europe around this time was no accident for Schmitt and in setting up his theory of *nomos*, he theorised 'the political' operating on two levels. The distinction between Europe and the rest of the world formed a political distinction in which European states could treat one another as legal equals regulating internal European affairs by a kind of 'bracketed war'. So for Schmitt, European states could be at war and at peace simultaneously through the geographic device of the 'amity line'.<sup>37</sup> Following from this, Schmitt did not regard European wars as truly political between the treaty of Westphalia in 1648, and about half way through the First World War. In other words, states could follow rules of conduct within Europe, while simultaneously pursuing ruthless political friend / enemy struggles against other Europeans outside of Europe. This spatial conditioning of the political strongly intensified the relationship between territory and the political.

If *Theory of the Partisan* is read alongside *The Nomos of the Earth*, what quickly becomes apparent is the degree to which the partisan is strongly rooted in Schmitt's idea of *nomos*, or at least the absence thereof. Schmitt theorises the emergence of the partisan during periods when the *nomos*, or Westphalian state system, was under tremendous pressure or had collapsed. He dates the first serious partisan activity to the period of the Napoleonic wars in Spain and Russia, which he describes as a period when

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<sup>35</sup> Schmitt, 'The Age of Neutralisations and Depoliticisations', p 84.

<sup>36</sup> Ibid, p 28 – 29.

<sup>37</sup> Schmitt, *Nomos*, p 92.

the *nomos* suffered ‘tremors’.<sup>38</sup> Then following the breakdown of the old *nomos* – during the First World War – as the underlying context in which the rise of partisan or guerrilla activity during the twentieth century can be understood.

So the *nomos* for Schmitt constituted something like an international society founded upon an idealised distinction between what constituted Europe and therefore non-Europe. This distinction formed the basis for what amounted to a global land appropriation by European powers of the rest of the world, and intensified the association between the political and territory. It was a Eurocentric spatial order grounded in the ability of European states to agree a particular mode of behaviour towards one another, but which presupposed Europe’s capacity – and right – to dominate the rest of the globe both economically and militarily. It could be described as a European agreement concerning the terms of inter-imperialist rivalry, an idealist counter to Lenin’s materialist analysis,<sup>39</sup> as the distinction was a normative one and laid the intellectual foundations of the European idea of supremacy at every level.

For Schmitt, the *aesthetic* event of the change in global image brought about a new beginning and a new *nomos*,<sup>40</sup> but it also brought about the end of the old *nomos*. However the most troubling omission in his work is the lack of any serious speculation on the nature of the spatial revolution that brought about the end of the Westphalian *nomos*. He goes so far as to acknowledge this, but to warn that ‘[o]nly in fantastic parallels can one imagine a modern recurrence’ of the ‘unrepeatable historical event’ of the discovery of the New World, and further that ‘The question of a new *nomos* of the earth will not be answered with such fantasies.’<sup>41</sup> Here is clearly another example of Schmitt setting up a powerful theoretical interpretation on the one hand, and yet warning people off coming to any further conclusions that are implicit within it. If the old *nomos* of the earth was produced by a single unrepeatable event, then that same event overthrew the previous *nomos*. If he is theorising the recent collapse of the *nomos*,

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<sup>38</sup> Ibid., p 150.

<sup>39</sup> Lenin for example contrasts the ‘fact’ that seizure of the world had been completed by the Capitalist countries, with the possibility of an entirely new partition in, *Imperialism: The Highest Stage of Capitalism*, (London: Pluto Press, 1996), whereas Schmitt’s concept of *nomos* lays down the ideational terms upon which such a new partition might take place, as a consequence of colonial wars between European powers, which remain at peace in Europe.

<sup>40</sup> Schmitt, *Land and Sea*, p 29-35.

<sup>41</sup> Schmitt, *Nomos*, p 39.

then something must have precipitated that collapse. This is addressed to some extent in Chapter 4, but Schmitt's idea that he was somehow engaged in the 'hazardous task' of finding a new *nomos*,<sup>42</sup> seems therefore somewhat fanciful when according to his own historical analysis of the emergence of the first global *nomos*, the terms of the new *nomos* are likely to be found in the very same process that brought about the end of the old *nomos*. According to this logic, Skinner's notion of 'surplus meaning' applies fairly directly to Schmitt's work. On the one hand he opened up lines of inquiry that picked away at firm and assumed theoretical relations – encoded within his notion of *nomos* for instance – but nevertheless could not complete the 'hazardous task' of imagining a new *nomos*.

### **Interpreting the 'oeuvre'**

The whole of Schmitt's work can be read as an extended existential reflection on the possibility of locating a collective identity in a wider context of radical indeterminacy, a political context in which an individual might understand himself and his surroundings through the negotiation of referential meaning – through a complex of opposites – and the naming of this meaning 'truth',<sup>43</sup> then situating this collective identity, both temporally and spatially. But each of his texts should be read as a particular set of responses to prevailing problems with doing just this, i.e. as theory-politics.

The temporal connection to the friend / enemy distinction comes in the form of the *Katechon*,<sup>44</sup> the great restrainer who holds back the antichrist and the coming apocalypse. Schmitt, through his repudiation of the possibility of eliminating the political, makes an enemy of both Hegel and Marx. The 'end of history' and the coming of the 'last man', marks for Schmitt, as for Nietzsche, the extinction of human life as a comprehensible or meaningful activity. The spatial connection emerges with the appearance of the finite sphere of planet Earth and the intensification of the relationship between territory and the political, which produced the historical context of European modernity.

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<sup>42</sup> Ibid.

<sup>43</sup> Nietzsche, *Philosophy and Truth*, p 81.

<sup>44</sup> Schmitt, *Nomos*, p 87 and 238.

His *Concept of the Political* is a statement of existential origins – that origins in themselves are existential – that can be read as an attempt to legitimate particularistic political arguments in a prevailing context of liberal political language. The source of the political distinction is unimportant, for once a distinction emerges into conflict, it mutates into a political antithesis that can no longer be assessed in relation to its original qualities. Once a distinction becomes political, it structures a new order in which the participants understand themselves in relation to this new distinction, and rewrite their history to reflect this – or at the very least recode the same history with different pejorative associations. Foucault and his exploration of the discourse of race war provides an exemplary study of this kind of process.<sup>45</sup> It is not the reality of war between Normans and Saxons in Mediaeval England that concerned him, but the purpose to which this history was put, the manner in which it facilitated a particular, and *current*, political self understanding. Schmitt, with Foucault and Skinner, becomes unconcerned with the ‘truth’ of history, but instead forces an understanding of the purpose of history in constructing and perpetuating a political distinction that cannot be understood in relation to its actual pre-political origins.

With existential notions of origin, and the metaphor of the *Katechon*, Schmitt can be seen trying to stretch the present. It is not possible to look beyond particular sets of historical origins because a different political ordering renders it incomprehensible, or at least only interpretable in respect of a prevailing political distinction. But the attempt to transcend the political distinction brings about the collapse of the structuring power of the original friend / enemy distinction, and the emergence of a new political antithesis which itself cannot be assessed beyond its own origins. In a sense this marks the death of a political order and the necessary end of a basis for the negotiation of meaning that might substitute for a new ‘truth’.

Following Skinner, and conceptual historians more generally, Schmitt is interesting not because of the conclusions he came to, or the political prescriptions he outlined, but because of the questions that he attempted to address, and the manner in which his

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<sup>45</sup> Michel Foucault, *Society Must be Defended* (New York: Picador, 2003).

conclusions reveal these.<sup>46</sup> These questions are not obvious, and perhaps were not obvious even to Schmitt, but when Schmitt's work is read as a totality, continuities of approach can be identified – as briefly summarised here and more extensively in Section 1 – it comprises a prolonged meditation on the multilayered questions of collective identity, legitimate violence and durable normative frameworks of order. He sought to locate the terms by which particular forms of violence became legitimised, and then expressed in the particular forms of political community and interdependence that were established in a condition of European modernity.

## IR Traditions as Theory-politics

Alongside the steady progress of research within the discipline of International Relations have appeared occasional attempts to think again about what holds the discipline together. In 1998 a book was published entitled 'The Eighty Years's Crisis'<sup>47</sup> which brought together a variety of reflections on the state of the discipline, but the clear implication was that IR remained unsure of its intellectual boundaries, further implying that the crisis was a condition of the discipline rather than the world. Barry Buzan and Richard Little also explored this theme in an article published in 2001, which then went on to explain that what was needed was a greater appreciation of world history and systems theory, offering the English School as a good place to start for useful insights. Buzan went on to reinforce this notion in another article about the English School, which arguably provoked another wave of English School research.<sup>48</sup> There have been a number of implicit responses to this ongoing challenge concerning the appropriate parameters of the discipline, much of which has only restated long-standing divisions between methodologies or philosophical distinctions. However, some clues to a way through these division have emerged. Brian Schmidt's 'History and Historiography of IR'<sup>49</sup> offers suggestions for rethinking the history of the discipline as a discursive interchange between different methodological and philosophical viewpoints, and latterly, Daniel Deudney has drawn together the insights of an entire

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<sup>46</sup> Palonen makes direct reference to Schmitt in this respect, in *Skinner*, p 83, and also makes a passing reference to the influence Schmitt had on Koselleck and his *Critique and Crisis*, discussed extensively in Chapter 2.

<sup>47</sup> Tim Dunne, Michael Cox, Ken Booth (eds), *The Eighty Year's Crisis*, (Cambridge: Cambridge University Press, 1998).

<sup>48</sup> Barry Buzan, 'The English School: An underexploited resource in IR', in *Review of International Studies*, Volume 27, 2001.

<sup>49</sup> Brian Schmidt, 'On the History and Historiography of IR', in *Handbook of International Relations*, (London: Sage, 2002).

career to produce *Bounding Power*, which is predicated on a characterisation of IR – or political theory more generally – as a prolonged negotiation within what he terms ‘republican security theory’, each move being a response to what he terms ‘the security-political question’.

There are many other contributions to this debate, but for now it is sufficient to notice that Schmidt and Deudney resolve the problem of the limits of IR theory as a discipline by reference to some underlying question or dilemma. In Schmidt’s words:

[T]he important point is that disciplinary history can be a vehicle in fostering critical insights and opening additional space in which to think about the central dilemmas that continue to confront the study of international politics.<sup>50</sup>

Whereas for Deudney, ‘From its inception, republican security theory has been concerned with what might be termed the *security-political question*: what kinds of political arrangements are necessary for security?’<sup>51</sup> This quote is revealing, both for the italicisation of the word ‘question’, and the application of the definitive article. Clearly Deudney thinks that ‘the security political question’ is comparable to a motivating imperative.

This fits nicely with the portrayal of Carl Schmitt so far offered in this thesis, as constantly intervening in ongoing debates surrounding the problems of order, community and legitimate violence. But much more than this, it offers a view of IR theory that aligns itself with Schmitt’s own conceptual preoccupations. If IR theory can be reduced to a series of differently inflected responses to a common set of problems or questions, then the problem of inscribing limits to the discipline no longer revolves around methodology, or even the necessary truth of certain philosophical claims. Instead the discipline emerges united as an unending process of interrogation around certain long-standing problems, with no genuine limit on the type or form of responses that emerge.

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<sup>50</sup> Ibid., p 17.

<sup>51</sup> Daniel H. Deudney, *Bounding Power: Republican Security Theory from the Polis to the Global Village*, (Princeton: Princeton University Press, 2007), p 28.

Nevertheless, there are continuities in the manner in which certain responses – or types of responses – have indeed emerged, and these are found in the various traditions, disputes between which have shadowed the history of the discipline. Although, following Skinner, the discipline can be seen in passing as a terrain in which the different traditions operate as distinctive repositories of theory-politics, attempts to shift the discursive core of the discipline in one direction or another, most obviously with areas of theory like ‘liberal institutionalism’ or ‘neo-realism’.

With this in mind, some basic distinctions can be posited with which a broader critique of IR theory can be mounted, such that the different traditions can emerge with greater clarity as differently inflected responses to the same underlying curiosity that unites the discipline. And these different inflections are consequent upon two distinct theoretical arenas, philosophy and history. On the one hand, there remains a basic underlying division between an idealist and a realist frame of mind, and on the other hand, theoretical accounts usually orient themselves around a theory of history that is either progressive and linear or cyclical and static.

### **Ontology and Epistemology, Realism and Idealism.**

Once IR is reduced to a question, or a complex family of related questions concerning order, collective identity and legitimate violence, then underlying philosophical differences can be viewed in terms of a productive interaction, rather than an existential battlefield. But a deep philosophical dilemma resides in the extent to which what ‘is’ can be assumed to correspond with what is ‘known’. This basic problem comes in many forms – the problem of ‘naturalism’, disputes over ‘objective truth’ etc. – and in IR these disputes have a long and debilitating pedigree, raising the spectre of a divided discipline of incommensurable languages. Most particularly in the difference between a ‘positivist’ epistemology, and a ‘post-positivist’ epistemology that formed the substantial reference points of the third ‘great debate’ in the discipline. However, this dividing line is to my mind overstated. A purely epistemological disagreement can only take place once the question of ontology is settled, or taken as settled – and vice versa – but given that certain epistemologies refute the possibility of settling ontological claims, it seems strange merely to focus on different epistemologies as a dividing line within the discipline of IR. Far better to frame the relationship between epistemology and

ontology as a fluid interdependent relationship and examine different approaches within IR as informed by a superior ontological or epistemological disposition. A theoretical account either assumes that theory proceeds from the world, or that the world proceeds from theory; that ontology precedes and conditions epistemology, or that epistemology precedes and conditions ontology.

Ontology boils down to the study of what 'is', whereas epistemology is the study of 'knowledge'. The two are inevitably intertwined but each forms a distinctive perspective from which to approach all further theoretical propositions. An object is a matter of ontology, of what 'is', whereas a concept is a matter of epistemology, of 'knowledge'. To briefly simplify, theoretical accounts either refer to the world, or to the manner in which the world is understood and conceptualised, the one always being somehow implied in the other. Certain realist philosophies make the claim that a direct apprehension of the external world is possible through scientific method, and that this certain knowledge must form the basis for testable theories, rejecting value judgements as subjective, and therefore unscientific. Opposing idealist philosophies take the opposite view and claim that reality is forever unknown, hidden behind the veil of 'Mâyâ',<sup>52</sup> and that all judgments are ultimately subjective. Furthermore, claims to objective truth are unverifiable and potentially dangerous.

Therefore extreme realist views reduce epistemological questions to a subordinate status, not irrelevant, but mostly concerned with the criteria of ontological validation. Idealists, on the other hand, subordinate ontological matters to the manner in which they are framed epistemologically, even to the extent of rejecting the idea of ontology. This is not to say that the two can ever be genuinely separated and resolved, after all, questions concerning what 'is' need to be framed as knowledge in order to be further considered. However, there are two ways of looking at this philosophical dilemma in IR, on the one hand as if a resolution must precede the manner in which IR questions are resolved, or on the other hand, as if IR constitutes a relatively stable arena of inquiry in which differently inflected – philosophically speaking – answers contribute to a broad stream of reflection or theorising. If a philosophical commitment – towards the

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<sup>52</sup> Schopenhauer is famous for deploying the concept of 'Mâyâ' from Hindu philosophy, in support of his maxim 'The world is my representation'. Arthur Schopenhauer, *The World as Will and Representation*, (New York: Dover Publications, 1969 [1859]).

priority of ontology or epistemology – must precede stepping into the terrain of IR, then paradigmatic divisions are a natural consequence, rather in the manner of which ‘positivist’ and ‘post-positivist’ epistemologies are assumed to create conditions of conceptual incommensurability. However if philosophical differences are set aside, then paradigmatic divisions can be reduced to a productive tension between different types of answers to complex questions. Ontologically situated theories that revolve around the interactions of assumed stable actors can then be enriched by epistemological reflection on the terms of that stability, or the precise manner in which actors can be consistently distinguished or intersubjectively constituted.

Unfortunately, an argument like this inevitably strays onto the well trodden turf of paradigmatic incommensurability, obliging some clarifications on how to avoid getting bogged down in debates about explanation, understanding, and ultimately causation.<sup>53</sup> However, Wendt conducts some of the ground work by differentiating between causal and constitutive theories as addressed to different types of question. ‘Causal theories answer questions in the form of why’,<sup>54</sup> whereas ‘[c]onstitutive theories have a different objective, which is to account for the properties of things by reference to the structures in virtue of which they exist.’<sup>55</sup> However, if we are dealing with a limited range of questions that revolve around order, community, and legitimate violence, then the exact grammatical framing of the question is a second order matter. Causal and constitutive explanations can therefore set aside their differences and address themselves to the common purpose, each reinforcing the other. One thing that the endless paradigmatic disputes have demonstrated very clearly is that IR is not well suited to resolving incommensurable philosophical claims, except where they have a common purpose in mind. If that purpose is a rich understanding of a series of interrelated problems then a distinction between causal and constitutive theory is perhaps informative, but not terribly productive. Furthermore – and to my mind decisively – as soon as the world of Skinnerian theory-politics is entered – based as it is on John Austin’s speech act theory – then the entire distinction between causal and constitutive theories becomes effaced

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<sup>53</sup> Martin Hollis and Steve Smith have written the definitive traditional account of the relationship between these two modes of enquiry in *Explaining and Understanding in International Relations*, (Oxford: Clarendon Press, 1990), but this should not obscure the extent to which this fundamental division has been challenged, most notably by Alexander Wendt in ‘On constitution and causation in IR’ in *The Eighty Years’ Crisis*, op. cit., p 101.

<sup>54</sup> Wendt, *ibid.*, p 104.

<sup>55</sup> *Ibid.*, p105.

by the necessary consideration of both illocutionary and perlocutionary dimensions of speech acts. If every speech act has both its literal intent – illocutionary – and its facilitating conditions – perlocutionary – then every statement has its direct and causal dimension, along with the constitutive factors that allow it be properly understood.

Therefore, instead of rehearsing hoary philosophical and methodological debates within IR – which as a discipline is not well equipped to resolve them – it is easier to move past the ‘positivist’ or ‘post-positivist’ epistemology debate and examine instead the deeper relationship between epistemology and ontology. After all, ‘positivist’ and ‘post-positivist’ epistemologies really differ in the manner in which they are assumed to relate to an underlying ontology, positivists assume direct correspondence, post-positivists do not. Even to cast the third ‘great debate’ in IR in terms of positivist and post-positivist epistemologies is a fundamentally realist proposition. Epistemology and ontology exist always in an relationship of interdependence, not as different aspects of the same unified claims, but as different grammars of interpretive salience. IR would be incomplete were it not to retain a place for ontologically and epistemologically reasoned responses to the questions that unite it. There is no way of coming up with a certain estimation of the ontological coordinates of IR, that would not then be immediately susceptible to critique from an epistemological perspective. In other words, one cannot say what the discipline ‘is’ without also making assumptions about how that knowledge can be tested. But equally the more epistemology becomes the focus of enquiry, the tougher it becomes to anchor any resulting commentary in a way that does not refute the very epistemological terms on which it based.

In the discipline of International Relations no claims need be made concerning the ontologically certain nature of things, for the importance of an assumption that a discussion can take place about the same thing to be apparent. The world may exist independently of any subjective experience of it, or the world may be constructed by its interpretation, either way the discussion proceeds, and in this way, different worlds can thus be assumed to be the same insofar as they each serve the identical function – once the persistent dilemmas of IR have been posed – of reconciling competing conceptions of collective political interaction, and positing answers to the loose family of questions that unite IR as a discipline – then it becomes important merely to understand what kind of explanation or interpretation is being offered.

## History, Progress and Justice in the World

The second dividing line in International Relations concerns history, not just in terms of how history is theorised, but at a more basic level, whether it is taken to be generally progressive or generally cyclical. The idea that history is repetitive or cyclical is the common view of realists. Progress is deeply implicated with an idea of justice, and its proponents are often referred to as optimists, even ‘idealists’ in a naïve sense of the word. Whereas pessimists tend to the view that there is no fundamental justice in the world and that history repeats itself, first – famously – as tragedy, then as farce.<sup>56</sup>

Current debates in IR tend to focus on what history ‘is’, how to do it properly, or what the invocation of history entails.<sup>57</sup> Clearly arguments about progressive and cyclical assumptions are wrapped up within these debates, but these arguments are at one remove from the basic distinction outlined here. It is – for example – always possible to make a direct comparison between two historical contexts and claim that one would have been a preferable context for a certain type of life experience, but the idea that humanity – for example – is headed somewhere has a long pedigree in the social sciences, and in particular International Relations. Herbert Butterfield addresses the idea of progress directly, and claims that progress itself has its own history, originally dating from the beginning of the 18<sup>th</sup> Century,<sup>58</sup> but eventually sweeping all before it and subsuming other forms of knowledge, such that ‘even the people engaged in the natural sciences began to envisage the universe historically’.<sup>59</sup> So the emergence of scientific approaches to IR can in no way be treated as if it is an entirely ahistorical development, but instead is bound up within the same tendency to ‘envisage the universe historically’, despite the criticism that scientific methods are themselves ahistorical, or de-historicised accounts.

Michael Oakeshott further clarifies the debate by dismissing the idea of progress or teleology as mere prophecy – as acknowledged by St Augustine.<sup>60</sup> He distinguishes

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<sup>56</sup> A paraphrase of Marx’s flippant reduction of Hegel.

<sup>57</sup> For an excellent forum on the relationship between History and IR Theory, see *Millennium: Journal of International Studies*, Volume 37, Issue 2, for contributions from Edward Keene, John M. Hobson, George Lawson and Christian Reus-Smit.

<sup>58</sup> Herbert Butterfield, *The Origins of History*, (London: Eyre Methuen, 1981), p 214.

<sup>59</sup> *Ibid.*, p 215.

<sup>60</sup> Michael Oakeshott, *On History*, (Indianapolis: Liberty Fund, 1999), p 111.

between history told in respect of teleologically complete processes, 'like Spengler's "cultures" or Toynbee's "civilisations"',<sup>61</sup> and a genuine teleology, which he decries as 'absurd' and 'a self-contradiction'.<sup>62</sup> Nevertheless, he continually sees the implicit mask of teleology in words like 'dialectic', 'purposive' and 'progressive', which, in keeping with his broader views on the different modes of experience, cannot count as history, but are instead only to be understood as forms of 'practical' thought.<sup>63</sup>

In International Relations, Fukuyama provides the archetypal analysis of history in its progressive mode,<sup>64</sup> but there are many, many more. At a basic level, Marxist and Liberal approaches are inevitably progressive, whereas Realist accounts tend to distance themselves from intimations of progress and teleology. However, there is also an important sense in which IR is already bound up with what Butterfield identifies as 'envisag[ing] the universe historically'. As will be shown in the next chapter, the origins of IR are to be found in the general dislocation and despair that followed the First World War, and therefore IR has always been laced with the notion that it is a project or an endeavour directed at eliminating or reducing the scourge of war, which in turn has to be read as a progressive aspiration, in that it implies a direction. Nevertheless, there are degrees of commitment to the idea of progress in history, and it is a worthwhile distinction to make because its terms lie outside IR. As with the debate between ontologically and epistemologically framed responses to common questions, the extent to which history can be regarded as progressive is a problem that will find no resolution within IR, and therefore must be considered as an intellectual or 'prophetic' commitment to which one is attached prior to attempting to resolve the common questions of IR Theory.

## Conclusion

When reconsidering Schmitt and his associations, whatever view is taken on his conscious or unconscious choices, or on whether to indelibly associate Schmitt with the Nazis, another view is also possible. Considering this analysis as a whole, his association with the Nazi party is not terribly important in relation to interpreting Schmitt as engaged in Skinnerian theory-politics. It is through understanding Schmitt's

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<sup>61</sup> Ibid, p 112.

<sup>62</sup> Ibid, p 115.

<sup>63</sup> Oakeshott, *Experience and Its Modes*, p 250.

<sup>64</sup> Francis Fukuyama, *The End of History and the Last Man*, (New York: Free Press, 1992).

own exclusions, that it becomes possible to apprehend the full extent of his ‘lucid and paranoid’ reflections.<sup>65</sup> And where he sought to close down certain implications – such as what the new *nomos* might look like<sup>66</sup> – he essentially unfolded a map on which were many destinations, only some of which he chose to explore as he engaged in his own polemical theory-politics. The ‘surplus value’ in Schmitt that is being deployed today in pursuit of certain rhetorical shifts is an entirely different political project from the one he pursued, but it is nevertheless important to see this as just another kind of theory-politics that simply invokes Schmitt when attempting to legitimate particular kinds of rhetorical moves.

Schmitt therefore constitutes on the one hand, something of a reluctant revolutionary, a conservative figure who both foretold and chronicled the passing of the old world, but refused to speculate on the new, and on the other hand, a man explicitly engaged in tearing up the fabric of linguistic conventions that constituted the constraints of prevailing political discourse. Not merely a diagnostician, but an innovator. Palonen quotes Skinner when outlining that ‘Every revolutionary is to this extent obliged to march backwards into battle’ at least insofar as he has ‘to show that at least some of the terms which his ideological opponents use... can be applied to include and thus legitimate his own untoward behaviour’.<sup>67</sup> In this sense Schmitt can be seen as an archetypal Skinnerian revolutionary, marching backwards into battle, bending and twisting the linguistic associations that formed his normative conceptual and linguistic context in order to legitimate a very different approach to politics. The fact that he is widely perceived as a conservative figure, perhaps illustrates the degree of success he had with his rhetorical moves, and the paradoxical extent to which he remains so interesting to altogether more radical theorists. But it also explores the extent to which he was prepared to accept certain elements of the ‘surplus meaning’ inherent in his texts. That he went on to theorise *Großraum* as a possible way of living in the absence of the old *nomos* demonstrates the limitations of his own imagination in respect of the relationship between territory and the political.<sup>68</sup> But the manner in which he returned to

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<sup>65</sup> Derrida, *Politics of Friendship*, p 107, footnote 4.

<sup>66</sup> Schmitt, *Nomos*, p 39.

<sup>67</sup> Palonen, *Skinner*, p 53.

<sup>68</sup> Rob Walker clearly outlines the alternative that Schmitt never reached for, that the dangers of de-territorializing politics do not necessarily imply that they must be re-territorialized, something Schmitt – and indeed many of his contemporary interpreters, not least of which are Chantal Mouffe and Louiza

the question repeatedly and displayed a strong desire to declare such speculation ‘off limits’<sup>69</sup> in spite of the obvious implications in his theory-politics is also revealing.

The first section of this thesis concentrated on providing a rich picture of Schmitt as a theorist of International Relations. This chapter has established an approach to Schmitt as particular kind of political actor and theory politician. The rest of this section will follow this broad outline to offer a Schmittian critique of each of the main traditions within IR theory, each examined on a background where the key distinctions are made between the ontological or epistemological framing that predominates within each tradition, along with the general attitude towards history as either progressive or static. In this way, a meta-theoretical account of IR theory emerges where the different traditions are portrayed as a range of different philosophically and historically inflected reservoirs of theory-political responses to an underlying set of common questions. However, what should be becoming clear is the extent to which Schmitt’s underlying curiosity towards the multilayered questions of collective identity, legitimate violence and durable normative frameworks of order, represents a remarkably concise framing of the central preoccupations that unite IR theory more generally, regardless of methodological differences. Thus the value of Schmitt for IR theory today could not be more clearly posed than this concluding quote in a review article by Andrew Norris;

if one moves beyond judging Schmitt to asking how one can use him ... perhaps the best way one might do so [is] as a model of a political thinker attempting to understand the terms of the questions our time poses to us.<sup>70</sup>

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Odyseos – insisted upon. This can be found in his conclusion to Edkins, Pin-Fat and Shapiro (eds), *Sovereign Lives*.

<sup>69</sup> Schmitt, *Nomos*, p 39.

<sup>70</sup> Andrew Norris, ‘A Mine that Explodes Silently: Carl Schmitt in Weimar and After’ in *Political Theory*, Volume 33, Issue 6, 2005, p 897.

## Chapter 4 – Carl Schmitt's Critique of Liberalism

*If we don't end war, war will end us*

John Cabal in H.G. Wells' *Things to come*

### Introduction

Carl Schmitt is perhaps best known for his trenchant critique of 'liberalism'. It surfaces in a variety of guises and has been a consistent feature of responses to his work since the 1920's. Some thinkers have sought to refute his critique and reassert the value of liberalism, and this often takes a pejorative tone towards Schmitt and his seemingly Hobbesian formulations.<sup>1</sup> But it is rarely acknowledged that he responded carefully to similar critiques in his own time and in a way that remains difficult to rebut.<sup>2</sup> Furthermore, the use of his critique of liberalism today often involves the invocation of a few pithy comments rather than a substantive and careful analysis of the context in which he was addressing the problem of liberalism, or indeed the specificity of the liberalism he was critiquing, and least of all a studied analysis of the manner in which many so-called 'liberal' states have actually taken on board a crucial measure of Schmitt's prescriptions for the failings of the Weimar liberalism he encountered.<sup>3</sup>

Some other present day thinkers take on board his criticism with minimal qualification, using it as a point of departure from which to attack contemporary trends in global politics, particularly the 'End of History' thesis and variations on the universalism implicit within prevailing liberal political discourses concerning 'human rights' and indeed the 'war on terror'.<sup>4</sup> But both of these responses to Schmitt's critique pay little attention to the object of his concerns, and they both rely on a fairly coherent and comprehensible formulation of liberalism without always making it explicit in their analysis. In setting up liberalism in the way they have, they partly avoid the force of Schmitt's criticism, and instead defend a political system that was unlike the object of Schmitt's concern – in that many liberal states hold in reserve extensive emergency

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<sup>1</sup> Chris Brown, for example, treats Schmitt respectfully, but suggests that he offers a 'devil's bargain', or a choice between a limited amount of arbitrary war between legitimate actors, or a perpetual war for a perfect society in 'From humanized war to humanitarian intervention: Carl Schmitt's critique of the Just War tradition', in Odysseos and Petito (eds.) *The International Political Thought of Carl Schmitt*.

<sup>2</sup> Carl Schmitt, *The Crisis of Parliamentary Democracy*, preface to the Second Edition p 1-17.

<sup>3</sup> Even the most liberal modern states have fairly extensive recourse to 'emergency powers', as has certainly become obvious in the last few years.

<sup>4</sup> Theorists such as Chantal Mouffe, William Rasch and Louiza Odysseos etc.

powers of the sort that Schmitt advocated, and have found occasion to use them.<sup>5</sup> Therefore this chapter starts with an attempt to summarise Schmitt's thinking on liberalism, clearing away many of the rather detailed and selective positions concerning his pronouncements on sovereignty and suspicion of parliamentarianism and instead tries to organise his thinking according to his existential communitarian disposition.

Following this, I argue that Schmitt's attitude towards liberalism can be reduced to a generalised hostility to what could be termed 'the discourse of humanity' which forms an actuating strand of the form of the universalised liberalism that he was confronted with in post WWI Germany. What becomes clear is that many facets of what is often understood as liberalism held no real terrors for Schmitt, but when it became invested with a universalising ethos and came to represent a political ideology rooted in the equality of man, not merely as citizen of an established *polis*, but instead 'all Mankind', this is when it becomes possible to see the continuity of Schmitt's counter-enlightenment thinking as it inhabits the smallest of his constitutional propositions and the grandest of his historical constructs, and it becomes possible to see his mistrust of liberalism more properly described as anti-humanism, *avant la lettre*.<sup>6</sup>

The chapter then goes on to discuss the emergence of enlightenment humanism and two distinct ideational responses to it that can be described on the one hand as pseudo-scientific racism, and on the other by the search for autochtheneity (the claim of original inhabitation of particular territory). It is argued that these two discourses emerged in the different spatial domains of Europe and non-Europe – a classic Schmittian motif – and that this assists with understanding the evolution and demise of what Schmitt theorised as *The Nomos of the Earth*. Finally, this chapter concludes its Schmittian critique of liberalism by clarifying his hostility to liberalism in terms of the underlying commitment to universal justice and equality that informs much of the liberal tradition within IR, rather than the more economic or trade focussed liberalism that with which it is often discursively confused.

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<sup>5</sup> Any number of examples can be drawn from recent history, but just to choose a pair of notable moments, President Bush's proclamation 7463 of Sept 14<sup>th</sup> 2001, and more historically, Pierre Trudeau's invocation of the War Measures Act in Canada during the FLQ crisis in the 1970s.

<sup>6</sup> This is made abundantly clear in Schmitt's Preface to the Second Edition of *The Crisis of Parliamentary Democracy*.

## What did Schmitt mean by liberalism?

Many texts have read Schmitt's critique of liberalism in different ways. McCormick deals with the relationship between liberalism and technology, addressing Schmitt's relationship to the latter and articulating a defence of post Cold War liberalism that defies what McCormick characterises as 'Politics as Technology'.<sup>7</sup> Renato Cristi on the other hand makes the case that Schmitt formulates a political framework largely consistent with a state focussed free market structure that bears comparison with an Adam Smithian neo-liberal model.<sup>8</sup> However, it is possible to broadly summarise the key elements of Schmitt's critique of liberalism thus; first of all, a mistrust of parliamentary democracy;<sup>9</sup> secondly, criticism of the presentation of the state as a neutral sphere of arbitration between all the possible political interests that exist within it;<sup>10</sup> thirdly, the establishment of a universal terrain of political activity in which humanity and its correlate – the individual – are privileged over and above any particular community;<sup>11</sup> and lastly, the introduction of the discriminatory concept of war, or the idea that war was generally a crime, and should only happen under specific conditions, thus establishing external norms by which to judge the actions of existentially self-asserting communities.<sup>12</sup>

The first two points are addressed most specifically by his Weimar texts on decisionism and *The Concept of the Political*. They are mostly internally directed critiques of the weakness of the Weimar republic in the face of the twin threats of Bolshevism and Nazism. The latter two can also be found in *The Concept of the Political*, but are more directly invoked and elaborated by his later text *The Nomos of the Earth*. All of his thinking is informed by his attitude towards the existence of self-affirming political communities as the source of 'the political'. Therefore the repudiation of a universal sphere of legitimation by which the actions of self asserting political collectives underpins everything else he outlines in all of his texts. He is often characterised as against democracy or against law,<sup>13</sup> but both of these positions neglect much of what he

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<sup>7</sup> John P. McCormick, *Carl Schmitt's Critique of Liberalism: Against Politics as Technology* (Cambridge: CUP, 1997).

<sup>8</sup> Renato Cristi, *Carl Schmitt and Authoritarian Liberalism*, (Cardiff: University of Wales Press, 1997).

<sup>9</sup> Schmitt, *The Crisis of Parliamentary Democracy*.

<sup>10</sup> *Ibid.*, and Schmitt, *Legality and Legitimacy*.

<sup>11</sup> Schmitt, *The Concept of the Political*.

<sup>12</sup> *Ibid.*, and Schmitt, *Nomos*.

<sup>13</sup> Scheuerman, *Carl Schmitt: The End of Law*.

wrote. He was not against the rule of law *per se*, merely suspicious of certain attitudes concerning the source of law and the presentation of law as our best guess and approximation of some underlying universal laws, in other words, he was against natural law, and Kelsenian positivism. Although Schmitt asserted – with Hobbes – that laws were man-made rather than divine in origin, contemporary legal positivists like Hans Kelsen stressed the importance of coherent constitutional frameworks, while believing them to be ultimately based on norms that are external to the constitutions themselves, and that all human laws need to be comprehended in ‘one system of norms’.<sup>14</sup> Schmitt was most emphatically a political thinker who rooted law in a necessary and primordial political wager concerning the identification of friend and enemy. Legal positivists must accept the law as they find it and not inquire into its source, whereas for Schmitt, the source was everything. He was also not against democracy *per se*, outlining a kind of populist bonapartism as the most effective way of ensuring a direct relationship between the people and the ruler, bypassing what he thought were the corrupt practices of interest protection, the hobbling indecision, and the political fakery of parliamentary and representative systems.<sup>15</sup>

It is perfectly possible to think of liberalism as a relatively benign system of law bound government, respect for private property, and participation in the law making process, and Schmitt can easily be reconciled with this. Indeed, Balakrishnan draws a distinction between Schmitt’s views on the ‘classical liberalism’ of Constant, Guizot and Mill, and his contempt for the prevailing ideas of legal positivism and pluralism.<sup>16</sup> But when liberalism enters the more theoretical terrain of making universal claims concerning the rights of man, this is where Schmitt and liberalism part company. Therefore it is fair to ask whether liberalism has always been understood in this way, and if not, when liberalism became indelibly associated with this kind of universalist ethos? And furthermore, if there is not something that is associated with liberalism that might be a more appropriate and simpler foil to draw out in order to illuminate more clearly the real target of Schmitt’s critique. If a distinction can be made between a ‘classical’ liberalism concerned with the rights of the individual in respect of the state, property, accountability in legislation etc. and a more contemporary universalist form of political

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<sup>14</sup> Kelsen, ‘The Pure Theory of Law’, p 50.

<sup>15</sup> Schmitt, *The Crisis of Parliamentary Democracy*.

<sup>16</sup> Balakrishnan, *The Enemy*, p 68.

ideology based on individual rights and the assumption of a universal human community, then it becomes possible to isolate some more specific and precise component of contemporary liberalism that underpinned Schmitt's critique.

This chapter proceeds on the basis that the real target of Schmitt's criticism was not the complex set of political practices that comprise what is generally understood as liberalism, but instead a deeper discourse that has fully invested contemporary liberalism, even though it remains distinct. That discourse can be understood as humanism, and is spoken of in terms of claims made about 'humanity', in which the enlightenment universalism that displaced the unknowable mystery of God with the entirely knowable and rationally decipherable Mankind as the object of scholarly inquiry, and which was then subsumed by the notion of 'progress' as outlined in Chapter 3.<sup>17</sup> It is this mistrust of the humanism, or the 'discourse of humanity' that liberals find most troubling in Schmitt, not his ambivalent relationship with particular forms of democracy or his attitude towards free speech.<sup>18</sup> For in endorsing Proudhon's claim that 'whoever invokes humanity, wants to cheat,'<sup>19</sup> he is attacking the foundations of a whole host of further assumptions concerning international law and, more generally, the norms that inspire the entire project of International Relations – a discipline rooted in the humanist tradition.

### **Schmitt's Critique of Humanity**

Schmitt's early career concentrated on the political experience of the Weimar republic and its problems. The texts he wrote in this period made his reputation as a sophisticated and clear-sighted interlocutor, and also constituted his earliest attempts to address problems that concerned him throughout his career. His open identification with the principles of Catholicism, his political theology, and his work on sovereignty carve out a clear anti-liberal disposition. However, as has been pointed out, he was not against democracy, and he was a strong advocate of the rule of law as opposed to the arbitrary power of the sovereign. Of course, he did separate constitutional power into two forms, *pouvoir constituant* and *pouvoir constitué* – following Abbé Sieyès<sup>20</sup> – which meant

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<sup>17</sup> Butterfield, *The Origins of History*, p 214.

<sup>18</sup> Sergei Prozerov orbits this basic insight in 'Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism', in *Millennium: Journal of International Studies*, Volume 35, Issue 1, 2006.

<sup>19</sup> Schmitt, *Concept of the Political*, p 54.

<sup>20</sup> Scheuerman, *Carl Schmitt: The End of Law*, p 69.

that he was opposed to the judgement of any particular political order – based on the friend / enemy distinction – in terms of norms or standards that originate outside or prior to the prevailing and determining friend / enemy articulation – but also against arbitrary power, demanding that emergency powers be used solely to preserve the norm, not as general conditions of rule. This is a fairly standard communitarian position; that there is no system of universal norms that can exist over and above the level of particular political communities, but in terms of his opposition to liberalism specifically, he was not predisposed against liberal measures insofar as they existed *within* political communities. He even went so far as to concede the utility and preferable nature of many liberal ideas, going on only to question the universal principles upon which they were founded.<sup>21</sup> His critique of liberalism in the Weimar years concentrated on the tensions inherent in a parliamentary system and its distinctness from direct democracy.

Furthermore, in his response to Richard Thoma,<sup>22</sup> Schmitt locates this underlying tension between ‘liberal individualism’ and democracy as a historical trend that will remain long after ‘Bolshevism is suppressed and fascism held at bay’, for it is an important communitarian position that liberal individualism is – in the last instance – incommensurable with democracy, which – for Schmitt – rests upon a specific notion of a community forged in the exclusive mechanism of the friend / enemy distinction.<sup>23</sup> So, in keeping with my intention to treat Schmitt’s work as a totality rather than a series of distinct phases, one can see that the same mistrust of ‘humanity’ that is exhibited most clearly in his later work, is just as evident in his earlier work, simply phrased differently. His use of the term ‘individualistic-humanitarian ethos’,<sup>24</sup> betrays his characteristic hostility to the notion of man as a singular representative of Mankind, the universal community – an individual appealing to a system of norms that treats him as an individual outside of a specific political community – whereas for Schmitt, norms are produced in the prevailing friend / enemy distinction which in turn produces the individual situated within a political community.

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<sup>21</sup> Schmitt, *The Crisis of Parliamentary Democracy*, p 3.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, p 17. This strand of Schmitt has been extensively developed by Chantal Mouffe.

<sup>24</sup> *Ibid.*, p 13.

To sum up, Schmitt quoted favourably liberal theorists such as Bentham, Mill, Guizot, Constant et. al., because they were largely not writing about the universal community, but instead principles of effective and rational government.<sup>25</sup> This is not to say that a humanistic and universalistic spirit is absent from their work, but if it is there, it is *sotto voce* compared with the prevailing liberal discourse of Schmitt's time. He had a relatively ambivalent relationship to 'classical liberalism', reserving his venom for the universalising form of liberalism to be found in the aftermath of the First World War. Furthermore, this kind of liberalism should be understood as a 'liberalism of rights' rather than an 'economic liberalism'. This is very long standing and easily recognisable distinction within liberalism,<sup>26</sup> but for the purpose of this thesis Michael Sandel's discussion of 'deontological liberalism' captures it very well,<sup>27</sup> although this requires further elaboration.

## **Liberalism in IR**

If a distinction is made between classical liberalism and a more contemporary universalist variation embedded within the discourse of humanity – suggesting that Schmitt was much more hostile to the latter – then the manner in which liberalism is expressed within IR, as the tradition of Liberalism – with its focus on interdependence, the diminished importance of the state, the prioritisation of the individual and an understanding of 'human rights' – is a fairly clear distillation of all the things that exercised Schmitt about liberalism more generally. Therefore a much more focussed understanding of Schmitt's relationship to liberalism as it presents itself in IR emerges by focusing on the element of contemporary liberalism that distinguishes it from classical liberalism – a progressive humanism, or the idea that humanity is the privileged political community, and each individual, a representative thereof.

When liberalism is invoked in IR, it is much more commonly thought to relate to a 'liberalism of rights', as opposed to 'economic liberalism' which usually lines up more closely with 'Systems theory' and the sort of liberalism found in International Political

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<sup>25</sup> Although he refers to these theorists as 'antiquated', *Ibid.*, p 7.

<sup>26</sup> R.D. Mckinlay and Richard Little make a similar distinction between 'pure' and 'compensatory' liberalism, but the point is much the same, in *Global Problems and World Order*, (London: Frances Pinter, 1986).

<sup>27</sup> Michael Sandel, *Liberalism and the Limits of Justice*, (Cambridge: Cambridge University Press, 1998), p 7-9.

Economy. Cristi and Scheuerman have both written on the connections between Schmitt and authoritarian liberals like Hayek and the wider Austrian School,<sup>28</sup> but the important distinction is that for both of these writers, it is the connection between Schmitt's authoritarian politics and domestic economic liberalism which is paramount. Schmitt certainly wouldn't have advocated 'global economic liberalism', for exactly the reasons spelled out in *The Concept of the Political* and his other texts – that it would be a mere mask for the universalising dynamics of the liberal powers, but he would have had little objection to Cristi or Scheuerman's interpretation of his work.

The liberal tradition in IR is much more strongly associated with arguments about human rights and draws its inspiration from Kant and Mill, rather than Smith or Hayek. This rights based liberalism can be seen very clearly in the spirit of the Treaty of Versailles and the Wilsonian ethos to which Schmitt was opposed from the earliest point in his career. However, if we follow the logic of this thesis to interpret the liberal tradition in International Relations as an evolving source of Skinnerian 'theory-political' interventions into ongoing debates about underlying questions of order, collective identity, legitimate violence, then where does these leave liberalism and Carl Schmitt? Furthermore, how can Schmitt's opposition to liberalism be understood in respect of the irresolvable divisions that drive the productive tensions of IR theorising?

Sandel's discussion of 'deontological liberalism' is useful, for it firmly situates liberalism on the side of those more interested in the epistemological framing of the human subject, rather than its ontological assertion, and despite the rationalist and positivist disposition of many liberal theorists, their wider preoccupations invariably invoke highly normative characterisations of justice and the possibility of conceptualising change, or naïve idealism. Furthermore, the other division – concerning whether history is generally viewed as progressive or static – is fairly clearly resolved by the assumption of historical progress for liberal theorists. These themes will be taken up in more detail in Chapter 8, but are set out here in order to act as an implicit guide to the following exploration of Schmitt's critique of liberal humanism.

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<sup>28</sup> Scheuerman, *Carl Schmitt: The End of Law*, and Renato Cristi, *Carl Schmitt and Authoritarian Liberalism*.

## Humanity

The next part of the chapter makes an identification between liberalism and humanism in order to explore the idea of humanity insofar as it emerged historically. This is then set against Schmitt's account of the destruction of the European *nomos* of the *jus publicum Europaeum (JPE)*, a key Schmittian narrative. Schmitt theorised the *JPE* as a truly spatial world order founded on the political distinction between Europe and non-Europe. He went on to explain the eventual collapse of this world order, or *nomos*, as a result of the development of a 'discriminatory concept of warfare' and the triumph of the twin universalist ideologies of liberalism and communism that emerged from the wreckage of the First World War. The chapter will go on to make a close historical identification with these developments, and the emergence of the idea of humanity as a political community, in order to describe 'humanity' as a necessary function of the same revolution of the European imagination that produced Westphalia and the *JPE* (following Schmitt's account). This will allow the contextualisation of Schmitt's elegiac nostalgia for the *JPE* as an inevitable nostalgia on its own terms, and his critique of liberalism as framed by these historically situated theoretical developments.

## Space and the Political

For Schmitt, the historical epoch of European modernity was triggered by the discovery of the Americas, or at least this event was itself emblematic of a broader aesthetic transformation, that of the vertical to the horizontal. Europe at this time was a fine patchwork of competing and overlapping loyalties, in which cities and regions swore loyalty to different crowns almost irrespective of any territorial understanding. Furthermore, everyone was involved at some level in the negotiation between spiritual and temporal authority. They owed obedience to their overlords, but their souls only to God. This entire multi-layered structure began to fall apart with the rise of the nation states and the concentration of temporal authority, ultimately resulting – according to the familiar narrative – in the Treaty of Westphalia and the Westphalian state system.

However, following Schmitt's account, this change was made possible first in the imagination. When Columbus discovered the Americas, the world, quite simply,

changed.<sup>29</sup> As the globe appeared in the European imagination, the actualities of Heaven and Hell lost their locations above and below to become despatialised metaphors, and perhaps even more important, the world itself became finite. It was still vast and unexplored, but there was now only so much of it to go around. As the globe was measured and mapped, another transformation occurred in that the open sea took on actual dimensions, as opposed to simply being an alien and hostile environment. It became a highway, a trade route, and a challenge. A spatial domain susceptible to mastery and control.<sup>30</sup>

The political effects of this transformation were to strengthen the relationship between territory and the political. The friend / enemy distinction, which for Schmitt is the *differentia specifica* of 'the political' became ineluctably associated with a territorial expression rather than the more diffuse set of loyalties and identifications that had characterised mediaeval Europe. And this territorial expression took on the character of the modern state. Schmitt looks to Bodin and Hobbes for the final theoretical flourishes, but the Treaty of Westphalia takes pride of place in this narrative, not as *constitutive of* the modern international system, but as *produced by* this aesthetic transformation of the Earth properly emerging as a finite sphere floating in the heavenly void. The keystone, as opposed to the cornerstone, in the architecture of political modernity.

In *The Nomos of the Earth*, Schmitt draws up an important set of theoretical postulations. Firstly, that although European states related to each other in a hostile configuration, the greater 'political' distinction that allowed for the development of formal states of war, peace and neutrality, in the affairs of states, was the distinction between Europe and non-Europe. This permitted the emergence of the concept of 'bracketed' war, whereby wars were fought according to a strict set of rules. However, these wars were European wars, and the condition of their possibility was the spatial domain outside of Europe, which was a force-field of absolute conflict. Europe was therefore a spatial zone in which peace was possible through the construction of an international society, whose first and unstated assumption was a set of territorial limits.

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<sup>29</sup> There remains some doubt on the extent to which people really believed the Earth to be actually flat, see Christine Garwood, *Flat Earth: The History of an Infamous Idea*, (London: Pan Books, 2008). The age of discovery may be understood as a series of voyages to map out the unknown world, but it was first and foremost a change in orientation in the thinking of Europeans.

<sup>30</sup> Schmitt's fascinating little book: *Land and Sea* – ostensibly dedicated to his daughter and written as a children's history – explains this ideational transformation in some detail.

From this point on, until 1917 (apart from the interregal episode of the Revolutionary and Napoleonic wars) wars in Europe were not truly political wars, according to Schmitt. Following this, it is relatively easy to describe Schmitt as an ‘anti-Realist’ within the context of IR, for inter-state conflict was itself a second order phenomenon within the broader structure of European imperial expansion.

One crucially important insight worth restating here, is to understand how Schmitt reinterprets the word *nomos* away from its common usage as describing ‘laws’ and instead privileges a prior *appropriation* without which its meaning is never fully understood. This is how he attempts to shift the way in which international order is theorised, in order to consider its origins in an original – and historically situated – appropriation. The crucial insight, more specifically, is that after the discovery of the Americas, a series of theological, ethical, legal and philosophical exchanges took place as a *response* to the problem presented by the altered conception of the world and Europe’s place in it, and in order to create a juridical and ideational frame for Europe’s appropriation of the New World. Out of these debates emerged a conceptualisation of Europe as a separate and privileged spatial domain from non-Europe. Furthermore, that the rest of the planet outside Europe was determined to be essentially ‘free space’. In other words, it was legally classified, and in this legal classification, it was also legally appropriated. The Treaty of Tordesillas in 1494 commenced this process by carving up the entire extra European world between Spain and Portugal, ratified by papal authority, but this would not go unchallenged for long.<sup>31</sup> Other European states immediately began to chip away at this authority, but in the process, formalised the existence of a zone of relative peace in Europe where wars were governed by rules distinct from the extra European sphere. Therefore, according to this Schmittian logic, the next four hundred years of imperial expansion and conquest were merely the *de facto* consequences of a prior *de jure* appropriation. In other words again, the conquest and appropriation of the entire globe by European powers took place in the 15<sup>th</sup> and early part of the 16<sup>th</sup> Century, and the whole following story of European exploration, trade, domination and eventual conquest encompassing almost the entire globe, was a story whose plotlines were already written. Schmitt’s theory of *nomos* is to some extent

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<sup>31</sup> Schmitt, *Nomos*, p 89.

comparable with Edward Said's theory of 'Orientalism'<sup>32</sup> in that they are both elaborate ideational frameworks in which relationships with the non-European world were constructed and determined by an exclusive European sense of difference, and indeed superiority; for Said this superiority was framed culturally, for Schmitt it was expressed legally.

The spatial appropriation of the globe by Europe was a consequence of being able to apprehend the entire globe as a finite sphere, to calculate its dimensions, and then to fill in the blank spaces on the map and claim them for exclusive trade and imperial expansion against other European powers. This hierarchical world order is the substantial normative content of the international society of the *jus publicum Europaeum*. Greater material power than the inhabitants of these distant realms was not the most important question,<sup>33</sup> for the defence of these territorial claims needed only to be made against other European powers, any local opposition could last for years without any threat whatever to the broader European claim of supremacy. The only fear a European power could have, was from other European powers. Local armies were often annihilated by greater technology, but running an empire was not about maintaining police control and responsible government of a population, but about defending certain commercial interests from other European powers. The actual question of the human populations of the colonies became important only later in the story of imperialism, but ultimately stems from the same impulse that led to the legal appropriation of the entire globe by Europe – that of finitude – for if it was politically significant to understand the globe as a finite space, it was infinitely more important in the long run to apprehend Mankind itself as finite in number. And this is where Schmitt's analysis becomes interesting for what he says about humanity, but also for what he does not say.

### **Humanity as a non-spatial discourse**

Apprehending the biological totality of mankind was a rather more complicated affair than that of its spatial limits. Space, territory, land were concepts that were familiar to

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<sup>32</sup> Edward W. Said, *Orientalism*, (London: Penguin, 2003).

<sup>33</sup> Schmitt, *Land and Sea*, p 40.

Europeans at the time of the discovery of the Americas.<sup>34</sup> However, humanity was a far more slippery set of ideas, depending as it did on a set of scientific rationalistic discourses concerning what we now understand as the planetary ecosystem. At the time of the discovery or conquest of the Americas, it was widely believed that there were all sorts of partially human creatures in existence.<sup>35</sup> The discussions concerning these newly discovered ‘peoples’ revolved around whether they were ‘Christian’ or potentially so, not whether they were ‘human’.<sup>36</sup> It was also widely believed that people in other parts of the globe actually intermingled reproductively with animals. In other words, later biological theories concerning the origins of mankind as a particular – and to a large extent unified – species, simply did not exist.

However, as the process of exploration and rational examination of the flora and fauna of the planet progressed, the idea of ‘humanity’ as a distinct kind of animal began slowly to emerge. There are a number of texts that date this emergence to the 18<sup>th</sup> century and implicate such figures as Gustav Linnaeus.<sup>37</sup> Importantly though, this emergence of the human animal was accompanied by much thinking on the concept of race, or the breaking down of humanity into different types, even a hierarchy.<sup>38</sup> This pseudo-scientific taxonomy of man as a number of different racial types has several origins, but in retrospect can clearly be seen as part of an attempt to find an intellectual formula that explained and protected the idea of political communities based on kinship. This is contrasted with the effort of naturalists to find commonalities among other species in order to develop a proper and accurate table of relationships. In the case of human beings, assumptions of considerable differences, both in physical and mental capabilities on the one hand, and moral qualities on the other appear alongside the idea that mankind was a single entity. This chapter has no space to describe this process in any depth, but Foucault’s description of man as an ‘empirico transcendental doublet’ is

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<sup>34</sup> There are a large number of stories concerning North American Indians having no such understanding of land as property, and simply being unable to conceive of what it was to codify land as legally owned by anyone, hence the apocryphal story of exchanging Manhattan Island for glass beads.

<sup>35</sup> Kenan Malik, *The Meaning of Race: Race, History and Culture in Western Society*, (Basingstoke: Palgrave, 1996).

<sup>36</sup> Francisco de Vittoria, ‘On The American Indians’, in Anthony Pagden and Jeremy Lawrance (eds), *Political Writings*, (Cambridge: Cambridge University Press, 1991), p 231.

<sup>37</sup> Malik, *The Meaning of Race*, p 35.

<sup>38</sup> A couple of linguistic remnants of this discourse is the description applied to children born with Down’s syndrome, who were traditionally referred to as ‘Mongol’ or ‘mongoloid’ children. This was because the condition was assumed to be the appearance of recessive genetic characteristics of an earlier and less developed ‘type’ of human. The traditional hierarchy went from Negroid, through Mongoloid to Caucasoid, being the most developed.

useful, for it suggests that mankind is both a fact of nature and a set of ideas that condition the interpretation of the fact, and that the two cannot be completely disaggregated.<sup>39</sup> When looking at how Mankind as a single species emerged into the intellectual world, there is no difficulty in seeing how general preconceptions that white Europeans were somehow superior than other ‘types’ or ‘races’ of human must necessarily have conditioned how humanity came to be understood as a whole, certainly among Europeans in any case.

Returning momentarily to Schmitt, when he considers the breakdown of the old *nomos*, he points to a specific set of events, such as the recognition of the neutrality of the Belgian Congo, and the development of the concept of discriminatory war,<sup>40</sup> that lead to the collapse of the old spatial distinctions. However, the two underlying developments he is really pointing to are more discrete than this.

Although the recognition of the neutrality of the Belgian Congo is for Schmitt problematic because it extrudes the spatial possibility of neutrality into the extra-European space (where, by Schmittian definition, there can be no neutrality), it also parallels – in time – the historical end of imperial expansion. The scramble for Africa, was essentially over as there was not much space left to scramble for.<sup>41</sup> It is no coincidence that much discussion of German imperial ambitions at the time concerned their desire to ‘secure a place in the sun’, which would inevitably involve some other European power giving up some or all of their colonies. The First World War aims of the German imperial general staff, (*Mitteleuropa*, *Mittelasia*, and *Mittelafrica*)<sup>42</sup> were explicit challenges to other European powers, particularly Britain and Portugal and are talked of even today in terms of upsetting the ‘balance of power’. So even at the time, it was recognised that there was little if any ‘free space’ left for imperial expansion. This puts an interesting spin on the development of Schmitt’s ideas, which appear strikingly

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<sup>39</sup> Michel Foucault, *The Order of Things*, (Abingdon: Routledge, 1989 [1966]), p 347.

<sup>40</sup> Schmitt, *Nomos*, p 217-237.

<sup>41</sup> In some ways, the implications of Schmitt’s reading of European Imperialism reflect Lenin’s reading of the end of European imperial expansion provoking the commencement of a European war, although Schmitt is not critical of empire in the way that Lenin was. The difference is important in that Lenin’s critique was materialist and depended upon the completed partition of the non-European world by the capitalist powers, whereas for Schmitt, it was the extrusion of humanitarian principles into the extra-European sphere that closed off the possibility of legitimate contests of strength outside Europe and therefore resulted in an absolute (i.e. not bracketed) European War, a firmly ideational reading. Lenin, *Imperialism*.

<sup>42</sup> Fischer, *Germany’s Aims in the First World War*, p 21.

convenient for a German thinker in the aftermath of the First World War, legitimating a pre-war extra-European test of strength for the new German Empire as a way of deflecting retrospective blame for commencing an 'aggressive war'.<sup>43</sup>

The second discrete change behind the emergence of a discriminatory concept of war was the overwhelming of a predominantly spatial political discourse concerning particular political communities (states and empires at that time) by a more humanist discourse concerning the primacy and innate rights of the individual – the discourse of 'humanity'. This was also a feature of an older European idea that was behind the 'bracketing of war' in Europe. Armies – not populations – fought wars in Europe and non-combatants had rights as good Christians. A fact not widely known was that until the latter part of the 18<sup>th</sup> Century, musketeers were not supposed to aim their weapons except by pointing them forwards in line with their position and parallel to their neighbours. To aim your weapon at a particular enemy combatant was akin to murder (a mortal sin). All this inevitably changed of course with the development of rifling technology etc., but this should not obscure the fact that there was a serious moral component to even the low level practice of warfare in Europe. However, outside of Europe, Europeans did extraordinarily vicious things to one another. Schmitt talks explicitly about Franco Spanish competition in Florida<sup>44</sup> as emblematic of the kind of genocidal ferocity of extra-European competition between Europeans. He makes the claim that the only bestiality Europeans did not visit upon each other outside the European zone of bracketed war, was cannibalism.<sup>45</sup>

This whole spatial system contained in *Nomos* is both elaborate and seductive, but the manner in which it forms a retrospective legitimation of 19<sup>th</sup> Century German imperial strategy is striking, if not entirely successful. Germany did after all want to assert hegemonic control of *Mitteleuropa*<sup>46</sup>, although arguably by means of traditional, rule bound, bracketed war. However, the old *nomos* of the spatial discourse of the *JPE* was undermined, not simply because of the development of the discriminatory concept of warfare, but also because of a lack of any meaningful free space in which the Europe / non-Europe distinction could be meaningfully expressed. Although Schmitt does talk in

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<sup>43</sup> The judgement of the liberal powers in the aftermath of WWI.

<sup>44</sup> Schmitt, *Land and Sea*, p 39.

<sup>45</sup> *Ibid.*, p 40.

<sup>46</sup> Fischer, *Germany's aims in the First World War*, p 21.

terms of the free space of extra-Europe being the free space for contests of strength to take place,<sup>47</sup> by the end of the 19<sup>th</sup> Century, Imperial powers were thinking far more seriously about the government of their empires, rather than simply their material exploitation. And this meant that Schmitt's notion of 'free space' was itself a dubious appellation for much of the extra-European world by the outbreak of the First World War. Furthermore, the discourse of 'humanity' that Schmitt opposed was made inevitable at the very same moment from which Schmitt dates the emergence of the finite planetary sphere. As soon as the concept of finitude is applied to the domain of space, it necessarily and ineluctably follows that this same finitude applies to the content of that space. Furthermore, as soon as one begins to measure and chart planet Earth in order to claim it, one inevitably commences the process of tabulating its contents.

What remains is a time lapse, in which a universalising spatial discourse raced ahead of a following universalising discourse concerning the inhabitants of that same space. The finite nature of available space was an obvious and immediate realisation of the discovery of the spherical nature of planet earth. The finite extent of humanity, was a rather more esoteric discovery, but was inevitably rooted in the same historical processes that brought about the discovery of the finite planet Earth – the realisation of spatial finitude. Therefore Schmitt's eloquent nostalgia for the truly spatial world order of the *JPE*, was an inevitable nostalgia, and perhaps even out of date long before the First World War arrived to destroy the last remnants of the spatial discourse that was the *JPE*.

One is left to conclude that by the same logic that the story of European imperialism was written in a series of discussions concerning the finite nature of Planet Earth, it follows that the story of world government is not simply one that is being negotiated now, but one that has already been written in discourses concerning the existence or emergence of 'humanity' – the 'empirico transcendental doublet' of Foucault<sup>48</sup> – the consequences of which are only now emerging. And this has interesting implications for the discipline of International Relations, at least insofar as Schmitt's thought can be read as an anti-humanist critique thereof – which in turn might explain why Schmitt has

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<sup>47</sup> Schmitt, *Nomos*.

<sup>48</sup> Foucault, *The Order of Things*, p 347.

become fashionable among those most critical of the 'closure' implicit in the idea of world government, or at least discourses that seem to entail it, if not state it explicitly.

Although, this chapter – to repeat – argues that Schmitt's identification of the aesthetic transformation of the European imagination consequent upon the discovery of the Americas in 1492, was incompletely theorised. If that moment when Columbus set eyes on Hispaniola really did trigger the transformation of the context of argumentation, and thereby contribute significantly to the European enlightenment, modernity and the *nomos* of the Westphalian state system, then that same moment also produced the humanist – and by extension liberal – nemesis of the great mechanism of spatial mediation produced by the welding of the spatial and the political in the Treaty of Westphalia – the discourse of humanity. Planet earth and humanity are both empirically finite, and the manner in which they are interpreted depends upon transcendental notions of their totality. European powers were always going to run out of space as an outlet for their competitive impulses, and even if they had not, European ideas concerning the equality of Mankind would eventually transcend the limits of Schmitt's conditions for European spatial domination. The questions that remain to be answered concern how this happened, and whether there were spatial differences in the emergence of – or responses to – the discourse of humanity.

### **Nationalism and Scientific Racism: Autochtheneity and Universality**

This chapter has so far attempted to elaborate the relationship between the discourse of 'humanity' and the spatial discourse of the old *nomos* that it undermined and succeeded. But a further explanation is necessary. For Schmitt, the new spatial order that emerged in the wake of the discovery of the Americas, was articulated on the basis of a friend / enemy distinction between Europe and non-Europe. Thus the discourse of humanity also had two theatres in which it could find expression, and so resistance to this emerging discourse would need also to find expression in a manner that was appropriate for the spatial context in which it took place. The spatial discourse of the *JPE* was a way of describing and relating to the whole world, but was exclusive to European powers. Equally the discourse of humanity arose out of the same perspective and was also European in origin. One can therefore divide the responses into one that was appropriate for the European context and one that applied to the European experience outside of Europe.

In Europe, 'humanity' found an extraordinarily potent expression in the rationalism and universalism of the French Revolution, and the response, in the shape of the nationalistic ethos that set the direction for European social and political developments throughout the 19<sup>th</sup> century can be seen as a critical ideational response to this universalistic ethos. The German romantic tradition had a strong association with homeland, place, landscape, and the whole Romantic Movement can be seen as a hymn to a slightly mystical connection between land, people and culture, which was deeply rooted in the German experience of invasion and conquest by Napoleon.

This development can be understood as a search for autochthoneity – the idea that a people are linked to specific territory as its original and inviolable inhabitants – and as such, with an unchallengeable claim to a particular area of land. Schmitt describes this as a *telluric* connection, in that it is 'of the soil'. Man, he asserts is a 'groundling',<sup>49</sup> and if the connection between the political and the spatial is challenged, then man reverts to pre-modern claims of ownership, and territory is legitimately controlled by those who are *of* it, rather than simply *from* it.<sup>50</sup> This quality of ownership and occupation is prior to any institutionalised form of social organisation that incorporates the territory, and is the appropriate way to look at a European response to the universalistic sentiments of revolutionary France. This argument brings into question the notion of autochtheneity as a 'particularist' sentiment, for it follows that in making the claim that 'we live here', a necessary pair of corollary assumptions is that 'everyone belongs somewhere', and that therefore by implication 'everywhere that is inhabited, belongs to someone'. Therefore even claims of autochtheneity and nationalism are principles that can be universalised, even if terms to judge their validity cannot, but nevertheless they are communitarian in spirit. Claims made on behalf of individual actors are difficult to reconcile with a worldview consistent with the exclusivity and separateness of different political communities, whether these communities are based on ties of blood or language or religion. Claims of autochthoneity can only be assessed subjectively or existentially, no matter their expression in terms of a generalisable category.

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<sup>49</sup> Schmitt, *Land and Sea*, p 1.

<sup>50</sup> Schmitt, *Theory of the Partisan*.

According to Schmitt, the legal notion of 'free space' was an exclusively extra-European category. What is important to note, though, is that Germans through the period of modernity were unambiguous members of the international society of the *JPE*. And their romantic reaction to the universalistic ideas of the French revolution was cast in terms of an identification made between those ideas and France, in other words a challenge to their universality. Germany was different and Germans were rooted in a different kind of relationship with their homeland. In any event France and French ideas could be externalised. French people lived in France, and only German theorists were capable of saying what was a truly German idea, therefore combating the ruthless rationalism of French discourse by simply rejecting it as 'out of place'. Furthermore, France and French people could be externalised *within* the international society of the *JPE*, and according to its rules. There was no need or interest in dehumanising the French, for they had a country in which to live their particular lives, a country which was recreated and reinstated as a full member of the *JPE* in the aftermath of the Napoleonic wars, and as part of the reconstruction of Europe. Principles of autochtheneity demanded that the French be permitted to live their French lives in France. In the aftermath of German unification, there were disagreements over the correct borders, but even these were informed by the sense that there was a Germany and there was a France, and therefore there was a notionally 'correct' border between them. There was no existential dilemma between French universalism and German romanticism after France and the French had agreed to remain within certain borders.

On the other hand, the extra-European response to the discourse of humanity was quite different. For Europeans in Europe, people of a different race were simply understood as 'from elsewhere', their colouring or different habits serving as identifiers for otherness, but nevertheless a secondary characteristic than their being simply 'from elsewhere', rooted in some other place. Different people had somewhere they belonged and so could be treated as fellow members of humanity, just dislocated members.

For Europeans outside of Europe – most specifically in the New World – racial characteristics took priority over origins insofar as everyone was ultimately 'from elsewhere' except the indigenous inhabitants. In this way, race was always a problem that was external to Europe, whereas it was very much internal to settler societies, particularly ones whose economies were founded upon slavery, but also in terms of the

settler's treatment of indigenous inhabitants.<sup>51</sup> For Schmitt, clearly autochthoneity took priority over race as a discourse of legitimation.<sup>52</sup> One only needs to think of Kipling's poem 'White man's burden' and Theodore Roosevelt's praise for the appropriation of the Americas and Siberia for 'the white race', to see the very different conceptualisations of more imperially minded thinkers. Schmitt rarely talks of race, yet eulogises autochthoneity.

The French Revolution was a European exercise in rational state formation along universalistic lines, but there are one or two well known flies in the conceptual ointment. The attempted re-conquest of San Domingo in 1802 (modern day Haiti) following a slave revolt that openly deployed the rhetoric of the universal rights of Man, providing ample evidence of the conditionality of those rights.<sup>53</sup> The drive towards rationalism in European politics took muted forms and emerged slowly in repeated revolutions throughout the 19<sup>th</sup> Century. Only in the so-called 'new world' were there sustained attempts at rational state formation, which Anderson identifies as prefiguring modern nationalism.<sup>54</sup> However, Anderson's attempt to theorise nationalism was precipitated by the failure of rationalist Marxism to overcome the *autochthonous* loyalties that inhabited South East Asia, another replay of race or place countering revolution. What is interesting about Anderson's thesis is that he is essentially trying to explain the failure of Marxist theory (an unambiguously universalist doctrine), and in characteristic fashion he turns towards formulations of *autochthoneity* in order to explain it.

Kenan Malik examines the issue of race as a discourse, and concludes importantly that it was not racism that produced slavery, instead it was slavery that produced racism; i.e. it was the prior existence of socio-economic distinctions that already formed a hierarchy that needed to find some means of political and legal expression, and therefore needed some legitimating discourse that could nevertheless apply universally. Racism as a discourse therefore, needed a slave owning society in order properly to emerge, and although Europeans owned and traded slaves in Europe, slavery was not a foundation of

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<sup>51</sup> Malik, *The Meaning of Race*, p 61.

<sup>52</sup> Schmitt, *Theory of the Partisan*. Autochthoneity, or the 'telluric' quality of the 'defensive partisan' is a crucial theme.

<sup>53</sup> C L R James provides the most impressive account of this insurrection in *Black Jacobins: Toussaint l'Ouverture and the San Domingo Revolution*, (New York: Vintage Books, 1963).

<sup>54</sup> Benedict Anderson, *Imagined Communities*, (London: Verso, 1983).

socio-economic relations. For that, the colonies were of crucial significance, and the colonies, were necessarily outside of Europe. Malik himself adopts a broadly Marxist framework, and makes no reference to precise spatial distinctions, however, for the purposes of this argument he does two important things. First of all he locates the discourse of humanity largely in the 18<sup>th</sup> century, although dating its origins to the 16<sup>th</sup> century (exactly following the discovery of the Americas, and therefore planet Earth – implicitly following Schmitt). And secondly, most of his discussion centres on how colonial societies dealt with the question of race. In other words, although he doesn't explicitly acknowledge it, the discourse of race can be firmly located in Europe's encounter with non-Europe.

None of this is to make the claim that racism, scientific or otherwise, was unknown in Europe, far from it, but it did not become an organised legal or political narrative until the 20<sup>th</sup> Century.<sup>55</sup> For example, Mahatma Ghandi studied in England and came to think of himself as an educated professional middle class man. But as is well known, it was his experience of racial politics in South Africa – where he faced explicit, law bound discrimination that he had not encountered in Oxford – which contributed to his radicalisation. Kennen Malik also cites the English Judge, William Blackstone's 18<sup>th</sup> Century judgement that 'spirit of liberty is so implanted in our constitution, and rooted in our very soil, that a slave or a negro, the moment he lands in England falls under the protection of the laws and becomes *eo instanto* a freeman'.<sup>56</sup> What this judgement meant was that all men had equal status under the law, a condition that could not apply in colonial societies without instantly comprising a revolution.<sup>57</sup> But an important coda must be acknowledged; that the legal judgement makes explicit reference to English 'soil' and the values that reside in England. Even in legal judgements did spatial vocabulary appear and reveal the commonplace awareness that Europe and non Europe were different legal domains.

The spatial pulse of European modernity ran out of the conditioning spatial distinction between Europe and non-Europe that allowed for expansion, and yet when this

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<sup>55</sup> Anti-semitism is of course as old as Europe, but there is much to say about the extent to which anti-semitism became subsumed within a growing racial discourse. It is – in other words – anachronistic to refer to historical European anti-semitism as simple racism.

<sup>56</sup> Malik, *The Meaning of Race*, p 62.

<sup>57</sup> Simon Schama makes much of the connection between the institution of slavery as causally linked to the American Revolution, in *Rough Crossings*, (London: BBC Books, 2006).

expansion became more difficult, the spatial discourse was finally overwhelmed and transformed into the universalistic discourse of humanity. The First World War sprang out of absolute European spatial competition, which unleashed the spectre of total *political* warfare on European soil for the first time since the Treaty of Westphalia. The collapse of the old *nomos* turned Europe into a battlefield of ideas in which the liberal powers tried to contain the emerging forces of Fascism while holding communism and revolution at bay. Read this way, Nazism emerged as the bastard child of the two nineteenth century discursive responses to the universalism unleashed by the French Revolution. The old European claims of autochthonous Germans, native to the soil of the Fatherland, mixed with the pseudo scientific, and therefore importantly, *universal* discourse of racism, which was an extra-European rhetorical development to the lack of European autochthoneity in the frontier lands of the New World.<sup>58</sup> As the spatial discourse of *JPE* finally collapsed in the First World War, liberalism was not the only universalistic discourse that was imported into Europe – newly bereft of its historically privileged position as the organising centre of human affairs – in the aftermath. Europeans learned their universalism overseas when trying to forge new states and self governing territories with the raw materials of new lands to be farmed, and forced labour with which to do it. They therefore had to adjust European methods to new conditions, and patch up the missing elements with new ideas of domination, carved from newly invented principles. Class distinctions in Europe gave way to racial distinctions elsewhere.

Schmitt's actual association with Nazism aside, his theoretical formulations position him as one who lamented the decline of the old European spatial order of the *JPE*, rather than one who perceived an opportunity to reshape conceptions of world order along universal racial lines. Nevertheless, his hostility to 'the discourse of humanity' traces its way through all of his works, and one manifestation of this disposition is in his account of the collapse of the *JPE* and his hostility to the new universalist inspiration behind the League of Nations and the outlawing of war as a legitimate tool of state competition.

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<sup>58</sup> 'Nazi tribalism differed from other versions in having the backing of a supposedly 'scientific' system of beliefs. This was crucial in turning resentment into genocide'. Jonathan Glover, *Humanity: A Moral History of the Twentieth Century*, (Yale: Nota Bene, 2001).

Therefore, instead of using Carl Schmitt's critique of liberalism to attack the universalist aspirations behind the contemporary 'war on terror' – Schmitt certainly enables this, but so do many other theorists – or overuse his legal writings on emergency powers to describe liberal states as bordering on authoritarianism, with modern liberal subjects living in metaphorical 'camps' – when he was specifically calling for the use of emergency powers in defence of the liberal constitutionalism of the Weimar Republic – it is possible to distinguish between his ambivalence for classical liberalism and his antipathy for universalist liberalism to work through his critique of humanity as a discourse, and by this means add texture to his narrative of European modernity and the spatially variegated evolution of normative principles of international order. In the end, he remained a philosophical idealist, simply one unimpressed by the claims of universal justice or historical progress associated with the emergence of the concept of humanity.

## **Conclusion**

This chapter has taken as its starting point a couple of Schmittian propositions concerning the spatial segregation that anchored European modernity and allowed the construction of Europe as an international society. But in taking Schmitt's arguments concerning the origins and inspiration for this spatial segregation and extending this same quality of finitude to the contents of global space as opposed to simply the space itself, I argue that the very same historical processes and events that produced what Schmitt understood as European modernity, also produced the conditions for its demise. I have tried to avoid suggestions concerning whether Schmitt was right or wrong in his historical analysis, but instead attempted to harness his incomplete arguments to their logical entailments. In order to do this I have outlined Schmitt's anti-humanism, which is a more thorough and precise way of understanding his well-known critique of liberalism, then explained the emergence of two distinct forms of discourse that are responses to the post enlightenment consensus of mankind as an empirical category, both located at the level of the transcendental – autochtheneity, and pseudo-scientific racism – and each of which emerged predominantly in different spatial domains.

Refining Schmitt's critique of liberalism into a counter-humanist, counter progressive account of European Modernity helps to shed light on a range of historical narratives connected to race, empire, slavery etc. It adds some understanding to why the legal and

moral pressure for the ending of slavery emerged in Europe despite being largely suffered elsewhere. And although this chapter in no way seeks to grade European and non-European societies in ethical terms as more or less racist, the fact that racism became legally codified largely in settler societies is an effect of their demographic and socio-economic character, not their aggregate moral qualities. Racism was just as pronounced, if not more so, in Europe than outside of it, but its legal codification was either unnecessary or mediated through the possibility of physically excluding people of different national origins; once again, wrapped up in the conceptual apparel of empire.

In effect, this chapter seeks to explain European reactions to the incipient humanism of the enlightenment – of confronting the ‘empirico-transcendental doublet’ of humanity as a totality – and it does so by suggesting that there were two generalised responses, each characteristic of the different spatial domains; Europe and non-Europe. This in turn adds texture to many different histories of racism and slavery, and provides a general account of Europe’s experience of race and empire that can help explain why different European countries have different specific historical and cultural experiences in respect of the connections between race, law and politics. It helps to explain why Britain, despite having the most extensive experience of colonialism, simultaneously developed arguably the most liberal and tolerant society in Europe, from which came the main impetus for the abolition of the slave trade. It helps to explain why France could speak so loudly for the rights of man, yet attempt to suppress the slave revolt in San Domingo in 1802 – a contradiction that needs more than simply a material justification – and finally it helps to explain why the worst experience of racial politics in Europe occurred in perhaps the most culturally and scientifically developed country in Europe, with only the smallest experience of empire. The story of Europe and empire has an ideational narrative that Schmitt outlines quite clearly, and each national experience with empire and race, must be told as a part of a coherent ideational whole, rather than simply independent parts of a grand material contest.

Ultimately the chapter attempts to set an ideational context for the differential responses to the universal humanism implicit within enlightenment thought. Materialist accounts of European domination and empire have little room for idealist arguments that consider more carefully elements like legal and ethical justifications – transcendental arguments that provide the context for people to behave in ways that suit their material purposes,

yet codify their practices and make their behaviour predictable to others – the precondition of order. But in building an epistemologically biased account of the idealist context that provided the normative foundations for European empires, based on a strong spatial distinction between Europe and non-Europe, Schmitt reveals both the terms of its inevitable demise, and the limitations of his own anti-humanist thinking; the first of which is useful for understanding the evolutionary dynamics of systems of international order that form the subject matter of IR.

Schmitt's unapologetic account of the collapsed European world order helps to clarify the ideational origins, effects and entailments of World War I – which according to his logic (although not his actual arguments), should not be understood as the first European war that encompassed the entire globe. Instead World War I was the first time that the 400 year-old worldwide European war for world domination – which Westphalia had successfully externalised – had come home to consume its participants. Given that IR is centrally concerned with both the treaty of Westphalia and the First World War, which both mark important parameters of periodisation, the arguments outlined in this chapter – although ostensibly about race, space and humanity – have important interpretive implications in exposing a grand contest of normative and ideational discourses that shaped Europe's encounter with the world, and eventually with itself.

Finally – in returning to a direct engagement between Schmitt and Liberalism – if Liberalism is placed meta-theoretically at the intersection between an epistemologically prioritised philosophical disposition – concerned as it is with concepts over objects – and a historically progressive commitment to universal justice and a form of equality for all mankind, then Schmitt's critique of liberalism can be seen to be primarily directed at the normative commitment to justice, and not at the underlying epistemological bias. Which partly explains why liberal theorists find Schmitt so troubling, and yet also useful,<sup>59</sup> for he makes arguments about international order, law and legitimate violence by using ideational language and terminology with which they are intimately familiar.

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<sup>59</sup> Chris Brown makes the argument that Schmitt has a fully worked out system to offer as an alternative to liberal theories of international law, in contrast to realists who instead assert the ontological primacy of power, therefore rejecting even the terms upon which a disagreement with liberals might take place, in Brown, 'From humanized war to humanitarian intervention: Carl Schmitt's critique of the Just War tradition', in Odysseos and Petito (eds.) *The International Political Thought of Carl Schmitt*.

What this all leads up to is a better contextualisation of Schmitt's opposition to liberalism, and his relationship to IR theory. If it is accepted that Schmitt's hostility to liberalism is more precisely framed as an opposition to the discourse of humanity, then it was of a piece with his wider lament for the collapse of the European *nomos* of the *JPE*. E.H. Carr was not alone as an IR scholar in identifying the origins of the discipline of International Relations as a normative response to the horrors of the First World War,<sup>60</sup> and for whom the expression 'the war to end all wars' served as a foundational irony. However, for Schmitt, the phrase 'war to end all wars' – in describing the First World War – was no irony. The collapse of the *nomos*, meant the collapse of a framework of interpretation from which war – and indeed peace – drew its conceptual meaning, leaving behind a context in which the legitimate practice of war as a prerogative of sovereign states, became relativised and therefore indistinguishable from more general forms of violence. The First World War, in heralding the end of the European *nomos*, actually subverted the stable conceptualisation of war, setting it up instead as an intellectual problem, rather than a legally determined fact. Liberalism in IR formed the first organised response to this general crisis, but was itself – for Schmitt at least – implicated in producing the conditions of possibility for the emergence of the discipline itself; the subversion of the stable conceptualisation of war.

Schmitt's critique of liberalism – however prescient for the world of the 1990s – was really bound up with a theory-political polemic against the collapse of the Westphalian world order, and was not an appeal for a new multipolar world order, much as he came to that eventually with his theory of *Großraum*. Instead it was an appeal for the restoration of European supremacy, and a polemic against the subversion of the classical conception of war.

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<sup>60</sup> E.H. Carr, *The Twenty Years' Crisis*, (Basingstoke: Palgrave, 2001 [1<sup>st</sup> ed. 1939]), p 8.

## Chapter 5 – Carl Schmitt and the Realist Reaction

*The world is what it is*

Salim, the narrator of V.S. Naipaul's *A Bend in the River*

### Introduction

While the previous chapter made the uncontroversial suggestion that the discipline of IR was born of liberal humanist instincts and formed an academic discipline around the relatively polemical aim of reducing – or even eliminating – war, this chapter seeks to situate the realist disposition, both as a base for theory-political interventions in IR, and as an act of criticism. Furthermore, as Schmitt is largely characterised as something of a realist, this relationship will be tested and clarified.<sup>1</sup> As will be shown, he certainly shared a critical disposition to the prevailing liberal international order, and a general hostility to the idea of historical progress, but the main difficulty confronted when making this comparison is his philosophical disposition. In other words, to be a realist, it is necessary to do more than criticise liberalism. Indeed, the argument I will make is quite simply that early realist attitudes to the idealism at the heart of the tradition of Liberalism, along with their claim to address the world ‘as it is’ rather than as they ‘would like it to be’<sup>2</sup> is a hugely reductionist caricature of the underlying philosophical idealism within the liberal strand of IR – pejoratively termed ‘utopianism’ – which nevertheless gained a certain currency within the broader discipline of IR. Furthermore, as Peter Wilson has pointed out, the antagonistic disposition between idealism and realism that is widely supposed to have characterised the discipline of IR in the early years has been heavily mythologized.<sup>3</sup> For example, many of the early ‘idealists’ and the inter-war liberal intellectual elite found it difficult to take E.H. Carr terribly seriously, rooting their criticisms in relatively basic flaws they found in Carr’s rather

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<sup>1</sup> The classification of Schmitt as a realist has a long pedigree. In IR Hans-Karl Pichler was among the first to identify the influence of Schmitt on Morgenthau in ‘The godfathers of ‘truth’: Max Weber and Carl Schmitt in Morgenthau’s theory of power politics’, in *Review of International Studies*, Volume 24, 1998, but it has become a conceptual commonplace to refer to Schmitt as a ‘realist’.

<sup>2</sup> Hans Morgenthau has a version of this sentiment as the very first of his ‘Six Principles of Political Realism’, in *Politics Among Nations: The Struggle for Power and Peace* (4<sup>th</sup> ed), (New York: Alfred A. Knopf, 1967 [1949]), p 4. E.H. Carr also insists on the importance of realism as ‘the necessary corrective to the exuberance of utopianism, in *The Twenty Years’ Crisis*, p 10.

<sup>3</sup> Peter Wilson, ‘The Myth of the First Great Debate’, in *Review of International Studies*, Volume 24, Issue 5, 1998.

muddled ontological assertions.<sup>4</sup> On the other side of the Atlantic, Morgenthau's relatively sophisticated rendering of the German power politics tradition had to be simplified and tailored to a more practical audience of power politics practitioners before the realist tradition properly emerged as a series of basic assumptions about the 'nature' of international relations and the power seeking human animals that make it inevitable.<sup>5</sup>

Ultimately this chapter makes clear that Schmitt cannot be properly classed as a realist for a number of reasons, and although his thinking does bear some comparison to certain realist formulations – and certainly shares their historical pessimism – the differences are deeper, located as they are in the perennial philosophical distinction between concepts and objects. Simply put, Realism in IR tends to prioritise the object over the concept, and therefore tends to frame responses to the underlying questions that unite the discipline in ontological terms. As Nick Rengger makes clear in his Oakeshott inspired critique of Morgenthau, 'Realism' in IR, is ... a child of the world',<sup>6</sup> and as I hope I have made clear by now, Schmitt's disposition is much more strongly epistemological, concerned first with concepts rather than objects. Therefore, although Realism is itself a deeply contested term, a proper engagement with Schmitt's theories both encourages some examination of what is meant by Realism in IR, and clarifies Schmitt's distance from much that a 'realist' would take for granted.

The chapter begins by offering a Schmitt inspired critique of two key realist terms – power and anarchy – then goes on to consider the two forms of realism that have dominated IR; Classical Realism and Neo-Realism. Following this, two contemporary attempts to breathe life into Realism – Wilful Realism<sup>7</sup> and Realist Institutionalism<sup>8</sup> –

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<sup>4</sup> Leonard Woolf makes this point very directly in 'Utopia and Reality' *The Political Quarterly*, 11, 2 (April-June, 1940). And Susan Stebbing follows up these same basic criticisms in *Ideals and Illusions*, (London: Watts & Co, 1941).

<sup>5</sup> Morgenthau, *Politics Among Nations*, 'The six principles of political realism' are missing from the First Edition. According to Richard Ned Lebow, they were formulated and inserted into the text of the later editions precisely to make it more accessible to policy practitioners (confirmed in private discussion with the author).

<sup>6</sup> Nicholas Rengger, 'Realism, tragedy, and the anti-Pelagian imagination in International political thought', in Michael C. Williams (ed.), *Realism Reconsidered: The Legacy of Hans J. Morgenthau in International Relations*, (Oxford: Oxford University Press, 2007).

<sup>7</sup> Michael C. Williams, *The Realist Tradition and the Limits of International Relations*, (Cambridge: Cambridge University Press, 2005).

<sup>8</sup> Allesandro Colombo, 'The "realist institutionalism" of Carl Schmitt', in Odysseos and Petito (eds.), *The International Political Thought of Carl Schmitt*.

are examined with respect to how each uses the theories of Carl Schmitt. In turn I attempt an explanation for the continuing appeal of Realism along with the misplaced notion that Realism is the only true theory IR has produced. In contrast to this, I make the case that the repeated 'turns' to Realism mark only repeated theory-political interventions over the underlying questions that cohere the discipline, each informed by a relatively consistent ontological bias, and a pessimistic disposition towards the idea of historical progress.

Interestingly, and in keeping with the implied schematic of this thesis, the more recent formulations or re-formulations of Realism I discuss bear scrutiny not just for the use they make of Schmitt, but instead because by using Schmitt, they subtly undermine long held ideas about Realism. In other words, it is Schmitt's radically indeterminate formulation of 'the political' that permits the boundaries of Realism to be extended. Furthermore, it is – in part – little more than the assumption or assertion that Schmitt is indeed a 'realist' that permits these new forms of Realism to continue to claim the label 'Realism', while being recast along profoundly idealist lines. However, if Schmitt is shown to be fundamentally not a Realist – in the sense usually meant in International Relations – it becomes harder to sustain the use of the term Realism when framing new theory-political interventions within the contested field of IR Theory. When examined more carefully, Wilful Realism and Realist Institutionalism share with Realism a refutation of the idea of historical progress, but carry an epistemological bias that chafes at the ontological straitjacket that Realism in IR has always held on to as its most fundamental philosophical criteria.

## **Power and Anarchy**

Of the many different variants of Realism, two concepts are of paramount importance; power and anarchy, each of which deserves some prefatory consideration. In the first instance, power is at the heart of realist arguments, being famously – for Morgenthau – the means and the ends of International Politics. But power as a variable is in a pure sense only amenable to use by materialists, or philosophical realists, for the simple reason that only philosophical realists are capable of measuring power in absolute terms. Idealists cannot conceive of power except as a relational term, and it therefore becomes descriptive only of particular contexts of relationality, rather than a

generalisable characteristic. If power is always relational, then it can only be examined within a context of relations, and the only thing it pertains to is the specific qualities of the particular relations under examination. In other words, it is perfectly normal to talk about power, but only after establishing the specific characteristics of the context in which power will be measured and observed, along with the terms of its measurement. Power, without a specific context in which it operates, makes no sense. From an idealist perspective power is not, and never can be an independent variable. Oakeshott takes up this point in a revealing lecture entitled 'Talking Politics',<sup>9</sup> in which he attempts to clarify the conceptual confusion behind the use of the term 'power', along with its rhetorical function in relativising the far more important concept of 'authority'. If the problem of power is examined from the two perspectives outlined in this thesis, it becomes obvious why power is a term more often used by those theorists working within an ontologically framed context. In such a context, actors are specified, and relations can be considered implicit within a firm ontological framework in which the units remain the same and the terms of relationality are both assumed to be quantifiable, and quantified. Unfortunately, for more epistemologically curious theorists, it is the relations that are themselves fluid and intersubjective, therefore power cannot stand as an independent variable, but is itself expressive of particular relations.

What this points to is the degree to which the different philosophical dispositions of realism and idealism can be identified by reference to different vocabularies. To talk of power, is to step into the 'real world' of ontological assertions and to rely upon agreed categories. It is philosophically to treat the world 'as if' it exists and is comprehensible by reference to those categories – be they state, human nature, universal justice etc., along with the power each of them possess. To avoid talk of power is to remain open to its mutation, and to examine it as expressive of certain stable normative reference points concerning legitimacy, authority and law. Material power can be a clear component of a context that needs explanation, and can serve certain ends, but makes little sense without reference to the normative landscape within which it is deployed. In International Relations, an analysis of pure power relations may be possible, but it would explain almost nothing about why such a context exists in which power is the determining variable, and would require a prior assumption of '*ceteris paribus*' in order

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<sup>9</sup> Oakeshott, 'Talking Politics', in *Rationalism in Politics and Other Essays*, p 447.

to deflect criticism from those more used to 'wishful thinking' concerning the unstable coordinates of normative orders. Equally the pursuit of power can be observed, but once again, other interesting problems concern who pursues it, and why, or at least concern the normative framework in which power becomes the determining factor of hostile relations, which are properly epistemological questions. There are, of course, some sophisticated theoretical considerations of the concept of power,<sup>10</sup> but my criticism here is intended to draw attention to the utility of the concept for certain ways of theorising International Relations, and there is little doubt that power is, if not monopolised, then certainly 'oligopolised' by realists and other ontologically disposed theorists. Power can be naked, restrained, potential, hard, soft or smart, but it always requires an ontologically firm context in order to be theorised as an independent variable. Epistemologically biased theoretical accounts privilege the contingent and intersubjective context in which power can only be spoken of insofar as it reveals the changing terms of uncertain relations, thus its utility as a concept is derivative and thereby analytically undermined. And bringing this brief sketch back to Schmitt, power appears in detail in only one of his texts. In *Political Theology*, Schmitt makes extensive reference to power in order to firmly and unequivocally associate it with the concepts of sovereignty, law and authority.<sup>11</sup> Much like Oakeshott, Schmitt provides a complex refutation of the independence or abstract nature of power, and in doing so reduces it to mere symbolism.

The second concept that needs some elaboration is that of 'anarchy', which Stefano Guzzini identifies as the key 'assumption which would demarcate realism'.<sup>12</sup> Obviously anarchy has been theorised in numerous ways over the years, but it has crucial realist characteristics in that it describes the absence of any clear structure of rules to govern the relations between assumed states. However, as should be clear by now, Schmitt's theories do not conform to this characterisation of anarchy. The friend / enemy distinction constructs the normative parameters of the particular hostile relationship that it frames around specific differences, and in its most abstract sense these conditions of hostility form the conceptual lineaments of a broader *nomos*, thus relations between

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<sup>10</sup> There was an entire special edition of *Millennium: Journal of International Studies* dedicated to precisely this theme, that was later published as a book. Felix Berenskoetter and Michael J. Williams, *Power in World Politics*, (New York: Routledge, 2007).

<sup>11</sup> Schmitt, *Political Theology*.

<sup>12</sup> Stefano Guzzini, *Realism in International Relations and International Political Economy: The continuing story of a death foretold* (Routledge: London, 1998), p viii.

collectives are given normative content in the particular manner in which they are expressed. Friends and enemies are at root co-constitutive, and therefore co-dependent upon continuing relations of hostility. The friend / enemy distinction does more than simply divide one community from another, creating independent free floating communities, but constructs each according to contingent – but importantly comprehensible – terms. Anarchy – for Schmitt – is comparable to a context in which the enemy, and therefore the friend, is unknown, and in this context, the idea of International Relations itself breaks down with the absence of a concrete enemy. To restate, for Schmitt, the friend / enemy distinction contains both the conceptual roots of a plurality of political collectives, and the terms of their interaction. To use Waltzian terminology, the units are not distinct from the system but are themselves constructed by the terms of interaction that are embodied by the system. Therefore the anarchy problematic has no comparability with a Schmittian framework, except if anarchy is taken to be a highly constructed condition of normative and legal equality between recognised states, i.e. not a realist framing of anarchy.

Given that these two key realist terms have no place in a Schmittian framework it might be thought unnecessary to proceed with a comparison. But Realism is arguably the key theoretical tradition within IR,<sup>13</sup> and a Schmittian critique offers much more than a simple refutation. Indeed, the thesis ends with a consideration of what Schmitt offers to IR that leans towards a deep reflection on the idea of International Relations, rather than Schmitt, so a more thorough Schmittian critique of Realism is both called for, and worthwhile.

## **Realism in IR Theory**

The previous chapter dealt with Schmitt's relationship to liberalism, suggesting that Schmitt's hostility to liberalism reduced to a deeper suspicion of the 'discourse of humanity' in which it was embedded. Schmitt can certainly be grouped with a variety of theorists who became known as realists for their stinging criticisms of the liberal world order of the League of Nations. Morgenthau and Carr both attacked the idealism – or 'utopianism' – at the heart of the liberal institutionalism, believing it to be a kind of

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<sup>13</sup> Ibid., The concluding sentiments of Guzzini's book are that realism is a 'necessary hermeneutical bridge to the understanding of world politics', p 235, this of course would be rejected by many realists, but demonstrates how Realism serves a function as a coherent body of ideas for those of a more hermeneutical temperament.

dangerous – if seductive – wishful thinking. For Morgenthau, ‘in order to improve society, it is first necessary to understand the laws by which society lives’;<sup>14</sup> and for Carr, Realism was the ‘necessary corrective to the exuberance of utopianism’.<sup>15</sup> Both theorists clearly believed in the importance of ‘utopianism’, but demanded that it be grounded by a realistic sense of what was possible, giving rise to a sense that realism was at root a pragmatic, or practical disposition suitable for the cautious business of state-craft. The good where possible, the prudent where not.

The problem with both of these positions is their characterisation of idealism, which was shorn of its philosophical roots and merely associated with ‘wishful thinking’, or the Kantian maxim that right should be done, though the world fall. A properly idealist position would be to reject outright the notion that the real world can be appreciated except through its interpretation. In other words, philosophical idealism is not simply a matter of having an idealistic conception of how the world should be, but is instead a philosophical view concerning the priority of ideas in structuring the external world. The latter is of course implicit in the former, for imagining that a new and peaceful world order can be conjured up through the establishment of laws and institutions to regulate the behaviour of states relies upon the structuring power of ideas, but a ‘realist critique’ of this position is merely a restatement of an ancient philosophical dilemma. In no way can a realist position concerning the priority of ‘is’ over ‘ought’ – or even the derivation of an ‘ought’, from a realistic conception of what ‘is’ – address basic philosophical idealism except through assertion. Whatever historical or contemporary proof is brought to bear on the problem will always have a comprehensive idealist response, not least – following Oakeshott – on the problem of what constitutes historical knowledge in the first place.<sup>16</sup> Schmitt, in this context, provides it, for Schmitt’s critique of liberalism is an idealist critique of liberalism, suggesting that the ideas at the heart of the liberal disposition are wrong *as ideas*, not *because* they are ideas.<sup>17</sup> It is not ‘facts’ nor ‘the world as it is’ that Schmitt counters to liberal humanism, but is – according to

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<sup>14</sup> Morgenthau, *Politics Among Nations*, p 4.

<sup>15</sup> Carr, *The Twenty Years’ Crisis*, p 10.

<sup>16</sup> Oakeshott, *Experience and its Modes*, p 86. Nick Rengger makes this point extremely well when directly drawing upon Oakeshott’s rejection of Morgenthau’s use of the concept of tragedy, in ‘Realism, tragedy, and the anti-Pelagian imagination in International political thought’, op. cit.

<sup>17</sup> Brown, ‘From humanized war to humanitarian intervention: Carl Schmitt’s critique of the Just War tradition’, in Odysseos and Petito (eds.) *The International Political Thought of Carl Schmitt*. See fn 58, Chapter 4, this thesis.

him – a more powerful and more coherent body of ideas concerning the exclusionary logic of communities alongside their organisation around common norms and ideas that structure their existential relations with others – the friend / enemy distinction. Even more comprehensively, Schmitt's critique of liberalism is also directed at the implied claim of the 'fact' of humanity as a single political community – recalling the 'empirico' element of Foucault's 'empirico-transcendental doublet'.<sup>18</sup> For Schmitt, it is through the exclusive and existential friend / enemy logic that ideational terms are established for individuals to relate to the world. Without this there can be neither utopia, nor reality.

Schmitt's critique of liberal humanism was definitely not directed at a presumed 'wishful' or 'unrealistic' element within it, but instead was very directly critical of the violence inherent in liberal ideas in and of themselves. Schmitt did not – like Carr and Morgenthau – fear that liberalism was simply not up to the task of regulating affairs between states, he feared that it *was*, and that this would produce a more comprehensively violent and disturbed world than the alternative. It is on this background that Schmitt's ideas can be projected and interrogated in respect of the perennial realist critique of liberalism, and most importantly, the philosophical idealism that underlies it.

## **Classical Realism**

The first expression of what came to be understood as Realism has a specific historical context in which it emerged, and as is well known, offered itself as a mature reflection on the 'realities' of international politics. Particularly in respect of the prevailing idealism – or utopianism – embedded in the charter of the League of Nations. To that extent it can be seen as moment of critique, on both sides of the Atlantic, most characteristically expressed by E. H. Carr and Hans Morgenthau.<sup>19</sup> Carr probably had more immediate influence, as his book was published at the beginning of the Second World War and provoked a sustained debate, inviting direct comment from important – though perhaps now relatively obscure – intellectuals like Susan Stebbing and Leonard Woolf.<sup>20</sup> Morgenthau on the other hand was a little known German émigré at the start of

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<sup>18</sup> Foucault, *The Order of Things*, p 347.

<sup>19</sup> Carr, *The Twenty Years' Crisis*, and Morgenthau, *Politics Among Nations*.

<sup>20</sup> Stebbing, *Ideals and Illusions*. Woolf, op. cit.

the war, and his main text was not published until 1948, where it caught a mood and formed a timely and serious theoretical expression of a prevailing mode of practical post-war politics.

*The Twenty Years' Crisis* is more than simply a textbook of International Relations; it is a polemical assault on a prevailing cast of mind. It draws on many years academic reflection, and an early career as a diplomat, during which Carr worked as a member of the British delegation of the Versailles treaty negotiations. Much of his analysis – particularly concerning the now commonplace revisionist notion that the Peace of Versailles was directly implicated in the rise of Fascism – was little different to similar points being made in Germany in the 1920's, by Schmitt himself in some respects.<sup>21</sup> Carr's accompanying notions that the liberal powers simply dressed up their own interests in the garments of universality was a point also made earlier by Schmitt in his *The Concept of the Political*. One further point of similarity concerns the careers and the habits of mind of the two. Both were active on the margins of politics – Carr as a diplomat, Schmitt as a constitutional lawyer – both wrote stylishly and extensively across a range of conceptual fields, particularly those with a bearing on international affairs, and both demonstrated a degree of pessimism over the chances of peace in the inter-war period. This much they certainly shared. But one area where they clearly differed is revealed in their philosophical assumptions. EH Carr gets his confession in early when he criticised what he termed 'utopians' for 'couch(ing) optative propositions in the indicative mood.'<sup>22</sup> What this means is simply the common sense notion that one should not confuse what one would like to be, with what is – the classic realist proposition – a commitment above all else to seeing the world as it is, not as one would like it to be.

There are of course several responses to this, which were rehearsed by various 'utopian' theorists – notably Norman Angell<sup>23</sup> – but the last word probably goes to Leonard Woolf. Woolf pointed out that the same concern for the utopian habit of 'couching optative propositions in the indicative mode' could be applied to EH Carr himself. His article dealing with Carr's book is entitled 'Utopia and Reality', which oddly enough

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<sup>21</sup> Schmitt, *The Rhineland as an Object of International Politics*.

<sup>22</sup> Carr, *The Twenty Years' Crisis*, p 13.

<sup>23</sup> Wilson, 'The Myth of the First Great Debate', p 2.

was the preliminary title of the Carr's book,<sup>24</sup> and the title of its main theoretical chapter. Unfortunately, as Woolf points out with what might be termed guarded scorn, Carr never makes the distinction between the two categories clear, nor does he acknowledge his own utopianism. 'All policies,' Woolf points out 'even of the most realist statesmen, aim at unattained ideals or objectives.'<sup>25</sup> Eventually, Woolf concludes his response by suggesting that Carr is merely trying 'to rationalize (his) own and other people's primitive psychology.'<sup>26</sup>

Susan Stebbing takes Woolf's criticism further, and in turn demonstrates the philosophical idealist response to this kind of realist claim, that all interpretations of reality are at least to some extent wishful thinking – at the very least, measured in respect of some notional ideal, without which even simple comprehension would fail – but this is most particularly so when theorising human behaviour. Stebbing essentially points out that Carr is not simply overly pessimistic, but conceptually flawed and irredeemably shallow. She is worth quoting at length:

When in the affairs of life we call a man an "idealist" we ordinarily mean that he is influenced in his actions by *ideals* – that is, by his conception of what it is worth while to achieve, or to attempt to achieve. ... But ... *to have ideals* is not the same as *to have impracticable ideals* ... . Failure to remember this has led to the use of "idealist" as a term of condemnation, or at least of gentle rebuke. ... Those who make this mistake regard the opposite of an idealist as a "realist" – that is, one who takes note of the facts and, presumably, is not in any way guided by ideals. ... those who talk in this way talk nonsense.<sup>27</sup>

Stebbing goes on to discuss Carr as the pre-eminent example of such a thinker.<sup>28</sup> As Peter Wilson makes clear, the prominent idealists of the day did not feel particularly threatened by Carr's pithy warnings, so much as fail – due to his philosophical naivety – to take him seriously.<sup>29</sup> It is perhaps all the more surprising that Carr's text has become so canonical when it is remembered that the 1<sup>st</sup> Edition supported Chamberlain's policy of appeasement, which Woolf tactfully noted was an aspiration that had almost immediately proved at least as futile as anything Carr had criticised. However – and in

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<sup>24</sup> It was rejected by the publishers. Revealed in the intro to Carr's *The Twenty Years' Crisis* by Mick Cox, p xii.

<sup>25</sup> Woolf, Leonard 'Utopia and Reality' *The Political Quarterly*, 11, 2 (April-June, 1940), p 174.

<sup>26</sup> *Ibid.*, p 182.

<sup>27</sup> Susan Stebbing, *Ideals and Illusions*, p 5-6.

<sup>28</sup> *Ibid.*, p 6.

<sup>29</sup> Wilson, 'The Myth of the First Great Debate', *op. cit.*

defence of Carr – if his philosophical realism was somewhat under theorised in *The Twenty Years' Crisis*, it did at least mature into a more fully developed historical materialism in later years,<sup>30</sup> thus at least confirming his commitment to the independent existence of the 'real world' and a desire to understand its mechanics. But more importantly lending weight to one of the basic propositions contained within this thesis – that the philosophical idealist / realist divide is an important consideration when thinking about how IR is theorised.

Stebbing then considers the actions of various statesman, speculating as to whether they can be properly described as 'realists', and finding that they cannot. Her key example is the arch-'realist', Bismark, who was noteworthy for the clarity of the ideals he pursued. The real strength of Stebbing's analysis concerns her discussion of the central characteristics of what might be called 'realism', finding it in Machiavelli's proposition concerning the need for evil means to secure good ends, or more specifically the separation between morality and politics. This observation leads in several directions, but thankfully provides a direct conceptual route back to Schmitt. Stebbing essentially gives voice to a problem within Realism, and that problem relates to its relationship with norms and ideas more generally. On the one hand, Machiavelli clearly makes the case that in a world governed by Christian principles, certain objectives were not easily realisable without recourse to actions themselves judged to be evil. Princes, in other words, were obliged to ignore Christian moral restraint in certain circumstances and to act in a way they knew to be evil. This implies two things: first of all, that there is an assumed actor – in Machiavelli's case the Prince – and secondly that the choices the actor makes can be separated into those which are morally good and those which are morally bad but politically expedient. So although many 'realist' theorists can claim a level of sophistication beyond the simplistic formulae of state and system, turning instead to history and human nature, they nevertheless depend upon an assumed actor, and a strong distinction between morality and politics in order that their explanatory frameworks can construct distinctions between 'might' and 'right', or between 'politics' and 'morality', or even the 'is' and the 'ought'. To quote Stebbing again:

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<sup>30</sup> Michael Cox, 'Will the real E.H. Carr please stand up?', in *International Affairs*, Volume 75, Issue 3, 1999.

‘The realist judges that the end justifies evil means and that the evilness of the means is not to be taken into account. The non-realist, unfortunately called an “idealist”, judges that the end does not justify the use of evil means. These judgements are judgements of ethics. Further, the judgement that certain means are *evil* (which is contained in the realist’s judgement regarding means and ends) is another ethical judgement, and it is certainly not a judgement based upon politics.’<sup>31</sup>

Realists, in other words, depend upon the existence of the ‘ought’ in order to insist upon the ‘is’. They acknowledge that power is independent of moral restraint, but do not acknowledge the morality or norms that are embedded into the idea of the actor called upon to act, morally or otherwise. A state has power because it is believed to be a good in and of itself; therefore, imagining a statesman to have a choice that is independent of morality – of the ‘ought’ – is to efface the ‘ought’ that makes the state comprehensible as an actor. Interestingly it is not hard to imagine that Machiavelli was fully aware of this – he was a republican after all – but once these principles are extrapolated into the realm of IR they take on the appearance of hard facts, of a given world where predictable actors behave in predictable ways. Which in turn creates the tension between the expression of ‘might’ and ‘right’, along with the need to talk in general terms of ‘power’ and ‘interests’. But if this is a key principle of Realism, then Schmitt – who makes morality dependent upon the political – fundamentally erodes this distinction and makes it impossible to distinguish between might and right in the conventional way. If Schmitt’s thinking is applied to a world of presumed actors – e.g. states – then he looks rather like a realist. But if his account of the state as an intensely normative artefact of social processes of identification, then he loses this apparent similarity with realists. There remain points of comparison, but only in terms of immediate policy recommendations, not in terms of historical analysis or conceptual solidity.

Machiavelli opposed morality and politics, Hobbes exiled morality to the intensely private sphere of one’s own conscience, Schmitt placed morality in the service of politics. Therefore if Stebbing is right in saying that realists depend upon the distinction between morality and politics, then Schmitt cannot be considered a realist. In fact, given that Machiavelli was quite clear in his advocacy of Christian morality for all except the Prince, it is possible to see how Realism depends upon a broad context of morality in

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<sup>31</sup> Stebbing, *Ideals and Illusions*, p 12.

order to make clear the exceptional nature of political acts. To view Schmitt as a realist depends upon a belief in a wider context of an ethical realm in which his advocacy of the primacy of politics can be judged comparable to a Machiavellian logic. Given that Schmitt had no conception of a wider ethical sphere – which for Machiavelli was Christianity – in which political conduct could be judged, Schmitt is thus further detached from Realism.

This point is brought into sharper relief with consideration of the work of Hans Morgenthau, who arguably bears easier comparison to Schmitt than does Carr. Where Carr's philosophical realism is vested in his defence of an apprehension of the 'real' world, it inevitably leads in the direction of a historical materialist disposition; it renders his utopianism – of which he is fairly accused – more a feature of a determinist historical mindset, than a man placing hope above expectation.<sup>32</sup> Morgenthau, on the other hand, shares much more with Schmitt. He lived and studied in the same post-Weberian, post-Nietzschean, post-war Weimar Germany, and actually engaged in a dialogue with Schmitt concerning *The Concept of the Political*. Most importantly, his early works share a similar disposition towards conceptual speculation, rather than determined and declarative statements of 'fact'. Nevertheless Morgenthau maintains a Machiavellian commitment to a sphere of universal ethics in which realist judgements can be interpreted as such.<sup>33</sup> This can be found in his 'Six principles of political realism', particularly in numbers 4 and 5, and by implication 6.<sup>34</sup> Principle 4 acknowledges the moral significance of political action and restates the basic Machiavellian tension between the good and the necessary evil. Principle 5 states that 'Political realism refuses to identify the moral aspirations of a particular nation with the moral laws that govern the universe' which expresses the prudent reservation of distinguishing between truth and opinion, but refutes his very first principle of political

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<sup>32</sup> Cox, op. cit.

<sup>33</sup> Some recent research on the relationship between Morgenthau and Schmitt makes this point even clearer. Oliver Jütersonke – 'The image of law in *Politics Among Nations*', in Williams (ed.), *Realism Reconsidered* – suggests that the relationship between Morgenthau and Schmitt has been overstated, particularly given that Morgenthau's thoughts on the justiciability of international disputes draw much more from the work of Hans Kelsen than from Schmitt, in that they depend upon the possibility of a universal sphere of norms within which to judge international disputes. As has been made clear in the earlier parts of this thesis, Schmitt's legal theories were composed in direct and polemical opposition to Kelsen's, so it is perhaps no surprise that this is the same basic problem that divides Morgenthau and Schmitt more generally.

<sup>34</sup> Morgenthau, *Politics Among Nations*, p 4.

realism – that politics is governed by objective laws – with the sceptic’s caveat that the truth of those laws will be forever disguised.

Nevertheless, if Carr is to be faulted for his identification of ‘wishful thinking’ with idealism, then Morgenthau must suffer the same judgement for saying ‘... distinguishing in politics between truth and opinion – between what is true objectively and rationally, supported by evidence and illuminated by reason, and what is only a subjective judgement, divorced from the facts as they are and informed by prejudice and wishful thinking.’<sup>35</sup>

William Scheuerman has written an influential book on Carl Schmitt’s legal theory entitled *Carl Schmitt: The End of Law*, at the end of which he enters the world of IR Theory in order to make a comparison between Schmitt and Morgenthau, of which he has this to say;

both theorists were proponents of a tradition of Realist thinking in international politics, defended forcefully in Western political philosophy by thinkers like Thucydides, Machiavelli, and Hobbes<sup>36</sup>

Aside from the obvious problem of conceiving of the realist tradition in this way – along with the anachronism that it existed as an independent strand of thought with its own conditions, and of which Machiavelli and Hobbes would have been aware, let alone ‘forcefully defended’ – Scheuerman goes on to divide Realism into two distinct types; ‘Realism for War’ and ‘Realism for Peace’.<sup>37</sup> This bears an odd resemblance to a contemporary division within realism between ‘offensive’ and ‘defensive’ forms of realism.<sup>38</sup> Nevertheless in the context of a comparison between Morgenthau and Schmitt, it fails to capture the central dilemma between the two. Morgenthau turns to a notion of tragedy, and tragic realism, because he cannot abandon the idea of good and evil in the world. Schmitt places good and evil in the service of the friend / enemy distinction, as part of the transcendent idealisations that entail from the human need to render the external world comprehensible through the nominalising process of framing conceptual oppositions. That the political reduces to a friend / enemy distinction is for

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<sup>35</sup> Ibid.

<sup>36</sup> Scheuerman, *Carl Schmitt: The End of Law*, p 246.

<sup>37</sup> Ibid.

<sup>38</sup> Robert Jervis, ‘Realism, Neoliberalism and Cooperation: Understanding the Debate’, in *International Security*, Volume 24, Issue 1, 1999.

Schmitt the source of meaning, without which there would be no framework of opposites (*complexio oppositorium*) to act as a panorama of interpretation. The friend / enemy distinction is a precondition of social life, without which the world would be not simply dangerous or even evil, but incomprehensible.

The challenge presented by this radical moral and legal indeterminism is surely not overcome with the simple suggestion that he was ‘wrong about that’ – that a universally applicable standard of the good does apply – for that would be to refute not simply Schmitt, but also Nietzsche and a large family of idealists, sceptics, relativists, post-positivists, post modernists etc. The greater challenge of Carl Schmitt is first to grasp the problem of moral and legal indeterminacy, or the dependent relationship of ethics on the political, and then explain what to do about it. However, Scheuerman’s critique can be seen as part of the continuing process of theory-political interventions by which International Relations has evolved, so cannot be entirely dismissed. Furthermore, he goes on to reference an important debate concerning their actual – rather than their theoretical – relationship.

The strangest story concerning the relationship between Morgenthau and Schmitt is the accusation that Schmitt somehow stole Morgenthau’s idea concerning the prioritisation of the political.<sup>39</sup> This refers to the differences between the 1927 and the 1932 editions of *The Concept of the Political*. In the first edition, Schmitt apparently echoed Weber in placing the political on the same level as other spheres of human activity; and in the second edition, the political is placed before other spheres – as interpreted from the beginning of this thesis – and measured by a degree of intensity rather than any specific characteristics. Morgenthau claimed that this conceptual innovation originated in his written response to Schmitt’s first edition of *The Concept of the Political*, which comprised his doctoral thesis and which he had sent to Schmitt.<sup>40</sup> Apparently Schmitt was so impressed he invited Morgenthau to meet him, a meeting that Morgenthau recalled with the deep hostility that prefigured his description of Schmitt as ‘the most evil man alive.’<sup>41</sup>

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<sup>39</sup> William Scheuerman, ‘Carl Schmitt and Hans Morgenthau’, in Michael C. Williams (ed.), *Realism Reconsidered*, p 63.

<sup>40</sup> Ibid.

<sup>41</sup> Pichler, ‘The godfathers of truth’, op. cit., p 192.

What is interesting about this account is simply that Schmitt follows through with this element of his theory, whereas Morgenthau distances himself from it by inserting the conditioning panorama of universal ethics into his formulations.<sup>42</sup> For it is precisely this prioritisation of the political that militates against the judgement of ethics on political decisions, exactly that which gives life to Morgenthau's political realism and three of his 'Six Principles'. And it is this embedded universalism – implicit within most forms of Realism – that allows a self-confessed liberal such as Scheuerman to find Morgenthau a more appealing figure than Schmitt.<sup>43</sup> Furthermore, although Scheuerman's critique of Schmitt is to my mind unpersuasive, he nevertheless makes it easier to see that the proper distinction between Schmitt and Morgenthau is located in their differing relationship to ethics. Morgenthau, despite claiming credit for Schmitt's innovative rendering of the ethical in the service of a prioritised political distinction between friend and enemy, nevertheless retains a Machiavellian commitment to the existence of an independent sphere of ethics by which the political can be judged – following Stebbing – even if it is to be judged a *necessary* evil.<sup>44</sup> But, if Morgenthau can really be excused from following through with Schmitt's (or his own) prioritisation of the political domain, then it is difficult to see how he can simultaneously be credited with it. If Morgenthau really did originate the idea that the political was a prior sphere of human activity characterised by a degree of intensity – allegedly appropriated by Schmitt – then what remains confusing is why only Schmitt engages properly with this conceptual formulation?

What all this demonstrates is that although Schmitt does bear comparison to some realist thinkers, the differences are striking. First of all, he follows Hegel and Weber with his philosophical idealism and his attempt to engage with the world through conceptual speculation rather than firm ontological assertion. His basic conceptual formulations lead ineluctably to a world directly shaped by the manner of its conceptualisation, and he does not ground his analysis at any stage in a firm ontological

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<sup>42</sup> Confirmed by none other than William Scheuerman, 'Was Morgenthau a realist?: Revisiting *Scientific Man vs Power Politics*', *Constellations*, 2007, Volume 14, Issue 4, but also supported by Jütersonke – 'The image of law in *Politics Among Nations*', op. cit., and indeed Chris Brown in "The Twilight of International Morality"? Hans J. Morgenthau and Carl Schmitt on the end of the *Jus Publicum Europaeum*', in Williams (ed.), *Realism Reconsidered*.

<sup>43</sup> Scheuerman, *Carl Schmitt: The End of Law*.

<sup>44</sup> A view confirmed by Michael C. Williams in his deep reading of Morgenthau, in *The Realist Tradition and the Limits of International Relations*, p 94.

framework of given 'facts'. Even his grandest historical rendering of the opposed relationship between land and sea,<sup>45</sup> relies upon the manner of their historical apprehension rather than an opposition of their material qualities. Carr manages to come up with remarkably similar criticisms of the liberal world order to Schmitt's, while doing so on the basis of a critique of utopianism. Michael Cox and Peter Wilson have challenged Carr's characterisation as a realist<sup>46</sup> – and even Scheuerman has called into question Morgenthau's classification as a realist<sup>47</sup> – but his expression of a general attachment to philosophical realism does arguably emerge in his slow migration towards a historical materialist theoretical disposition. So although the criticisms of Leonard Woolf and Susan Stebbing certainly stand with regard to *The Twenty Years' Crisis*, Carr's implicit response – by edging closer to a more fully formed materialism – at least shores up his credentials as a philosophical realist, if not a realist in IR.

Morgenthau on the other hand straddles the division between philosophical idealism and realism. He remains committed to the 'objective laws' of political realism, while invoking Machiavellian logics concerning the tension between what should be done and what must be done. Thus the true dilemma of a tragic vision of politics is the casting of ideals that are necessarily unrealisable, as a way of measuring human conduct; one way among many to remain committed to the ideal of humanity, while simultaneously defending the necessary evil. Schmitt's response to this dilemma, as the previous chapters have hopefully demonstrated, was to rail against the invidious concept of humanity, and by doing so retain a consistency to his attempts to formulate an idealised system of conceptual reference points for the interpretation of concrete human life. In other words, Carr turns to the motors of history and economics to understand existence, Morgenthau paints a picture of a liberal heaven against which to contrast tragically the real behaviour of the power hungry animal called man, and Schmitt attempts to establish a set of conceptual tools to understand the ideas that condition the behaviour of man. For Morgenthau morality acts as an inefficient – but crucial – restraint on human conduct, whereas for Schmitt, the friend / enemy distinction sets the terms for human interaction, and by extension makes it comprehensible; an existential contract within which morality is a mere sub-clause.

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<sup>45</sup> Schmitt, *Land and Sea*.

<sup>46</sup> Wilson, 'The Myth of the First Great Debate', op.cit., and Cox 'Will the real E.H.Carr please stand up?', op. cit.

<sup>47</sup> Scheuerman, 'Was Morgenthau a realist?', op. cit.

Both Morgenthau and Carr share a commitment to the world ‘as it is’, although for very different reasons, they are – with Realism in IR – ‘of the world’. Schmitt on the other hand, is constantly engaged in the struggle of idealisations, and is thus the more authentic inheritor of Nietzsche’s value relativism and Weber’s idealism than Morgenthau.<sup>48</sup> In any event, Schmitt’s radical idealism presents grave problems for any interpretation of him as a realist, particularly in IR.

## Neo-Realism

When first approaching the discipline of International Relations, an unavoidable early encounter is made with the concept of ‘levels of analysis’, usually as outlined by Kenneth Waltz in *Man, the State and War*, and in order to offer some Schmittian insights, this text will be taken as representative of the whole.<sup>49</sup> The concept of levels of analysis is not unique to IR theory, originating instead in the philosophy of science, which helps to situate the emergence of neo-realism within the broad move towards scientific methods that characterised the discipline of IR in the post-war world.

*Man, the State and War* has been a hugely important text, and at the very least constitutes a very powerful kind of Skinnerian theory-politics in itself. Perhaps it said little that was new in and of itself, but it did frame the whole question of war and International Relations in a powerful and systemic manner, providing a whole new language and set of conceptual conventions which arguably constrained and limited the practice of International Relations in such a way as to legitimate the practice of Cold War balancing; or at least this would be a Skinnerian reading. However, when examined from a Schmittian perspective neo-realism seems an insufficient tool of analysis. On the one hand, the proposition that the individual cannot be understood outside of a social context – Schmitt’s Rousseauian inheritance – makes the ‘first image’ problematic, but on the other hand, prioritising the category of ‘the state’ prevents an examination of the means by which a political collective understands itself as such, and forces an acceptance of a strong distinction between civil wars and inter-state wars without any

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<sup>48</sup> I would go further and suggest that Morgenthau’s attempts to ‘reconstruct liberalism’ – discussed in some detail by Michael Williams – as a form of what Nietzsche would have criticised as ‘pale atheism’, but that is outside the scope of this thesis.

<sup>49</sup> Kenneth Waltz, *Man, the State and War: A Theoretical Analysis*, (New York: Columbia University Press, 1959).

examination of the juridical conditions that make this possible. Therefore neither of these images can be said to develop from a set of linguistic conventions, or context, which Schmitt had any hand in producing.

Given that Schmitt was actively investigating the state as a normative artefact, the whole discourse of neo-realism shares only a minimal fit with his thinking. Of course Waltz makes the point that it is ultimately in the ‘third image’ that we can pare down the problem of war to the basic and relatively unproblematic variable of relative state power in an anarchic international system, but even this analysis relies upon a degree of conceptual stability when thinking about the units, not to mention the Schmittian critique of both power and anarchy offered earlier in this chapter. A stability which, given the mutability of the friend / enemy distinction, is difficult to sustain from a Schmittian perspective. The point worth making at this stage is that if Schmitt’s *Concept of the Political* is viewed as a kind of rhetorical move in which the state is undermined by the positing of a prior political category, then Waltz’s focus on the state, or more particularly the state system – when viewed against the backdrop of Schmitt’s long obituary for the European state system<sup>50</sup> – bears no genuine comparison. Furthermore, Waltz gets his ahistoricism in early with his easy comparison of the state thinking of both Plato and Rousseau et al. – the unexplored merging of the classical and the modern – which places his analysis at odds with the ‘conceptual historical’ accents within this thesis as a whole. This is not to say that these comparisons cannot be made, but when these comparisons inform an entire ‘image’ of Waltz’s theory of structural realism, this in itself gives reason to suspect that structural realism – from a Schmittian point of view – is little more than a tottering edifice of egregious assumptions; that in turn may possess logical clarity and explanatory potential, but may also lead to some spectacularly odd prescriptions.

In the first instance, Waltz’s text, *Man, the State, and War*, is an analysis based on three distinct categories of evaluation, each organised to make sense of the bewildering array of possible answers to the simple question, ‘Where are the major causes of war to be found?’<sup>51</sup> However, the true novelty of this book is not the categorical framing – despite the influence this has had on IR and the question of ‘levels of analysis’ – but instead the

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<sup>50</sup> Schmitt, *Nomos*.

<sup>51</sup> Waltz, *Man, the State and War*, p 12.

suggestion that the entire discipline can be understood in respect of a limited curiosity, very much in keeping with the outline – in Chapter 3 – of this thesis. One need not agree with the wording of the question Waltz formulates to see that this simple theoretical innovation allowed Waltz to produce one of the most theoretically influential and conceptually ambitious texts in the history of the discipline. Although it is interesting to note that this forms only one paragraph of the entire book, demonstrating that he was clearly more invested in the categorical typology than in justifying the process of inquiry.

Without overstating, Waltz's analysis can be read as a work of ideas about ideas, and if it had included a deeper discussion of the philosophical commitments and assumptions of his research, and the ontological bias in the manner in which the original question was framed, it might have been titled 'Ideas about man, the state, and war.' To put it simply, Waltz moves from comparing different answers to the same basic question, to positing a theory based upon the truth of his organisational method. However, the categories of 'man' and 'the state' are, and remain, deeply contested. This is acknowledged explicitly by Waltz but the difficulty and contestability of each is the central reason why the third image comes into focus as the arbitrating medium for the resolution of his central question of the whole discipline of IR. Which brings the whole discussion full circle. Waltz offers a series of reasons why theories drawn from the first and second images cannot fully answer the question 'Where are the major causes of war to be found?' and in the light of this, offers the non-existence of a global leviathan as the key – although he calls it a 'permissive' – causal factor.<sup>52</sup> However, from an idealist perspective, a permissive cause is less a cause than a pernicious abstraction. On the one hand, it is well known that a negative cannot be proved, but Waltz goes beyond this, suggesting that a negative – in itself – can act as the reconciling element within his theory.

Furthermore, and in a very direct sense, his theory can be read as an appeal for a global leviathan, for if this is the sole reason why war persists, no other conclusion can be drawn from a work of theory that views this as its central problem. And with this in mind, even the prescription of Waltz's text can be viewed in terms amenable to the most

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<sup>52</sup> Waltz, *Man, the State and War*, p 232.

basic kind of utopianism, but particularly as a work of philosophical idealism, where concepts precede objects. However, even if it is assumed that Waltz's work is analytical in form and has no normative aspiration, he nevertheless relies upon the conceptual form of a global leviathan – in spite of, and in fact *because of*, its lack of material expression – as a central proof of his argument. It is because a global leviathan can be imagined, without any evidence of its existence – a concept without an object – that permits Waltz's work to be understood. His conclusion that the first two images act as the forces of world politics – where one recedes the other advances – and the third image as the necessary missing element in any explanation for the continuation of war introduces the possibility that everything is to be done, or nothing. That either optimistic utopianism or pessimistic realism are equally reasonable – or equally irrelevant – responses to the problem of war.

Yet there are moments in his text that lead in another direction, a more Schmittian direction, and assist in unpicking the metronomic practicalities of a neo-realist world. The three images are acknowledged as productive assumptions for the organisation of a meta-theory of International Relations, and towards the end of his book he acknowledges that the three are interdependent, that human nature shapes society, that society shapes human nature, and that the international system – or rather, absence of a monopoly of force at the level of the international – also interacts both with domestic politics and with – arguably – human nature. Unfortunately, this organising triad of man, state, and international system, are not – by his own admission – comparable elements. The first two are assumed to relate to really existing things, the third to an absence of a thing. If a semblance of world government ever emerged – even as an idea – then the third image would disappear, subsumed by the second within a potentially feeble grasp, but nevertheless, only two images would be available as an organising duality. Most explanations for war could – according to the same underlying Waltzian logic – henceforth be made by reference to the feebleness of 'world government', rather than its absolute absence, which would be a second-image explanation rather than a third-image permissive cause. The Schmittian direction is revealed by the potential for a triadic system to disguise a potential underlying dyadic system similar to that discussed in when considering *The Concept of the Political* in Chapter 1.

None of this is to explain the continuing appeal of neo-realism, which has, and continues to have many adherents. The systemic formulae devised by Waltz and elaborated in his *Theory of International Politics* have an attractive simplicity.<sup>53</sup> But the third image necessarily assumes a mind independent reality, and the idea of a mind capable of stepping outside of its context to judge and compare the actions of like units in a context of anarchy. Despite its meta-theoretical appearance, neo-realism is rooted in an analysis of the external world that is independent of it. It is an attempt to set out an ontological vision of the world 'as it is' with little acknowledgement of the epistemological straightjacket at its heart. It has left a legacy of theorising the status quo, according to a grand theoretical construct, itself based upon the assumed truth of a negative. The 'levels of analysis' problem is the key theoretical crutch for the entire spectrum of neo-realism thought. Acknowledged as a lens, it inevitably serves as justification. The third image of the international system represents the commitment neo-realism has to the external world, such that a real absence of a thing imagined – a global leviathan – can be considered in some way causally related to the real existence of something that IR has only imagined – dreamed even – the absence of since its inception; 'that miserable condition of Warre'.<sup>54</sup>

Once again, this thesis seeks only to explain the differences between a neo-realist approach and a Schmittian approach to IR. Neo-realism is a coherent complex of assumptions and general laws, very much situated in the world of ontological assertions and explanations. And although most neo-realists do not claim to be accurately theorising the real world, so much as providing mechanisms for its simplification, interpretation and for the guidance of action, epistemological inquiry about underlying concepts, legal justification and the conceptual fluidity of assumed units can only serve to modify the assumptions built into the workings of the ontologically rooted model. Therefore, neo-realism, being 'of the world', holds on to and intensifies the classical realist prioritisation of ontology above epistemology in the manner in which it frames its theory-political interventions over the persistent dilemmas of IR. So not only can Schmitt be distanced from Carr and Morgenthau's versions of realism, he shares little or nothing with neo-realism.

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<sup>53</sup> Kenneth Waltz, *Theory of International Politics*, (Boston: McGraw Hill, 1979), in which Waltz entirely dismisses the first two images and concentrates on setting out a completely systemic theory.

<sup>54</sup> Hobbes, *Leviathan*, p 223.

## Contemporary Realisms

Criticism of neo-realism formed a key strand of argument within what became known as the second ‘great debate’ in IR, between behaviouralists and classical theorists. However, without going into any detail about the broader arguments, the recent recovery of Hans J. Morgenthau, and indeed Schmitt himself – wearing his realist mask – owes something to a general dissatisfaction with the polarity and sterility of the neo-neo debate of the 1980s. Accordingly, there has been something of a (re)turn to classical theory that is arguably responsible for much of the contemporary interest in Schmitt from within International Relations, certainly with respect to the literature that this thesis has concentrated on. Two new forms of Realism are of particular importance because Schmitt occupies an important role in the argumentation of each. They are Wilful Realism, which forms part of Michael C. Williams’ general attempt to breath new life into Realism, and recover interest in the Classical Realist scholars,<sup>55</sup> and Realist Institutionalism, as theorised by Alessandro Colombo.<sup>56</sup>

### Wilful Realism

Morgenthau takes centre stage in a book by Michael Williams entitled *The Realist Tradition and the Limits of International Relations*, in which he attempts to excavate a more sophisticated understanding of Realism based upon a reinvigorated analysis of some canonical thinkers. For Williams, Hobbes, Rousseau and Morgenthau have become hollow caricatures, yet when re-examined have much to offer. He argues that ‘far from supporting claims about International Relations as an inevitable ‘state of nature’, or a realm of *realpolitik*, these thinkers actually develop understandings of International Relations that profoundly challenge many of the dominant claims which they are today used to support.’<sup>57</sup> It is to this book that I am indebted for many insights into Morgenthau’s work, but I also suggest that Williams interpretation downplays the opposed relationship between philosophical idealism and realism. Accordingly, Williams makes the case unanswerable that Morgenthau is more than the ‘Six Principles’<sup>58</sup> just as Hobbes and Rousseau are also far greater thinkers than a brief

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<sup>55</sup> Williams, *The Realist Tradition and the Limits of International Relations*, and Williams, *Realism Reconsidered: The Legacy of Hans J. Morgenthau in International Relations*.

<sup>56</sup> Colombo, ‘The “realist institutionalism” of Carl Schmitt’, op. cit.

<sup>57</sup> Williams, *The Realist Tradition and the Limits of International Relations*, p 4.

<sup>58</sup> Morgenthau, *Politics Among Nations*, p 4.

analysis of their place in IR would suggest. But he leaves unanswered the extent to which his proposed revolution in Realism owes much insights more commonly associated with philosophical idealism.

Simply put, Williams' three components of what he terms 'Wilful Realism' are as follows; scepticism concerning knowledge claims, which is 'taken as a challenge requiring the active construction of political and social order'. This is followed by a condition of relationality, meaning no 'fixed or given' nature of 'either the self or political order'; and the last component is that of 'power politics'.<sup>59</sup> Setting aside the last component, the first two are clearly implicated as part of a philosophical disposition that prioritises ideas over objects.<sup>60</sup> That objects have no fixed or given nature and that scepticism gives rise to a need to 'construct ... political and social order', sounds remarkably opposed to a vision of a reality governed by objective laws as referred to by an orthodox reading of Morgenthau's 'Six Principles', or even Carr's early statements concerning the confusion between the 'optative' and the 'indicative'. Indeed it seems more like a version of constructivism. The last component – that of 'power politics' – is outwardly a realist concern, but has an odd feel when set alongside the second component of relationality, for power is inherently relational – as discussed in the earlier part of this chapter, and following both Oakeshott and Schmitt – which gives the inclusion of 'power politics' in Williams' schematic the appearance of a conceptual afterthought, or perhaps a votive offering on the altar of disciplinary inclusion.

I should stress that I largely agree with Williams' interpretations of Hobbes, Rousseau and to a great extent Morgenthau, I simply suggest that Wilful Realism offers an opportunity to rethink Realism beyond the philosophical parameters that most realists would be entirely comfortable with, although I acknowledge that Realism remains a contested domain – and that this chapter can be counted an intervention within that ongoing contest for the soul of Realism. Williams makes this particularly clear where he offers a detailed reinterpretation of the 'Six Principles of Political Realism' that specifically subverts their orthodox interpretation as providing a fundamentally materialist logic to Morgenthau's thinking, and therefore that of Realism more

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<sup>59</sup> Williams, *The Realist Tradition and the Limits of International Relations*, p 5.

<sup>60</sup> And they are of a piece with the title of another of Williams' articles, 'Why Ideas Matter in International Relations: Hans Morgenthau, Classical Realism, and the Moral Construction of Power Politics', in *International Organization*, Volume 58, 2004.

generally.<sup>61</sup> There are two reasons for this: first of all; although I concede that Morgenthau has been done an injustice by his reduction to the implied (even if incorrectly) materialism of the ‘Six Principles’ it should also be acknowledged that he wrote them, and he therefore must be considered complicit in his own conceptual truncation.

Secondly, and more importantly, there is a fundamental philosophical dilemma in the very words chosen by Williams to describe his notion of Realism – Wilful Realism.<sup>62</sup> The use of the word ‘wilful’ introduces a huge problem into the idea of ‘realism’. Will, describes what has become understood as the capacity of agency, or in simple terms, the means by which reality is altered according to some inner desire, and represents an emphatic assertion of the priority of concept over object. Will is exclusively a part of the idealist philosophical tradition along with its sense that reality is a secondary artefact of a system of ideas. Wilful Realism is therefore rather a surprising conceptual juxtaposition, deliberately so, but rendered more so when Schopenhauer – the principle, important theorist of ‘will’ before Nietzsche – is unmasked as a profound and absolute idealist philosopher for whom the idea of ontology was hidden behind the veil of ‘Mâyâ’, and for whom ‘everything that exists for knowledge, and hence the whole of this world, is only an object in relation to the subject, perception of the perceiver, representation’, which he offers as an extended comment on the opening line of his principal work, ‘The world is my will and representation’.<sup>63</sup> It could be argued that this is a philosophical distraction, not central to the points made in his book, however I would argue that it lends un-stated context to Williams’ argument, and has a direct point in respect of the argument in this thesis. If Realism is taken to be a body of comparable theory-political interventions within the wider scheme of IR – united as it is by a persistent set of questions and dilemmas concerning collective identity and legitimate violence – then what unites Realism is a hostility to the idea of progress in history, and a tendency to frame arguments in terms of ontological categories. And it is against this test that Wilful Realism fails to qualify as Realism. I should also add that Williams’

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<sup>61</sup> I could draw upon a wide variety of texts to make this point, but fortunately Williams usefully concedes it, in *The Realist Tradition and the Limits of International Relations*, p 109.

<sup>62</sup> Although it should be noted that the rhetorical tactic of prefacing an old descriptive term – Realism – with a new and seductive partner – Wilful – is classic Skinnerian theory-politics.

<sup>63</sup> Schopenhauer, *The World as Will and Representation*, § 1.

extensive efforts to escape the ‘tyranny of false polarities’ is to set aside what I regard to be a productive tension within the broader discipline of IR.

Williams certainly demonstrates the value of Morgenthau as a theorist ready for reappraisal,<sup>64</sup> but it is difficult to simultaneously credit him with profound insights into the workings of the real world and its ‘objective laws’, exonerate him from a superficial interpretation of the ‘Six Principles’ that he himself wrote as a set of summary principles, and co-opt him into an apparently idealist attempt to reconstruct the realist tradition within IR around a ‘wilful’ conception of Realism.<sup>65</sup>

One last point worth making within the context of this thesis concerns Williams’ extensive use of Schmitt to make his argument. This thesis has already established the inherent idealism in Schmitt’s work, and the manner in which – although he shares with Realism a profound hostility or mistrust of the idea of progress in history – he prioritises epistemology over ontology. The fact that Schmitt plays a central role in Williams’ reinterpretation of Realism, and serves to support the radical scepticism and therefore epistemological bias within Wilful Realism also hints at the dangers implicit in assuming that Schmitt is indeed comparable with Realism in IR, for if ‘realist Schmitt’ is replaced with ‘idealist Schmitt’ then Wilful Realism becomes more than a simple critique of Realism in IR, resembling instead a refutation of its key assumptions.

### **Realist Institutionalism**

One final form of Realism worth discussing is what Alessandro Colombo has called ‘realist institutionalism’; formulating this term in order to describe Schmitt above all other theorists. Colombo’s insightful and thorough reading of Schmitt contains these words: ‘That Carl Schmitt belongs to the realist tradition cannot be seriously put into doubt.’<sup>66</sup> I therefore need to make some explanation for why I disagree, but in doing so I hope to reveal more of the ambiguity associated with the term Realism. For although

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<sup>64</sup> Going on to do just that, in *Realism Reconsidered: The Legacy of Hans J. Morgenthau*.

<sup>65</sup> Interestingly, although Michael C. Williams expands and reinterprets realism in order to lead it in the direction of philosophical idealism, Martin Griffiths, *Realism, Idealism and International Politics*, (London: Routledge, 1992), argues that Morgenthau and Waltz are both better understood as idealists in the first place. I take Griffiths’ point, but mention it merely to make clear the mutability of these terms, and therefore these theorists.

<sup>66</sup> Colombo, ‘The “realist institutionalism” of Carl Schmitt’, in Odysseos and Petito (eds.) *The International Political Thought of Carl Schmitt*, p 22.

Colombo makes this initial statement, the rest of his article is an explanation of the specific and important differences between Schmitt's theories and the Realism of Morgenthau and Waltz. His account differs in the detail from the account offered above, but not in substance, and, as with Michael Williams' efforts to reinterpret Realism, I suggest that it is with Colombo's use of the word Realism that this thesis differs in interpretive focus.

Colombo's basic point is that Schmitt gives an account of institutions rather than power politics, and rejects the view 'that international politics has remained immutable through the centuries'.<sup>67</sup> In this way does Schmitt fail to conform to a realist worldview. Furthermore, he adds that '(i)nstitutions are not conceived as substitutes for the realist game of international politics; instead it is the realist game of international politics that is conceived of *as an institution*.'<sup>68</sup>

Using the simple definitions of philosophical idealism and realism outlined in this thesis – that of the opposing hierarchies of concepts and objects – it is clear at this point that Schmitt's focus on concepts – of law, of sovereignty, and all the other arguments in this thesis – secures him a place in the idealist camp even for Colombo. But examining Colombo's account of Realism further distances Schmitt from Realism, for even in his own words – realist institutionalism – he is attempting to breath life into a 'concept, which can legitimately seem an oxymoron in contemporary International Relations theory, since most institutionalists reject realist assumptions and most realists reject the role of institutions.'<sup>69</sup> And a further quote:

Schmitt explicitly puts the significance of anarchy into perspective, not only by recognizing that order can exist in anarchy, as realists and neo-realists also do, but, beyond them, by understanding that the international order is something more than the (*ever changing*) result of power relations: it also depends, at a more profound level, on a (*more persistent*) set of political, juridical and cultural restrictions which over the last three centuries, have allowed international competition to develop according to certain rules and, above all, in keeping within certain limits;<sup>70</sup>

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<sup>67</sup> Ibid., p 25.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid., p 22.

<sup>70</sup> Ibid., p 23.

Here, Colombo comes perilously close to admitting Schmitt's basic philosophical idealism, with his prioritisation of the conditioning power of ideas. I would take his analysis further and suggest that those 'certain rules' were embedded within the articulation of the grand European friend / enemy distinction outlined in *The Nomos of the Earth*. To recognise one's enemy is also to know the terms of any permissible relationship with the enemy. Following this, the account Schmitt gives of European order is founded upon a basic level of respect for other Europeans that allowed the conditioning friend / enemy distinction of those 'three centuries' to be that between Europeans and non-Europeans. Competition between Europeans took a rule bound form in Europe and thus war was humanized – and importantly de-politicised – in Europe, according to Schmitt. Real enmity existed outside of the European space where the European domination of the non-European was a pre-agreed norm of intra-European relations. Thus, even the most existential conflict was conducted according to institutionalised norms of interaction, mediated by the institutionalised expression of a spatial distinction between Europe and non-Europe.

In arguing against Colombo's use of the term Realism – as in realist institutionalism – I will stress again, that I find his interpretation of Schmitt utterly compelling, the difficulty hangs solely on his seeming need to hang on to the category of Realism. It could be argued that I am offering only the most basic distinction between idealism and realism in order to illuminate my account of IR theory, but if both Williams and Colombo have to redefine Realism – and each in different ways – in order to claim that Schmitt and others remain fundamentally 'realists', I hope this gives pause for a deeper reconsideration. A multitude of different understandings of Realism does not add clarity to an interpretation of Schmitt or anyone else. Colombo is absolutely right to highlight Schmitt's institutionalism, and while this does not make him a liberal, or a utopian, it does nevertheless make him a philosophical idealist more than a realist. Furthermore, the distinction between a theorist who prioritises objects over concepts and one who prioritises concepts over objects does allow for a clearer topography of conceptual relationships to emerge within IR. And it is for this reason that I highlight Schmitt's idealism, for it allows a much more productive set of theoretical relationships to be established in exactly the area that Colombo identifies, between Schmitt and the English School. This however, will be dealt with in Chapter 7.

## Conclusion

What this chapter has demonstrated, I hope beyond doubt, is that Realism in IR – however defined – is a derivative expression of philosophical realism, rooted in the basic proposition that the external world is independent of its interpretation, and reducible to a series of testable facts. The Classical Realism of Morgenthau and Carr looks to history to find patterns of human behaviour expressed through political collectives. Themes such as the balance of power, the pragmatic use of state power, and the cyclical nature of the rise and decline of power predominate, along with a critical disposition towards the prevailing historical progressivism of inter-war liberalism. Neo-Realism on the other hand, moves away from history and focuses on transhistorical reflexive frameworks in which the balance of power and the ‘levels of analysis’ have theoretical primacy.

Nevertheless, with Rengger, and by extension Oakeshott, this thesis holds that Realism – classical and neo – is a ‘child of the world’, in that it makes ‘the world’ the standard.<sup>71</sup> Whereas other approaches to IR make the manner of the world’s conceptualisation the standard, believing the world itself to be largely hidden behind its interpretation. Imagined this way, Realism emerges not as a tradition united by muscular cynicism, nor even the dominant tradition within IR, but instead as a broad philosophically coherent location from which to launch theory-political interventions over the unifying family of questions that inhabit and cohere the discipline of IR – concerned as it is with collective identity and legitimate violence, framed either conceptually or objectively.

Two recent attempts to stretch the boundaries of Realism – and therefore breath life into its failing conceptual strength following the theoretical onslaught of the 1990s – have mobilised the work of the ‘arch-realist’ Carl Schmitt. However, in my view this has served merely to move Realism out of ‘the world’ and into the welcoming arms of the radical sceptics, idealists and the other-worldly shamans who hide behind the veil of ‘Mâyâ’, but who nevertheless posit their own epistemologically framed assaults on the heartland of IR Theory. That Schmitt was there all along may come as a surprise to some, but given his theological outlook, the inspiration he took from Kierkegaard and

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<sup>71</sup> Rengger, *Realism, Tragedy and the Anti-Pelagian Imagination*, p 131.

Schopenhauer, and the radical indeterminacy of his conceptual formulations, perhaps not so surprising after all.

## Chapter 6 – Partisan Politics, Marxism in IR

*I jumped up. "This is unthinkable! It's stupid! Can't you see that what you're plotting is ... revolution?"*

*"Yes – revolution! Why is that stupid?"*

*"Stupid – because there can't be a revolution. Because our – this is me talking, not you – our revolution was the final one. And there cannot be any further revolutions of any kind. Everybody knows that ..."*

*Her brows make a sharp mocking triangle: "My dear, you are a mathematician. You're even more, you're a philosopher of mathematics. So do this for me: Tell me the final number."*

*"The what? I ... I don't understand. What final number?"*

*"You know – the last one, the top, the absolute biggest."*

*"But I-330, that's stupid, Since the number of numbers is infinite, how can there be a final one?"*

*"And how can there be a final revolution? There is no final one. The number of revolutions is infinite, how can there be a final one?"*

Conversation between D-503 and I-330 in Yevgeny Zamyatin's *We*.

### Introduction

The last chapter in this section is an attempt to make a head on comparison between what might be broadly termed the Marxist tradition in IR, and the thought of Carl Schmitt. The reason for this is threefold. First of all, Marx acts as a reference point for a particular brand of theorising, and given that Schmitt commented directly on Marx, there is at least some preliminary material to consider. Secondly, some of the early engagements with Carl Schmitt in the English language considered his relationship with the Frankfurt School<sup>1</sup> and were followed by a self identified 'post-Marxist' interpretation.<sup>2</sup> Lastly, the grouping of IR into three traditions – one of which is Wight's 'Revolutionism'<sup>3</sup> – is both familiar and uncontroversial, and this chapter completes the trio of comparisons within this thesis. This is conducted on two basic grounds; a direct reading of the elements of Schmitt's theory that pertain to Marxism along with a critical reading of his alternative formulations, followed by a critique of some contemporary areas of IR theory where Marxism is still openly acknowledged as an inspiration, which obviously takes a Schmittian character.

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<sup>1</sup> Ellen Kennedy, 'Carl Schmitt and the Frankfurt School', *Telos* 71 1987.

<sup>2</sup> The work of Chantal Mouffe and Ernesto Laclau for example.

<sup>3</sup> Martin Wight, *International Theory*, (Leicester: Leicester University Press, 1991), p 6.

The structure of the chapter forms around a brief consideration of Schmitt's comments on Marxism, and is followed by a more detailed reading and interpretation of his text, *Theory of the Partisan*.<sup>4</sup> Then an attempt is made to contextualise the nature of his relationship to Marxism by returning to the Hegelian elements within his thinking. This leads eventually to a the characterisation of Marxist theory along somewhat Weberian lines – which should come as no surprise – but also assists in further distancing the treatment of Schmitt within this thesis from the more directly political commentaries of the 'post-Marxists' and those primarily concerned with the politics of the exception.<sup>5</sup> As the thesis is concerned with Schmitt's relationship to International Relations, I am naturally more concerned to investigate the distance between a Schmittian interpretation of IR and the tradition of IR influenced – directly or derivatively – by Marx, in order to say something about them both.

### **Schmitt's Critique of Marxism**

Although it goes without saying that Schmitt was not a Marxist, his critique of Marxism is much more than simply a dismissal. In fact, as with his critique of liberalism – to which he accorded a high degree of respect – Schmitt shows some admiration for the simple dualism of class warfare, even finding an explanation for its appeal. As will be shown, his criticisms concerned the underlying assumptions that inhabit Marxism, and the inevitable conceptual limits to a Marxist political schema. In fact, reading Lenin, Trotsky and Mao reveals many pithy dualist formulations concerning the necessity of violence and the irreducible dichotomy of decisive political moments that echo Schmitt very clearly, and indeed might even be transposed directly on occasion. All of these theorists lived in a world of reductive oppositions, yet only for Schmitt did these oppositions end at a point of fundamental indeterminacy. For the other three, history had its forces, productive technology had its nature, and class was everywhere. For Schmitt, on the other hand, class was an invention; no more nor less than an idea. Socio-economic categories had no necessary political content, and Marxism served only to invest ambient socio-economic divisions with sufficient intensity as to become battle lines in a global war. For Marxists, this war would be the final war for humanity and for socialism. For Schmitt, the war would never end. So there are very distinct comparisons to be made between Schmitt and the Marxist tradition because Schmitt provides a fully

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<sup>4</sup> Schmitt, *Theory of the Partisan*.

<sup>5</sup> Chantal Mouffe, Giorgio Agamben, Hardt and Negri etc.

realised critique of exactly the assumptions upon which much Marxist theory in IR rests.

In *The Concept of the Political*, Schmitt makes the point very clearly:

The most conspicuous and historically the most effective example [of a dualist antithesis] is the antithesis formulated by Karl Marx: bourgeoisie and proletariat. This antithesis concentrates all antagonisms of world history into one single final battle against the last enemy of humanity. It does so by integrating the many bourgeois parties on earth into a single order, on the one hand, and likewise the proletariat, on the other. By doing so a mighty friend-enemy grouping is forged.<sup>6</sup>

Schmitt then goes on to contextualise this as taking place in the historical period after which the industrial society of England had triumphed over the military imperialism of Napoleon, and roots its origin in the liberal triumph of economics most accurately theorised by Benjamin Constant.<sup>7</sup> To this extent, his critique of Marxism is not simply analogous to his critique of liberalism, but an extension thereof. And as if to add insult to injury, his critique of Marxism, in line with his critique of liberalism, ultimately treats it not as a philosophy of history, but merely one of a series of competing interpretive historical idealisations, one whose end is the same as that of liberalism; a 'final battle against the last enemy of humanity'. The only difference really amounts to where the respective friend-enemy distinction is made. For liberals, humanity becomes a series of moral demands against which to test individual behaviour, whereas for Marxists, disputations concerning class habits and the difference between the revolutionary and the reactionary mind predominate. Whatever shocks were to befall old fashioned Marxists when the gulag finally gave up its secrets, Schmitt's account leaves little room for genuine surprise. Nor does it permit the interpretation of the gulag, the Cultural Revolution in China, and the killing fields of Cambodia as aberrant excesses, but instead reveals them as the inevitable and perpetual destination of materialist history as class borne destiny.

Schmitt deals more explicitly with Marxism in his earlier work, *The Crisis of Parliamentary Democracy*, in which he goes into greater depth concerning the Hegelian dimension of Marxist thought, which could never be anything other than a direct

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<sup>6</sup> Schmitt, *Concept of the Political*, p 74.

<sup>7</sup> Ibid.

refutation of the materialist philosophical commitments built into Marxism, particularly insofar as this dominates Marxist thinking in IR. Schmitt concentrates his criticisms on the manner in which the Hegelian notion of *Geist* or ‘world historical spirit’, is replaced by an ‘iron necessity’ of historical materialism,<sup>8</sup> and goes on to suggest that this transforms the idea of dictatorship latent within Hegelian thought. To begin with, Schmitt casts the idea of Hegelian dictatorship as a ‘vanguard of the *Weltgeist* ... an *avant-garde* that has the right to act because it possesses correct knowledge and consciousness, not as the chosen of a personal God, but as a moment in development.’<sup>9</sup> He goes on to contrast this educative dictatorship – which contains an inherent democratic dimension – with the forceful assertiveness of a philosophy of material life, born of scientific certainty. Despite Schmitt’s criticism of Hegelian dialectics and the implied sense of progress in his philosophy of history, he remains a Hegelian in the sense that he draws a distinction between the philosopher – who is able to identify the world historical personalities of ‘Theseus, Caesar and Napoleon’<sup>10</sup> – and the individuals who are the instruments of the *Weltgeist*. Napoleon, who so impressed Hegel in Jena in 1806, ‘was a soldier, not a Hegelian’.<sup>11</sup> Two quotes neatly parenthesise Schmitt’s thoughts on the matter.

Only when it was scientifically formulated did socialism believe itself in possession of an essentially infallible truth, and just at that moment it claimed the right to use force.<sup>12</sup>

As Trotsky justly reminded the democrat Kautsky, the awareness of relative truth never gives one the courage to use force and to spill blood.<sup>13</sup>

What these quotes reinforce, is that Schmitt interpreted Marx fundamentally as a Hegelian, but one whose historical materialism was an unreflective condition of a particular historical consciousness, not to be taken too seriously, and in effect being the principle flaw in his work. To speak metaphorically, for Schmitt, Marx demanded that the owl of Minerva take flight only at the rising of the dawn, and rather than cast its wise eyes upon the passing day, it heralds the arrival of the light of historical materialism. For Schmitt, Marx, therefore, had failed to turn Hegel on his head, and had

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<sup>8</sup> Schmitt, *The Crisis of Parliamentary Democracy*, p 53.

<sup>9</sup> *Ibid.*, p 58.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, p 53.

<sup>13</sup> *Ibid.*, p 64.

in fact worked entirely within the parameters of his philosophical outlines; except possibly in the one small regard of confusing a capacity to *see* the instrument of the world historical spirit, with *becoming* it.

The influence of Marx on International Relations is almost impossible to summarise. Marx himself saw the existence of states, and therefore a state system as part of the superstructure of capitalism, therefore in a sense, a Marxist or Marxian disposition inevitably arrives at 'the international' because its persistence represents a conceptual problem, rather than a simple state of affairs. However, it is perhaps worthwhile to deal with two general areas in which the influence of Marxism is widely acknowledged, and in each case, a couple of clear Schmittian critiques emerge. These two areas are; Critical Theory and International Political Economy. In both cases there are many theorists who would not identify Marx as an influence, but nevertheless, it could be argued that each area of research would look quite different were it not for the influence of Marx.

## Critical Theory

In the first instance, Critical Theory<sup>14</sup> probably has the closest direct association with Carl Schmitt. Ellen Kennedy identified the role he played in the early development of the Frankfurt School in an article written in 1986.<sup>15</sup> This was met with extreme hostility in a series of follow up articles, which displayed at least some of the sensitivity covered in the introduction of this thesis.<sup>16</sup> However, Kennedy further responded, restating her original charge that Schmitt was a prominent and openly acknowledged source of ideas for Otto Kircheimer, Franz Neumann and Walter Benjamin, even going so far as to detail the extent to which Theodore Adorno deliberately edited Benjamin's work after the war to remove all of the extensive references to Schmitt, and the letters they exchanged from his published correspondence.<sup>17</sup> This is a debate that could continue forever, the details of which are not important for this thesis, suffice that concerns about the connections between these various theorists centred on the question of divine violence, political theology, and even attitudes towards positive and natural law. In each

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<sup>14</sup> Critical Theory should be distinguished from the somewhat overused term 'critical', and here only refers to the long tradition of thought that emerged from the Frankfurt School, stopping short of the 'postmodern theorists' often dubbed 'critical' within the discipline.

<sup>15</sup> Ellen Kennedy, 'Carl Schmitt and the Frankfurt School', *Telos* 71, 1987.

<sup>16</sup> Articles by Martin Jay, Ulrich Preuss, and Alfons Söllner published also in *Telos* 71, 1987.

<sup>17</sup> Ellen Kennedy, 'Carl Schmitt and the Frankfurt School: A Rejoinder', *Telos* 73, 1987.

case, it is assumed by the defenders of the Frankfurt school that positions on these questions serve as entry requirements to the Frankfurt school, thus Schmitt – on account of adhering to the wrong side of a settled argument – can be safely excluded. Kennedy is, I think, right to insist that this is not her central concern, and that highlighting the rather obvious points of engagement between prominent Frankfurt school theorists and Carl Schmitt is treated with such hostility precisely because of some of the key normative assumptions of Frankfurt school theorists. The Frankfurt school was, after all, born of the crisis caused by the rise of the Nazi party, and to admit of the influence of a theorist who went on to become a sometime Nazi apologist is clearly controversial, but nor can the connections be wished away. Kennedy's point is not that Schmitt should be acknowledged as a member of the Frankfurt school, but that given the depth of the engagements between him and the three named theorists, he was more than simply a provocateur. Instead he set the conceptual context by clarifying certain important questions concerning violence, the political, and the problematic relationship between legality and legitimacy – among other things, and in doing this, outlined the intellectual parameters of debates that the Frankfurt school took up. Schmitt and the Frankfurt school may have disagreed about the solution to the social and political dilemmas of Weimar Germany, but they certainly shared an appreciation of some of the problems.

When it comes to the discipline of International Relations, Critical Theory has a relatively short history, tracing back to Robert Cox and his seminal article 'Social Forces, States and World Orders: Beyond International Relations Theory'.<sup>18</sup> This article operates as a critique of the discipline, but quickly became a point of theoretical departure for a new approach to the persistent dilemmas of International Relations. Although Cox draws Marxian inspiration through Gramsci, he nevertheless directly asserts that Critical Theory derives from Historical Materialism, offered as a corrective to neo-realism.<sup>19</sup> The problem of the international, according to Cox, is produced by underlying social and political evolutions, and has no standing independently of their historical form. Thus International Relations is not an free standing enquiry into the relations among an assumed category of social organisation; that being the state. Instead

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<sup>18</sup> Robert Cox, 'Social Forces, States and World Orders: Beyond International Relations Theory', *Millennium: Journal of International Studies*, Volume 10, No 2, 1981.

<sup>19</sup> *Ibid.*, p 133.

IR needs to take account of the social theoretical origins of both states and the international system.

Cox usefully refines Critical Theory into a series of five principles concerning its underlying philosophical commitments.<sup>20</sup> One important dimension of Critical Theory, is that although it remains rooted in a materialist philosophy, it nevertheless places a strong emphasis on ideas, and in this respect, the five principles outlined by Cox relate largely to the world of ideas and their relation to action.<sup>21</sup> Thus, although it would be wrong to reduce Critical Theory to a form of idealism, the stress is certainly placed on the obligations of a theorist to understand his or her role in constituting or reinforcing the conditions within which certain ideas, 'habits, pressures, expectations and constraints' shape actions.<sup>22</sup> Therefore – and this is the really key component of Critical Theory – the last of Cox's five principles concerns the pathos of the whole enterprise, which is oriented towards transformation and emancipation.<sup>23</sup> Thus Critical Theory steps gingerly away from the ontological framing of classical Marxism, towards the contingent epistemological terrain of inter-subjective theory construction, while remaining firmly committed to the view of history as progressive rather than static or cyclical.<sup>24</sup> Which in turn sets up the great disputes between 'critical theorists' and 'post-modern' theorists over the concept of progress and the idea of modernity as an emancipatory project.<sup>25</sup>

When comparing Cox's five rules to a Schmittian frame, it is possible to detect some minor differences, but mostly similarities; all except the orientation towards emancipation or transformation. To go through them in turn; an appreciation of the

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<sup>20</sup> Ibid., p 135.

<sup>21</sup> Stephen Roach (ed) explicitly identifies the origins of Critical Theory in the tradition of German Idealism, before taking a materialist turn, in *Critical Theory and International Relations: a reader*, (New York: Routledge, 2008).

<sup>22</sup> Ibid.

<sup>23</sup> These criticisms – just for the sake of space – must be taken to be indicative rather than comprehensive, but insofar as Critical Theory has found expression in IR Theory, a brief glance at Mark Hoffman's 'Critical Theory and the Inter-Paradigm Debate', in *Millennium: Journal of International Studies*, Volume 16, Issue 2, and Andrew Linklater's 'The Question of the Next Stage in IR Theory: A Critical Theoretical Point of View', in *Millennium: Journal of International Studies*, Volume 21, Issue 1, 1992, seem to bear out this somewhat insubstantial treatment.

<sup>24</sup> A view also taken by Nick Rengger, who uses Oakeshott's critique of *Rationalism in Politics* to tease out the progressive teleology in 'Coxian Critical Theory', in 'Going Critical? A Response to Hoffman', in *Millennium: Journal of International Studies*, Volume 17, Issue 1, 1988.

<sup>25</sup> Richard Beardsworth usefully reframes these debates in 'The Future of Critical Theory and World Politics', in *Millennium: Journal of International Studies*, Volume 34, Issue 1, 2005.

‘human experience that gives rise to the need for theory’, knowledge that ‘the task of theory can never be finished in an enclosed system but must continually be begun anew’, that ‘the goal of theory is to understand’ how the ‘framework for action changes over time’, that ‘this framework has the form of an historical structure ... which has a certain coherence among its elements.’<sup>26</sup> All of the above apply to one extent or another to the kind of analysis and commentary that Schmitt concerned himself with throughout his life. The only real difference concerns the purpose of undertaking this study. For Critical Theorists, the goal is to create change; for Schmitt the goal is to properly understand, in order to preserve; an attempt to endow the past with its purpose and function in the guise of the present. In this respect Schmitt clearly holds on to a conservative Hegelian philosophical disposition, where Critical Theorists clearly inherit the radical orientation towards the future that is properly characteristic of Marx, even if their underlying materialism is somewhat disguised. Nevertheless, in terms of the relationship between Carl Schmitt and Critical Theorists, the political context of Weimar pulled each far enough away from the source of their theoretical impulses – Hegel and Marx respectively – to be separated by little more than posture. Critical theorists differ from Schmitt because of their commitment to historical progress and emancipation, whereas for Schmitt, transformation has a dangerous appeal that will only serve to destroy the historically contingent expressions of order in which freedom and emancipation properly reside. This general conclusion is supported by a brief quote from an article by Ian Manners when referring to the relationship between Wight’s ‘revolutionism’ and Critical Theory;

there is a tension here in that Wight’s revolutionism was clearly intended to include Marxist thinkers such as Immanuel Wallerstein and his ‘world system’ theory set firmly in the structuralist ‘paradigm’ of historical materialism. However, Critical Theorists try to distance themselves from the structuralism of Marxist thinking and its focus on historical materialism in order to refocus on the post-positivist approaches of discourse ethics.<sup>27</sup>

Finally, the proposition that ‘theory is always for someone or some purpose’ may seem somewhat uncontroversial today,<sup>28</sup> but this would ignore the importance of this insight

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<sup>26</sup> Cox, ‘Social Forces, States and World Orders’, p 135.

<sup>27</sup> Ian Manners, ‘The Missing Tradition of the ES: Including Nietzschean Relativism and World Imagination in Extranational Studies’, in *Millennium: Journal of International Studies*, Volume 32, Issue 2, 2003, p 247.

<sup>28</sup> The most famous of Cox’s maxims that he is credited with introducing into the discipline in ‘Social Forces, States and World Orders’, op. cit.

for International Relations theory at the time it was formulated. Furthermore, Schmitt would find this insight entirely unsurprising – as it is a version of his ‘concepts are always polemically directed against other concepts’<sup>29</sup> – and prefigures a latent conclusion within the whole thesis; that the practice of International Relations is an inherently polemical enterprise.

## **International Political Economy**

International Political Economy is another field in which Marxism has had a strong influence in the field of International Relations. I do not intend to give much space to this comparison, suffice to point out the distance between a Schmittian mode of interpretation and any analysis that prioritises economics. Strangely enough, Robert Cox provides a useful distinction with which to clarify Schmitt’s relationship to Critical theory by separating Marxism into two different strands; one concerned with his philosophy of history, from which Cox claims Critical Theory inherits its use of Marx, and a more economic strand, in which Marx lays the foundations for an unusually deep and thorough engagement with prevailing economic structures.<sup>30</sup> He suggests that this latter strand flows through Althusser and is best understood as a way of interrogating the operation and dynamics of capitalism, rather than being too concerned with progress, even perhaps mitigating against political action, everything being to a large extent determined by the prevailing economic structure. The only argument to raise in this context is the extent to which it is possible to properly disaggregate the critique of capitalism from the philosophy of history in Marx. If Cox’s distinction is accepted, then it follows that the Marxist elements of IPE have no basis of comparison with Schmitt’s conceptual formulations for reasons stated above; but if it is rejected, and instead reasserted that Marx’s critique of capitalism is an integral part of his philosophy of history – an indispensable aspect of the dialectical progression of history – then Critical theory could be accused of only inheriting the elements of Marx that suit its radical transformative agenda. In other words, Critical Theory gains its normative agenda from somewhere other than Marx. For Marx, history does the work of emancipation as long as revolution constantly removes the obstacles; for Critical theorists, emancipation is the job of the theorist, implying that it must be imagined and

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<sup>29</sup> Schmitt, ‘The Age of Neutralisations and Depoliticisations’.

<sup>30</sup> Cox, ‘Social Forces, States and World Orders’, p 133.

theorised before being brought about by political action; for Schmitt, history has no direction, and emancipation leads to anarchy.

Schmitt's critique of Marxism is directed at its philosophy of history, its dialectics, and its sense of progress. But it is because Marxism constructs a grand polemical friend / enemy distinction between the proletariat and the bourgeoisie that Schmitt finds it a worthy theoretical adversary. Schmitt therefore would clearly be resistant to the idea that Marx's critique of capitalism could be disaggregated from the whole; for Schmitt, the analysis of capitalism is the summation of Marx's philosophy of history, the very polemical point of it. Critical theory, on the other hand, inherits the emancipatory pathos from Marx – apart from which Critical theory contains many elementary propositions that can be found in Schmitt's work – but relies upon a reduction of Marx – by Cox at least – to something that Schmitt would have found uninteresting, even perhaps ridiculous.<sup>31</sup> Therefore returning to the direct comparison between Schmitt and the Frankfurt school, from which Critical theory – via Habermas and into IR through Andrew Linklater – derives much of its theoretical horsepower, it is possible to see that the similarities remain strong. However, it is ultimately Schmitt's conservatism, his mistrust of transformation and emancipation, that make him such a problem figure, both for the Frankfurt school – explaining the depth of hostility expressed against Ellen Kennedy's now widely accepted observations – and for the contemporary critical theorist. Without emancipation, without an underlying political project of transformation, Critical theory has little to offer IR that cannot be found in the work of Carl Schmitt along with many other so-called 'post-modern' theorists.<sup>32</sup> But the search for the appropriate terms of transformation is also the central problem of Critical theory. Therefore, when viewed through a Schmittian lens, the only distinctive element offered to IR from Critical theory, is the problem at its heart; transform to what? Emancipate in what sense? And if Schmitt's only contribution is a reminder that this problem is not yet

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<sup>31</sup> Schmitt, *The Crisis of Parliamentary Democracy*, p 53. In another example of Schmitt's ascerbic sarcasm he says 'it would be peculiar to organize a political party for the achievement of a coming eclipse of the Sun'.

<sup>32</sup> If anything, this lines Schmitt up alongside the post-moderns, and helps contextualise Derrida's flattering – if not uncritical – interest in Schmitt, but is again, not that surprising given the radical indeterminacy that characterises Schmitt's work, along with his hostility to the idea of 'progress' and all the 'closure' that entails for post-modern theorists.

resolved, then this is at least something, but it is also not surprising that critical theorists do not like to be asked the one question, above all, that they struggle to answer.<sup>33</sup>

## The Partisan

What the above account reduces to is a demonstration that Schmitt's relationship to the Marxist tradition is both hostile and critical, but nevertheless productive. There is little crossover between Schmitt and IPE for the simple reason that any body of theory that prioritises economics is bound to efface – for Schmitt – the political dimension, although the politicisation of the economic dimension is something he understood very well. However, the Marxist approach to IPE is at least prominently interested in the structural dimension of international relations, even if – for Schmitt – this could only apply in a specific historical context and be polemical in character. Critical theory, however, is much closer to Schmitt, sharing a similar intellectual focus, if not a polemical disposition. What both IPE and Critical Theory share, in distinction to the more formal elements of International Relations theory covered by the two previous chapters, is a similar sense that IR is neither simply a separate academic discipline, defined by a unique methodology nor merely a problem solving matter with conceptually assumed or ontologically given categories of actors. Instead, IR needs to be explained with reference to deeper social theoretical dimensions, particularly in respect of its own conditions of possibility. The Marxist tradition, in its various guises, offers a critique of IR by positing a deeper social theoretical engagement with institutions such as the state, or the international system, which can be taken rather for granted by many IR theorists. And this much, at least, they share with a Schmittian polemical / analytical disposition. However, there is one more comparison between Schmitt and Marxism worth making, which revolves around his essay *Theory of the Partisan*.<sup>34</sup>

It might not be immediately clear what Schmitt's work on the partisan has to do with Marxist approaches to IR, particularly given that recent work on Schmitt's essay considers the extent to which it offers conceptual tools that allow for a greater understanding of the prevailing phenomenon of global terrorism, and hence the 'war on

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<sup>33</sup> Once again, Richard Beardsworth's article, 'The Future of Critical Theory and World Politics', demonstrates this ongoing conceptual anxiety at the heart of Critical Theory.

<sup>34</sup> To repeat its full title; Carl Schmitt, *Theory of the Partisan: Intermediate Comment on the Concept of the Political*, (New York: Telos Press, 2007 [1962]).

terror'.<sup>35</sup> However, any examination of the actual text, and a brief contextualisation concerning its focus, reveals that he wrote it precisely in order to comment on the broader phenomenon of war and violence in the absence of any framework with which to judge the legitimacy of such violence. Furthermore, the readiness with which Marxist political philosophy can be – and indeed has been – deployed as a conceptual context for the legitimisation of guerrilla warfare – from national resistance fighters to 1960s urban guerrillas – provides the essential connection.<sup>36</sup> Schmitt wrote his essay as an attempt to explain what kinds of violent acts – and in what contexts – acquired political legitimacy, in a context characterised by an absence of a stable *nomos* within which to make a distinction between legitimate and illegitimate violence. Given that Marxist theorists had a ready answer for this, Schmitt's theories act as a direct and polemical critique of their ideas. Marxist theory, to this extent, acts as the polemical counterpoint against which Schmitt directed his comments. Therefore, it is an unavoidable confrontation, but also one that again reveals the extent to which Schmitt's reflections form a coherent whole, along with the extent to which – for Schmitt – the actions of single individuals need to be understood in a theoretical context in which a complete explanation is possible.

Lastly, there is a need to contextualise recent interpretations of Schmitt's writing on the partisan. Given that Schmitt was drawing on Mao and Lenin, and generally commenting on the universality implied within the idea of world revolution, the fact that Ulmen, Rasch and Behnke feel able to invoke Schmitt in order to draw worthwhile distinctions in the contemporary and relativistic domain of terrorism and freedom fighting, shows little except how denuded liberalism has become of the means to assert itself aggressively. An appeal to Schmitt is therefore really an endorsement of elements of his critique of liberalism, rather than an engagement with the context in which he formulated his *Theory of the Partisan*. Therefore the transposition of Schmitt's formulations on the partisan from the context of post-World War II revolutionary

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<sup>35</sup> Andreas Behnke, 'Terrorising the Political: 9/11 Within the Context of the Globalisation of Violence', *Millennium: Journal of International Studies*, 2004, Volume 33 Issue 2; Gary Ulmen, 'Partisan warfare, terrorism and the problem of a new *nomos* of the earth', in Louiza Odysseos and Fabio Petito (eds.) *The International Political Thought of Carl Schmitt*; William Rasch, *Sovereignty and its Discontents: On the Primacy of Conflict and the Structure of the Political*, (London: Birkbeck Law Press, 2004).

<sup>36</sup> Mao himself – arguably the father of modern guerrilla warfare – makes this point very directly, dividing guerrilla warfare into two types; those that move with history, have broad legitimacy and are inevitably successful, versus those which move against history, and that lack a broad foundation. Mao Tse-Tung, *On Guerrilla Warfare*, (New York: Frederick A. Praeger, 1961 [1937]), p 47.

activism, to the context of liberal globalisation in the early 21<sup>st</sup> Century contains a number of subtle problems, not least of which is the assumption of comparability between the universal aspiration built into the idea of Marxist world revolution – to which Schmitt was opposed – and the animating spirit of extremist Islam – a contemporary flag-bearer for violent resistance to the universal values of liberalism. This is not to say that the comparison cannot be made, but it does tend towards a restatement of a neo-conservative characterisation of Islam or ‘politicised Islamism’, particularly in respect of its assumed global character. To this extent Rasch’s suggestion that it is the language and terminology of the war on terror which must be resisted makes this point rather well.<sup>37</sup>

### **The Concept of the Partisan**

The partisan occupies a very indistinct terrain within the discipline of International Relations. Often thought of as a practitioner of a very particular type of warfare, but very much on the margins of what might be termed a ‘legal combatant’, he has made an appearance in a wide variety of different wars, struggles and revolutions throughout history. However, the rather diffuse categorical restrictions presupposed by many writers make appropriate description difficult and a coherent theory excessively dependent upon laborious contextualisation. Depending on one’s perspective, even the act of naming a partisan can be a deeply political manoeuvre, or a securitising discourse. The overused phrase ‘one person’s terrorist is another person’s freedom fighter’ points toward the same ambiguities as encountered by any investigation into the partisan. Nevertheless, it is important to identify and articulate a usable language with which to consider the partisan, which is not rendered meaningless through dependence on an entirely subjective perspective.

Strategic and military thinkers tend to lump the partisan in with a range of other so-called ‘irregular fighters’, but the term is most interchangeably confused with the term ‘guerrilla’. Thus the problem for a military strategist when considering the partisan is not so much one of identification as it is the specific operational capabilities of the irregular combatant, which may be termed partisan or guerrilla depending on the context. Less important is the distinction between different types of irregular

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<sup>37</sup> Rasch, *Sovereignty and its Discontents*, p 148.

combatants. A powerful country, must understand the techniques of partisan warfare in order to effectively limit threats to its internal coherence, or indeed to its overseas interests. In the case of modern powers at the beginning of the twenty first century, no army is complete without a contingent of ‘special forces’ ready to engage in irregular warfare, sabotage, infiltration and counter-insurgency. The partisan, existing just on the margins of accepted notions of legality in combat, has a direct parallel in the ‘special-forces soldier’,<sup>38</sup> who might also be said to exist just on the legal boundaries. The difference between them cannot be reduced to tactics or operational organisation, but instead can only be considered in the conceptual realm of competing legitimacy claims. In other words, the special-forces soldier acts in the name of a ‘legitimate’ authority, whereas a partisan can only rely upon an alternative legitimacy claim, usually a posited ‘right of resistance’.

It is in this regard that Carl Schmitt’s *Theory of the Partisan* elucidates a coherent and useful means of understanding the phenomenon of ‘the partisan’ that carries with it a relevance transcending the end of the Cold War and the demise of the only serious competing theory of the partisan – derived from a Marxist interpretation of the inevitability of world revolution. Interestingly Schmitt’s considerations provide, not only a means of untying the knotty contra-distinctions between ‘terrorist’ and ‘freedom fighter’, but also a means of examining the hidden but clearly implicit presuppositions that condition any use of these terms, such that listening to contemporary journalistic coverage of trouble-spots like Iraq allows one to understand both the prevalence, and un-stated relevance, of Schmitt’s theory today.<sup>39</sup> This touches on the notion of ‘facilitating conditions’ as referenced in Securitization Theory, which points up the illocutionary and perlocutionary aspects of certain speech acts, namely trying to find appropriate terms to use when describing certain political actors without pulling all sorts of rhetorical triggers in the facilitating conditions and conceptual underlay of certain terms.<sup>40</sup>

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<sup>38</sup> William J. Pomeroy makes this point repeatedly in *Guerilla and counter-guerrilla warfare: Liberation and Suppression in the present period*, (New York: International Publishers, 1964).

<sup>39</sup> The well known problem the BBC – who claim an institutional commitment to journalistic impartiality and objectivity – had in devising an institutionally coherent terminology with which to describe the Iraqi ‘insurgents’, in the aftermath of the 2003 US invasion / intervention.

<sup>40</sup> See Chapter 1 of this thesis, ‘Proto-securitization theory’. Schmitt’s *Theory of the Partisan* is clearly sensitive to similar rhetorical logics as those theorised in Securitization Theory.

Furthermore, an examination of the figure of the partisan reveals the limits of prevailing conceptions of the international precisely because no theory of the partisan could fail to invoke a normative or conceptual context in which their status as actors can be determined; or as Schmitt puts it, ‘for a complete theory of the partisan, it is important to recognise that the power and significance of his irregularity has been dependent on the power and significance of the regularity that he challenges’.<sup>41</sup> In fact, a theoretical work on the concept or theory of the partisan must ultimately be an attempt to theorise the conditions under which a partisan might be recognised as a partisan. It is the partisan who engages in the elemental political struggle that, according to a Schmittian interpretation determines the boundaries – or the ‘regularity’ – of the international. The partisan, in establishing and defending a claimed sphere of legitimate occupancy and defence, seeks recognition of that legitimacy in an international context, and by this means becomes an international actor in his own right. With this insight, Schmitt offers us a way of grasping the necessary interconnectedness of the partisan and the international.

For the purpose of this examination, the words partisan and guerrilla are both used, and are meant to signify an irregular combatant. The reason I generally favour partisan is simply to follow Carl Schmitt, but he also used the term guerrilla to describe the same subject. However, one rather simple insight offered by this thesis is that there is a strong etymological dimension for why Schmitt preferred the term ‘partisan’ over the more Marxist term ‘guerrilla’ and, although this is more suggestive than substantive, it is no less interesting for that.

## Historical Roots

Although the terms ‘partisan’ and ‘guerrilla’ are used interchangeably, in common usage both arguably derive from different theatres of the same tumultuous period of European history; that being the Revolutionary and Napoleonic Wars. This period is of special interest to Schmitt, for he describes it as an *interregnum* during which the global spatial ordering of the *Jus Publicum Europaeum* was extensively challenged by the universalising mission of revolutionary and imperial France.<sup>42</sup>

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<sup>41</sup> Schmitt, *Theory of the Partisan*, p 3.

<sup>42</sup> Schmitt, *Nomos*, p 161.

The word guerrilla comes from Spanish and means literally 'little war'. The Peninsular campaign, in which the French occupation of Spain was progressively worn down by a well organised, if numerically small, British army under the command of Arthur Wellesley (later the Duke of Wellington) was significantly aided by what were termed 'guerrillas'. The French had recognisably occupied Spain, but there were a large amount of 'patriots' willing to take up arms and ally themselves with the British. Rather than form organised battalions of these men, Wellesley and the British did what they could to facilitate their use as irregular forces, attacking enemy supply lines, making the country unsafe for small parties of French soldiers, and providing an extensive intelligence network, thus denying France effective control of the territory. In short, the Peninsular campaign was characterised by a long series of skirmishes and only the very rarest of heavy engagements in which British defensive tactics, aided by good intelligence, usually prevailed.<sup>43</sup>

The Spanish irregular forces served a variety of purposes. They were highly mobile, supported by the population, and could strike anywhere, rendering the countryside hostile to French control without much larger forces than would otherwise have been necessary. This in turn, meant that when serious engagements were fought, the French needed to hold back sufficient forces to keep their supply lines open, levelling up the odds for the numerically smaller British, Spanish and Portuguese regular forces, and usually ceding the advantage of choosing the battlefield. In the larger scheme of things this also meant that Napoleon was fighting on two fronts after he invaded Russia in 1812. Needless to say, defeat in Russia meant the Spanish threat was magnified tremendously and became merely one direction from which France was eventually encircled and defeated in 1813. The guerrillas, allied to the main British forces, and supplied from the coast under the protection of the Royal Navy, proved an extremely useful component of a much larger campaign, and in that sense, the first so-called 'guerrilla war' was a success from the point of view of the guerrillas.<sup>44</sup>

The first 'partisan war' was similar, but was fought in Russia and Germany after the advance of the French *grande armée* on Moscow in 1812. So spectacular was the

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<sup>43</sup> The recent work of Charles Esdaile largely confirms this general view. Charles Esdaile, *The Peninsular War: A New History*, (London: Allen Lane, 2002).

<sup>44</sup> As Esdaile – *Ibid.* – makes abundantly clear, it was a far more complicated conflict that such a summarisation does justice to, but it is nevertheless crucial to take account of the wider context.

advance, that the shattered Russian forces never had the chance to regroup effectively and many small units were left behind as the main Russian forces retreated and turned the countryside into a wasteland, abandoning and burning Moscow at the last. Napoleon then found his huge army in occupation of a very hostile country, unprepared for the winter, and with lines of retreat constantly under attack by small raiding parties of locally supported Russian troops.<sup>45</sup> These were the 'partisans'; a French word deriving from Italian and meaning an unquestioning commitment to the aims and interests of one side in a dispute.<sup>46</sup>

The main difference between the Peninsular campaign and the Russian campaign was that there was little chance that the main Russian army would regroup and engage the retreating French. So where the 'guerrillas' could accurately be characterised as irregular skirmishers, raiders and saboteurs attached to a larger force by a strategic rationale and a directing influence, many of the 'partisans' in Russia were independent and irregular fighting forces that were not directly attached to a larger army.<sup>47</sup>

A problem with this distinction between partisan and guerrilla is that it is purely strategic and merely sets up arguments about the degree of regular support a particular band of irregular fighters had.<sup>48</sup> In the event that partisans attach themselves to the strategic aims of a larger and organised armed group, do they then become mere guerrillas? Clearly such a discussion would not be very interesting, and needless to say would contribute very little to an understanding of the *concept* of the partisan, as opposed to a categorical definition. The point of this examination is to find some conceptual specificity to the term 'partisan' that allows the construction of a coherent theory of the partisan and partisanship. So rather than attempt to distinguish between the two similar words, it is better to imagine that the meaning inherent in the two terms 'guerrilla' and 'partisan' overlap rather than oppose one another. It may be possible to

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<sup>45</sup> Arthur Campbell, *Guerrillas: A History and Analysis*, (London: Arthur Baker Ltd, 1967), p 24, and for a broader account of the complications internal Russian controversies that accompanied the partisans, see Alan Palmer, *Napoleon in Russia*, (London: Constable, 1967), and Janet Hartley, 'The Patriotism of the Russian Army in 'Patriotic' or 'Fatherland' War of 1812, in Charles Esdaile (ed), *Popular Resistance in the French Wars*, (Basingstoke: Palgrave, 2005).

<sup>46</sup> Schmitt, *Theory of the Partisan*, p 15-16.

<sup>47</sup> Esdaile also makes clear that during the Peninsular war there was also great hostility to the guerrillas among the Spanish regulars, in *The Peninsular War*, op. cit.

<sup>48</sup> Which is certainly a preoccupation of most of the historical literature cited above, Esdaile, Palmer, and Hartley in particular.

delineate between the guerrilla and the partisan insofar as the guerrilla relies on the assistance of a regular force, and a partisan represents an emergent regular force with a more formal command structure and a uniform, but they both exist on an existential continuum whereby their central effort is the establishment or defence of a zone of legitimacy, both conceptual and spatial. The central connection between the strategic contexts of the Eastern theatre and the Iberian theatre in the Napoleonic wars was that in both cases, the aim of the irregular fighters, however described, was the denial of territory to the invading army. Furthermore, in both cases, this denial of territory was made possible by the friendliness of the local population to the irregular fighters involved, which could be understood as a strong sense of popular legitimacy that attached to their aims, or as Mao famously put it, ‘the water in which the fish swim’.

According to one reading, both the partisans in Russia, and the guerrillas in Spain served the wider function of undermining the French revolutionary challenge to the European order, enabling both defeat, and more importantly, a restoration of the system of spatial ordering that obtained prior to the Revolutionary and Napoleonic wars.<sup>49</sup> However, this would unite the partisans and guerrillas only in common enmity with the universalising mission of the French. Each was in fact fighting to restore a different particular order within separate but specific spatial domains. The guerrillas were fighting for an independent Spain, the partisans for an independent Russia, and these were two quite different things; one Catholic, one Orthodox. The French on the other hand were proclaiming a new world order, spreading the values of the enlightenment and overthrowing the tyranny of the *ancien regime*, both in France, and in Europe as a whole. The enlightenment itself had presented an entirely different legitimacy claim than the old Westphalian order of respect for state sovereignty, based instead on republican and humanist values.<sup>50</sup> The attempt to restore the old Westphalian order after the Napoleonic period was a refutation of these enlightenment ideals in pursuit of international stability. In other words, a return to the ‘bracketing’ of European land war<sup>51</sup> such that territorial constraints limited the likelihood of further conflict, echoing

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<sup>49</sup> Schmitt, *Theory of the Partisan*, p 9.

<sup>50</sup> The burning embers of this debate – best captured in interchanges between Edmund Burke and Thomas Paine – can still be revived today, see Christopher Hitchens’s polemical *Thomas Paine’s ‘The Rights of Man’: A Biography*, (London: Atlantic Books, 2007).

<sup>51</sup> Schmitt, *Nomos*, p 150.

Schmitt's interpretation of the 'marvellous product of human reason' that was Westphalia.<sup>52</sup>

As should be clear by now, this historical period was interesting to Schmitt because of the light it shed on his own times. He thought that the revolutionary wars prefigured the dilemmas of the twentieth century by placing into question the whole system of international norms upon which international order was established. It was precisely this system of norms, or *nomos*, that collapsed during the First World War,<sup>53</sup> leaving a legacy of crisis in Europe and throughout the world, and which eventually gave rise to his analysis of the partisan as the first and last carrier of legitimate violence in a world without a normative framework for the adjudication between legitimate and illegitimate organised violence. In this case the partisan acts as the decisive figure, both in establishing a zone of normality and in protecting it.

### **Clausewitz and Guerrilla war – The Century of the Guerrilla**

Further opportunity for excavating the theoretical dimension of the partisan is offered by Clausewitz. In his work *On War* he concluded by predicting that the 19<sup>th</sup> century would be the century of 'people's wars'.<sup>54</sup> He is widely thought to have been mistaken in this regard, but according to a Schmittian reading, his prediction falls neatly into place, merely delayed by about a century. What Clausewitz saw was the danger of a universal humanistic legitimacy claim, stemming from the ideology of Revolutionary France.<sup>55</sup> What he perhaps underestimated was the extent to which the post-Napoleonic restoration – as Schmitt called it – temporarily reasserted the old normative conditions of the Westphalian *nomos*, thus deferring the realisation of his fears.<sup>56</sup>

A people's war according to Clausewitz stemmed from a new and intensive relationship between the citizen and the state, as theorised in revolutionary France. That an individual owed a duty of obedience to the state was a principle well established in Europe, but the intensification of warfare during the Revolutionary and Napoleonic period made these demands greater than they had been before, to the extent that

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<sup>52</sup> Ibid., p 161.

<sup>53</sup> Schmitt reiterates this basic point in the closing comments of *Theory of the Partisan*, p 95.

<sup>54</sup> Carl von Clausewitz, *On War: Volume II*, (New York: Dutton and Co, 1940), p 341.

<sup>55</sup> Beatrice Heuser, *Reading Clausewitz*, (London: Pimlico, 2002), p 25.

<sup>56</sup> Schmitt, *Theory of the Partisan*, p 9.

Napoleon essentially mobilised the whole of France and, by extension the whole of Europe. The slow reaction during the nineteenth century therefore saw the increasing identification of individuals with the 'nation state', and it was the rise of these new national identities in Europe that emerge as a characteristic of 19<sup>th</sup> century European political developments. Fairbairn provides a useful summary of Clausewitzian principles of peoples – or guerrilla – war, comparing them to those of Mao, but he also states;

despite the potentialities Clausewitz perceived in what he called “people’s war”, including its guerrilla aspect, the thrust of European politics in the nineteenth century was not favourable to the development of guerrilla warfare.<sup>57</sup>

This chimes well with Schmitt’s explanation of the manner in which the legitimacy of the old Westphalian order was re-established at the congress of Vienna, and that this order lasted throughout the 19<sup>th</sup> century. What both Fairbairn and Clausewitz fail to acknowledge is the political context in which guerrilla warfare finds meaning. Clausewitz merely theorised people’s war in a tactical and strategic context, Fairbairn similarly. Schmitt lays out the ideational developments of the 19<sup>th</sup> and 20<sup>th</sup> centuries, in which Clausewitz’s prediction essentially comes true, by theorising the political context in which the partisan fully emerges as peculiar to the Revolutionary and Napoleonic interregnum, and then against the backdrop of the twin universal legitimacy claims of communism and liberal capitalism that survived the First World War, precisely when the old Westphalian *nomos* met its end.<sup>58</sup>

Another reference relevant to this stage of explanation is that of Campbell, who states in his introduction that, ‘Guerrilla warfare is a form of warfare, not a type’.<sup>59</sup> What he means by this is that guerrilla warfare can be pursued as a component of any one of the four types of warfare which he lists as; total war, general war, limited war and revolutionary war. A Schmittian interpretation of warfare – with its distinctive existential and political aspect of recognition of the enemy – posits this as forming the foundation of legitimacy, and privileges guerrilla or partisan warfare, not only as a type

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<sup>57</sup> Geoffrey Fairbairn, *Revolutionary Guerrilla Warfare: The Countryside Version*, (London: Harmondsworth, 1974), p 45.

<sup>58</sup> Schmitt, *Nomos*, p 150.

<sup>59</sup> Campbell, *Guerrillas: A History and Analysis*, p 1.

of warfare, but as the *irreducible* type of warfare. All other types of warfare derive from this basic type, and indeed, where there are constraints on the behaviour of armies on either or both sides, it is due to the recognition on the part of the combatants of a wider sphere of legitimacy in which this constrained warfare might take place.<sup>60</sup> Partisan warfare is, if anything, characterised by a lack of constraints, and therefore represents the most elemental type of political struggle. Therefore partisan war is far from merely a form of warfare. It is quite possible, indeed likely, for limited or general wars to be fought with no partisan aspect, precisely because it is not total or existential warfare, but were the 'rules of war' to be abandoned by one or other side, or the stable conceptualisation of war to be subverted, then the likelihood would increase that war would degenerate into its most fundamental type; a ruthless and bitter struggle over territory that is partisan war.

### **A Marxist interpretation of the Partisan**

The partisan has often been thought of as having a strong relationship with theories of socialist revolutionary ideology. Within a Marxist interpretive paradigm, the partisan features as a particular kind of revolutionary activist, driven by the pressure of social inequalities and awakened to the inevitable course of world history, eventually to take up arms and liberate the masses from the oppression of world capitalism. In this sense, Marxist theories demonstrate their ability to incorporate a wide range of phenomena within their conceptual embrace. Indeed, relying as they do on a progressive historical teleology, it becomes necessary to find an explanation for all things, describing them either as 'revolutionary' or 'counter-revolutionary' according to context.<sup>61</sup>

Generally speaking, various partisan and guerrilla groups have echoed the language of socialist revolution because it has worked as a legitimising force. But the story is more complex when it is noted that that partisan or guerrilla warfare has not noticeably decreased since the fall of the Soviet Union, which openly sympathised with a wide range of guerrilla groups, referring to them as 'national liberation movements'.<sup>62</sup> Furthermore, the *Mujahideen* in Afghanistan during the 1980's were clearly a collection

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<sup>60</sup> Schmitt's theory of *Nomos* that allowed for 'bracketed warfare' in Europe.

<sup>61</sup> Mao Tse-Tung, *On Guerrilla Warfare*, providing the paradigmatic example, p 47.

<sup>62</sup> The doctrinal point being that nationalist revolution could sever the colonies from their European masters and bring about revolution in Europe, along with the colonial world's emergence into the dialectical march of history.

of partisan or guerrilla organisations which openly defied the Soviet Union and had no relation whatever to revolutionary socialism. Indeed it was the official Soviet backed government in Kabul that, at least on paper, believed in socialist revolution, not the rebels in the mountains.

However, what is interesting about Marxist theories of the partisan is that they seek to articulate a particular kind of legitimacy that attaches to a mass popular movement. In other words, central to a Marxist partisan is the sense of an unassailable popular legitimacy that allows him to operate freely among ‘the people’ wherever he goes. Thus the failure of Marxist analysis is not a failure to understand the nature and particular dynamics of partisan conflict – Mao’s handbook is still the definitive text for guerrilla campaigns – but in imagining whatever legitimacy that obtains to any particular partisan group reduces in the final analysis to a universal and progressive historical dimension in which they operate as catalysts. There are clearly many different contemporary and historical partisan groups that have not articulated a belief in socialist revolution, therefore, Marxist claims to understand guerrilla and partisan war within the paradigm of socialist revolution are necessarily selective in terms of which groups are recognised as legitimate partisan or guerrilla groups.<sup>63</sup> Political groups using guerrilla or partisan tactics that do not conform to socialist ideology would be alternatively described as ‘counter revolutionary’ or even ‘reactionary’ from this point of view.

With this in mind, much literature written about guerrilla warfare was written by Marxists. A characteristic example is a small volume written by William J. Pomeroy called *Guerrilla and counter-guerrilla warfare*, which is a concise summary of the prevailing ideas when published in 1963 and entirely sympathetic to a communist interpretation of national liberation movements, which presents guerrilla warfare as the necessary and inevitable reaction to imperialism.<sup>64</sup> He makes a comparison between French, British and US strategies of ‘counter-insurgency’, going so far as to describe

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<sup>63</sup> Aside from a once fashionable academic interest in the phenomenon of the ‘urban guerrilla’, one irresistible footnote of a famous contemporary example concerned the reception of the Hell’s Angels among the Berkley University academics in the late 1960s; in which the Hells Angels were theorised as marginalised socio-economic actors and held up as exemplars of radical activism, until – famously – they began to attack the anti-Vietnam war protesters, and their leader – Sonny Barger – wrote to President Johnson offering the services of the Hells Angels as ‘gorrillas’ (sic) to take on the Viet Cong. There is no better account of the Hells Angels as a social phenomenon than that provided by Hunter S. Thompson, *Hell’s Angels*, (London: Penguin Classics, 2003 [1966]).

<sup>64</sup> Pomeroy, *Guerrilla and counter-guerrilla warfare*.

each as an imperialist power, thus doomed eventually to fall to the ineluctable forces of history, merely able to temporarily defy them with the greater and greater ferocity of special forces and destructive weaponry, but in so doing undermining any possibility of retaining popular legitimacy. Pomeroy thus cites the beginning of guerrilla war as occurring in the American war of independence, as the archetypal anti-imperialist struggle against the British crown,<sup>65</sup> going on to articulate the sense of the partisan being the servant of the people in their historical struggle for emancipation. There are clear connections between the revolutionary ideology of the emergent United States and that of France, evoked by the observation of the Marquis de Lafayette after the final British defeat; ‘Humanity has won its battle. Liberty now has a country.’ Once again clarifying the connection between the progressive discourse of humanity – discussed in Chapter 4 – with the progressive idea of history.

What this quote illustrates is the degree to which the aspiration of ‘freedom’ was expressed on behalf of ‘humanity’. The United States was founded in the name of the universal principles enunciated in the ‘Declaration of Independence’ and the same universalistic impulse actuated the French revolution that followed. Thus although Schmitt dates the emergence of guerrilla war to the Revolutionary and Napoleonic period of European history, the overthrow of British rule in the US can easily be seen as prefiguring events in France, at least insofar as aspirations were proclaimed on behalf of universal man.

Pomeroy goes on to quote approvingly the maxims of Lenin<sup>66</sup> who declared that the guerrilla gains nobility through the adoption of revolutionary socialism, implicitly acknowledging the illegal character of guerrilla warfare, but also employing the Machiavellian logic that the end justifies the means. In the Second World War Stalin was deeply suspicious of anything outside his direct control, and the character of the partisan – of strategic necessity a fairly autonomous figure – was in reality placed under significant political control in the Soviet Union’s ‘Great Patriotic War’. Interestingly, the German army, as a result of their experiences, produced a manual of counter-

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<sup>65</sup> Ibid., p 19.

<sup>66</sup> Ibid., p 92.

insurgent warfare which continued to be referenced for many years afterwards.<sup>67</sup> Because of Stalin's political constraints, the Russian partisan campaign in WWII was not terribly effective, however this was also due to the existential barbarity of the broader campaign, which from the beginning took on the character of an unrelenting campaign of racial extermination. In other words, the policy of uprooting large parts of the population and the ruthless character of German tactics casts the whole German army as existing outside the rules of war in the same way as any corresponding partisan resistance. Thus the whole eastern front formed a war unbridled by broader norms, and in which the partisan had no special claim on the extremities of existential war.

Mao Tse Tung went much further in his understanding of guerrilla warfare than Lenin or Stalin. He developed a highly sophisticated strategy for the prosecution of guerrilla warfare and laid down principles that are still practiced today.<sup>68</sup> This involved the long political preparation of the people, a rural focus, the necessity of guerrilla forces eventually becoming regular forces and the slow and deliberate cultivation of the enmity of the people for their government through the provocation of atrocities and over-reaction on the part of the governing authorities.<sup>69</sup> Clearly, the success of Mao's campaign against the nationalists in China marks him out as a remarkable strategic thinker, and his general theories of guerrilla warfare were manifestly cautious, deliberate, and ultimately effective. His focus on fostering the loyalty of the people, particularly the rural population, is characteristic of most theories of guerrilla or partisan war.

Ernesto "Che" Guevara, through his death provides a fascinating validation of Schmitt's theory.<sup>70</sup> His book was essentially written as a direct critique of Maoist principles of guerrilla warfare, and the contrast with Mao's theory is clear; the historical inevitability of the overthrow of capitalism by the working classes was understood by Guevara not merely rooted in a historical teleology, but as constituting an irresistible legitimacy claim already existing in the mind of the people on whose behalf the revolution would

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<sup>67</sup> Ibid., p 45. Schmitt also talks about this manual, but dates its publication to 1944, too late to make any difference, but applauded as extremely effective guidelines by the British after the war.

<sup>68</sup> The recent political developments in Nepal have centred on a Maoist insurgency, so described because it was a relatively unambiguous example of Maoist guerrilla warfare.

<sup>69</sup> Mao, *Guerrilla Warfare*.

<sup>70</sup> Che Guevara, *Guerrilla Warfare*, (New York: MR Press, 1961), the opening phrases of the book contain two direct refutations of Mao's theory of guerrilla warfare.

take place. Guevara thus theorised that the long and careful political preparation of the population, as theorised by Mao, was unnecessary and that a small band of guerrillas could, through their actions, mobilise a population by acting as a focus (*foco*) for their latent revolutionary tendencies.<sup>71</sup> The Cuban revolution was presented as a paradigmatic example of the new theory by Guevara and offered as an example of how this process could occur elsewhere, however his lack of success outside Cuba, and his eventual death in Bolivia indicate the nature of his mistake, existing as it did in his theory. The reason why Guevara is interesting in the context of Schmitt's theory of the partisan is precisely because his failure to politicise the potential revolutionaries of Bolivia and elsewhere confirm that the legitimacy required for successful partisan war has to be cultivated and does not merely exist. His failure does not repudiate Marxist theory entirely, but the difference between Mao and Che is essentially captured by Schmitt with his articulation of the 'political' decision as the source of legitimacy. However, there is no mistaking that Che Guevara articulated what was essentially the logical extrapolation of Marxist theory, and was therefore the better Marxist.

Mao implicitly acknowledges this through his strictures on the necessity of prolonged political preparation of the population, for this preparation forms the construction of an alternative legitimacy claim. And therefore the partisan or guerrilla war that follows is the defence of an articulated 'norm' (legitimacy claim) against the inevitable counter-insurgency. Moreover, Schmitt makes this point quite explicit when he praises Mao for thinking territorially, and learning to live with an 'inner contradiction' whereby a 'universal, absolute and global enemy lacking any territorial space – the Marxist class enemy – [was linked] with a territorially limited, real enemy of the Chinese-Asiatic offensive against capitalist colonialism'.<sup>72</sup> Finally, Mao's insistence on the eventual and necessary emergence of 'regular forces' rounds off the legitimacy cycle by asserting and defending the new norm of a different legal order grounded in the separate legitimacy claims of the insurgency.

Partisan war in the 20<sup>th</sup> century was, as stated above, largely associated with socialist or communist revolutions. Partisan wars were often anti-imperialist in character and due to

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<sup>71</sup> This critique of Mao's theory of Guerrilla Warfare was given a more intense theoretical expression by Régis Debray, in *Revolution in the Revolution?: Armed Struggle and Political Struggle in Latin America*, (Westport: Greenwood Press, 1967).

<sup>72</sup> Schmitt, *Theory of the Partisan*, p 58.

the rapid decline of European imperialism during the post-war years, this association grew to seem more than mere coincidence. However during the 1970's war broke out between China and Vietnam, then between Vietnam and Cambodia, all of which were post-revolutionary states. This contradicted the most basic revolutionary ideology and left many confused over how to explain it. Benedict Anderson wrote his well known text *Imagined Communities* as an explanatory response, breathing life into a theory of nationalism that associates it explicitly with modernity, but which also serves as a defence of a broadly Marxist perspective.<sup>73</sup> In the 1980's the appearance and eventual success of the *Mujahideen* in Afghanistan could be blamed for a time on American support, but eventually the notion that the partisan was a figure of the left became untenable.

In the aftermath of the collapse of the Soviet Union, it is no longer possible to accept a connection between partisan war and communist revolution. In the long aftermath of the collapse of communism – and whatever global legitimacy claim that represented – there came a resurgence of a type of irregular warfare that seemed to evoke a particularly Schmittian interpretation. This was most apparent in the Balkans, where the dissipation of the last vestiges of legitimacy that attached to the central Yugoslavian government, directly descended of course from a fierce and determined partisan movement under Tito, resulted in the eruption of what was often regarded at the time as the pre-modern barbarism of ethnic conflict. However, the descent of the Balkans into fratricidal conflict would seem to be exactly the kind of conflict that Schmitt would have theorised quite successfully. The basis for the articulated friend / enemy distinctions were generally ethnic in character, but in any event the conflict revolved around particular political groups establishing control over specific territory through the identification of enemy groups. In many cases this resulted in the migration of threatened populations, sometimes worse, but this competition for the identification of space with political groupings demonstrates the extent to which conflict reduces to this when there is a collapse in the traditional ordering and an absence of stable sphere of legitimacy in which conflict might be mediated by some accepted norms of behaviour.

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<sup>73</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, (London: Verso, 1991).

One interesting observation is that as the Soviet Union began to fade, it became a theatre of a variety of partisan wars. There are certainly a range of partisan struggles in the Russian Caucasus – particularly Chechnya – which provide serious problems of interpretation. After the collapse of the Soviet Union, the events of 1956 in Hungary and 1968 in Czechoslovakia can be seen as alternative emergent legitimacy claims that threatened the ideological sense of the Soviet Union, as much as the actual territorial reach.<sup>74</sup> The point being that a partisan war, both in the context of the Napoleonic wars, and in the context of the twentieth century struggles against colonialism, communism or liberal capitalism, is the expression of a particularist separatism. It may claim some recognisable language of legitimacy, such as revolutionary socialism, but as was shown by the example of South East Asia, this merely masks a deeper political discrimination that gains its force from the emergent capacity to recognise an existential enemy. Precisely the political theory of Carl Schmitt, although for Schmitt there is nothing to distinguish a partisan who moves with history, and one who moves against – after Mao's formula – except eventual success or failure.

### **The Partisan as legitimate actor in war**

According to the *jus publicum Europaeum*, war as a public activity conducted by states and between states, in which the private individual could play no part, but could expect to have their property respected (as far as possible) and would have means of redress from the occupying forces. For a private individual to make war, merely constituted a criminal act, for a private individual did not have the right to make war (*jus belli*). The rules of war even stipulated the manner in which weapons could be used, such that the introduction of rifles capable of being aimed at some distance, during the late 18<sup>th</sup> century, was thought of as at least dishonourable and possibly illegal. Famously, Admiral Nelson was killed by the bullet of a sniper at Trafalgar. When the sniper was brought before the dying Nelson, so the legend goes, he was 'forgiven' for the 'crime' that was to see him put to death. During the naval skirmishes of the times, the captain and officers stood on particular parts of the ships deck in full view of their enemies, and although shooting at them was a common enough tactic, it was regarded as outside the rules. Other naval tactics of the time included sailing under false colours in order to

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<sup>74</sup> An obvious comparison is the rhetorical contest over the precise description of past rebellions or insurrections. For example, the manner in which the Indian Mutiny of 1857 is called the first war of independence in India, and the American War of Independence is ordinarily called the American Revolution in the US. Once the old order is overthrown, the new order claims its origins.

escape detection, but according to the rules of naval engagements, a ship that opened fire whilst flying false colours would not be accorded the right of surrender, instead being treated as a mere pirate.

There are of course endless other rules and conventions, but they would only serve to reinforce the notion that war was, and continues to be fought in particular ways, some legal, some definitely illegal. The partisan falls somewhere between the two, or to put it another way, he falls outside the context in which legality can be determined. The Hague convention in 1907 describes the partisan as outside the basic classification of regular troops, declaring him a criminal, subject to summary execution.<sup>75</sup> In 1949, the Geneva convention widened the definition of combatants who are accorded the equivalent status of regular troops and given protection.<sup>76</sup> This debate has a strong contemporary element in the discussions surrounding the exact legal status of the prisoners held at Guantanamo Bay in Cuba by the US military, but reveals a perpetual problem surrounding the difficulties of recognising the legitimacy of particular actors during wartime.

Historically partisans were not considered legal combatants until recognised as having a degree of legality in the Geneva Convention of 1949. This of course places the partisans in the Napoleonic era, the Russian revolution, the Spanish civil war and most definitively the Second World War, all outside the conventions of international law. That international law has had to be progressively altered to take account of the continual re-emergence of partisan fighters requires an understanding of the partisan without particular reference to international law. But it should also be noted that the basis upon which the partisan is included as a legitimate actor with the Geneva Convention of 1949 is the universalist norm that all people need protection of one sort or another,<sup>77</sup> and that all people have some degree of human rights. Prior to this, the partisan was specifically excluded from any form of protection because he was considered automatically in breach of the very laws that would eventually extend to his defence, coming full circle to the problem of the partisan, and the 'power and

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<sup>75</sup> Schmitt, *Theory of the Partisan*, p 25.

<sup>76</sup> Ibid., although Schmitt goes to some lengths to stipulate that the Geneva Conventions still preserve the shadow of the former conception of war being a legitimate activity between states, even if it confuses the problem considerably, p 32.

<sup>77</sup> Ibid., according to Schmitt an 'admirable' 'humanitarian development' in that the enemy is given 'humanity' and 'justice in the sense of recognition', p 32.

significance of the regularity that he challenges' – the broader *nomos* of European order – in order 'to recognise the power and significance of his irregularity'.<sup>78</sup>

### **The Partisan in defence of territory**

When Schmitt wrote his *Theory of the Partisan*, it was in response to a challenge he had been set by Rolf Schroers, who openly declared that his own text had been written for Carl Schmitt.<sup>79</sup> In response, Schmitt outlined his own theory of the partisan lest he should be misunderstood. He outlined six basic qualities that characterise a partisan, beginning with the simple idea that he is an irregular combatant whose target is the enemy in uniform. This is followed by the intensity of the political commitment, which in the case of the partisan is total. He has a heightened degree of mobility, particularly in relation to an occupying force and, he has a ultimately telluric character. Penultimately, a partisan acts not only at risk of losing his life, but also of putting himself outside law and honour. Finally, Schmitt determined that partisans were to a large degree dependent on regular forces of one kind or another.

This chapter has not focussed exclusively on what Schmitt actually wrote about the partisan, but has instead attempted to clarify the importance of the partisan for the understanding of International Relations. In this sense it is only possible to see the full relevance of Schmitt's theory when set against the broader context of his conceptual and historical interpretations. Accordingly there are two general reasons why Schmitt was drawn to set down his thoughts on the partisan; on the one hand, to clarify his critique of contemporary political trends and to comment on some prevailing post-colonial struggles, and on the other hand quite simply because the partisan is a figure that – for Schmitt – emerges in a context in which stable norms of international relations between recognised states break down. Thus Schmitt's partisan is quite different to the Marxist revolutionary, and his emergence signals the collapse of meaning at the level of the international. A partisan exists in a context of normative relativism, but by rejecting the legitimacy of alternative claims that render him subject to them, he sets out a normative context, a claim on the norm, and in doing so, asserts a sovereign decision.

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<sup>78</sup> Schmitt, *Theory of the Partisan*, p 3.

<sup>79</sup> Ralf Schroers, *Der Partisan: Ein Beitrag zur politischen anthropologie*, (Koln: Kiepenheuer und Witsch, 1961). Müller, *A Dangerous Mind*, p 145.

It is worth taking some time to clarify the six qualities of the partisan; the first is a statement of habit perhaps, but not of outright fact. Clearly the target of the partisan is likely to be the regular soldier of the identifiable enemy, but this definition could easily be stretched to include police forces, political figures and any representative or representation of the authority and legitimacy of the enemy. So Schmitt was being a little restrictive in his definition, but was nonetheless identifying what he would have termed the carriers of 'legitimate violence'. The intensity of the political commitment is determined by the ease and clarity with which the partisan can identify 'the enemy', so is strongly linked to the Schmitt's thoughts on legitimacy and the concept of the political. Mobility is consequent upon the partisan's knowledge of the terrain and the popular legitimacy that he possesses, so ties together a few important concepts. The fourth characteristic is that of the partisans 'telluric' character. This is fundamentally rooted in the concrete space the partisan conceptually inhabits, coupled with the tactical advantage he wields over his enemy through especial knowledge of this space. The fifth quality revolves around the heroic and sacrificial character of the partisan. He cares not for his own life, but risks living outside honour. Clearly partisans can conduct military operations that would seem dishonourable to the regular soldier, but he relies upon a different form of legitimacy than would establish his acts as criminal, so in the event of victory, his acts would be validated by success. The risk, therefore, of living without honour, could only be meaningful in a context with which the partisan would not concern himself, he earns honour by first asserting the terms by which that honour might be earned. The last point Schmitt makes can be read as a Maoist axiom, however, the emergence of regular forces – according to Schmittian theory – would be the key to establishing a concrete order, or norm, in which the partisan may emerge victorious.

It would be impossible for Schmitt to contemplate the idea of perpetual partisanship as the partisan can only possess a temporally constrained legitimacy claim. There must, according to one reading of Schmittian theory, come a time when a partisan becomes a mere bandit. Legitimacy does not derive from a claim, but from a capacity to distinguish between friend and enemy and establish a norm by which the emergent exception can be constrained. Failure to establish a norm must eventually de-legitimise a partisan. But in the event that no wider context emerges that can act as a normative framework of recognition – a *nomos* – then partisan war is the perpetual corollary. Thus when he theorised the partisan, it was against a background of a collapsed *nomos*, and

an ongoing process of world revolution and decolonisation. In effect, Schmitt's *Theory of the Partisan* is a statement of ongoing disquiet at the lack of a meaningful *nomos* against which to judge the legitimacy of acts of violence.

Fundamentally, Schmitt's notion of the partisan reveals one crucial aspect of his thinking; the fact that he privileged space above all other things as the mediator of political violence. The old *nomos* of the Westphalian system was based upon a division of territory, between European states, and more importantly between Europe and non-Europe. Chapter 4 demonstrated the manner in which the conditioning discourse of space was overwhelmed by the discourse of humanity, but by linking the partisan with territory, and by eulogising his 'telluric' character, Schmitt revealed his unyielding commitment to the division of space as the means of ordering international relations. This, I believe, represents a limitation in Schmitt's way of thinking, rather than a conceptual truth.<sup>80</sup> Nevertheless, Schmitt's theory of the partisan is entirely bound up with his understanding of *nomos*, of sovereignty, and in the continuing undulations of international order that characterise his counter-progressive historical commentaries.

## Conclusion

Each of Schmitt's theoretical manoeuvres had a concrete problem to which they were addressed. As Jan Werner Müller makes clear;

Schmitt himself claimed that concepts could only be understood if one knew who they were aimed against.<sup>81</sup>

Schmitt approached the figure of the 'partisan' at a time when it provided him with some means of resistance to the prevailing global political context. Interestingly, in Schmitt's hands, the 'partisan' becomes an embodiment of several Schmittian concepts, thus enabling a neat explication of Schmitt's thought. Furthermore, in clarifying the existential nature of 'the partisan' Schmitt helps to cut through many of the conceptual ambiguities surrounding irregular warfare, 'the guerrilla', and 'the world revolutionary'. Consideration of 'the partisan' once again reveals Schmitt's commitment to a specific and ineluctable relationship between space, manifested as 'territory', and the slippery notion of 'legitimacy', presenting them as twin concepts, if not precisely identical, then

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<sup>80</sup> In this I am in agreement with Rob Walker, see footnote 68, Chapter 3.

<sup>81</sup> Müller, *Dangerous Mind*, p 24

at least mutually presuppositive, particularly in the context of European modernity. And once again, this exposes the extent to which Schmitt was unprepared to abandon the concept of territory as a mediating element upon which to build legal and normative frameworks for the discrimination between legitimate and illegitimate violence. In the post-Nietzschean world, the context of last instance was – for Schmitt – territory, and mankind’s identity as a ‘groundling’.<sup>82</sup> However, as elaborated in Chapter 4, Schmitt’s reluctance to accept the notion of humanity as a political concept, should not be taken as a conceptual prescription, but instead as a limitation in his thought.

This chapter has attempted to reconsider Schmitt’s thinking in relation to the partisan in order to illuminate a number of key Schmittian concepts. It is clear that in constructing his theory of the partisan, Schmitt identified the most important and most fundamental terrain of conflict, which is the conceptual terrain. Soldiers require some justifying rationale that legitimises their actions, otherwise they become mere criminals. Irregular soldiers, partisans and guerrillas are no different in an absolute sense. They require a political context in which killing is condoned rather than condemned. The conceptual terrain requires a legitimacy that stems from the recognition of friend and enemy through the political decision that establishes a norm. This norm is thus the source of legitimacy that equips its defenders with the crucial meaning from which they derive the clarity of purpose required when risking their own and other’s lives. It represents a cause that motivates its partisans. Partisan war is not simply a form of war, but a type of warfare. More importantly it is the primary, irreducible type of warfare, from which all other types of warfare gain meaning. All political struggle reduces to the possibility of partisan struggle in defence of a particular norm.

Understanding war as conflict between competing legitimacy claims introduces the sense that in war, not all legitimacy claims are contested. In other words, where warfare does not reduce to an existential partisan struggle, it is because there is some common agreement between the parties on what constitutes a legitimate type of war, therefore there exists a prior established and uncontested sphere of legitimacy that neither party wishes to challenge, or can justify challenging according to their own lights. Thus Clausewitz was right in declaring that the Napoleonic age ushered in a period of

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<sup>82</sup> Schmitt, *Land and Sea*, p 1.

‘people’s warfare’ – although for Clausewitz a people’s war was a war in which the whole of a national population was bound up, rather than a constitutive moment for a people – but the reestablishment of the *jus publicum Europaeum* at the Congress of Vienna deferred the full realisation of his prediction for about a century, when the humanistic spirit of 1789 finally laid waste to the spatial and territorial imprint of 1648.

Fundamentally, this chapter has sought to refute the value that Schmitt’s *Theory of the Partisan* has for contemporary reflections on global terrorism for two reasons. In the first place, Schmitt’s central problematic – that of the collapse of the *nomos* – is no longer the central problem in IR, and in order for Schmitt’s reflections to be relevant today, it is necessary to accept that the entire 20<sup>th</sup> Century has seen no progress on the underlying question of international order. In other words, it is an anachronism. Equally, Schmitt’s resistance to the emergence of the concept of humanity as a political concept can only be thought of as lamentation for a bygone age and not something that can be addressed by simply reconstructing a non-humanistic system of global spatial ordering, and Schmitt’s reflections on the partisan merely reinforce this point. But of more importance in Schmitt’s reflections on the partisan is the manner in which they bring his consideration of Marxism full circle, and thus clarify once again his own philosophically idealist inclinations.

For Marxist theorists – Lenin, Mao and Debray – the guerrilla represented the tendrils of world history, feeling his way to an emancipated socialist future. Mao worked with the partisan by investing him with a territorial legitimacy, writing a manual for the effective overthrow of the existing order. Debray and Guevara took these ideas to their logical conclusion and tested the limits of historical inevitability with their *foco* theory of guerrilla warfare, only to become lost in the tangle of the Bolivian jungle. Schmitt identified the strength of Mao’s theory as residing in his patience, and his determination to construct the legitimacy of the guerrilla’s political claims by a series of self-conscious provocations and exclusive territorial claims. In doing this, Schmitt returned all the way to his early characterisation of Marxism as a grand and powerful form of idealism, one based on an entirely contingent friend / enemy distinction and burdened with the force of historical inevitability.

This shows how the partisan serves as more than a straightforward metaphor. On the one hand it expresses Schmitt's normative commitment to the territorial mediation of the political, but at a deeper level the word is etymologically linked to the basic Schmittian notion of friend / enemy, deriving as it does from an Italian expression meaning 'to take party' or in simpler terms 'to take sides'. A Partisan is someone who takes sides, which in an environment that elevates consensus can seem a pejorative, but in a Schmittian world, is a necessary condition of interaction. Everyone, at some level, takes sides according to Schmitt, even – and perhaps particularly – the contemporary Marxist. Where the liberal invokes humanity, and thus aggressively constructs sets of normative conditions on human behaviour, the Marxist divides the world up into socio-economic categories, and seeks to anoint history with infallible patterns of progress and reaction. Although a Marxist guerrilla rides in the vanguard of history, a Schmittian partisan exists in the world without a *nomos*, an absolute *anomie* in which there is no framework for interpreting anything, without first taking sides.

Consideration of the work of Schmitt commences with his reduction of the political to the friend / enemy distinction – a warning for a collapsing liberal state – and ends with the partisan; a metaphoric figure and existential embodiment of Schmitt's first condition of politics. Schmitt's insistence on the *telluric* – or territorial – character of the partisan is rooted in his own admiration for the stability and conceptual clarity provided by the old Westphalian *nomos*, but as explained in Chapter 4, Schmitt misidentified the collapse of the old spatial order, with a collapse in the idea of a spatial order. It is this that makes the key distinction of a partisan as the taking of sides. As is well known, Schmitt never struggled to take sides, and suggested that all theory has a polemical component, thus the question of the partisan turns full circle into a matter of identification. In a world with a stable normative ordering framework, a partisan is someone who stands outside of it. But in a world without a *nomos*, everyone becomes a partisan.

## **Section III: Meta-theoretical Investigations**

### ***Introduction***

Section II concentrated on making a series Schmittian critiques of the main traditions of International Relations; Liberalism, Realism, and Marxism. This was done in order to clarify and accentuate his critique of liberalism, to refute the interpretation that Schmitt conforms to realist assumptions, and provide content and context to his critique of Marxist ideas. Although his critique of liberalism is one of the best known Schmittian themes, it is often neglected that he made a distinction between the more classical liberal arguments Benjamin, Constant and Mill, and a more contemporary universalist strand. Furthermore, his philosophical disposition was that of an idealist – focussing on concepts and interpretations, rather than material or ‘mind independent’ facts – and in this his thought is troubling to liberals simply because he shares many of their assumptions. He is, so to speak, within the idealist ‘paradigm’, and therefore he criticises liberals not so much for their error, as for the danger of their universalist propositions, along with the somewhat hidden subtext of humanism. Similarly Marxists, whom Schmitt disagreed with in terms of their teleology, but not the power of their appeal to a grand friend / enemy distinction based on class. Once again, he imagined that this would spark a final and unending war for humanity, and not prefigure emancipation. Finally Realism; despite outward similarities – particularly with EH Carr – and a direct influence on Morgenthau, the basic assumptions of the realist tradition of IR are incompatible with Schmitt’s existential, even proto-constructivist, tendencies. Williams has shown that it is possible to read Morgenthau, Hobbes, and Rousseau as much richer and more complex thinkers than Realism ordinarily allows, but in order to do this, Williams has to recast Realism in distinctly idealist terms. Furthermore, the most famous element of Realism – that it is concerned with the ‘real world’ and against ‘wishful thinking’ is once again directly contrary to Schmitt’s theories, which presuppose that the world only makes sense in respect of its ideational framing. However, with this accomplished, it is necessary to sketch out some guidelines for an interpretation of Schmitt as an IR theorist, and for this the next section considers first the English School, and then goes on to speculate on the recent rise in interest in the

work of Carl Schmitt within IR. As will be shown, this reveals as much about the state of International Relations as it does about Carl Schmitt.

The final section of this thesis draws together the failings encountered in attempting to align Schmitt with one of the main traditions in IR theory exposed by Section II. Building on the insights presented so far; Schmitt's communitarian existentialism, his attempts to apply a grand conceptual order to history and to the conditions of crisis that followed the First World War – finding their most potent distillation in the German historical experience over the next thirty years – and the pregnant silence that befell the period between his later works and the end of the Cold War; the next two chapters resolve the questions outlined in the introduction. First of all, the case is made for a productive engagement between Carl Schmitt and the English School in which Schmitt is offered as a theoretician of considerable insight that English School scholars would do well to acquaint themselves with. Then following this, and wrapped up within an investigation of the rise in interest in the work of Carl Schmitt – and what this reveals about the discipline of International Relations – the entire thesis is offered as an approximate template for interpreting theorists more generally as theorists of International Relations in their own right rather than derivatively through political theory or philosophy. In the final analysis theorists are defined by their works – not abstracted debates about which discipline has the best claim on them – and their works are organised around problems. And it is through a deeper reflection on the problems that unite IR theorists that it becomes possible to see where Schmitt 'fits' within the discipline.

The effect of both of these chapters is to invite a greater sense of self awareness of what International Relations 'is', and supports the interpretation that IR should be understood as a varied and multi layered inquiry into particular kinds of relatively persistent problems. It is distinct from other disciplines – and most specifically from the other social sciences – because it is preoccupied with problems that are usually ignored elsewhere. Political Science – or Political Theory – is mostly concerned with structures of authority, systems of legitimation, relationships of obligation between individuals and states, and ultimately theories of the 'good life'. The international dimension represents little more than interference for any of these broader inquiries, a distant zone

of anarchy or exception, a borderland of uncertainty where conditions of political consensus and legitimation are contested or break down.

In contrast, although International Relations can no longer be based upon an assumed division between the domestic and the international, nor can it ignore these different dimensions. Ultimately IR established itself as a discipline at a time when the distinction between the domestic and the international was both stable, and taken for granted, and has only latterly come to terms with their co-constitution. Unfortunately, to accept that the domestic and the international are co-constituted is either to expel International Relations to a separate – relatively unsophisticated – realm of problem solving, or to downplay it all together in favour of political theory more generally. What Schmitt offers is a way through this problem, for Schmitt gives a full conceptual account of the co-constitution of the domestic and international – the inside / outside, the friend / enemy – in which the international takes centre stage as the condition of possibility for the domestic. The principle insight his texts offer is that nothing can happen domestically without reference to the particular form of the international. It is the exception that gives meaning to the norm, the international that gives meaning to the domestic, regardless of its precise institutional form. Thus, as the next two chapters attempt to demonstrate, Schmitt not only offers insights to the discipline of IR, but also goes beyond the simple distinction between the domestic and the international and offers firmer conceptual foundations for the idea of IR as a discipline in its own right, united by a distinct set of problems surrounding collective identification and legitimate violence, questions that relate to the limit conditions of political community.

## **Chapter 7 – Carl Schmitt and the English School**

*All interpretation, all psychology, all attempts to make things comprehensible, require the medium of theories, mythologies and lies ... If I say 'above' or 'below', that is already a statement that requires explanation, since an above and a below exist only in thought, only as abstractions. The world itself knows nothing of above and below.*

From the 'Treatise on the Steppenwolf', in Hermann Hesse's *Steppenwolf*.

### **Introduction**

This chapter seeks to build on the last section by offering a more constructive view concerning how Schmitt fits within the spacious discipline of International Relations. Most of the thesis has so far dealt with the selective manner in which his thought has been elaborated by theorists of various persuasions, and unpicked the implicit periodisation of his work caused by nervousness concerning his political accommodation with Nazism. Of course his contribution can be counted in many ways, but a holistic encounter with his works invites speculation as to which self-conscious subfields of IR would find an engagement with his theories productive. This depends very largely on what is meant by a subfield of IR, and Schmitt cannot simply be introduced as an authority on anything other than his own reflections, but there are recognised areas of International Relations theory that would be able to engage productively with his theories – both for their formulation, and for the manner of their articulation – in such a way as it would be possible to describe him as an 'insider' or a 'fellow traveller', rather than simply a critic. If the notion – advanced in this thesis – is accepted that Schmitt can be best understood when his works are treated as an evolving set of reflections on the problems of collective identification, order and its existential, ideational production, then the English School comes into focus as a field of intellectual endeavour with a parallel set of concerns. Most importantly, the English School is understood as having its origins in a self-consciously meta-theoretical investigation into the different ways of theorising IR,<sup>1</sup> and as such is automatically better able to accommodate a theorist who does not line up as a realist or a liberal or a Marxist.

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<sup>1</sup> Wight's famous distinction between Realism, Rationalism and Revolutionism, from Martin Wight, *International Theory*, (Leicester: Leicester University Press, 1991), p 7.

The argument begins by establishing a shared assumption concerning the importance of norms – although crucially not historically or universally transcendent norms – and suggests that this commitment be made a more explicit component of English School theories in order that they should not be regarded merely as ‘realism in drag’.<sup>2</sup> Then the intellectual habits of English School thinkers and Carl Schmitt are compared and contrasted, in order to illuminate important parallels of approach to the problems at hand, particularly their general interest in frameworks of order along with scepticism towards the idea of progress in history. Finally, the English School is examined and refracted through a Schmittian lens to see what elements of English School theory come into much sharper focus, and which fall away.

The concluding contentions are that Schmitt’s formulation of the friend / enemy distinction as the source of political community describes a process that can only take place in a societal context, which is co-constitutive of both the political community and the International Society in which it is necessarily embedded. Furthermore, that any articulation of an International Society is inhabited by normative presuppositions that condition and necessitate a wider World Society in which any International Society can be clearly understood as such. Building on Schmitt’s post-Nietzschean reflections, this English School vocabulary can be reinterpreted in a way that respects the rich background in classical theory from which the English School sprang, and yet reformulates the relationship between the various terms in a way that evokes the harsh ideational dualism of Schmitt’s friend / enemy distinction. The English School therefore, while not necessarily needing to make space for Schmitt as a member, might usefully begin to see him as a sort of fellow traveller in IR, even if one with something like a criminal record. The central concerns of the English School are recognisably similar to Schmitt’s own preoccupations, and English School terminology is susceptible to a kind of Schmittian critique that goes beyond mere refutation. Lastly it is because the English School emerges from a wider intellectual context influenced by philosophical idealism, and tends to be expressed in ideational terms while preserving an ambivalence toward the concept of progress in history, that the comparison comes properly into focus. In other words, it is because of the place that the English School occupies within the wider discipline of IR, that the comparison becomes productive.

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<sup>2</sup> Tim Dunne, *Inventing International Society: A History of the English School*, (Basingstoke: Macmillan Press, 1998), p 4.

## Framing the English School

If a comparison is to be made between Carl Schmitt and the English School, much of it will turn on how we understand the English School (ES). Furthermore, given that the ES is in part known for what it is not (i.e. American), this presents problems. On the one hand, the ES can be thought of in terms of a particular set of theorists including – but not limited to – Hedley Bull, Martin Wight, Herbert Butterfield, Charles Manning, Adam Watson, R.J. Vincent, Barry Buzan etc.; but this makes it difficult to clarify any theoretical consistency between them.<sup>3</sup> On the other hand, the ES can be understood as a set of ideas, which would in turn not do justice to the theoretical plurality that characterises the actual group of theorists. A better way to describe the ES would be as a coherent and self aware exchange of arguments around a particular set of problems.<sup>4</sup> In this way, the idea of the ES as a set of prominent theorists – whose work forms something like a ‘canon’ within the ES – gives way to a more productive relationship between theorists, ideas and problems, rather than a strict methodology or exclusive conceptual tendencies. Partly this is because the origins of the ES can be found in a self conscious attempt to rethink the whole problem of International Relations or International Politics, and because each of the early theorists had the opportunity to contribute both to definition of the central problems and frame their own response to them. The British Committee on the Theory of International Politics was formed very explicitly because of a dissatisfaction with the traditional ways of theorising International Relations,<sup>5</sup> divided as it was between Realism – which was becoming increasingly dominated by the attempt to turn International Relations into a more formal science – and the sort of discredited idealism of the pre-war years.<sup>6</sup> Therefore, the ES, can be understood in terms of a set of explicit meta-theoretical arguments concerning an interconnected range of dilemmas thrown up by a preoccupation with the notions of

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<sup>3</sup> Brunello Vigezzi, *The British Committee on the Theory of International Politics (1945-1985): The Rediscovery of History*, (Milan: Edizioni Unicopoli, 2005).

<sup>4</sup> Andrew Hurrell refers to a wider set of questions in ‘Keeping history, law and political philosophy firmly within the English School’ in *Review of International Studies* (2001) Volume 27, p 489-494. Furthermore, Christian Reus-Smit’s – ‘The Constructivist Challenge’, in Alex J. Bellamy (ed), *International Society and its Critics*, (Oxford: Oxford University Press, 2005) – argument is particularly interesting in that he suggests the English School and Constructivism share a common approach to ‘the most pressing research questions facing our field’, p 94.

<sup>5</sup> Vigezzi’s book, *The British Committee on the Theory of International Politics*, makes much of the English School’s oscillation between history and theory, a problem which can be seen reflected in the conclusions of this thesis.

<sup>6</sup> Dunne, *Inventing International Society*, p 16.

order and justice; their origins and persistence in the international sphere, along with a critical posture toward both the growing scientism of Realism, and the unguarded utopianism of the early idealists.

Furthermore, although much use is made of the term ‘normative’ in the text – which is often taken to be related to a discoverable bedrock of universal moral values – the meaning herein is restricted to association with ordering ideas. A norm can be equated with an ‘ought’ rather than an ‘is’, a concept rather than an object, and in Schmitt’s post-Nietzschean, anti-foundationalist world, a normative framework can only extend to describing an encompassing ideational context, rather than an identifiably progressive political aspiration. Nevertheless, the ES has always been strongly concerned with norms, from simple conditioning ideas to socially constructed normative frameworks, all the way to the progressive and universal aspirations behind certain ideas of World Society. Tim Dunne usefully captures this tendency when he suggests that the ES can be organised around three basic assumptions;

the realisation that theory-building must take place in a formal institutional setting, drawing from a shared body of knowledge and ideas; the invention of an interpretive approach to the history of ideas about International Relations; and the recognition that the society of states embodies rules and norms which must be the subject of academic scrutiny and critical judgement.<sup>7</sup>

The focus on ideas and norms and the idea that the ‘society of states *embodies* rules and norms’ (my italics) looks very similar to Schmitt’s conceptual focus and his rendering of the *jus publicum Europeum*. Furthermore, both Dunne and Vigezzi make clear that the early discussions of the British Committee on the Theory of International Politics – even the prior discussions concerning the constitution of the committee<sup>8</sup> – were deliberately open about what it was that was under discussion. The Committee was after all, pulled together due to a general dissatisfaction with the manner in which the subject of International Relations or International Politics had been approached up to that time, and the explicit focus of the Committee was to carve out a distinctive way of looking at the problem of International Relations. To quote Dunne again; ‘academics who identify with the ES today are interested in ... normative questions relating to culture,

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<sup>7</sup> Ibid., p 16. Vigezzi, *The British Committee*, p 109.

<sup>8</sup> EH Carr was deliberately not invited due to his status as a ‘great power in the region’, Ibid., p 93.

community and identity.’ And again ‘the English School ... operates with a constructivist meta-theory ... [and] its understanding of theory is normative all the way down.’<sup>9</sup> Dunne’s view of the ES can be contrasted with that provided by Ian Manners, who tries to outline the need for a ‘fourth tradition’ within the ES.<sup>10</sup> The argument I am making – which I believe is implicitly supported by Dunne – concerns the place of the ES as a ‘fourth tradition’ within IR Theory in its own right. To outline briefly in advance of the conclusion to this chapter, I believe the ES – as distinct from the other traditions – is best understood in terms of its general philosophical idealism, and its mistrust of the idea of progress in history. Manners himself usefully quotes Rob Walker and Ole Wæver making largely this point; ‘Both R.B.J. Walker and Ole Wæver have pointed out that the ES could be interpreted as ‘a *via media* between the supposed extremes of realism and revolutionism’.<sup>11</sup> The critical question concerns the form that the *via media* must take, but Manners conception of the ES as comprised of ‘four traditions’ makes for a highly pluralistic *via media* that encompasses two of the traditions between which it is supposed to act as a *via media*. I agree with Manners on the need for a ‘fourth tradition’ but instead suggest that the ES – formed around Dunne’s basic shared assumptions and corresponding to Wight’s Rationalism – loosely comprises it.<sup>12</sup>

A brief examination of the concept of power, from both a Schmittian and an ES perspective helps to draw out the underlying similarities of their approaches. It has so far been outlined in this thesis that Schmitt’s work is best understood as a coherent whole, that throughout his life he was engaged in a perennial search for answers to a surprisingly narrow set of questions. And the manner in which his evolving responses are inflected by the migrating sentiments of their times should enable one to read through his main texts towards a critical engagement with the central problem at the heart of much of his writing; that of order. Principally he was concerned to point out that order does not simply exist, and cannot be taken for granted. This may seem a fatal

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<sup>9</sup> Ibid, p 185.

<sup>10</sup> Ian Manners, ‘The Missing Tradition of the ES: Including Nietzschean Relativism and World Imagination in Extranational Studies’, in *Millennium: Journal of International Studies*, Volume 32, Issue 2, 2003.

<sup>11</sup> Ibid., p 248.

<sup>12</sup> And of course, as shown in Chapter 5, I think other theorists have also reached for this basic philosophical and historical conjunction, not least of which Michael C. Williams’ Wilful Realism, but also ‘thick constructivism’ and even post-modern theories that insist upon the contingency of ontological claims and are mistrustful of narratives of progress and enlightenment.

truism, but reveals also a critical disposition towards those who look for the roots of order in nature, or God, or indeed simple power. The ES theorists clearly shared this fundamental frustration.

Nature has its own dynamics, which can be understood as a kind of order, and this in turn can be extrapolated to comment on the rise and fall of nations, states, and whole civilisations, as in the work of Oswald Spengler.<sup>13</sup> However, this reduces intellectual enquiry to little more than reflection on the inevitable prospect of decline. It finds its greatest exponents among thinkers who refer to the metaphors and allegories of ancient Greece, favoured among which are obviously ‘hubris’ and ‘nemesis’.<sup>14</sup> Similarly, God, or a divine source of authority has little to offer in terms of explaining social order, except of course by invoking mystery. Lastly power, although universally invoked as an explanation for events, is a slippery notion. Martin Wight describes power in line with his three traditions; Realism, Rationalism and Revolutionism. The revolutionist, for Wight, must have a ‘ground for action’, and ‘a right of moral judgement’, in order to justify the overthrow and redistribution of power, whereas realists contend that power is ‘self-justifying’.<sup>15</sup> Rationalists – and by extension the ES – on the other hand, frame their interest in power in terms of its justification, and thus it must be ‘transformed into authority’, which is a strong match for both the points made by Michael Oakeshott,<sup>16</sup> and more importantly for the manner in which Schmitt discusses power in *Political Theology*.<sup>17</sup> Thus the ES contains a strong critique of realist and revolutionist conceptions of power. Wight even went so far as to say that revolutionists ‘resembled realists in their practice’ precisely on this point.<sup>18</sup>

Power itself can be described in a variety of ways, and it has a long association with material notions of capability; the size of armed forces for instance, are a measure of power, as is the productive capacity of factories and farms. But even in these measures, there are qualitative factors, such as the style and effectiveness of armaments and

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<sup>13</sup> Oswald Spengler, *The Decline of the West: Volume II*, (London: Allen & Unwin, 1928). Referenced also by Martin Wight, *International Theory*, p 105.

<sup>14</sup> Morgenthau’s lifelong obsession with power is a case in point, and Richard Ned Lebow has written eloquently on these themes more recently, in *The Tragic Vision of Politics: Ethics, Interests and Order*.

<sup>15</sup> Wight, *International Theory*, p 105.

<sup>16</sup> Oakeshott, ‘Talking Politics’, in *Rationalism in Politics and Other Essays*, p 447.

<sup>17</sup> Discussed briefly at the beginning of Chapter 5.

<sup>18</sup> Wight, *International Theory*, p 105.

training etc., that make these material determinants somewhat unstable as predictive indicators, and in any event, norms are built into the assumptions concerning the actors who wield power, and their respective intentions. In other words, referring back to the discussion of power in Chapter 5, power needs a stable ontological framework in order to operate as an independent variable. Thus, following Wight, another reason for the comparable importance of power to realists and revolutionists, is their joint philosophical disposition towards an ontologically secure external world, in which power can operate as an independent variable; for revolutionists, as a means to an justified end, and for realists as a end in itself.

Turning back to Carl Schmitt, as noted in Chapter 5, power very rarely appears in his analysis; it is too blunt a term. His investigations of order are always accompanied by an analysis of prevailing sources of authority. His work on ‘the political’ and the constitution of a political community inevitably involves a point of ‘sovereignty’ and ‘decision’. However, crucially, he makes a clear case for the reciprocity of authority.<sup>19</sup> He explicitly repudiates the notion that the institutional sovereign is necessarily the *true* sovereign, which for Schmitt is *revealed* as ‘he who decides on the exception’,<sup>20</sup> not merely he who is institutionally authorised to make a decision, for the institutions themselves may have become detached from the protean political dimension which both enacts and destroys them. This renders power as a condition of reflexive social interaction, much more akin to Foucault, for whom power exists in relays.<sup>21</sup>

When power is broken down like this into a tense, interdependent relationship between order and authority, it becomes an entirely inter-subjective and normative matter, with the strict vocabulary of material power fading into the background. This is not to say that material power is of no relevance, but simply that ideas come before any interpretation of material power for the simple reason that material power always follows the contours of some deeper ideational frameworks. All the ships and tanks in

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<sup>19</sup> There are extensive references earlier in the thesis to Schmitt’s dictum ‘Sovereign is he who decides on the exception’, briefly summarised, this phrase works two ways. Both as a description of the powers of a sovereign, and a litmus test for identifying exactly where sovereignty lies in a context of competing authority claims. Compare Shakespeare’s ‘uneasy lies the head wears the crown’ – from *Henry IV Part II*, which performs the double function of signifying the wearer of the crown as the sovereign, but also reveals the attraction for those who would be sovereign, to wear the crown, the simple point being that the principle of sovereignty is distinct from the person who claims to bear it.

<sup>20</sup> Schmitt, *Political Theology*, p 1.

<sup>21</sup> Foucault, *Society Must Be Defended*, p 29.

the world are useless if you have no one to man them, or if they refuse to follow orders. Therefore, behind all facades of material power, there are norms to sustain and organise them in relation to their purpose. There are codes of behaviour which always boil down to an *ought* behind an *is*. And this focus on norms, their origins, evolution and persistence, brings Schmitt neatly alongside ES rationalists with their implicit focus on the normative firmament in which material forms of power are expressed, conditioned and authorised. It might be added that Schmitt puts more stress on norms than the ES, but the direction of his thinking is directly compatible. Where ES thinkers have tended to focus on stressing the importance of norms – as opposed to power – in any explanation for the persistence of order, Schmitt situates norms as prior to any system of order and that which give rise to observable patterns of order. It is not simply that norms assist in the preservation of a materially constructed order, but that order is itself a normative proposition, which produces, organises and directs material resources as it emerges. Once again, this is not to say that material power is unimportant, but instead obliges some clarification of the relationship between material and ideational power. Material power *reflects* an underlying relationship between order and authority, and survives intact only so long as it continues to reinforce this highly mutable conjunction.

If power is viewed as having an underlying normative dynamic, then it ceases to be an independent analytical variable. Instead, the normative composition of prevailing structures of power come into focus, which represent themselves in terms of measurable power, but necessarily draw on deeper normative frameworks. Material power is therefore an epiphenomenon, which leads the way to thinking about deeper problems, but does not in itself offer anything of interpretive value, it merely acts as a signpost to the ordering norms that make aggregations of material power visible. Of course, this says nothing about historical contexts in which aggregations of material power exist, and are directed toward the defence of particular ideational frameworks, but in a sense this is precisely what makes the particular ideational frameworks durable, and gives rise to the persistence of systems of order. And more importantly, makes the study of the conditions of emergence for particular systems of order so important. Thus IR is preoccupied, not simply with contemporary dates like Sept 11<sup>th</sup> 2001 or 1989, but also with 1648, and why Schmitt was preoccupied with explaining the normative lineaments of modernity which both enacted and sustained the *nomos* of the Westphalian system through the *legitimate* exercise of European state power. Which is remarkably close to

the early preoccupations of the British Committee on the Theory of International Politics.<sup>22</sup>

This in turn reveals the analytical value of norms. And when the ES asserts that ‘norms matter’ when seeking to understand the persistence of order in the world, they are doing more than simply adding a variable to materialist and realist accounts of order. They are instead revealing the underlying dynamics of a world in which Realism appears to have some explanatory potential, but rather than expanding the value of Realism, they are explaining its purely positional relevance and its reliance on a pre-ordained and ahistorical structure rooted in an account of human nature or reflexive systems theory. And this is a crucial difference between Realism and the ES. The introduction of norms – considered crucial to an understanding of the ES – inevitably does more than produce a kind of ‘Realism in drag’<sup>23</sup> but instead places norms in competition with materialist accounts of structure, in effect prioritising a normative analysis over a materialist analysis, and in turn forcing an examination of the ideational context that makes the material world intelligible. Norms matter therefore, not as an adjunct to a materialist worldview, but as the means by which it can be deciphered, and deciphering the material world requires constructing normative mechanisms that govern our interaction with it. In other words, the ES is predisposed to the interpretive and hermeneutical tendencies of philosophical idealism, as opposed to realism.

This explains a number of things. Firstly, it offers an account of why Realism is constantly outflanked by migrating definitions of power, driven by technology and the changing appeal of both radical groups and global opinion. It explains to some extent the ahistorical and static dimension of realism, and how the introduction of norms produces the historicism of the ES.<sup>24</sup> Lastly, it answers one of Emanuel Adler’s criticisms of Buzan’s text *From International to World Society?*.<sup>25</sup> Adler suggests that

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<sup>22</sup> Dunne, *Inventing International Society*, p 98. Vigezzi, *The British Committee*, p 149.

<sup>23</sup> *Ibid*, p 162.

<sup>24</sup> Roger D. Spegele, ‘Traditional Political Realism’, in Alex Bellamy (ed), *International Society and its Critics*, (Oxford: Oxford University Press, 2005). Spegele makes the important point that norms form a key dimension of both Classical Realism and ES approaches to history. I have to add that I find Spegele’s argument about an ‘internalist teleology’ in the work of Butterfield, little more than an identification of its idealist aspects, and to some extent a misuse – even perhaps a refutation – of the conventional use of the word ‘teleology’.

<sup>25</sup> Emmanuel Adler, ‘Barry Buzan’s Use of Constructivism to Reconstruct the English School: “Not All the Way Down”’, in *Millennium: Journal of International Studies*, Volume 34, Issue 1, 2005.

the absence of power in Buzan's book is a significant omission, but by focussing on the normative dimension, and considering the ES's focus on order, an explicit consideration of power as a distinct element is entirely superfluous. Power is not independent of the norms that comprise its possibility, therefore an analysis of the normative frameworks that underlie order is an analysis of that which produces durable normative frameworks that contain and mobilise observable material power. In a similar vein, a study of the manufacturing process that produces cars, takes the cars themselves for granted; a study of power requires an assumption about the actors that wield it, a study of order on the other hand is an analysis of the structures that condition the possibilities for exercising power. A study of power requires a '*given that*' – or an ontologically secure conception of the external world – statement about the social structure prior to any analysis, whereas a study of order is an attempt to understand what social structure is *given* at any point in time. From an ES, or Schmittian, or indeed just a philosophically idealist perspective, order is therefore prior to power, particularly when examining the norms that comprise the international order rather than the behaviour of states. For just as norms matter in understanding how states relate to one another, they also constitute the ideational sinews of international order itself – in which states as actors are normatively permitted to use power according to certain agreed terms – and therefore matter a very great deal indeed.

Lastly, the implication behind the prioritisation of order and norms within the ES is strongly suggestive that it has general characteristics that conform to an idealist analysis. This does not mean that all ES thinkers are idealists, far from it, but it does suggest that the kind of meta-theoretical analysis offered by even the most materialist theorists of the ES<sup>26</sup> – as opposed to realists – is amenable to examination from an idealist frame. Moreover, in many ES texts, it is not difficult to identify philosophical commitments that have to be counted as idealist.<sup>27</sup> Therefore the whole field is fertile ground for a comparison that concentrates on concepts and conceptual formulations, rather than firm, ascertainable characteristics of the external world.

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<sup>26</sup> Hedley Bull was well known as a 'philosophical realist', Nick Rengger, 'Serpents and Doves in Classical International Theory', in *Millennium: Journal of International Studies*, Volume 17, Issue 2, 1988, p 217.

<sup>27</sup> For example, Charles Manning calls his own version of Realism 'Sophisticated Realism' which, rather like Michael C. Williams' 'Wilful Realism' relies heavily on ideas, norms, and ways of framing the problem of IR, in other words, idealism with a realist face. However, any focus on 'normative questions relating to culture, community and identity,' – Dunne, *Inventing International Society*, p 185. – has to be counted a part of the interpretive, hermeneutical side of the philosophical realism / idealism divide.

## World Society

Although the key contribution of the ES is usually thought to be the idea of International Society,<sup>28</sup> it is actually World Society that provides an better initial point of comparison. This is so for two reasons; on the one hand, it is the most abstract and tentative of the ES triad of concepts – although I would suggest that it is, along with World System, a limit concept, and limit concepts are an inevitable consideration for any norm based theory – and secondly because it again exposes the crucial difference between philosophical idealism and philosophical realism, in that a philosophically realist World Society looks quite different to an idealist World Society. In fact, I would suggest that one of the main reasons why there is so much confusion and debate about this concept is precisely because the ES – as a body of theorists – has rarely addressed the underlying philosophical differences between its contributors. Furthermore, the concept of World Society needs to be reassessed in terms of Schmitt's friend / enemy distinction, for the simple reason that in a Schmittian world of friends and enemies, World Society would appear to have no basis in theory. If there is always a constitutive friend / enemy distinction, there is no position from which to observe the universal or universalised norms ordinarily associated with World Society. However, this would be either to misunderstand the nature of the friend / enemy distinction, or to commit to a philosophically realist interpretation of World Society.

Simply put, the friend / enemy distinction imposes an existential commitment on participants of political struggle; and in constructing opposing coalitions of hostile confederates, the terms of their hostility are established, which, although they may change, nevertheless set parameters on immediate political decisions by framing them in relation to the established terms of hostility. In this way, normative conditions are established that regulate conduct between friends, and – crucially – between friends and enemies, if only by virtue of the idea of mutual – and potentially absolute – hostility. Therefore, every individual participant in political struggle carries with them conditioning terms of interaction that can be applied to all outsiders, or enemies. And even if a new, previously un-encountered group – or member thereof – emerges, by virtue of their not

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<sup>28</sup> Barry Buzan, *From International to World Society?: English School Theory and the Social Structure of Globalisation*, (Cambridge: Cambridge University Press, 2004), p 1.

being a friend, they will be treated according to terms already established for the treatment of enemies – guided by a more or less reserved violence.

This comes more clearly into focus when examining the idea of World Society, which is posited as a framework of universal norms, either extant, or realised through divine inspiration, or established by virtue of common agreement.<sup>29</sup> Setting aside the possibility that universal norms might be commonly agreed, the first two ideas concerning the origins of World Society look remarkably like the tradition of natural law or Kelsenian positivism discussed earlier in the thesis. And even the idea of establishing a common framework of norms could come to resemble a Hobbesian legal positivist framework under certain conditions.<sup>30</sup> The central point is simply this; World society, if posited as a characteristic of the external world – nature, divine providence, or merely the common assertion of really existing people – has metaphysically realist entailments. And as will be clear by now this poses problems for a Schmittian analysis beyond the very clear reservations he articulated concerning the tradition of natural law or Kelsenian positivism.

Thinking about World Society from a philosophically idealist frame – in contrast to a naïve idealist perspective – universal values cannot merely be discovered, nor can they merely exist as an asserted component of an external reality, but instead can only be understood as an artefact of comprehension, of which the ‘world knows nothing’, to follow Hermann Hesse. Therefore the concept of World Society, and the debate over its form, can only be understood as a part of the process by which it is constructed and universalised. In other words, World Society can only be the grand extrapolation of the values and norms with which the individual navigates his own interaction with the external world. From a Schmittian frame, these interactions are mediated by the friend / enemy distinction, therefore every friend / enemy distinction always contains and articulates a version of what might otherwise be called World Society, a set of normative parameters that regulate interactions with others, be they friends or enemies. Accordingly, assumptions about World Society grow out of particular friend / enemy distinctions.

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<sup>29</sup> Buzan, *From International To World Society?*, p 27. Buzan usefully discusses the range of ideas about World Society from both within and without the English School.

<sup>30</sup> Particularly the pure account of how Hobbes’ Leviathan has no natural limit, offered in Chapter 1 of this thesis.

For philosophical realists – like Hedley Bull<sup>31</sup> – World Society is treated with caution, but can nevertheless be entertained as a testable component of a mind-independent reality, or an artefact, corollary or merely an aspiration, of a universal human community. Whereas for idealists, World Society is comparable to a set of normative conditions that act as a philosophical precondition for attempts to theorise the external world as an aspect of interacting with it. This difference can be clarified by examining the attitude of two more ES thinkers in respect of World Society. Martin Wight was constantly troubled by the idea of World Society, but as Buzan shows, Wight's comment that 'in the last analysis, international society is a society of the whole human race' demonstrates that his view of World Society was incompletely distinguished from his view of International Society.<sup>32</sup> Wight apparently reconciled his doubts about World Society by reference to his 'devout, if pessimistic, Christianity.'<sup>33</sup> Compare this to Manning, for whom '[w]ithin, beneath, alongside, behind and transcending, the notional society of states, there exists, and for some purposes fairly effectively, the nascent society of all mankind.'<sup>34</sup> Oddly enough, Manning slips fairly directly into a radical idealist characterisation;<sup>35</sup> first because of his persistent use of the term 'notional' to describe the 'society of states', but more subtly with his suggestion that any 'notional society of states' is bound up with some notion of World Society, in other words, that World Society is detached from a universally valid proposition and instead posed as a necessary complement to a set of ideas about the society of states.

The problem that arises from this idealist reading of World Society is the implication of a multiplicity of World Societies, after all, if there are many friend / enemy distinctions, there are many embedded versions of World Society floating about. This obliges an examination of specific and particular conflicts or alliances as wider incompatibilities and reconciliations between evolving and contested ideas of World Society, each of

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<sup>31</sup> Rengger, 'Serpents and Doves in Classical International Theory', p 217.

<sup>32</sup> Buzan, *From International To World Society?*, p 34.

<sup>33</sup> Renger, 'Serpents and Doves in Classical International Theory', op.cit., p 224, fn 13.

<sup>34</sup> Ibid., p 31., From C.A.W. Manning, *The Nature of International Society*, (London: Bell and Sons Ltd, 1962), p 177.

<sup>35</sup> Nick Rengger, confirms this interpretation of Manning and Wight as broadly speaking idealists with their focus on 'historical interpretation' and 'phenomenological hermeneutics', in 'Serpents and Doves in Classical International Theory', op.cit., p 217. Furthermore, any examination of his principle work reveals his constant preoccupation with the radical uncertainty of 'social knowledge', Manning, *The Nature of International Society*.

which acts as a legitimating discourse for some forms of human interaction. Furthermore, the complex ethical wagers that feature in discussions about the existence – or not – of World Society, from the philosophically realist perspective, are precisely the points at which different, philosophically idealist, conceptions of World Society are contested. For example, contestation over the limits of torture, the legitimacy of ‘national resistance’, and the political nature of terroristic violence represent points of cleavage between different ideationally framed versions of World Society, and not challenges to the realistically framed existence thereof. After all, torture may be widely condemned and posited as evidence for the absence of World Society – except perhaps in the universality of its condemnation – but wherever there is an instance of torture, there will also be a justification for it, which will necessarily appeal to a universal register of values, even if in the Machiavellian sense, as interpreted by Susan Stebbing.<sup>36</sup>

It is because the terms of interaction that condition the relations between friends and enemies are ideational in character and cannot but be universalised, that the idea of World Society is so problematic for a philosophical realist, and yet so essential for an idealist. A realist is concerned with whether a single World Society actually exists, whereas an idealist cannot help but express a version of it, even if – and indeed partly because – others may regard it as degraded version of World Society. World Society has no necessary content, and it is contestation over its content that forms a subtext of the ideational and polemical conflict over the very conceptual dilemmas that cohere IR.

Lastly, if an idealist conception of World Society corresponds to the normative frameworks applied to the task of interacting with the ‘real’ world, then a conception of World Society becomes necessary prior to any further speculation concerning International Society or even International System. For a philosophical realist, an analysis of the world usually commences with International System, then builds up to International Society, then – and only then – does it become possible to trace out the fragile connective tissue of a World Society.<sup>37</sup> Whereas for a philosophical idealist,

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<sup>36</sup> See Chapter 5. For Stebbing’s Machiavelli, in order to advocate and justify the Prince doing ‘evil’, there had to be a notion of the ‘good’ against which to measure it.

<sup>37</sup> Bull outlines this basic hierarchy in *The Anarchical Society: A Study of Order in World Politics*, (New York: Columbia University Press, 1977).

World Society is implied in the very attempt to make sense of the world in the first place.

This may seem counter-intuitive, yet it is surprisingly revealing if extended to a Schmittian explanation of both International Society and International System. International Society resembles Schmitt's notion of the *jus publicum Europaeum*, i.e. a comprehensive set of agreed norms and laws that regulate the conduct and behaviour of particular European states in respect of each other, built upon the *nomos* of a prior exclusion of the non-European realm to a condition of normative subjugation. The World Society elements of this particular International Society are the appropriate *nomos* of shared norms concerning the supremacy of the European mode of civilisation upon which a version of normative equality – and bracketed war – between European states was built. This might also correspond to Ian Manners' notion of a World Imagination.<sup>38</sup> The idea of International System is more difficult, but traditionally resides in the conceptual effacement of all normative conditions of equality between states and instead measures them in respect of their material capabilities and actions alone. Not only should this be reassessed in relation to relative rarity of such relations,<sup>39</sup> but from an idealist perspective this particular category makes little sense. For International Relations to be understood in systemic terms would require nothing less than the refusal to examine relations in anything other than simple material terms, dependent upon an ontologically secure framework for the comparison of power as an independent variable. It can be done, as realists have shown, but it is a dissatisfaction with this kind reductive analysis that marked out the ES in the first place. Furthermore, to consider states as independent actors is a judgement loaded with normative features concerning the proper characteristics of states. Thus for states to behave in ways that truly resembled an International System would rely on surprising commonalities between the normative conditions of interaction between them. In other words, for states to behave according to sheer power political considerations would require a tacit

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<sup>38</sup> Manners, 'The Missing Tradition of the ES', op.cit.

<sup>39</sup> Buzan, *From International To World Society?*, p 100, although Buzan's analysis is also realist in form, in that he downgrades the utility of the idea of International System because it does not genuinely exist, rather than because it would have to be an extraordinarily delicate normative construction.

agreement to construct this highly abstracted form of anarchy; or a World Society of anarchical inclinations.<sup>40</sup>

Fundamentally, Schmitt – simply by virtue of his focus on concepts over objects – provokes a recasting of the ES vocabulary. He reorders the ES triad of International System, International Society and World Society into a dyad of interdependent International and World Societies, in which International System can only be viewed as merely one – highly abstracted and entirely constructed – version of a pluralistic International Society. And although this may be considered an irreconcilable distinction between Schmitt and some types of ES theorising, the comparisons do not end there.

## The English School and Conceptual History

Where Schmitt and the English School bear further comparison, is in style of academic argument. The ES is heavily represented by writers with a strong historical background. Butterfield, who originally convened The British Committee on the Theory of International Politics, was a professor of history – and is counted among the family of Conceptual Historians which includes Quentin Skinner and Reinhart Koselleck – and most of the others have a clear engagement with the broad subject matter of history.<sup>41</sup> This insight extends further than the mere invocation of historical events, and is instead better understood in terms of the general ‘historicist’ disposition of the ES.<sup>42</sup> Although ‘classical’ realist thinkers often provide sophisticated commentary on specific historical episodes like the ancient Greek states, and the Italian city-states of the renaissance, the approach to history is quite different from that of the ES. Realism is generally posited as a set of methodological propositions concerning the application of universal truths about Man and power – order being an epiphenomenon of power dynamics – and how this produces certain inevitable and recurring patterns of interrelationships.<sup>43</sup> ES thinkers, on the other hand, do not seek to mine history for proof of *a priori* assumptions about

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<sup>40</sup> An implication of Wendt’s famous appeal for constructivism ‘Anarchy is What States Make of It’, in *International Organization*, Volume 46, Issue 2, 1992, foreshadowing a prolonged debate concerning the relationship between the English School and Constructivism.

<sup>41</sup> Carr and Butterfield were historians, Bull, Wight and Manning, all refer to history as a source of contingency rather than repetition.

<sup>42</sup> Buzan, Barry “The English School: an underexploited resource in IR” in *Review of International Studies* (2001) Volume 27, pp 471-488. Vigezzi also places great store in the English Schools ‘recovery of history’, *The British Committee*.

<sup>43</sup> Richard Little, ‘The English School and World History’, in Bellamy (ed), *International Society and its Critics*. Little states that ‘the prevailing tendency [for the use of World History in the wider discipline of IR] has been to draw on the past to provide evidence of continuity, rather than change’, p 46.

human nature, but instead examine particular historical contexts in which durable patterns of order can be observed, then attempt understand their contextual emergence – and even coexistence – from a diffuse set of influences, rather than produce an ahistorical theory of the interaction of universal laws.<sup>44</sup>

Realists, in a sense, tend towards an analysis that sees cyclical repetitions of power producing order in response to shifts in technological and social realities, believing nevertheless that it is possible to directly compare different historical periods and see the same underlying logics at play. This encourages a positivist approach to history as a series of events that form a historical record and can be understood in terms of causal dynamics. Identify the power – in economics, technology, leadership etc., and the same historical patterns can be observed. ES theorists do not necessarily dispense with a positivistic outlook,<sup>45</sup> but they open up the question of history by examining the particularities of different historical periods. A focus on the emergence of order can either reflect a belief that order has a tendency to exist as a result of underlying truths that form its foundations, or that order merely reflects our capacity to perceive patterns in an otherwise chaotic dispersion of information. Which leaves the field open for the more historicist pursuit of interlocking and evolving systems of order characteristic of ES investigations. This is not to say that the ES refutes the notion of a true apprehension of the causal dynamics of history, merely that they set aside questions of underlying truth in order to apprehend a greater range of variables. Their approach is interpretive and corresponds to a more narrativised and meta-theoretical form of history than the study of repetitions observable in some of the less sophisticated realist texts. The ES also avoids the methodological aversion displayed by Kenneth Waltz when asked to explain anything but the operation of his mechanistic, though sophisticated, framework of neo-realism.<sup>46</sup> Whereas ES thinkers, by virtue of their openness to complex renderings of the interactions between law, theology, philosophy, and their tendency to broaden out historical accounts, are almost obliged to offer an explanation for even tangentially related processes or events. In simplistic terms, Realists tend to the view

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<sup>44</sup> Ibid., p 52.

<sup>45</sup> Specifically, the philosophical realist Hedley Bull, but also perhaps Barry Buzan and Richard Little, *International Systems in World History: Remaking the Study of International Relations*, (Oxford: Oxford University Press, 2000).

<sup>46</sup> Dunne refers to Waltz's complimentary remarks about Bull and Wight, but that he also said that 'they did theory in a sense not recognized as theory by philosophers of science', Dunne, *Inventing International Society*, p 16.

that power produces order, whereas ES theorists are open to the opposite possibility; that norms inform order, and order produces displays of power.

In recent years there has been a move beyond the pinched methodology of neo-realism towards a deeper engagement with so called ‘classical realism’ as a more historically informed approach to theorising. And although this makes for more interesting reading, it does not overcome the central problem outlined here. A theorist’s approach to history is conditioning by the intentions of his analysis. This has been outlined in other parts of this thesis, but bears repeating here. Classical and Neo-Classical Realist accounts of IR are rooted in assumptions about the eternal truth of human nature, and therefore become centred on the ahistorical principles revealed in the series of events they choose to describe. They use history to demonstrate truth, and from this truth construct models of human behaviour from which it is possible to determine an appropriate course of action. The accounts themselves are varied and draw on different degrees of assumed complexity in the motivations and appetites of Man, but they nevertheless share a disposition towards the observability of ‘truth’ in the historical record, which is not necessarily shared by ES thinkers.

Herbert Butterfield made the relationship between History and IR a central focus of his work and Ian Hall makes reference to the annotations he made in a variety of works by American social scientists.<sup>47</sup> He lists them as Kaplan, Kelman, Deutsch, Schelling, Morgenthau, Wolfers and Hoffman. Hall summaries a variety of Butterfield’s thoughts as a suspicion of ‘geometrical’ thinking which could lead to ‘prescriptions or pressing pieces of advice’, which could in turn fatally ‘encourage ‘statesmen’ to bring the ‘real world ... as close as possible to the ‘geometry’’’.<sup>48</sup> Aside from this critique of scientism, Butterfield was also deeply critical of utopianism, and even the idea of progress in history. His vocabulary is that of Oakeshott – with his talk of ‘predicaments’ and ‘experience’ – and therefore philosophical idealism, but his approach to history was towards narrative history rather than grand teleological themes.<sup>49</sup>

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<sup>47</sup> Hall, Ian ‘History, Christianity and diplomacy: Sir Herbert Butterfield and international relations’ in *Review of International Studies* (2002) Volume 28, p 732.

<sup>48</sup> *Ibid.*, p 733.

<sup>49</sup> Despite Spegele’s notion of an ‘internalist teleology’ in his work, Spegele, ‘Traditional Political Realism’, op. cit.

For the ES, history becomes both the test and the content of particular and temporally localised accounts of order, detailing the manner in which certain institutions and social forces sustain or challenge prevailing norms. An account of the contemporary world may find all sorts of origins and normative principles established in the Treaty of Westphalia for example, and may broaden this out to account for the prevailing normative dynamics that produced the Treaty of Westphalia. But unlike a realist, few ES theorists would suggest that the same underlying principle observable in the Treaty of Westphalia remains as true, and as apparent today as it was in Ancient Greece.

It would be possible to further distinguish between realist and ES approaches to history – particularly by exploring neo-realist accounts more thoroughly – but for the purpose of this analysis little more needs to be said, save one important reflection. The difference between the ahistorical priorities of Realism and the contextual historicism of ES thinkers has been established, but there is a further distinction that separates thinkers of both persuasions. On the one hand, neo-realists adopt a behaviourist approach to theories that is ambivalent about historical proof, contrasted with the Classical and Neo-Classical Realists who enrich their theoretical formulations with selected evidence from the past. On the other hand, Tim Dunne makes a distinction between analytically oriented ES thinkers and those who engage more directly with historical accounts.<sup>50</sup> However, if one follows Oakeshott and makes a distinction between the ‘historical past’ and the ‘practical past’,<sup>51</sup> in which the former is revealed only by the utterly dispassionate investigation of historical detail, and the latter by the direct relationship between observed or recorded phenomena and the observer’s *lebenwelt* or ‘life-world’, IR, by virtue of its purpose, forecloses the possibility of referencing the ‘historical past’, being restricted entirely to the ‘practical past’. There is no way in which any theories or accounts can be developed within the disciplinary parameters of IR without the perspective of the present through which they gain interpretive salience.

Although IR can be sensitive to history, this is only insofar as the reason for the actual sensitivity reveals itself in the relevance of the analysis to the present. History, in order to be pure history, must divest itself of any trace of the ‘mode of practice’ in order to

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<sup>50</sup> Tim Dunne, ‘System, State and Society; How does it all hang together?’, in *Millennium: Journal of International Studies*, Volume 34, Issue 1, 2005.

<sup>51</sup> Michael Oakeshott, ‘Three Essays on History’, in *On History and other essays*, (Indianapolis: Liberty Fund, 1999), p 38.

emerge fully as history.<sup>52</sup> This might be regarded as impossible, but nevertheless informs the careful and deliberate development of sophisticated tools of historical method, and although IR scholars can avail themselves of these methods, it is the *purpose* of their enquiry which undermines any claim they may make towards historical rigour. Therefore History and IR remain fundamentally opposed in terms of the Oakeshottian mode of thought they rely upon. Which in turn places into question the historical sensitivity of any IR theory, and collapses the distinction that Dunne makes by rendering even the most historically situated accounts of order emerging from the ES, back into the analytical category that he so carefully separates out. There may still be some heuristic value in the distinction he makes, but not one informed by an actual *theoretical* disjuncture between them. More history or less history in IR does nothing to push any IR theory from the ‘practical past’ into the elusive ‘historical past’; it is all ultimately rooted in the practical, and therefore forms an entirely ‘present centred’ analysis, perfectly rephrasing Schmitt’s invocation of Hegel, ‘all history is present history’.<sup>53</sup>

Carl Schmitt’s historicism has already been outlined in the earlier parts of the thesis and places him emphatically on the ES side of this division. His training as a lawyer, his facility with history, philosophy, philology, theology and with the subtlety and precision of his approach to the history of ideas, makes it unavoidable to place him alongside ES thinkers, and observe the similarities of approach. Seen this way, further cleavages between Schmitt’s approach and Hans Morgenthau’s – who, for all the sophistication of his analysis, was concerned to establish some working truths for the contemporary practice of international relations – become apparent, for Morgenthau is explicitly seeking to portray history as a series of unambiguous lessons for the present, as opposed to using it as a relief upon which to cast an understanding of the present.

Thus far Schmitt’s elaborate focus on norms has been explored, which exceeds even that of the ES, for whom ‘norms matter’ as part of any proper explanation, whereas for Schmitt – and I would argue for most members of the ES – norms are central even to the idea of explanation itself. Beyond this we can place Schmitt’s historicism alongside the ES mode of enquiry, finding that his works are attempts to synthesise a wide range

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<sup>52</sup> Ibid., p 39.

<sup>53</sup> Carl Schmitt, ‘The Age of Neutralizations and Depoliticizations’, op. cit.

of insights from a variety of disciplinary origins. His work, as with the ES is resolutely open to the infusion of any body of thought that casts light on the evolution and origins of normative frameworks of order. He does not dismiss underlying truths of human nature, but rarely invokes them as explanatory motifs, instead committing himself to the tracing of historical context insofar as it appears in different prevailing norms concerning the precise and appropriate relationship between order and authority at any specific point in place and time. His work on *The Concept of the Political* and *The Nomos of the Earth*, posit order as the centrepiece of investigation, and the condition of possibility for judgment. And although Butterfield does not precisely mimic Schmitt, Ian Hall references Martin Wight's notes concerning Butterfield's comments on Hedley Bull's paper 'Order vs Justice' as follows;

International order is the precondition of justice  
Order is the condition of all values  
Order and justice are not alternatives<sup>54</sup>

which without labouring the point, conforms almost perfectly to a Schmittian outlook.

## **Society vs System**

Returning to the concept of International Society; which is the signal contribution of the ES. The term is taken to mean a more complex level of engagement between political communities than described by the phrase 'International System' which – from the perspective of the ES – is not a very thorough, or even accurate depiction of the relations between states for much of history.<sup>55</sup> From the inception of the British Committee on the Theory of International Politics,<sup>56</sup> ES scholars developed the idea of a more complex level of interaction between states as a way of explaining the persistence of order through the establishment of norms governing state behaviour, following which, each International Society had its own normative dynamics. This includes International Law – which for many realists is subordinate to the struggle for power – but also many other formal and informal codes governing interaction. Therefore, according to Barry Buzan, and others, International Society presupposes the existence of an International System, although not the other way around.<sup>57</sup> Some ES thinkers take

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<sup>54</sup> Hall, 'History, Christianity and diplomacy', op. cit., p 734.

<sup>55</sup> Buzan, *From International To World Society?*, p 100.

<sup>56</sup> Dunne, *Inventing International Society*, p 99.

<sup>57</sup> Buzan, *From International to World Society?* p 7. Bull, *The Anarchical Society*, p 13.

the analysis further and posit culture as an intervening variable governing the likelihood of the emergence of linkages that fit societal criteria over systemic.<sup>58</sup> The suggestion being that an International Society can only exist where there exists a shared culture, as this provides a pre-existing normative context in which norms can be shared and negotiated. Obviously these two terms – International System and International Society – are not exact, but they do at least provide a heuristic framework in which to cast problems of International Relations.

Schmitt does not use the language of International Society, which obliges some work to make the connection, but the contention of this chapter goes beyond the focus on norms and the shared openness to the contributions of wider traditions of thought that have been discussed so far. Put simply, an analysis of the manner in which Schmitt navigates the problem of order, from its existential foundations in the allegorical state of nature, all the way through its different metaphorical and historical expressions in the problems of sovereignty, community, decision and eventually *nomos* at the global level, is normative and societal at every level.

Stefano Guzzini comments suggestively that Buzan's invitation to re-engage with the ES<sup>59</sup> might lead one to question the very idea of International Society, a process that he imagines will undermine the value of the ES itself.<sup>60</sup> However, according to the argument in this chapter, it is through this reconceptualisation of International Society and its relationship to an idealist conception of World Society that the ES emerges with greater clarity in the distinctiveness of its assumptions within IR. For where Guzzini takes a constructivist line to consider the fragility of a distinction between system and society, the task of reconceptualising International Society does not entail redefining it in any way, but instead consists in breaking it away from its systemic underlay, and thinking instead about International Society as a normative framework that conditions relationships, prior to their casting in systemic terms.

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<sup>58</sup> Jacinta O'Hagan, 'The Question of Culture', in Bellamy (ed), *International Society and its Critics*, p 215.

<sup>59</sup> Buzan, 'The English School, An Underexploited Resource in IR', in *Review of International Studies*, Volume 27, 2001.

<sup>60</sup> Stefano Guzzini, 'Calling for a less 'brandish' and less 'grand' reconvention' in *Review of International Studies*, Volume 27, 2001.

International System is indelibly linked to a realist mode of analysis. It is based upon an ‘ontology of states’<sup>61</sup> and operates according to the familiar logic of the billiard table. Realists focus on the acquisition of ‘power’ as the fundamental and unrelenting feature of human appetites, which gives rise, after Hobbes, to political entities, each attempting to secure for themselves the greatest independence of action according to the material resources available.<sup>62</sup> However, the well known features of the realist landscape can be thrown into some doubt by examining Schmitt’s implied reading of Hobbes.<sup>63</sup> Schmitt’s focus on the public dimension over the private inflects his reading of Hobbes, and presents the dynamics by which a political collective comes to understand itself in opposition to another as co-constitutive of a plurality – or in a simple sense a duality – of political collectives.<sup>64</sup> The political community is constituted in the very process by which it is organised conflictually against another. Therefore instead of extrapolating from the individual to the collective and applying the same Hobbesian state of nature to each, the Schmittian inflection posits the very moment when the collective can be understood as a distinct and separate community, as also the moment when the norms conditioning its hostile relationship with its ‘enemy’ emerge. This refers back to the ‘twisted square’ diagram in Chapter 1. In other words, as this hostile relationship is the medium through which norms of interaction are established, the relationship is – from its inception – a norm bound set of conditions governing the need for and appropriate extent of collective violence that in turn regulates the interactions of the two collectives along collective lines. In plain language, the first interactions which a political collective has, are with an enemy which is well known to it – as it is through the identification of an enemy that it comes to know itself. All actors, individual or collective become framed by this friend / enemy distinction in respect of the existential commitments of both sides, which although rooted in a mythical ‘decision’ – which is in turn maintained by sovereign husbandry – is normative in character.

What this means is simply that the first relations which a collective entity has, and which are constitutive of itself, are *societal*, not systemic. The analogy of billiard balls in an international system is therefore not an appropriate Schmittian analogy to describe relations between two states in a hostile disposition towards each other. Unless, that is,

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<sup>61</sup> Buzan, *From International To World Society?*, p 7.

<sup>62</sup> Morgenthau, *Politics Among Nations*, p 4.

<sup>63</sup> See Chapter 1 in this thesis.

<sup>64</sup> Schmitt, *The Concept of the Political*, p 28.

we remember that even a game of billiards has extensive rules governing the conditions under which balls are propelled against one another, and the conditioning context of a precisely dimensioned baize covered surface on which these collisions are negotiated. In order to properly develop a Schmittian framework, it is necessary to dispense with the idea of freely acting units in an asocial context and instead understand the constitutive normative bonds through which political entities regulate their interactions.

This constitutive inside / outside mechanism ensures the point at which the collective articulates itself through the friend / enemy distinction, and marks out a point of inversion in which the inside is umbilically linked to the outside, and vice versa. Furthermore, even the capacity to make war as a collectivity is conditioned by a clear sense of political community formed in opposition to another, and this would be gained by a very precise and historically particular set of reasons for the emergence of a political fracture, which implies that each collectivity will have a highly constructed notion of the appropriate conditions under which collective violence is justified. The very essence of the constitutive dispute is framed in normative terms and positions the two original collectives in a relationship of intimate hostility that has an absolutely normative and ideational expression.

Hedley Bull's opening discussion of the problem of order is a nuanced reflection on the origins of the need for order, which he locates in problems of distribution; scarce resources or unchecked egotism.<sup>65</sup> At the end of this preliminary discussion he comments on the universal nature of the drive to order, concluding that people value the predictable behaviour of others, and that order is ultimately constituted in the rules governing individual behaviour precisely because they allow others to predict that behaviour, thus satisfying that basic social need and making the predictable behaviour of others a matter of value to each social participant. This analysis could be generalised and conclusions drawn from it, but the point here is merely to make a distinction between rules and order; rules come about as a result of the universal drive for order, but order exists as a normative demand prior to the existence of the rules that allow it to emerge as an observable social phenomenon.

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<sup>65</sup> Bull, *The Anarchical Society*, p 5.

However, when Bull proceeds to discuss the interaction of states by comparison to the Hobbesian state of nature, he repeats the important realist contention that Hobbes' 'state of nature' can be simply extrapolated from considering the individual as unit, to considering the political community as unit. Hobbes himself makes this assumption,<sup>66</sup> but in keeping with a Schmittian focus, this particular problem in Bull's analysis must be unpicked by moving away from a unit/system model and the level of analysis problem that accompanies it. What this does is bring into question Buzan's assertion that International Society is – along with International System – based on an 'ontology of states'.<sup>67</sup> For while an International System is the logical offshoot of an 'ontology of states',<sup>68</sup> when International Society follows a Schmittian form, it could only *produce* an ontology of states, not be based on one. The significance of this is simply that if the friend / enemy distinction takes on a normative character, and the social character of hostile relations is established, systemic relations could only ever be a rarefied form of social relations, framed by prior normative commitments built into the terms of hostility expressed in the original friend / enemy distinction. Thus the 'ontology of states', or the assumption that states are given units within an international system, is no longer a secure ontological context, but a series of interpretive reference points, derivative of the friend / enemy distinction that gave rise to the initial plurality of collective actors, and the normative terms of their continuing interactions. However, because an ontology of states encourages an ahistorical or systemic perspective in International Relations, stripping the ES of ontological claims concerning the prior existence of states and system also buttresses ES claims to a historicist disposition, which is shared by Schmitt's analysis. The state form is for Schmitt – as outlined in earlier parts of the thesis – a contingent historically situated form of political organisation, and although Bull widens out his consideration from states to include political communities,<sup>69</sup> this implicitly acknowledges a weakness in his analysis in that Bull also accepts that the state is a contingent entity, repudiating the idea of an 'ontology of states', casting it instead in self-consciously epistemological terms, as if the ontological form of states are contingent upon their conceptual expression.

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<sup>66</sup> Hobbes, *Leviathan*, p 224.

<sup>67</sup> Buzan, *From International to World Society?*, p 7, 23.

<sup>68</sup> *Ibid.*, p 7.

<sup>69</sup> Bull, *The Anarchical Society*, p 9.

Starting from a Schmittian position, a political community becomes aware of itself in a relationship of intimate hostility with another, and therefore societal relations are implicit within the idea of political community from the beginning. Any further theoretical formulations describing the relations between political communities are therefore derivative of this prior set of established norms governing the interaction of particular political communities. On a very small scale this can be used to describe the hostile relationships between primitive tribal bands for whom war and conflict are highly ritualised and share normative attachment to certain practices particular to context. On a much larger scale the same can be observed of the relationships between Westphalian European states as similarly ritualised and conducted through highly developed normative restraints. Each of these contexts could be better described as an International Society rather than an International System. Therefore the implications of dispensing with the 'ontology of states', works through the constitutive relationship between unit and system (or society), leaving a much more flexible theoretical instrument in the form of a de-ontologised International Society, capable of application across a range of historical periods and differentiated cultural contexts. International Society should not therefore be thought of as derived from a deeper level of interaction called International System, but should be thought of as prior to it.

### **Schmitt and International Society**

Beyond Schmitt's reformulation of Hobbes' state of nature, we find in his theory of *nomos*, a sophisticated account of European modernity cast in familiar terms. European states had close relationships in which war was a legitimate practice and conducted according to very specific rules and logics. These shared conceptions concerning the place of organised violence he terms 'bracketed war' and were made possible by a constitutive exclusion of the whole of Europe from the rest of the world. What this meant in practice was that the whole world was legally and normatively 'appropriated' by Europe, and that European states recognised their mutual superiority within a European legal order that rendered the rest of the world a field of unrestrained competition for European states. On the one hand, this describes very precisely an International Society in so far as it operated in Westphalian Europe where there were agreed norms concerning European states' relations with each other. On the other hand, it also provided no effective place for non-European states (or political communities) to

represent themselves on an equal footing. It was a normative framework that underpinned the claims of European Imperial competition and regulated the relations between European states across the world, even to the extent of creating territorial zones in which absolute competition was permitted without affecting the peace in Europe. Chris Brown has brought into question the extent to which Schmitt's notion of European order ever really described the reality,<sup>70</sup> but nevertheless it is a coherent theoretical framework which contains important insights, particularly the distinction between Europe and non Europe. If it was not true in all respects it at least formed a sufficient reflection of particular attitudes within Europe. Non-European territory and peoples formed little more than a cultural relief and resource for competitive, polemical European narratives of national and imperial progress.<sup>71</sup>

What this leads back to is the reflections on World Society offered in the earlier parts of this chapter, and which become implicit in Schmitt's formulation of *nomos*, which sets the normative conceptual foundations for International Society of the *jus publicum Europaeum*. The European legal order of the *jus publicum Europaeum* depended upon the legal and normative separation between Europe and the rest of the World, and where European states behaved according to certain rules, these rules had little to say concerning the treatment of indigenous populations. Individual states did press the claims of certain indigenous people, but these were generally woven into broader strategies for the exclusion of other European powers from particular regions. For example Anglo French competition in North America produced some alliances with particular bands of native Americans, but this in no way accorded these people an equal legal status to Europeans. In terms of how International Society relates to World Society, what this indicates is that the International Society of the European legal order was set in the broader context of a World Society rooted in a witch's brew of civilisational hierarchy and a racist view of humanity. In other words, everyone had a place in the discursive firmament of the accompanying World Society to the prevailing European International Society, although not necessarily a place they might have chosen for themselves.

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<sup>70</sup> Brown, 'From humanized war to humanitarian intervention', op.cit.

<sup>71</sup> Matching Ed Keene's interpretation of the hierarchical nature of the Westphalian System, in *Beyond the Anarchical Society*.

This also clarifies the usefulness of the idea of an International Society that is not based on an ontology of states, and further aligns Carl Schmitt's analysis with the theoretical instruments of the ES. When Schmitt writes that the International Society of the European legal order collapsed in 1917, it follows that the entire state system also collapsed for Schmitt. Which in turn explains the impulse he had to try to theorise political developments in a post-state age – at a time when states were still very much alive, well and functioning – and why he came up with the theory of *Großraum* and his conceptualisation of *nomos*. He did not – it should be added – retreat to a version of systemic relations between states. Much of this has already been discussed in other parts of the thesis, so needs little more elaboration here, but it clarifies the usefulness of an ES vocabulary when examining the works of Carl Schmitt, and further illustrates the usefulness of Carl Schmitt to the ES.

### **Societal Relations in Historical Context**

The interpretation of the relationship between system and society offered in this chapter represents something of an inversion, and therefore it is worth applying the logic in order to reinforce the point, and this can be done by theorising interactions that would ordinarily be thought of in systemic terms, such as a European state's historical encounter with a far distant political entity. For the sake of argument I shall make reference to the Kingdom of Siam, for reasons that will become apparent during the explanation. On the face of it, early British or French interactions with Siam simply do not qualify under the rubric of International Society. They can only be thought of as purely systemic in that neither Britain nor France had significant contact with Siam prior to 17<sup>th</sup> Century, and during the 18<sup>th</sup> and 19<sup>th</sup> Century, when contact increased, there was no shared culture, no common interests, nothing that would allow the description of the relationship as societal. So the temptation is to refer to these contacts as systemic, in that Britain and Siam's relationship was conducted merely with reference to each other's existence as actors and not according to any shared norms.<sup>72</sup> Same for Franco-Siamese relations. However, the skill with which the Siamese kings played Britain and France off against one another in order to maintain their independence, deserves closer scrutiny and a different kind of explanation. Although the contact was clearly systemic at one level, it would be better described as a systemic

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<sup>72</sup> Following Buzan's definition, in *From International to World Society?*, p 7.

level confrontation between Siam, and the European International Society, rather than any individual representatives of it. In other words, this encounter was an encounter not simply between Siam and Britain or Siam and France, but Siam and European International Society. The reason this is important is quite simply that the Siamese were perfectly able to understand and exploit a set of pre-existing tensions between Britain and France in order to maintain a high degree of independence. So although Siamese interactions with Europe were arguably systemic at one level, they were quite capable of operating *within* the framework of European International Society, and therefore harnessing a range of complex interrelationships between Britain and France that are properly characterised as societal rather than systemic. Furthermore, the degree to which the relations between Siam and European states can be viewed as systemic, must equally be informed by the normative exclusion of any mutual obligations they might have had towards one another by virtue of Buddhist or Christian law – presuming that these normative frameworks were essentially ignored by both the Europeans and the Siamese, which is by no means a safe assumption.

The position of Siam in the international realm was largely contingent upon what Siam meant to France and Britain (or Europe more generally). So Siam had a place within European International Society, even if they were accorded rights only insofar the tension between two European powers allowed. Against this context, the question of whether Siamese relations with Britain or France can be counted systemic or not, pays no attention to the International Society dynamics already at play. Members of particular International Societies, do not escape it merely by interacting with political communities that exist outside of it, instead they represent it, and confront the distant political community with a given set of norms conditioning the manner of the interaction itself. France or Britain in the 19<sup>th</sup> Century, did not invent new ways of interacting with distant states as they came across them, they merely deployed an existing set of norms, most particularly that these ‘states’ were not European states, and were thus open for claim, conquest, or protection. This was International Society at work, even if the detail of the interaction was apparently systemic, these systemic interactions were already conditioned by a wider overlap of International Society norms.

This analysis can be stretched a little further if begun from a slightly different perspective. As outlined above, International Society has a much wider application once injected with Schmittian insights concerning the societal origins of political communities, and that relationships previously considered as systemic can be reappraised from the perspective that even systemic interactions are conditioned by societal norms; the English and French did not feast on Siamese flesh, for example. It follows that the only truly systemic interactions could be between political communities who had no prior interaction, but even here, there are many examples of encounters that do not simply reduce to naked systemic power plays. On the contrary, most examples of early encounters were informed very considerably by curiosity and inquiry, and even initial contact was invariably conducted according some pre-existing norms, even if these norms were not shared between the two communities. The variety of interpretations of the death of Captain Cook in Hawaii – in which his status was ritualised and incorporated within Hawaiian narratives, even to the extent of dying ‘a truly Polynesian death’ – forms one example,<sup>73</sup> as does Christopher Columbus landing on Hispaniola. In each case the two communities appraised each other in terms of their own normative traditions, or social dynamics. The widely held view that the Spanish appeared as returning gods to the Aztecs is uncertain, but Cortes clearly seemed like a potential ally for the subject populations of the Aztecs, and thus was incorporated within pre-existing social relations.<sup>74</sup> Furthermore, Iver Neumann has made reference to early Scandinavian encounters with the Sami, and notes that interactions were guided and conditioned by accounts of legendary encounters with giants.<sup>75</sup>

The list goes on; early European slave trading was justified not merely in terms of a pre-existing market, but by reference to biblical verses concerning the divine punishment of perpetual servitude for the blackened descendents of Ham, son of Noah. More important than this though, there were considerable debates concerning the legal status of the native inhabitants of the Americas, which in turn – through Vittoria – inform the development of European jurisprudence and International Law. For Schmitt, even outright conquest, necessitates a normative context in which it can be justified, which

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<sup>73</sup> Marshall Sahlins, *Islands of History*, (Chicago: University of Chicago Press, 1985), p 134.

<sup>74</sup> Tvetan Todorov, *The Conquest of America: The Question of the Other*, (New York: Harper & Row, 1984), p 58.

<sup>75</sup> Iver B. Neumann, ‘Naturalizing Geography: Harry Potter and the Realms of Muggles, Magic Folks and Giants’, in Daniel Nexon and Iver B. Neumann (eds), *Harry Potter and International Relations*, (London: Rowman & Littlefield, 2006), p 174.

freights even the most basic and systemic interactions with all sorts of ideas concerning the appropriate form these interactions might take. As a last consideration, the European attitude towards the non-European world was so uniformly organised around the superiority of the European, that all attempts to recognise non-Europeans as equal to Europeans were fiercely resisted by an organised consensus between European states. So there was even *society* in the uniformity of the applied *system* of European domination, otherwise, these systemic interactions might have taken a variety of different forms and directions, evidence for which is hard to come by. After all, no European country fought to liberate any subject people, only to make them differently subject.

The final act of European Empires was the process of decolonisation, in which previously colonised regions were recognised as states within the framework of the United Nations. These states then presumably could be counted as actors in the wider International System, and according to a Bullian analysis, might go on to build societal networks with regional counterparts. However, this in effect provides fairly compelling evidence for the priority of society over system. The entire debate concerning whether a state has *de jure* or *de facto* sovereignty,<sup>76</sup> the institutional hierarchy between developed and developing countries, the entire North / South discourse and the pre-emptive doctrine of Responsibility to Protect, all count towards a broad critique of the idea of International System as an analytically worthwhile template. Most ES scholars would accept the value of International Society over International System, and Buzan goes to great lengths to downplay the importance of International System by developing a wider taxonomy of International Society.<sup>77</sup> However, where this chapter deviates from Buzan's desire for a subtler array of notions of International Society to replace International System, is quite simply that any understanding of International System is already conditioned by societal norms, which – for Schmitt – are ultimately rooted in the existential dimension of the friend / enemy distinction, expressed as normative parameters of interaction, and in their most generalised sense corresponding to a philosophically idealist version of World Society.

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<sup>76</sup> Robert Jackson and Carl G. Rosberg, 'Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood', in *World Politics*, Volume 35, Issue 1, 1982.

<sup>77</sup> Buzan, *From International to World Society?*, p 100.

## Conclusion

This chapter has attempted to do broadly three things. First of all, to establish the importance of norms as ideational conditioners to both Schmitt's and the ES's accounts of order. Secondly to compare Carl Schmitt's approach to theorising to that of the main strands of the ES, and finally to examine the ES from a Schmittian perspective.

The question of norms places Schmitt beyond most ES thinkers in that his theories exist in an entirely normative dimension. His worldview is embedded in the world of ideas and rests upon the construction of ideational or normative frameworks as a way of ordering the world. However the ES, if viewed with a mind to the importance of the distinction between concepts and objects emerges not as simply an elevated form of Realism, but a similarly norm biased attempt to excavate the conceptual foundations of order. In respect of the second aim, much more could be said about a greater range of scholars, and about other general characteristics of ES thinking such as 'methodological pluralism', which I would suggest is a misnomer stemming from the broadly meta-theoretical and idealist disposition of the ES. Furthermore, although many of the key theorists of the ES – Bull, Butterfield, Manning etc. – would share Schmitt's mistrust of the idea of progress in history, others – Wight, Vincent, Linklater etc. – are more open to its appearance. However it is hoped that a sufficient comparison has been made to see some fairly robust parallels of intellectual approach, particularly a shared historicism, and a desire to draw on many intellectual traditions in order to come up with highly enriched accounts of order in the International realm, but equally in the shared openness to philosophical idealism, if not the constrained utopianism of ES solidarists. Both the ES and Carl Schmitt can be seen eschewing a search for simple explanatory mechanisms and instead develop historically sensitive explanatory narratives built upon and in respect of the evolving history of ideas; holding concepts generally prior to objects. It is this conjunction of basic philosophical idealism and mistrust of historical progress that carves out a space between 'classical realism' and 'utopianism' that has long be the central axis of the ES, and thus can it be viewed as a 'fourth tradition', if a little frayed around the edges.

Lastly, the most important contribution of this chapter has been to use Schmitt as a guide to interpreting the ES triad of concepts – International System, International

Society and World Society – in terms of how they relate to one another rather than stressing precise definitional distinctions between the three. What this does to the ES when we introduce Schmitt as a contrast and place it under the analytical x-ray is to identify an umbilical, reflexive relationship between political communities and the International Societies that make them possible, and accompanying each International Society is a coherent set of normative implications concerning the normative ordering of an encompassing World Society. Therefore the question of whether World Society *exists* is set aside, to be replaced by reflection on what World Society necessarily looks like from behind the normative form of each and every friend / enemy curtain. Following which, war and conflict can be considered in two different ways, on the one hand, as rule bound activity between mutually recognising societal actors, and – when the ordering normative framework of a *nomos*, or International Society, breaks down – hugely destructive conflict between the normative tendrils of competing versions of World Society, bringing to mind another quote by Butterfield which further cements the productivity of the comparison between Schmitt and the ES.

The greatest menace to our civilization is the conflict between giant organized systems of self-righteousness - each only too delighted to find that the other is wicked - each only too glad that the sins of the other give it pretext for still deeper hatred.<sup>78</sup>

Which for Schmitt – although by no means only Schmitt – would have accurately described much of the 20<sup>th</sup> Century. Whether or not the English School remains the English School if warped and interpreted this way is a matter for further discussion – for the record, I think Dunne’s ‘family of assumptions’ a better way to frame the ES than Manners and his ‘four traditions’ – but the vocabulary of the ES clearly provides for a fertile comparison with the ideas of Carl Schmitt, and Carl Schmitt seems to cast an interesting and productive perspective on the ES. So at least a case is made that Carl Schmitt and the ES share territory – so to speak – in the manner in which they approach the task of interpreting and answering the central dilemmas of International Relations; questions concerning collective identification and legitimate violence. At the very least, Schmitt and the ES occupy similar philosophically and historically inflected terrain, and therefore produce similar attempts to frame an understanding of IR; through law, norms and ideational constructs. Of course this might not be the most comfortable admission

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<sup>78</sup> Herbert Butterfield, *Christianity, Diplomacy and War*, (London: Epworth, 1953), p 40.

for members of the ES, but Schmitt's dark associations should at least suggest that the normative commitments that many ES theorists display, are not a necessary part of the basic mistrust of historical progress, and the conceptual predisposition that form an organising logic for the English School.

## **Chapter 8 – Carl Schmitt and IR Theory: Re-posing the Question**

*I. A Fast-Fish belongs to the party fast to it.*

*II. A Loose-Fish is fair game for anybody who can soonest catch it.*

*What was America in 1492 but a Loose-Fish, in which Columbus struck the Spanish standard by way of waiving it for his royal master and mistress? What was Poland to the Czar? What Greece to the Turk? What India to England? What at last will Mexico be to the United States? All Loose-Fish.*

*What are the Rights of Man and the Liberties of the World but Loose-Fish? What all men's minds and opinions but Loose-Fish? What is the principle of religious belief in them but a Loose-Fish? What to the ostentatious smuggling verbalists are the thoughts of thinkers but Loose-Fish? What is the great globe itself but a Loose-Fish? And what are you, reader, but a Loose-Fish and a Fast-Fish, too?*

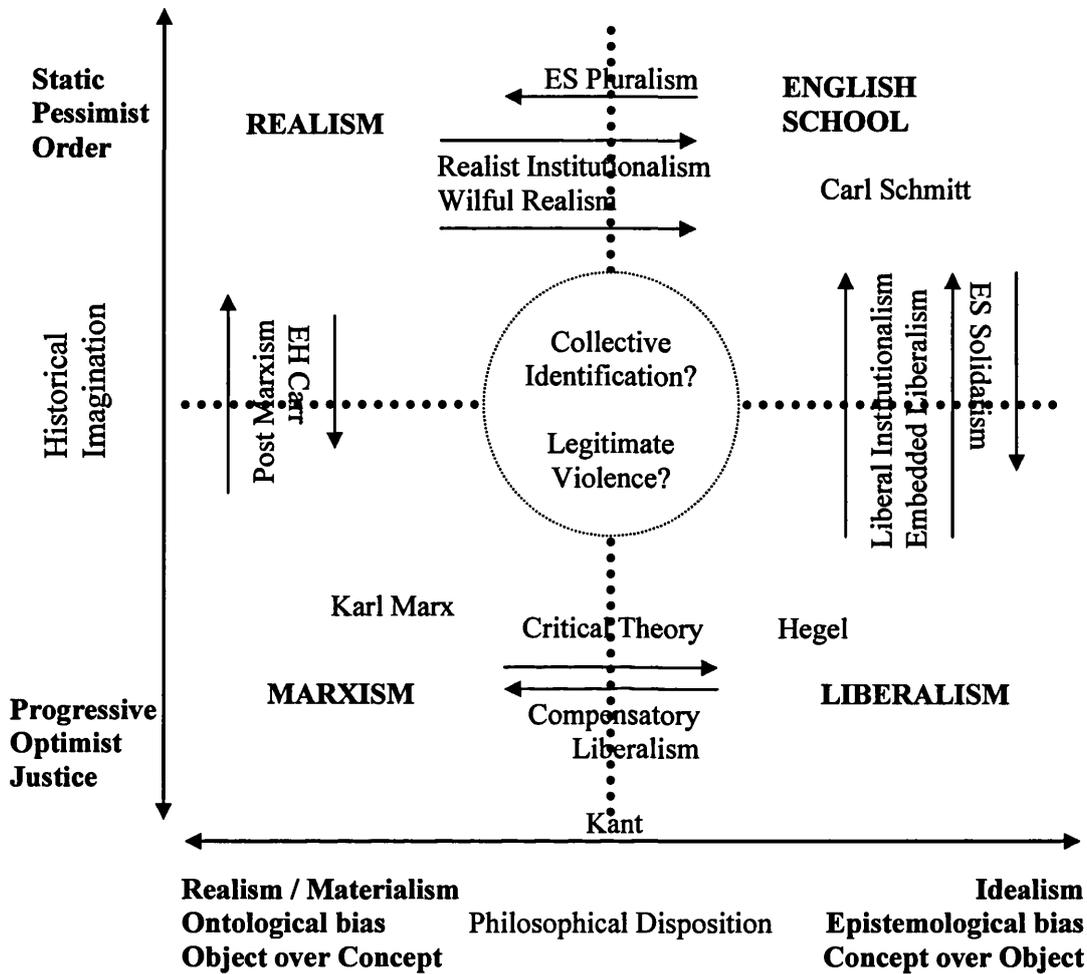
Ishmael, the Narrator of Herman Melville's *Moby-Dick or, The Whale*.

### **Introduction**

The last chapter of this thesis acts as a round-up and a summarised conclusion. It reprises arguments that have been made more extensively in each of the three chapters covering the main traditions within IR, followed by the chapter on the English School, presenting them all as part of a more concise argument concerning the discipline of IR as a whole. Throughout the thesis it has become increasingly clear that when exploring the relationship between a theorist – in this case Carl Schmitt – and International Relations, the resolution turns upon two variables; the theorist in question, and IR theory more generally. In other words, what is required is not merely an understanding of the specific contribution one theorist can make to the discipline, but also the manner in which the problems that animate the discipline itself must be posed or re-posed in order to allow for a constructive engagement, rather than merely a radical critique. One of the problems this reveals is that IR as a discipline – though comprised of a great deal of theory – is relatively un-theorised as a whole. There are the three traditions, and the various methodologies that emerge from IR, along with principles like ‘isomorphism’ and the ‘balance of power’. Then there are the repeated ‘turns’ that characterised the discipline in the 1990s. Finally, there is the preoccupation with ‘the state’ and the domestic / international divide, leaving IR somewhat fragmented.

From the beginning of the thesis I have followed the idea that IR best organises itself around a set of relatively persistent though somewhat unstated questions. The reason the questions are persistent is that concerns over collective identification – and all the constitutive and exclusionary logics this entails – and legitimate violence, can be observed historically and remain matters of some importance. If a functioning world state existed, then perhaps International Relations would be a less important arena of reflection – or more by some logics – but nevertheless, the one reasonably consistent feature of human history is the absence of any universal government, or even ordering principles. The reason the questions are largely unstated is simply that the manner in which the questions are phrased reflects the philosophical and historical disposition of the theorist attempting to provide answers for them. However, if the discipline is framed as a series of differently inflected, theory-political responses to some common underlying questions, then it becomes possible to make an attempt at an organisational schematic for the discipline as a whole, by simply clarifying the character of the philosophical and historical inflections. Thus the traditions in IR – which in the past have been extended, reinterpreted, critiqued and declared off-limits to others as zones of incommensurability – can be reframed as theory-political interventions on a nexus of interrelated questions that pull them all together into a disciplinary whole. And it is from these perspectives that attempts are made to explain the whole series of events – ordinarily classed as international relations – coherently. I have attempted to represent these broad distinctions graphically in order to clarify the argument, but it should bear repeating that these underlying distinctions between philosophical realism and idealism, and between progressive and cyclical accounts of history, constitute distinctions – or in the words of Michael Williams ‘polarities’ – that I regard to be the productive tensions of the discipline of IR. In other words, it is not for IR scholars to contest these distinctions, merely to acknowledge them in order to see them more clearly. The schematic appears overleaf, and is followed by some summarised explanations drawn from the individual chapters that comprise the rest of the thesis. The graph comprises something like a route map for the discipline of IR and is premised upon a high degree of associative flexibility.

## The Quasi-Orbital Schematic of IR Theory.



## IR Theory as a Unifying Curiosity

Throughout this thesis, continual reference has been made to the idea that the discipline of International Relations is unified by a set of underlying questions, yet these questions have not been written down except allusively in respect of ‘concerns’ related to ‘order’, ‘collective identity’ and ‘legitimate violence’. There are two reasons for this: first, the difficulty of concisely phrasing questions that everyone working within IR would recognise as interesting questions, and secondly the manner in which the questions might be phrased would inevitably encode certain philosophical and historical assumptions. This is hardly surprising, and provides a reminder of John Austin’s Speech Act Theory, *How to do Things with Words*,<sup>1</sup> in which he describes a ‘speech act’ as

<sup>1</sup> John Austin, *How to do things with words*, (London: Oxford University Press, 1976).

having ‘illocutionary’ and ‘perlocutionary’ aspects; the former being the direct meaning of the words, and the latter meaning the normative assumptions – or ‘facilitating conditions’ – revealed and reinforced by the same words. However, it does oblige further explanation concerning how questions that cannot be written down can nevertheless cohere an entire discipline without regard to methodology. To do this I would like to invoke two Schmittian themes; the idea of the ‘neutral centre’ from Schmitt’s ‘The Age of Neutralisations and Depoliticisations’, and the ‘friend / enemy distinction’ from his *The Concept of the Political*. Although these should be understood only as explanatory metaphors for the purpose of argument.

The ‘neutral centre’ was how Schmitt characterised the arena of intellectual contestation concerning the neutral terms of interaction between European powers, moving through historical phases, from a theological centre – where Europeans were united by the centrality of a unifying set of theological arguments – to a metaphysical centre, to a humanitarian centre, then an economic centre. What this ultimately boils down to is the relatively simple prescription that throughout the period of European modernity, Europe was united by the idea of its unity, and the intellectual and historical progress of Europe can be understood in respect of the determined and polemical contestation which took place over the ‘neutral centre’, or the terms of interaction that were recognized – and therefore authorised – as neutral.

The friend / enemy distinction is invoked for its existential logic; the manner in which only participants within a friend / enemy distinction can recognise its limits and logic. The IR theorist does not need to agree on the exact phrasing of a theoretical or research question to know the extent to which it has a bearing on their own research. Thus the unifying questions can remain signified by the general formula of ‘concerning collective identity and legitimate violence’ for theorists in themselves to be quite clear concerning their own relationship to the broader intellectual pursuit – and their polemical opponents – yet nevertheless able to frame the terms of their own engagement.

With these two Schmittian metaphors in mind, the discipline of IR can be conceptually constructed as an orbital schematic. The neutral centre of the unifying questions – shown on the chart in the centre – exert a centripetal force, pulling differently inflected responses towards them, which in turn represent attempts to shift the neutral centre

towards a particular philosophical and historical inflection within which to cast the questions. Participants within theoretical debates about International Relations – even those most critically disposed towards the main traditions – are drawn to frame the central questions in a manner that permits them to reflect their own philosophically and historically inflected answers in such a way as to implicitly lay a claim concerning the precise coordinates of the neutral centre – and therefore the best and most authoritative manner of resolving the underlying questions. So when a theorist – for example a realist – attempts to frame a contribution to IR, he or she is doing two things: On the one hand, explaining the phenomenon or event under examination, and on the other hand supporting the philosophical and historical inflections that characterise Realism as the authoritative way to frame response to the general questions that unite IR. Therefore the neutral centre of the unifying questions is suspended and given life by the strength and intensity of the theoretical contestation it endures. Each of the main traditions – and indeed every theorist, insofar as they have anything to say about IR – exist within the broader orbit of the unifying questions, merely taking their position from the philosophical and historical assumptions they bring to bear on the questions. Therefore the traditions, although they may fray at the edges, appear as reasonably coherent sites of common historical and philosophical commitments, from which it is possible both to explain the particular events and phenomena that relate to the underlying questions, and to stake a claim for the most appropriate and informative manner of addressing the underlying questions more generally.

Necessarily this involves the IR theorist in an ongoing polemical tug-of-war, but I would suggest that this is a better way to understand the interactions between differently inflected theories and theorists, than the alternative of paradigmatic incommensurability, or ‘critical’ and ‘mainstream’ splits. Particularly so because it preserves a vision of a living discipline, united in a common endeavour – rather than divided by methodological divisions – and capable of better disciplinary self-assertion against the regular incursions by sociologists, historians, political theorists and others. By attempting explanations from differently inflected conjunctions of historical and philosophical disposition, the traditions also serve to legitimise the very decisions they lend themselves to recommend. Explicitly or implicitly every analysis of world politics or international relations serves as the foundations for a series of polemical responses to the problems examined, and it is worth summarising what this Schmittian critique of the

three traditions – and the putative ‘fourth tradition’ of the ES – provides by way of organising principles for a reframing of the discipline of IR.

## **Liberalism**

The First World War – according to Schmitt – had seen the final shattering of the *nomos* of the *jus publicum Europaeum*, which laid the foundations for the broader international crisis that followed. This crisis was in part addressed by the establishment of the new discipline of International Relations, but also by the sweeping rise of the discourse of liberalism and liberal humanism, along with the establishment of the League of Nations. This is part of the DNA of the discipline of IR, but one relatively overlooked dimension is that this liberalism lacked disciplinary or methodological precision. Schmitt’s critique of liberalism was very precisely directed at its expression in terms of universal norms. Where liberal theorists treated the maxim ‘war to end all wars’ as something like a foundational irony, for Schmitt it was astonishingly close to the truth. For liberals, the First World War was the logical end point of classical ‘balance of power’ diplomacy, and was the final proof of a need to abolish and criminalise war through the institutionalisation of diplomacy. For Schmitt, the First World War was the consequence of the slow triumph of liberal humanism over the latter half of the 19<sup>th</sup> Century and the earth shattering collapse of the old order, giving rise to a context of profound normative uncertainty, in which ‘bracketed conflict’ yielded to wars of absolute destruction. In Chapter 4 I make the case that Schmitt implicitly points to the rise of the discourse of humanity behind this ultimately intellectual and conceptual process, and I therefore isolate these progressive and universalised humanistic norms as the real focus of his critique, rather than the more sedate sentiments of interstate cooperation and domestic democracy or free trade. With this in mind it becomes possible to differentiate between the many different forms of liberalism that have expanded the tradition of Liberalism in IR, suggesting that ‘compensatory liberalism’ and ‘liberal institutionalism’ edge away from the central humanistic elements of liberalism, moving them slightly outside the target zone of Schmitt’s original critique. Liberalism therefore – along with Hegel himself – appears on the lower right hand corner of the chart, indicating a profound acceptance of the idea of progress in history, and a philosophically idealist attitude towards the priority of concepts over objects.

Furthermore, Schmitt's general suspicion of the concept of progress in history is reinforced by Schmitt's critique of Hegelian dialectics, and his opposition to Kelsenian positivism in the legal sphere. However, one area where Schmitt was not ultimately critical of the early liberal theorists was in their general commitment to an 'ought' over an 'is'. Schmitt was critical of the idea of there being a general or universal 'ought' from which all other 'oughts' drew meaning, but the friend / enemy distinction is an attempt to frame the origins of prevailing 'oughts' in non-universalised terms. In other words, he remained committed to the precedence of concept over object. His whole world view and his casting of history has a Hegelian spirit about it, counter progressive, certainly, but nevertheless philosophically idealist in form. This explains in part why liberals find Schmitt a more worthy theoretical opponent than they do realists, and perhaps why his critique of liberalism is still regarded as uniquely powerful, for the simple reason that he offers an ideationally complete conceptualisation of order built with contextually normative elements. This – for liberals – presents a much greater conceptual challenge than one built upon a series of contestable ontological claims concerning the 'real world' or 'human nature'.

Lastly, Schmitt's critique of liberalism indicts it as polemical in nature, in that behind all the institutions, the analysis, and the appeals to reason, there hides – although not very shyly – the normative commitment to parameters of universal human equality and the idea of progress in history.<sup>2</sup> The underlying pathos of early Liberalism in IR was that everyone on the planet had a natural right for peace and security sufficient to allow them to pursue a life appropriate to their needs and culture. This can either be taken as fact, or understood as a normative commitment made prior to any attempt to answer persistent dilemmas concerning collective identification and legitimate violence. Obviously this thesis takes the latter view.

## **Realism**

The origins of Realism are most often located in a general critique of the 'utopianism' inherent in the establishment of the League of Nations and the attempt to abolish war. This 'realist reaction' is best expressed by EH Carr and Hans Morgenthau, but is not

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<sup>2</sup> I chose the word 'parameters' deliberately in place of 'principles' for the simple reason that different theorists have different ideas of what equality means, all the way from legal equality, to economic equality, via expressions of cultural respect.

limited to these two. The fundamental claim by realists that they attempt to describe the world 'as it is', rather than as they 'would like it to be' captures a series of frustrations with the way that politicians were simply not – at the time – reading from the liberal script. All very well to have new institutions for the preservation of the peace and the settlement of international disputes, but when some states simply ignore it, and others turn a blind eye, it represents only a triumph of self delusion over hard facts. What is interesting is that whereas liberal visionaries had based their thinking upon a belief in progress and the perfectibility of man, early realists merely asserted their pessimism concerning man's nature alongside the ineradicability of war as a recurrent phenomenon of a static or cyclical view of history. Much has been said in Chapter 5 about Realism and some of its subsequent forms, but the manner in which interwar realists characterised the idealism of the prevailing liberal ethos is what necessitated the distinction made earlier in this thesis – between philosophical idealism and utopian idealism within IR. A philosophical realist tends to start from the suggestion that the world has an essential set of characteristics external to the observation of them – whereas a philosophical idealist accepts that the conceptualisation of the external world is necessarily prior to an appreciation of how it is constituted. Indeed, it is in its conceptualisation, that it is constituted. Simply put, realists prioritise objects over concepts, whereas idealists prioritise concepts over objects.

Although Schmitt is often cast as a realist, his critique of liberalism does not look like a realist critique of liberalism. For Schmitt, the liberal world order was not dangerous due to its weakness, or lack of 'realism', but due to the destructiveness of its polemical content. The humanist and progressive injunctions of liberalism – for Schmitt – served to destroy a carefully constructed European world order expressed in the *jus publicum Europaeum*. To this extent liberalism had already done its conceptual damage by the time Schmitt began to write about it. His contempt for it was built upon a fear of it, not a disappointment with its failures.

Schmitt does, however, share the realist estimation of progress in history. His is a deeply conservative view of delicate and vulnerable structures of normative order. The notion of progress in history casts the decline of the present in a positive light. Realists are generally committed to a greater trust in inherited traditions and a mistrust of revolutionary schemes for emancipation. To this extent Schmitt can be called a realist.

However, Realism must be more than simply a mistrust of progress and a love of tradition and order, over justice and emancipation. This is best captured in the conceptual realm, and Nick Rengger makes it clear when he says that realism is ‘of the world’, when outlining Oakeshott’s critique of Morgenthau’s mobilisation of the concept of tragedy.<sup>3</sup> Fundamentally, realists start from the philosophical proposition that the world is ‘out there’, independent of its observation, and that its laws are objective, and that any attempt to change the world must be based on a correct estimation of either its nature, or human nature. There are a few realists that might aver from these conditions, notably Michael C. Williams,<sup>4</sup> but I suggest that it is better to understand Realism in terms of the deep philosophical and historical claims made on its behalf prior to addressing the uniting questions of IR. And in this respect, Realism carries with it a commitment to principles of philosophical realism – the priority of the object over concept – and marries this with a hostility to the idea of progress in history. Realism therefore, appears on the upper left hand corner of the quasi-orbital schematic sketched out above.

## Marxism

Schmitt’s critique of Marxism reveals a number of important insights concerning his own thought. His reduction of Marx to a polemicist, articulating a highly effective – and crucially universal – friend / enemy distinction on an ontological estimation of ‘class’ repeats Schmitt’s similar mistrust of the dangers of liberalism. He does not merely dismiss Marx as mistaken – as do many realists – but instead attacks his elevation of Hegel’s ‘educative dictatorship’ into an ‘iron law’, which alters the role of the philosopher from one merely content to observe and identify the progressive dynamics of history, to an agent in its transformation. When Marx overturns Hegel’s idealism in order to outline his materialist and determinist philosophy of history, he crosses the philosophical realist / idealist divide, yet maintains Hegel’s progressive logic. Thus if Hegel was a progressive idealist, and Schmitt a counter-progressive idealist, Marx completes the opposition by articulating a progressive materialism, immaculately opposed to the terms by which Schmitt interacted conceptually with the world. Hence,

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<sup>3</sup> Nicholas Rengger, ‘Realism, tragedy, and the anti-Pelagian imagination in International political thought’, in Williams (ed.), *Realism Reconsidered*.

<sup>4</sup> Williams, *The Realist Tradition and the Limits of International Relations*, however, Williams is engaged in a self-conscious attempt to re-imagine Realism in terms that remove the ontological framing of International Relations in terms of given actors.

Marx and the tradition that bears his name can be found in the lower left hand corner of the quasi-orbital schematic.

However, Schmitt's critique of Marx does draw attention to his framing of the polemical nature of theorising, returning to the role of the theorist as that of answering a persistent spread of questions concerning collective identification and legitimate violence. Marx certainly had answers for these kinds of questions, but had to repose the questions – through his philosophy of history – in order to provide them. In this sense Schmitt regarded him as a deeply worthy conceptual adversary. Equally, the early Frankfurt School theorists are known to have engaged directly with Schmitt in framing questions concerning order, divine – and therefore supra-legitimate – violence, and collective identification. More contemporary Critical Theorists have moved away from Marx's determinism, but remain rhetorically committed to a materialist view of the world, which ensures their conceptual feet stay on the side of the philosophical realists, even if their methods stretch over to the intersubjective and interpretive side of the conceptual divide. Nevertheless, they remain committed to the idea of progress in history and the privileged status of the enlightenment and modernity, against the more sceptical post-moderns, for whom – with Schmitt – progress is mere ideology.

Lastly, Schmitt's critique of the Marxist theory of the partisan, reinforces the idea that the theorist is not neutral, either in respect of the questions he is asked, or the manner in which he answers them. In the last instance, everyone 'takes party'. This further distinguishes him from his normal realist appellation, but also provides conceptual support for the presentation of the discipline of IR as a polemical playing field, in which differently inflected theorists attempt both to answer the uniting questions, and buttress an implicit conceptual claim concerning the most authoritative manner of doing this.

### **The English School**

The above three traditions occupy the introductory ground of IR as it is taught to newcomers. However, the way the discipline is framed in this thesis leaves a large missing space on the diagram. If Realism occupies the philosophically realist, ontologically biased, counter-progressive corner; Marxism the philosophically realist, ontologically biased, progressive corner; and Liberalism the philosophically idealist,

epistemological biased, progressive corner; then the last remaining corner of the graph is the philosophically idealist, epistemologically biased, counter-progressive corner, and I suggest this corner is occupied by – among others – Carl Schmitt, and the English School.

To accept Tim Dunne's three family resemblances of 'shared ideas', 'interpretivism' and 'normative' character, is to impose restrictions on the ES as a coherent perspective from which to offer theory-political interventions to the underlying questions that unite IR theory. There are many ES theorists that stretch these limits somewhat – from Bull's philosophical realism, to RJ Vincent's normative progressivism – which makes the English School an uneasy fit as a coherent whole. But this stems in part from the dispersed and self-consciously meta-theoretical origins of the ES in the British Committee. However, the purpose of the Committee was to try to establish some middle ground between the increasing scientism of Realism, and the progressive utopianism of pre-war liberalism. This thesis suggests that there has always been space within a better framed understanding of the discipline of IR – as four discreet perspectives from which to frame and respond to a persistent set of uniting questions – for the English School, and it is a Schmittian critique of Liberalism, Marxism and Realism that reveals it. It is because Schmitt does not belong within any of the three introductory traditions of IR theory, that a different way of theorising the origins and persistence of the main traditions becomes necessary. Partly as a way of situating Carl Schmitt, but also – although perhaps only suggestively – as a way of re-theorising IR Theory in a manner that sidesteps the image of the 'tired old traditions' vs 'the endless critical turns', each informed by a new and more exotic theorist – Carl Schmitt among them.

The whole quasi-orbital schematic of IR theory can therefore be understood as an attempt to graphically illustrate the family relations between the various approaches to theorising IR; the underlying questions occupying the neutral sphere in the centre of the chart and acting as a centripetal force, drawing in the different theoretical responses in a polemical attempt to dominate the neutral sphere. The philosophical approach divides the chart from left to right between those of a realist or materialist disposition – who tend to frame their theories around ontological claims concerning the subject matter, be it 'states' 'class' or 'human nature' – and those of an idealist disposition who frame their theories in more epistemological terms concerning the effects and entailments of

different knowledge claims in constituting or reshaping the world. Then the matter of whether history is viewed as generally progressive or generally static and cyclical divides the chart from top to bottom.

Finally, the above chart offers an explanation for the persistence of the main traditions within IR, and along with mapping their conceptual inter-relationships, it allows for a useful way of recasting the discipline as a variegated set of conceptual assumptions each of which can be coherently and holistically applied to a series of underlying political problems and give rise to different possible resolutions. The traditions can then be seen not as coherent bodies of theory stretching back to Grotius or Thucydides, but instead shared arenas of philosophical and conceptual commitments, which in turn find fellow travellers in the long distant past, and the highly contemporary present: A past dominated by continuing attempts to resolve the problems of collective identification and legitimate violence in a world in which human subjectivity refuses a conclusive definition, and a present dominated by the ceaseless invocation of new and ‘critical’ approaches to IR. Critique after all – following Koselleck – leads to crisis, and crisis leads to reinvention.

## ***Conclusion***

This chapter commenced by suggesting that to understand the place Schmitt inhabits within IR requires first some exploration of what is meant by IR. The various traditions of IR were critiqued from a Schmittian perspective in Section II, following which the commonalities of philosophical disposition and conceptual preoccupation between Schmitt and the English School were outlined in some detail in Chapter 7. This last Chapter has attempted to wrap this up into a coherent whole and has offered a way of understanding the persistence of the three traditions of thinking within IR as differently inflected responses to the same underlying questions that distinguish IR as a discipline; the problems of collective identification matched with expressions of legitimate violence. In any event, consideration of the relationship between Carl Schmitt and International Relations Theory ends here with a re-examination of IR Theory. Furthermore, the common perception of the discipline as divided between old-fashioned traditions, or a ‘mainstream’, and a variety of critical entrepreneurs that draw inspiration from Derrida, Foucault, Bhaskar, Freud or even Carl Schmitt himself, is disrupted by

the suggestion that the discipline is united by a persistent set of concerns, rather than an exclusive membership or methodology. The extent to which any theorist can provide specific insights for the framing or resolution of these underlying questions is the measure of their value for IR Theory, but in every case they are either mobilised in support of, or directly implicated within, a polemical attempt to respond to the persistent dilemmas, and a claim concerning the most appropriate or authoritative way of doing so. To this extent, Schmitt is no exception. It is not because Schmitt was 'right' about anything that makes him interesting – least of all his life-choices – but instead because he forces a re-examination of what it means to theorise IR, and a recognition of the polemical entailments and obligations of doing so.

To a large extent, the shifting perspective within this thesis – and its ultimate structure – is a function of how the research unfolded. When I began writing, my faltering attempts to answer the inevitable question concerning its subject matter would usually revolve around my thoughts concerning the works of Carl Schmitt. As time passed and the research progressed, I modified this to 'Carl Schmitt and International Relations' as a way of capturing my growing awareness of the contingent and fragmentary nature of IR theory more generally. Now that the thesis is at an approximate end, it feels easier simply to say that it 'concerns International Relations'. There are two obvious problems with this; first of all, Carl Schmitt appears at the beginning, middle and end of the text, and forms its organising singularity. And secondly – and far more importantly – International Relations is a vast field of research which can in no way be encapsulated by one relatively thin thesis. But this is to some extent beside the point. If IR exists as a discipline, then it must be possible to say something about it as a whole. It must be possible, for example to discuss what it is that unites the discipline, what curiosity animates it, and how to organise an understanding of the various approaches to it. To this extent, IR can be seen as a persistent curiosity, rather than an institutionalised framework of inquiry with its assumptions, shibboleths and prohibitions. And if the Archimedean maxim – 'Give me but one firm spot on which to stand, and I shall move the Earth!' – is adapted and applied to this thesis, it is possible to compare IR to 'the Earth', Carl Schmitt to the 'firm spot', and the implied long lever to the 100,000 words of this text. Therefore, although no thesis can say much about the entire field of IR, it is nevertheless possible to say something about IR as an entire field, if one has a stable footing from which to approach the task. All argument proceeds from a perspective, and

although this thesis has not attempted to provide an unchallengeable or final rendering of Schmitt's perspective – such a task would require overcoming his own contradictions – nevertheless, reflecting on his work and understanding the underlying questions that inhabit and inform it, permits consideration of IR – similarly – in terms of the apparent persistence of certain dilemmas and predicaments concerning the relationship between collective identification and legitimate violence.

More specifically, the conclusions or contributions contained within this thesis can be summarised in four broad ways:

First of all – following insights offered in this thesis – a Schmittian approach to IR theory can be understood as fundamentally concerned with resolving questions of order in a world without certain or observable normative foundations. Furthermore, resolving the problem of order is – for Schmitt – always an entrepreneurial act of historical interpretation combined with an attempt to codify a selection of reconciling concepts within structures of norms or law, bound by recognisable principles of authority. In this sense Schmitt can be seen as an emblematic theorist of IR. Not only does he develop an account of the International as a product of underlying social processes concerned with establishing the conditions of predictability and order – a norm opposed to an exception – but he also theorised this as separate and distinct from – although constitutive of – the consequent political contestation within both the domestic sphere, and between recognised participants within the normatively framed international order that ensues. In other words, his conceptualisation of the political as the distinction between friend and enemy makes him an IR theorist from first principles, not bound by assumptions concerning the particular forms that collective association might take.

Secondly, Schmitt offers a conceptual toolkit useful for critiquing the main traditions of IR theory by clarifying – not resolving – the philosophical realist / idealist dilemma, and permitting this to be contrasted against a view of history as either progressive and teleological or static and cyclical. With this comparison, it becomes possible to use Schmitt as a lens through which to look at the various different schools of IR, exposing some of their underlying assumptions and therefore the problems they seem designed to avoid. Ultimately this serves to remind IR scholars of both the importance and attendant irresolvability of certain key philosophical dilemmas, leaving behind the sense that

whatever the philosophical disposition, it is the productive tension created by differently inflected attempts to resolve the uniting questions of IR that makes IR an important – because it is polemically implicated – intellectual pursuit.

Thirdly, this same conceptual toolkit offers an interesting and productive examination of the English School as a separate and distinct line of enquiry into the same centripetal curiosity that unites International Relations. The English School emerges within this thesis as a distinct perspective within International Relations theory, one broadly informed by philosophical idealism – and therefore possessed of a tendency towards epistemologically contingent attempts to frame and answer these uniting dilemmas – and an ambivalence towards the idea of progress in history. Not only does this permit the characterisation of the English School as more than simply ‘realism plus norms’ or even an ‘underutilised resource within IR’ but as something more like a missing link within IR, or a ‘fourth tradition’, informed by much greater sensitivity to the structuring power of norms and ideas, yet without the crusading implications of most forms of liberalism, exactly fulfilling the original intentions of the British Committee; by finding space between the increasingly scientific realism, and the naïve utopianism that represented the then prevailing poles of IR theory..

Fourthly, this thesis offers the rough outlines of a template by which to interpret any theorist from the restrained perspective of a unified underlying curiosity that gives life to their reflections. Each and every theorist who has ever lived offers insights on a large range of subjects – Schmitt even wrote literary criticism comparing the dramatic pathos of Hamlet to that of Hekuba – but the extent to which any one of them is useful or interesting within a context of IR theorising is subject to the particular form their reflections take. Hobbes, for example, long regarded as a canonical thinker within IR, actually said rather little about the relations between collective entities. He was more concerned with relations between sovereign and subject, and any entailing obligations this produced. However, he has been held up within IR as theorising a particular kind of asocial relations between states in a context of anarchy, as if his state of nature transposed directly to the international realm. If IR is thought of as rooted in an underlying curiosity concerning the relations between collective identification and legitimate violence, then Hobbes has less of interest to that specific curiosity than he is ordinarily credited with, despite Oakeshott’s undoubtedly true verdict on Hobbes as the

author of 'perhaps the sole masterpiece of political philosophy written in the English language'.<sup>5</sup> Viewing the discipline of IR Theory as united by an underlying curiosity offers the opportunity of interpreting theorists in terms of what they offer that same curiosity. As Schmitt was principally concerned with the relations between collective identification and legitimate violence, this thesis once again reasserts the importance of Schmitt for IR Theory.

The importance of Carl Schmitt as a theorist of IR is therefore not to be found simply in his durable formulation of the political, nor in his obsessive defence of territory as a *via media* to peace, nor even in his construction of a system of ideas by which international relations are or should be regulated. Instead the value of Carl Schmitt for IR Theory is the nature of his curiosity, which in turn reminds scholars of a few central problems that characterise contemporary dilemmas. His life's work was a prolonged engagement with the constitutive nature of violence in constructing the identity and self awareness of particular human societies, a perpetual process, necessarily ephemeral in effect, but no less important for that. His work stands as testimony to the enduring dilemmas by which human societies navigate and narrate their accounts of collective experience; dilemmas which remain dilemmas, and must always remain dilemmas, but dilemmas that require constant resolution and re-resolution. The evolution of the manner in which the dilemmatic relationship between violence and identity – and the necessarily violent and exclusionary character of identity – is perpetually re-resolved, and forms the polemical subtext of the discipline of International Relations; its disciplinary *raison d'être*. And Schmitt therefore, by virtue of his conceptual reflections that theorise the necessity of a plurality of political communities, and his further speculations concerning the specificity of particular forms of normative international order, must be considered an emblematic theorist of International Relations in spite of his troubling acquiescence in the face of Nazi usurpation.

Schmitt, therefore, by recasting the central political dilemma of what constitutes right behaviour in terms of the exclusive dynamics of community formation, reverses the traditional hierarchy between domestic and international, and situates the central preoccupations of IR Theory as prior to other forms of social and political theory, rather

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<sup>5</sup> Michael Oakeshott, 'Introduction to Leviathan', in *Rationalism in Politics and other essays*, p 223.

than a marginal affect of high politics. Therefore Carl Schmitt offers IR Theory one invaluable thing; not a specific conceptual formulation nor theoretical insight, but a clearly expressed perspective on the problems of collective identity and legitimate violence from a context of radical indeterminacy, and from this stable and coherent perspective it becomes possible to say something about the discipline of International Relations as a whole. In the last instance, the political thought of Carl Schmitt does not provide IR Theory with an unchallengeable or authoritative toolkit of conceptual formulations, but instead provokes a deeper reflection on what it means to theorise IR today.

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