

**EXISTENCE AND POLITICAL ORDER:
CARL SCHMITT'S CONCEPT OF ENMITY**

Emil Archambault

**A Thesis Submitted for the Degree of MPhil
at the
University of St Andrews**



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Existence and Political Order: Carl Schmitt's Concept of Enmity

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University of
St Andrews

This thesis is submitted in partial fulfilment for the degree of MPhil
at the
University of St Andrews

August 25, 2016

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Abstract

This thesis provides a comprehensive study of the development of the concept of enmity in the thought of Carl Schmitt. I argue that the concept of enmity provides the foundation upon which all of Schmitt's writings on international theory build. By attending to the concept of enmity, it is therefore possible to clarify Schmitt's understanding of international order, of war and peace, and of political existence. Additionally, I seek to demonstrate in this thesis the consistency of Schmitt's thought throughout his career, as well as the necessity of understanding his political theory through his historical context.

The first part of this thesis examines the foundations of Schmitt's concept of the political, and argues that the link of the political to order follows naturally from the ontological assumption of a plural world and of a potentially violent human nature. Additionally, it argues that political enmity therefore must bear a relation to order, thereby excluding absolute enmity from the domain of the political. An examination of total war follows, arguing that Schmitt associates the political with defensive total war, against the danger of offensive total war. The latter part of this thesis turns to Schmitt's historical discussion of enmity. First, it is argued that the bracketing of war and enmity in the *jus publicum Europaeum* relied necessarily on the externalisation of European enmity into a distinct, free space, namely the Americas and Africa. Second, I demonstrate that changes in the form of enmity brought about by European, colonial, and global transformations caused the collapse of the *jus publicum Europaeum*. I conclude this thesis by arguing for an interest in conceptions of global peace respecting the dynamic character of the political rather than seeking to depoliticise global order.

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1. Introduction

1.1. Introduction

It would undoubtedly be futile to seek to uncover a statement that would summarise Carl Schmitt's work on international political theory, in the manner of Descartes' "I think, therefore I am." Yet, if I were to suggest such a statement, I would most likely go for something along the lines of 'I have an enemy, therefore I am.' As reductive as it may be to summarise an author's thought through one central concept, it is undeniable that, for Schmitt, the concept of the political and, more specifically, the concept of enmity, provides a uniting theme that runs throughout his work. Enmity, for Schmitt, unites political existence, war and peace, order, space, and history. It is with enmity that this thesis will be concerned. In other words, through Schmitt, "I sing of warfare and a man at war." (Virgil 1992, 3)

To say that Schmitt's work has undergone a renaissance in the past twenty years has become somewhat of a cliché. We have (fortunately!) moved far beyond the knee-jerk dismissals in the manner of Stephen Holmes, who – perhaps channelling Morgenthau¹ – deemed Schmitt “a theorist who consciously embraced evil.” (Holmes 1983, 1067) Regardless of their personal affinities or adversity for Schmitt's political commitments, theorists have generally accepted "that one need not always sympathize with his sympathies to profit from his insights." (Rasch 2005, 180) It would seem that

¹ Morgenthau recalled meeting Schmitt and getting the impression of having "met the most evil man alive." (Morgenthau 1978, 68) Morgenthau's dislike of Schmitt was compounded by Schmitt's adherence to Nazism and Morgenthau's claim that Schmitt stole his idea of the political as "intensity" in the second edition of the *Concept of the Political* (Morgenthau 1933, 35).

Schmitt has become one of the giants of twentieth century international political theory, on par with Morgenthau, Arendt, or Gramsci.

Yet, this revival must be questioned to a significant extent. On the one hand, Schmitt has become a sort of academic legend, "only used and – contrary to the etymological meaning of the word *Legende* – not read any more, only cited," (Schmitt 2008, 38) a fashionable authority to appeal to, however disingenuously (Shapiro 2008, 2).² Benno Teschke's critique of Schmittian studies as having accepted him into the fold uncritically and without comprehensive study is not without truth (Teschke 2011, 179). On the other hand, the proliferation of borrowings *from* Schmitt means that Schmittian concepts and language have been *used* extensively for the purpose of non-Schmittian political theory, by embedding Schmittian concepts in foreign theoretical frameworks. Schmitt is often not approached on his own terms, but as a potential authority to legitimate a political position which, ultimately, has little to do with Schmitt. While, as Chandler suggests about critical theory, this re-appropriation ultimately has more "to do with the weakness and defensiveness of critical theoretical positions themselves," (Chandler 2008a, 30) it also has negative impacts on the study of Schmitt itself as it replaces the comprehensive analysis of Schmitt on his own terms, "emptying Schmitt's work of its analytical content" (Chandler 2008a, 48) and turning Schmitt into little more than a "Schlagwort," (Schmitt 1992b, 69), a meaningless slogan.³

Therefore, I contend in this thesis that rather than using Schmitt as a basis for an alternate uncritical history of international relations and a denunciation of imperialism

² Stathis Kalyvas's article is a clear example of this (Kalyvas 2003).

³ Mark Neocleous has also denounced the "point where fascists are being used as the basis for a revitalized and rejuvenated socialist political theory" (Neocleous 1996, 13) which, while a somewhat simplistic view of Schmitt, highlights the problem of uncritically borrowing from Schmitt

(Teschke 2011, 179–181; Koskenniemi 2004), it is necessary to engage substantially and comprehensively with Schmitt on his own terms, in his own theoretical framework. As Gabriella Slomp writes, "in a time of crisis, society's tools for self-interpretation are inadequate for understanding the world of experience" (Slomp 2009, 4); the solution to this is not a patchwork of heterogeneous insights, but only a sustained engagement with Schmitt's work to reveal the significance and value of his concepts for the understanding of political experience. It is such an understanding of Schmitt that I seek to achieve in this thesis. I do not seek to situate him in contemporary political understanding, or in relation to contemporary questions,⁴ but rather to uncover the logic of his argument and of his analysis of enmity. While I might therefore run the risk of being perceived as providing an overly sympathetic or uncritical portrayal of Schmitt's theory, it is not my objective point to his multiple pitfalls. In other words, I have chosen to emphasise coherence over critique. Quite simply, I believe that a fair, comprehensive, and coherent account of Schmitt's international theory is needed before serious critique can be achieved. To borrow John Gaddis' analogy, I write as a "lumper" – seeking to create a comprehensive overview of Schmitt's thought – "which should at least give the 'splitters,' [critics of systematic thought] who have been on a pretty thin diet lately, something to chew on." (Gaddis 2005, ix)

This thesis concerns itself with enmity. Its guiding question is, quite simply, 'What is a political enemy in Schmitt's international theory, and what is its significance for the political?' I seek to show, first, the centrality of the political enemy in Schmitt's theory of the political, and second, its conceptual richness and complexity. This thesis

⁴ For examples of such studies, see (Scheuerman 2006; Schulzke 2016b; Auer 2015).

will, overall, argue that Schmitt's concept of enmity provides the foundation upon which all his writings on the international build. For Schmitt, political enmity is first and foremost a relationship which, though it can take many forms, constitutes the foundation of the political as long as it remains linked to a concept of legitimate enmity and political order. Therefore, the question of the enemy conditions questions of legitimacy, of legitimate war (rather than just war) and ultimately, of political existence. I contend above all that, as a theorist of the political, Schmitt's general orientation is towards maintaining political existence against absolute enmity (see Slomp 2009, 92) and, through a dynamic and concept of enmity, towards preserving the possibility of stable order and meaningful peace. In William Hooker's words, "good enmity makes good stability," (Hooker 2009, 13) and ultimately makes for good existence as well.

The argument of this thesis will proceed in five main parts. The remainder of this introductory chapter will provide a review of dominant debates on Schmitt's international theory and detail the methodological approach of this thesis, namely conceptual textual analysis, derived from Reinhart Koselleck. Chapter 2 will analyse the ontological foundations of Schmitt's concept of the political, as well as the theoretical development of the concept of the enemy. It will demonstrate, first, that Schmitt's political is grounded in a coherent ontological position which links the political and order, and second that Schmitt distinguishes political from unpolitical enmity due precisely to this necessary link between the political and order. Chapter 3 will address Schmitt's conception of war and its relation to enmity and will discuss Schmitt's debt to Carl von Clausewitz. Its central claim will be that total war, while not inherently antipolitical, may exist in two forms – defensive and offensive – and that the stability of political order relies on privileging defensive war over offensive war. Chapter 4 discusses enmity and spatial

thinking through an analysis of the connection between Europe and the New World under the *jus publicum Europaeum*.⁵ It will argue that total enmity and total war, in this era, were not suppressed but rather externalised to the New World, which allowed for the release of the tension accumulated through constant warring in Europe, implying that enmity may not be simply restricted, but must be managed and expressed in some form, although it can be restricted to certain zones. Finally, Chapter 5 will assess Schmitt's account of the fall of the *jus publicum Europaeum* and the changes in enmity that caused it, before offering a few perspectives on the possibility of a new nomic order which would retain the dynamic quality of the political.

1.2. Literature Review

The development of an illuminating and critical literature on Schmitt's international work, at least in English, is intimately tied to the availability of published translations of Schmitt's works on international theory. Before 2003, the whole body of Schmittian work on international law and order was absent to the English readership, save for the odd essay translated by the journal *Telos* (Schmitt 1987b; Schmitt 1996). Gopal Balakrishnan can therefore almost be excused for affirming in 2000, that "much of what came later [after 1945] consists of footnotes to earlier works," (Balakrishnan 2000, 260) as Schmitt "became a living period piece, to all appearances an intellectual invalid from an antediluvian world." (Balakrishnan 2000, 261)

The publication in 2003 of Gary Ulmen's translation of *The Nomos of the Earth* (Schmitt 2003) provided a well-needed shock to the field of Schmittian studies, opening

⁵ The *jus publicum Europaeum* refers to the period from the 17th century to the First World War, during which Schmitt argues a system of European jurisprudence based on absolute sovereign states governed relations between European powers.

up a new world of inquiry. The Schmitt revival, which in constitutional and democratic theory was showing signs of exhaustion, accelerated as edited collections (Odysseos and Petito 2007b; Legg 2011b; Minca and Rowan 2016) followed. Within a few years, Louiza Odysseos and Fabio Petito did not hesitate in proclaiming that "the *Nomos* is widely regarded as the masterpiece of Schmitt's intellectual production," (Odysseos and Petito 2007a, 1) calling it "a 'missing classic' of IR." (Odysseos and Petito 2007a, 2). Slomp's call for the rediscovery of the *Theory of the Partisan*, Schmitt's "neglected legacy" (Slomp 2005) – informed by the Italian translation of the work in 1981 – was answered by Ulmen's translation in 2007 (Schmitt 2007d).⁶ Since then, the publication of subsequent works by Schmitt has been more or less uninterrupted (Schmitt 2011f; Schmitt 2011a; Schmitt 2011b; Schmitt 2015a; Schmitt 2015c). Despite these numerous publications, there remains an immense mass of writings in German, yet to be translated (Schmitt 1994; Schmitt 2005b; Schmitt 1995b).

Despite general consensus on the value of studying Schmitt's international theory, interpretations have fallen along several fault lines. The first, identified by Hooker, divides Schmittians on the right and on the left. While both attack mainstream "global liberal hegemony" by affirming the "necessity of a political pluriverse," (Hooker 2009, 203), leftist Schmittians tend to emphasise cosmopolitanism against liberal interventionism (Chandler 2008a, 35), sometimes using Schmitt to bolster an essentially Marxist critique of economic imperialism (Hooker 2009, 209–213), while Schmittians on the right rather highlight the independence of the political from the ethical and the autonomy of the state (Chandler 2008a, 33–34), to the extreme of using Schmitt to justify

⁶ However, I have several issues with the quality of this translation, as will be indicated in footnotes throughout this *thesis*.

fascism (Hooker 2009, 208). Recently, the – rather leftist – anti-hegemonic current seems to dominate scholarship; as Legg noted, the main thrust in Schmittian appropriations has been to seek to "understand the enmity of a new century of conflict characterised by the emergence of spaces of exception [...] and the wider contestations of a global American imperium." (Legg and Vasudevan 2011, 1) While the left-right debate ultimately concerns the application of Schmittian ideas more than the analysis of Schmittian concepts *per se*, it nevertheless informs scholarship.⁷

The second fault line concerns the debate on whether theology, for Schmitt, constitutes a foundation for his arguments, or rather a useful rhetorical analogy for an essentially political theory (Hell 2009, 311–312). The theological thesis was first championed by Heinrich Meier, who sought to present the "hidden dialogue" between Schmitt and Leo Strauss as a contest between political theology and political philosophy (Meier 1995, 4; 68). While Meier concentrated on *The Concept of the Political*, his theological reading of Schmitt has been recuperated in interpreting Schmitt's international theory, notably by Koskenniemi, for whom the *Nomos of the Earth* contains "fragments from a political theology that is not explicitly articulated therein." (Koskenniemi 2004, 494) For Koskenniemi, Schmitt privileges a "real" universalism against "false" liberal universalism (Koskenniemi 2004, 495) in order to advance "a political theology conceived in support of domestic absolutism." (Koskenniemi 2004, 499) Evidence of this, however, is never presented. In fact, attempts to portray Schmitt as a theologian dabbling in politics often rely only on circumstantial similarities, notably the structural

⁷ David Chandler's debate with Odysseos and Petito highlights precisely this, as Chandler accuses them of using to bolster cosmopolitanism (Chandler 2008a, 39), while they criticise him for reducing Schmitt to a mere critic of imperialism (Odysseos and Petito 2008, 467–468; see also Chandler 2008b).

analogy of law and theology (Schmitt 2008, 107). Analogies do not, however, demonstrate clear lineage.

Against theological readings, several scholars have sought to demonstrate that Schmitt is "first and foremost a political thinker." (Hell 2009, 288) Julia Hell, thus, has very persuasively, through an analysis of Schmitt's rhetoric of empire, demonstrated that he adopted an "imperial theology" (Hell 2009, 311) through which he "theorized empire as the inextricable articulation of beginning and end." (Hell 2009, 284) The *katechon*, the restrainer of the antichrist – often associated by Schmitt with the empire (Schmitt 2003, 57–58; 238) – thereby becomes tied to the end of imperial times (Hell 2009, 289), not with the end of Christian times. As such, Hell affirms decisively that, while imperial theology is a form of eschatological thinking, "this is always a theology in service of politics" (Hell 2009, 288) rather than politics in the service of theology. Schmitt seems to support this reading of world history as a succession of non-final temporalities, writing in *Political Theology II* that "the entire Christian aeon is not a long march but a single long waiting, a long interim between two simultaneities, between the appearance of the Lord in the time of the Roman Caesar Augustus and the Lord's return at the end of time. Within this long interim, there emerge continually numerous new worldly interims, larger or smaller, which are literally between times." (Schmitt 2008, 85) For Hell, therefore, the *katechon* is a clear indicator that Schmitt uses theology as analogy, not as foundation for the political.

My position is that Schmitt is and remains a political thinker above all. While Schmitt does use theological language – for instance, characterising the sea as sin and evil (Schmitt 2015a, 56), or associating human nature with Original Sin (Shapiro 2008, 22–23) – I support Jean-François Kervégan's assertion that Schmitt applies Gentili's

statement "*Silete Theologi in munere alieno!*" to himself (Kervégan 2004, 3). Schmitt concentrates on political matters and adopts a conception of law that is primarily political (Schmitt 2005c, 12–13). While, as Meuther has written, "the *katechon* prepares 'the final decisive battle against the eschatological enemy,'" (Meuther (1994), in Hell 2009, 292) that is not the type of enmity that is predominantly discussed in Schmitt's work.⁸ Schmitt leaves behind the theological enemy and concentrates on purely political forms of enmity which are present in the "between times" which constitute the realm of the political. Equally, while "only the return of Christ at the end of time will bring about the true peace and the real unity of the world," (Schmitt 2008, 91) Schmitt's political is one condition by a world that is *not* united but plural⁹ and in which permanent, "true peace" is not a political concern.¹⁰ He further writes that while "the methodical connection of theological and political presuppositions is clear, [...] theological interference generally confuses political concepts because it shifts the distinction usually into moral theology." (Schmitt 2007c, 65) Schmitt knows better than to put his political theory in service of theology. The "miracle" of the bracketing of war "after the merciless bloodletting of religious civil wars" in the sixteenth and seventeenth centuries (Schmitt 2003, 151) is in large part attributable to the *Silete Theologi*, and Schmitt abides by this injunction, separating theology and politics.

A final fault line concerns the attitude to adopt regarding Schmitt's Nazi allegiance. This is particularly problematic when dealing with his international theory,

⁸ The theologian Jacob Taubes wrote that "Carl Schmitt was a jurist, not a theologian; but a legal theorist who entered the scorched earth that theologians had vacated. Theologians are inclined to define the enemy as something that has to be destroyed. Carl Schmitt sought as a legal theorist to find a way of evading the fatal consequence of this theological definition of the enemy." (Taubes 2013, 1)

⁹ See Chapter 2.

¹⁰ See Chapter 5.

as all the relevant works date from 1938 onwards, and a number of them (*The Großraum Order of International Law, Land and Sea*, etc.) were published during the war. A number of scholars have sought to either acknowledge or emphasise Schmitt's fascism. Mark Neocleous argued that Schmitt provided a concept of the political in line with Mussolini's Italian fascism (Neocleous 1996, 14; 18–20), while Hooker argued that the *Großraum* "oriented itself towards the emergent contours of Nazi foreign policy."¹¹ (Hooker 2009, 153) In Hooker's interpretation, Schmitt committed to a "political, moral and intellectual gamble in favour in Nazism," (Hooker 2009, 156) although he never lapsed into racial anti-Semitism (Hooker 2009, 57; Strong 2008, xxiii). On the other hand, Paul Gottfried pointed out that Schmitt was in fact attacked under the Nazi regime as a mere opportunist (Gottfried 1993, 171), supporting the theory of a marriage of convenience rather than a deep ideological union. Ultimately, it is my contention that, whatever his degree of implication or sympathy for the Nazi regime, Schmitt never became the mere spokesman of the Nazi regime.¹² His theory, particularly his international theory, is clearly not a "Nazi" theory in the sense of parroting party ideology. Without a doubt, Schmitt compromised – to abject levels – in adapting his theoretical arguments to Nazi doctrine (notably, and most shamefully, by chairing a conference on eliminating Jewish presence in German legal theory). However, this thesis argues for the presence of substantial consistency between his pre-1933 works, his works published

¹¹ Schmitt was interrogated in Nuremberg on the relation of his concept of *Großraum* and the Nazi concept of *Lebensraum*. He denied any relation to Nazi policy, seeking to oppose his spatially-based *Großraum* to the racially-based *Lebensraum* (Kempner and Schmitt 1987, 114–115). Schmitt's defence hinges first on the fact that his *Großraum* is devoid of racial underpinnings, and second, on the fact that after 1936 he was shut out of Nazi circles of power (Kempner and Schmitt 1987, 100).

¹² Taubes, who calls him "the spokesman of National Socialism's Manichean ideology," nevertheless restricts this assessment to the period from 1933 to 1938, thereby excluding Schmitt's turn to international theory (Taubes 2013, 1).

under Nazism, and his post-war writings. If that is the case, then any Nazi influence would have to be incidental, rather than part of Schmitt's core principles.¹³

1.3. Methodology: Conceptual Textual Analysis

As much as valuable work has been achieved on approaching Schmitt's writings on the international through contextual, deconstructivist or more recently geographical approaches, few works have attempted to focus on Schmitt's concepts in themselves. In this discussion of the concept of enmity, I am not aiming to reinterpret Schmitt's work but rather to clarify his conception of the enemy. To this end, my objective will be to focus on how Schmitt used this concept for a certain purpose, in contradistinction to both depoliticised and antipolitical conceptions of hostility.¹⁴ To achieve this, I intend to reinscribe Schmitt in the immediate and historical context and approach Schmitt's concepts as being products of the concrete historical situation in which they were developed. As such, I will combine Reinhart Koselleck's conceptual history with textual analyses, thereby producing a methodology focusing on the texts themselves, yet attuned to the historical situation to which Schmitt is responding. I believe that approaching Schmitt's texts in their context will provide a comprehensive and nuanced account of how Schmitt conceived of enmity, in particular how he situated his own concept of enmity in response to the "concrete situation" (Schmitt 1992a, 41) of international thought.

¹³ Joseph Bendersky's biography of Schmitt details his numerous efforts to attempt to deny the Nazi Party access to power until the end of 1932, most notably in the case *Preußen contra Reich*, in which he argued before the Constitutional Court for the right of the federal government to dismiss the Nazi-controlled government of Prussia (Bendersky 1983). Therefore, it seems to me clear that Schmitt was not a committed Nazi before 1933, and rather considered them dangerous and destructive.

¹⁴ As this thesis will argue (see Chapter 2), for Schmitt the unpolitical (the absence of hostility) and the antipolitical (absolute enmity) converge into absolute hostility.

In selecting this approach, I am very much aligning myself with the methodological tenets professed by Schmitt himself. As David Cumin wrote, Schmitt possessed a "conviction that words influence the apprehension of reality and act upon reality." (Cumin 2005, 26) Like Schmitt, I choose to focus on specific concepts as being the principal foundations of any system of thought. Niklas Olsen has among others noted that Schmitt proved a decisive inspiration for Koselleck's elaboration of an approach focused on critical concepts, although he simultaneously credits Koselleck justly with developing his insights in a much more comprehensive and systematic theory of historical knowledge than Schmitt did (Olsen 2012, 52–74; 187). As such, by using a contextual-historical approach to key concepts of Schmittian thought, I am in some ways applying a Schmittian approach to Schmitt himself, thereby reconstructing the scope, breadth, and situation of Schmitt's concept of the enemy.

Koselleck and Schmitt converge on the notion of the centrality of concepts in the elaboration of thought. In the 1963 preface to the *Concept of the Political*, Schmitt describes his purpose as to delineate "a frame for definite questions of legal science, in order to organise a confused subject and establish a topical outline of its concepts." (Schmitt 1963, 9; Schmitt 1992a, 41) Similarly, Koselleck argued that any understanding of historical reality relied on key concepts which aggregated and filtered human experience: "events only attain the status of history through the process of being conceptualized." (Koselleck 2011, 20) Any historical writing, for Koselleck, must begin with a study of the significance of temporally and linguistically bound concepts. It is thus that experience, both historical and present, is "captured by concepts" (Koselleck 2011, 7) which mediate understanding and filter the way one can think of reality through a linguistic medium. Koselleck defines concepts as "concentrations of many semantic

contents,” which require interpretation in order to gain specific meaning (Koselleck 2011, 20). Concepts consist of a term, a linguistic designation which points to a plurality of experiences; as such, Koselleck insists, concepts are temporally and spatially bound, and must be recovered in order to understand their significance.

Concepts, as Koselleck notes, embody a plurality of meanings and therefore never possess a definite and fixed definition: words, “to achieve the status of concept, [...] must always remain ambiguous.” (Koselleck 2011, 18) What provides meaning to concepts is not linguistic definition but social and political usage in a given situation, in a given time: “the actual use of words” in “concrete situations” is what “is being investigated” through conceptual history (Koselleck 2011, 16), which amounts then to tracing the uses of a concept in given contexts and delineating the self-interpretation(s) to which it referred. As these uses are situational, the scholar must establish the range of meanings of the concept according to the given situation before translating this range into his own conceptual framework. Koselleck’s main scholarly thesis is that while certain concepts were historically used only in a certain spatiotemporal situation, there are certain fundamental concepts [*Grundbegriffe*] which survived the passage of time while being transformed in their meaning and use. These key concepts “combine manifold experiences and expectations in such a way that they become indispensable to any formulation of the most urgent issues of a given time.” (Koselleck 1996, 64) Such concepts, despite their meanings being bound to a specific context, may be “recycled” to a large extent and gain or lose certain meanings; a concept may, over a long period of time, become a diachronic aggregation of “concrete situations” which each delineate different fields of meanings and significance (Koselleck 2011, 31).

A conceptual approach to the study of enmity, then, means that I accept that the concept of the enemy comprises a plurality of meanings which may sometimes coexist and sometimes conflict with each other. The conceptual category of enmity as such is (as Schmitt argues) a fundamental category through which human political experience is organised and understood, and forms a basic way in which humans interact with political reality. As Koselleck (and Schmitt) noted, without the concept of the enemy, it would not be possible to grasp adequately political existence. Following Koselleck, I also hold that the meaning and significance of this concept is not fixed in any way, and has changed through time; as such, it “must be studied historically.” (Koselleck 2011, 7) While Koselleck focused his own research on the “*Sattelzeit*” of the nineteenth century (Olsen 2012, 171), it could be easy to see that Schmitt altered his own understanding of enmity as his own spatiotemporal context changed between the 1920s and the 1960s. Finally, the key element of Koselleck’s approach which I retain is that concepts exist only through their usage, and that to understand a concept, one must study its use within the larger discourse.

A significant point emphasised by Quentin Skinner is that concepts may indicate deliberate attempts by the author to “alter a constellation” of meanings (Palonen 2003, 37), to transform a concept in order to subvert the prevailing conventional ‘paradigm’ (Skinner 2002, 179–180). This search to redefine conceptual language without altering the conceptual core is particularly relevant for Schmitt, as he expressly claims his concept of the political to have “no normative meaning, but an existential meaning only.” (Schmitt 2007c, 49; see Palonen 2003, 52; Skinner 2002, 182) Skinner is very clear that “Koselleck and [he] both assume that we need to treat our normative concepts less as statements about the world than as tools and weapons of ideological debate.” (Skinner

2002, 177) Whom, how, and why Schmitt is responding to with his concept of the enemy is thus of crucial importance.¹⁵ In such a view, the necessity of studying Schmitt's concept of enmity is made clear: understanding where Schmitt situated himself in relation to his context provides the key to grasping the force of his critique, a critique which resonates still today.

As mentioned above, I apply this conceptual historical method to Schmitt's texts, with a particular emphasis on his use of enmity in the context of his wider discussion of political issues and situations. I hold that Schmitt does provide a coherent account of enmity and the political which remains substantially unchanged between his early and later works, despite his changes in rhetorical strategy and approaches. As such, I believe that the best way to understand Schmitt's concepts is to read them in the context of his wider works. As the subtitle of the *Theory of the Partisan* – "Intermediate Commentary on the Concept of the Political" – makes clear, Schmitt viewed his work as a whole, with works building on each other and commenting on earlier drafts – so to speak – of a united theory. No text by Schmitt can be properly read in isolation. Finally, while Schmitt is historically informed, his reading of history is definitely idiosyncratic, at times selective (see Teschke 2011, 179–181; Teschke 2014). Therefore, I generally remain within the confines of Schmitt's history of international relations; an assessment of Schmitt's reading of history will have to be left for another occasion, or another scholar.

¹⁵ Schmitt himself supports a contextualist reading of political theory, writing (about Vitoria) that "his theoretical conclusions, though they refer only to his arguments and avoid any practical decisions, can be astonishingly provocative and can be misinterpreted, especially when take out of context, divorced from the coherence of his thinking, and generalized as abstract principles of international law in a manner approaching the completely secularized and neutralized thinking of a modern scholar." (Schmitt 2003, 105–106) Later, he states that the writings of Mediaeval theologians "can only be understood concretely within that [Mediaeval] order." (Schmitt 2003, 126)

2. Ontology, Violence, and Order

The foundation of Schmitt's writings on order and enmity is widely contested, between those considering it a mere extension of his domestic theory (Burchard 2006), an application of theological principles (Koskenniemi 2004; Meier 1995), or a nationalist or fascist manifesto (Neocleous 1996; Teschke 2011, 217). In this chapter, I address the foundations of Schmitt's concept of the political, and thus the grounding of the concept of the enemy. This chapter argues that the Schmittian concept of enmity is constituted by a relationship between entities claiming political legitimacy, grounded in a coherent ontology of radical alterity (Prozorov 2009, 215–227) which presents violence as a given.¹⁶ The first section examines the philosophical foundations of the political, discussing Schmitt's ontology and conception of human nature. The second section addresses the relation of political order to the concept of the political and to violence, drawing a distinction between unordered violence and ordered violence, and emphasising the mythological foundations of political order. The final section presents enmity as a relationship between public actors (or actors claiming political legitimacy) and discusses Schmitt's concept of the political and the forms of enmity it sustains.

2.1. Ontology, Violence and Human Nature

This section clarifies the foundations of Schmitt's concept of the political in order to situate enmity in relation to the "existential" (Schmitt 2007c, 27) quality of the political. I argue that Schmitt conceives the world and human existence as fundamentally

¹⁶ Following Prozorov, I use 'ontology' to designate the most basic condition of the world, whether monism, dualism, or pluralism. Ontology here refers specifically to the human world – in other words, to a (logically) pre-political condition of humanity.

conditioned by violence; the political, in turn, regulates and mediates this violence through the imposition of order. First, I establish the case for violence as an ontological given grounded in radical alterity. Second, I situate the friend and the enemy in relation to the political and to Schmitt's conception of human nature.

The political, for Schmitt, represents the ultimate category of human existence – there is no meaningful existence possible without the possibility of the political. In *The Concept of the Political*, Schmitt calls the political unit "the decisive human entity," which is "existentially so strong and decisive" (Schmitt 2007c, 38) that it overtakes, in the most extreme cases (when an existential threat is present), any other form of human activity and conditions the whole of human existence. Schmitt clearly associates the political and human violence, mostly through the link between the political and war. The political receives its "real meaning precisely because [it refers] to the real possibility of physical killing," (Schmitt 2007c, 33) and as such because of its connection to violence: "From this most extreme possibility [of combat] human life derives its specifically political tension." (Schmitt 2007c, 35) For Schmitt, the political constitutes an existential tension, precisely because it concerns death and killing through combat.

To a certain extent, the existential quality of the political refers to the possibility of killing and dying, which constitute existential moments: plainly, there is no existence after death (Schmitt 2007c, 46–47) and the political, as it is related to death, concerns the outermost limits of existence. However, this is not a sufficient explanation of the existential dimension of the political. Rather, it seems that the political gains its existential quality also from the fact that violent life and death are directly related to the foundational principle of the world inhabited by humans, namely violence. Leo Strauss has argued, quite persuasively, that Schmitt models his conception of the world along the

lines of the Hobbesian state of nature (Strauss 2007, 106–111), although one which may not be escaped.¹⁷ Indeed, violence is far too present in Schmitt's account of the political to be a mere corollary quality – it can be little else but a foundation which conditions human existence and, therefore, establishes the necessity for the political. While violence, killing, and death are associated by Schmitt with the political, Gavin Rae has made the very apt point that violence is inescapable even outside of political life; depoliticisation does not entail a decrease – or, indeed, an elimination – of violence, but rather an increase in the prevalence and ferocity of violence (Rae 2015, 2). It is this prevalence of fundamental violence that grounds the mutual relation of protection and obedience (Schmitt 2007c, 52) which, as Gabriella Slomp states, constitutes one of the pillars of Schmitt's concept of the political: "The friend-enemy principle is just the older twin of the protection-obedience principle." (Slomp 2009, 129) The political, therefore, for Schmitt, ought to be seen not as the unleashing of brutal force but rather the means of ordering and restraining fundamental violence. Ultimately, then, violence does not emanate from the political, but nevertheless constitutes its very core.

Violence, then, represents the immediate foundation of the political: the political is necessary because the world is potentially dangerous and never definitively at peace (Schmitt 2007c, 61). This claim is itself sustained by what Sergei Prozorov has described as an ontology of radical alterity (Prozorov 2009, 220). In other words, for Schmitt, the most fundamental condition of the world is one which precludes any unity: there is, simply, always an Other which may not be subsumed under any form of universal community (Schmitt 2007c, 53). The enemy, for Schmitt, is "the other, the stranger," and

¹⁷ However, Strauss continues with mixed success by arguing that Schmitt, by denying the possibility of escaping this condition of potential violence, expresses an admiration for evil and animal power (Strauss 2007, 113–114).

it is due to the fact that "he is, in a specially intense way, existentially something different and alien" that violence exists (Schmitt 2007c, 27). In other words, "it is the very *existence* of radical alterity in brute facticity that poses an ever-present *possibility* of killing or being killed, which in turn calls for a decision in each concrete sense, on whether the Other is the enemy." (Prozorov 2009, 221) The world is composed, ontologically, of "Others," who may become enemies whenever this self-other distinction becomes particularly intense.

Prozorov goes as far as to argue that "the central feature of Schmitt's political ontology is not enmity *per se* but rather identitarian pluralism." (Prozorov 2009, 222) However, Prozorov here loses sight of Schmitt's core argument: the foundation of pluralism is political only because it is expressed in the friend-and-enemy distinction. What Prozorov does not demonstrate is the necessary connection between otherness and violence; in fact, as he points out, Schmitt shares this ontology of alterity with a philosopher who could hardly be any more different, Emmanuel Lévinas (Prozorov 2009, 221). Against Prozorov, I argue that Schmitt lays out an anthropological claim by arguing that violence necessarily follows from ontological pluralism, a claim which is not reducible to his ontological position. In other words, nothing in the ontology of radical alterity suggests that the Other must potentially become an enemy. It is therefore crucial to recognise this specifically Schmittian contribution. If, "for Schmitt, being called in question by the Other is neither an ethical nor an aesthetic, but simply a terrifying experience of the possibility of violent death," (Prozorov 2009, 221) this does not follow necessarily from radical alterity, but from his conception of human nature. Therefore, the central feature of Schmitt's political is not merely the ontology of radical alterity but the more concrete conception of human nature as dangerous.

Schmitt's conception of the world as fundamentally violent and disunited both grounds and originates in a conception of human nature as containing an innate potential for violence:

One could test all theories of state and political ideas according to their anthropology and thereby classify these as to whether they consciously or unconsciously presuppose man to be by nature evil or by nature good. The distinction is to be taken here in a rather summary fashion and not in any specifically moral or ethical sense. The problematic or unproblematic conception of man is decisive for the presupposition of every further political consideration, the answer to the question whether man is a dangerous being or not, a risky or a harmless creature. (Schmitt 2007c, 58) [...] What remains is the remarkable and, for many, certainly disquieting diagnosis that all genuine political theories presuppose man to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being." (Schmitt 2007c, 61)

Schmitt firmly rejects conceptions of human nature as perfectible or potentially rendered harmless. While Schmitt elsewhere traced the search for a neutral "central domain" around which universal agreement could be constructed (Schmitt 2007b, 89), he affirms here the impossibility of such a quest: humanity "cannot escape the logical of the political" (Schmitt 2007c, 79) due to the conception of human nature quoted above. Human nature, for Schmitt, is not necessarily evil in an ethical or theological sense, but rather in a political sense: to consider human beings as dangerous and dynamic does not

entail a moral judgment of this potential for violence (Schmitt 2007c, 61–66).¹⁸ It does not matter, for Schmitt, why human beings are dangerous; it only matters that they are.

Leo Strauss and, more recently, Richard J. Bernstein, have criticised Schmitt's attempt to divorce a political anthropology of humanity as 'dangerous' and 'dynamic' from an ethical anthropology and theodicy. For Strauss, Schmitt remains on the fence about the "position of the political," (Strauss 2007, 100) seeking to simultaneously present the political as an irreducible given in human nature and as a polemical concept against depoliticised liberal universalism (Strauss 2007, 110–111). For Bernstein, along the same vein, Schmitt denies the normative content of his conception of human nature (Schmitt 2007c, 49), but ties himself in a knot by affirming the existential necessity of the political (Bernstein 2013, 28–29).¹⁹ Both Strauss and Bernstein agree that Schmitt fails to establish the impossibility of denying the political (Strauss 2007, 110–112; Bernstein 2013, 26) and that, for this reason, the affirmation of the existential quality of the political ends up being an affirmation of a certain normative conception of humanity which is not neutral but normatively (or even ideologically) charged against others (Strauss 2007, 117); in other words, Schmitt does not provide an anthropology but "an anthropological profession of faith." (Schmitt 2007c, 58) For Bernstein, therefore, Schmitt's rejection of absolute enmity is only possible on the basis of this normative postulate: only by upholding a certain normative (and necessarily polemical) conception of human nature

¹⁸ Kam Shapiro has noted the importance of original sin in the thought of the Catholic Counter-revolutionaries which Schmitt refers to (Shapiro 2008, 22–23). In particular, while Schmitt acknowledges the debt he bears to theological – particularly catholic – conceptions of human nature as fallen (Schmitt 2007c, 64–65), he simultaneously distances himself from the likes of Donoso Cortés who rails against the "natural depravity and vileness of man" (Schmitt 2005c, 58).

¹⁹ Strauss similarly states that for Schmitt, "man ceases to be human when he ceases to be political." (Strauss 2007, 110)

can Schmitt reject certain uses of the concept of 'humanity' (Schmitt 2007c, 54) or ideologically-driven enmities and therefore reject absolute enmity from the realm of the political (Bernstein 2013, 35).

This critique, that Schmitt, by tying the political to "the affirmation of the moral," (Strauss 2007, 117) fails to distinguish himself from the horizon of liberalism (Strauss 2007, 119), makes a valid point about the normative underpinnings of Schmitt's political. By highlighting the "anthropological profession of faith" at the heart of Schmitt's conception of the world, Strauss decisively undercuts Schmitt's claim to having no normative content (Schmitt 2007c, 28). However, Prozorov's account of Schmittian ontology demonstrates that the two are not entirely incompatible. Schmitt commits to an ontology of radical alterity, represents an ontological claim which cannot be decisively proven and therefore can be challenged. Based on this ontological presupposition, the disappearance of the political is impossible (Prozorov 2009, 224). To deny the existence of the political would require either the rejection of Schmitt's ontology entirely (and affirm the potential unity of the world) or the "concealment" of the political (Strauss 2007, 100). Because the world is plural, and because human nature is dynamic and dangerous, the political – the collectively meaningful distinction of friends and enemies – must remain a concrete possibility.²⁰ Thus, the picture is complete. Schmitt is committed to an ontology of radical alterity, which he argues creates a world in which potential violence is omnipresent: this, in turn, fosters a need for the political. The denial of the political, in these circumstances, would be a rejection of meaningful, authentic human existence; as Strauss writes, "politics and the state are the only *guarantee* against the

²⁰ In other words, Schmitt engages in a polemic against non-plural ontological positions, while not committing to any specific form of plurality.

world's becoming a world of entertainment."²¹ (Strauss 2007, 114) Therefore, while Schmitt can be said to have a clear normative commitment, it is, in Hooker's words, only a commitment to the fact "that life should be serious," (Hooker 2009, 197) and that this seriousness may only arise through a commitment to the political.

Despite his conception of the political as the distinction of friends and enemies, Schmitt has been accused repeatedly of privileging the figure of the enemy over that of the friend. Leo Strauss thus wrote that "'enemy' therefore takes precedence over 'friend,' because 'the potential for a fight that exists in the region of the real' belongs 'to the concept of the enemy' – and not already to the concept of the friend as such," (Strauss 2007, 104) noting further that Schmitt never discusses the meaning of the concept of the friend (Strauss 2007, 103). Ulmen agrees with Strauss, writing that "whatever the legal fiction, enmity – the *animus hostilis* – is the primary concept." (Ulmen 1987, 191) Slomp disagrees, emphasising the role of the friend as one of the main bulwarks against unmediated violence, noting that the political relates to friends as well as enemies, and therefore that the political may not exist in a world of enemies alone (Slomp 2009, 24). In this, she follows what Schmitt himself claimed in the 1963 preface to *The Concept of the Political*: his focus on the enemy is a mere "didactic" move, aiming to present through the negative the content of the concept of the political, in the same way as a legal treaty may discuss crime in order to portray lawful behaviour (Schmitt 1992a, 48).

Nevertheless, I believe it is fair to state that, however much Schmitt may seek to distance himself from a conception of the political in which enmity is primary, Strauss' critique is very well heeded. While the conception of the world as fundamentally plural

²¹ The inclusion of the "state" should be taken as a testament to the moment of writing. Schmitt abandons the state as the only political entity in later writings, after Strauss's comments.

does not necessarily lead to a privileging of enmity – political friendship can be a means of constraining plurality as much as enmity can be a means of channelling it – the Schmittian conception of human nature as dangerous clearly favours enmity over friendship. The aspect of the political which acknowledges this fundamental dangerousness is that of enmity: "Because the sphere of the political is in the final analysis determined by the real possibility of enmity, political conceptions and ideas cannot very well start with an anthropological optimism. This would dissolve the possibility of enmity and, thereby, every specific political consequence." (Schmitt 2007c, 64) As the next section will argue, therefore, political order must encompass a conception of enmity in order to constrain and acknowledge with the anthropological fact of human dangerousness. Nevertheless, while enmity is fundamentally connected to political order, Slomp's point about the necessity of *both* friend and enemy is duly noted. Schmitt's political world is not a "state of war of all against all," (Strauss 2007, 106) but one in which friends and enemies both exist, concretely or potentially. In Schmitt, the "political follows violence, hostility and terror just as form follows matter" (Slomp 2009, 10); friendship, however, is crucial in moderating and restraining enmity and violence.

2.2. The Political and Order

While for Schmitt, as established above, violence is rooted a certain conception of human nature as fundamentally "dynamic" and "dangerous" and forms a ground conditioning political existence, the political is not only defined by unrestricted violence. Rather, as Rae highlights, Schmitt's political entails "a delicate balancing act that, on the one hand, recognises the inevitability of war and, indeed, the necessary role it plays in the political and, on the other hand, the claim that the political does not lead to the

glorification of war." (Rae 2015, 2) In this section, I argue that the political is intimately connected to order, in ways that banish unrestricted violence; it is simply not accurate to affirm, as Peter Caldwell does, that "Schmitt's ultimate aim was to unleash the political, not to restrain it." (Caldwell 2005, 363) The political, by existing only in relation to order, embodies restraint and regularity at its very core. While, in his early writings, Schmitt attempts to locate this order in relation to law and the sovereign decision (Schmitt 2005c, 13), in his later writings – starting roughly with *The Großraum Order of International Law* – he rather emphasises the spatial origins of political order. As such, this section will begin by briefly discussing the connection of the political and order, before addressing what Schmitt terms acts of 'land-appropriation,' the founding acts of political order. Finally, I will discuss the connection of the political, order, and myth.

Not all violence, for Schmitt, is political. While the political is not necessarily tied to the sovereign state system (Schmitt 2007c, 19–20), it remains that the political must be attached to a form of social and political organisation. As Schmitt writes, "an enemy exists only when, at least potentially, one fighting collectivity of people confronts a similar collectivity." (Schmitt 2007c, 28) As Strauss perceptively observes, the Schmittian political is not defined by unrestricted enmity in the form of a war of all against all but by the distinction and definition of friends and enemies (Strauss 2007, 106). The political, for Schmitt, occurs at the level of communities and not of individuals. Therefore, Schmitt draws a clear distinction between unorganised and organised violence, with only the latter belonging to the realm of the political. While a potential for violence is inscribed in human nature, only when that violence becomes organised into group antagonisms does it become political; in a political order, the ontological alterity of all

individuals is superseded by the differentiation of political communities, which provides a more meaningful and significant form of otherness.

Power, in the sense of political power, therefore is not equivalent to pure violence but is, for Schmitt, a much more elusive concept: power amounts to the power to be "obeyed" (Schmitt 2015a, 31), notably through the recourse, whenever necessary, to sovereign decision on the exception (Schmitt 2005c, 5).²² The ground for power is, for Schmitt, the Hobbesian relation of protection and obedience: the "*protego ergo oblige* is the *cogito ergo sum* of the state. A political theory which does not systematically become aware of this sentence remains an inadequate fragment." (Schmitt 2007c, 52) In other words, "the power that a human exercises over other humans, stems from the humans themselves." (Schmitt 2015a, 29) Schmitt therefore rewords the famous Hobbesian *homo homini lupus* into "*homo homini homo*" (Schmitt 2015a, 29). Power comes not from being "wolf-like" but is connected intimately to existence within an organised political community, not merely from the dangerousness of human nature. The political, therefore, while connected to violence and human dangerousness, constitutes an ordering of this violence, at the level of organised communities within an order.

2.2.1 Spatial foundations

From the late 1930s onwards, Schmitt sought to determine the spatial underpinnings of the concept of the political and order. While Schmitt's earlier works (Schmitt 2005c; Schmitt 2007c) may give the impression of dealing rather with abstract

²² By establishing this fundamental tautology – power stems from obedience, and obedience stems from power – Schmitt recalls implicitly Weber's charismatic type of leadership, where the leader (or, in Schmittian terms, "holder of power" (Schmitt 2015a, 47), or the "sovereign" (Schmitt 2005c, 7)) grounds his legitimacy not in any substantial foundation but rather in the ability to entice obedience (Weber 1994, 311–313).

notions of legitimacy, *The Großraum Order of International Law* and particularly *The Nomos of the Earth* ground the sovereign decision in conceptions of space.²³ Thus, Nick Vaughan-Williams and Claudio Minca go as far as affirming that "for Schmitt, in the secularised state, a state fully founded on immanence, the principle of sovereign power is based on an original act of violence, a revolutionary act, and the border represents in many ways the spatialization of this very violence." (Minca and Vaughan-Williams 2012, 760)²⁴ Vaughan-Williams and Minca emphasise not only that the political is grounded in violence, but also the spatialization of this violence that is inherent in the understanding of the political as order. This foundational act, for Rory Rowan, "takes place within a field of ontological indeterminacy that contingently constitutes order," by imposing a contingent order upon ontological disorder (Rowan 2011, 152):²⁵ politics amount to outlining and implementing an order where there is none, through a foundational act which orients and gives meaning. The political amounts to bringing order to unorder, and this ordering is achieved in large part through the attachment of violence to notions of legitimacy, power, and space.²⁶ The fundamental question of the political, as Schmitt makes clear in the closing sentence of the *Theory of the Partisan* is "the question of the real enemy and of [...the] *nomos* of the earth." (Schmitt 2007d, 95)²⁷ The *nomos*, in turn,

²³ In *Großraum*, Schmitt affirms that "there are neither spaceless political ideas nor, reciprocally, spaces without ideas or principles of space without ideas," (Schmitt 2011d, 87) thereby clearly affirming the fundamental connection of space and the political.

²⁴ I return to the role of borders in Chapter 4.

²⁵ Rowan draws explicitly on Mika Ojakangas here.

²⁶ In *Political Theology*, Schmitt writes that "the connection of actual power with the legally highest power is the fundamental problem of the concept of sovereignty," (Schmitt 2005c, 18) thereby demonstrating that political power is connected to law and obedience, not pure violence.

²⁷ The full sentence reads: "The theory of the partisan flows into the question of the concept of the political, into the question of the real enemy and of a new *nomos* of the earth."

concerns "the normative order of the earth" (Schmitt 2003, 39); without order, there can be no political.

In *The Nomos of the Earth*, Schmitt expands on the foundations of order and of law. Law, he states, is founded not only in geopolitical imaginations of space, but "is bound to the earth and related to the earth" (Schmitt 2003, 42) through a "radical title" of communal property (Schmitt 2003, 47) arising from a triple relation of production, delineation, and appropriation (Schmitt 2003, 42). In other words, order is physically inscribed in the soil through humans working on it, either through culture (production), demarcation (drawing lines in the ground), or enclosing it through fences and boundaries. The "indeterminacy" that Rowan identified is mediated through the very physical appropriation of the land, first for the purpose of subsistence, then of control. Space and land therefore provide both the ground on which human existence unfolds and the means through which it can be regulated.²⁸

The inscription of political order in the soil therefore provides a measure of fixity and regularity to the ordering principle. Rowan extends that to arguing that "as a ground for order space is conceived to be stable, objective and hence extra-political." (Rowan 2011, 148) I believe Rowan errs in considering the space as extra-political, as the conception of space is, to a large extent shaped and constructed by political conceptions:

²⁸ Schmitt repeatedly ties human existence to the earth and the land: "For me, the human is a son of the earth, and so he shall remain as long as he remains human." (Schmitt 2015a, 81) In *Land and Sea*, he refers to "the Human [as] a land-being, a land-dweller." (Schmitt 2015c, 5). Hence, just as "law is bound to the earth and related to the earth," (Schmitt 2003, 42) so is human existence tied to the soil.

Schmitt also distinguishes between land and sea as foundations of order, considering that land only can provide a foundation for political order: "The human is a land-being, a land-dweller." (Schmitt 2015c, 5) The sea, in contrast, represents a hostile, chaotic element which cannot be mastered by human energies (at least not until industrialisation) (Schmitt 2015a, 54). I return to the opposition of the elements of land and sea in Chapter 3.

as quoted above, there are no spaces without political idea ordering them (Schmitt 2011d, 87). Rather, land, territory, and control over the ordering of the land are the very elements that are concerned by the political distinction of friends and enemies.²⁹ Rather, I tend to follow Claudio Minca in noting that Schmitt uses the term 'space' to refer to two distinct realities: space can be that geographical imaginative reality which has been created by nomic order, while it can also refer to the physical soil to be ordered (Minca 2011, 167). As such, then, space refers both to the foundation of the political (the space to be appropriated, ordered) and to the spatialization of the order which contains the political (the ordered land); in the latter sense, space is inextricably political, just as the political is fundamentally spatial. Ultimately, however, both are joined through the foundational act of ordering which both creates space and allows the political to exist.³⁰

What Rowan, as well as Vaughan-Williams and Minca highlighted, is the importance of significance of foundational acts in grounding the political order. Political order is dependent not on nature but on an act of human ordering, on a foundational "land-appropriation". However, political order, for Schmitt, is much more than a physical reality: most prominently, it is embedded in ways of thinking, conceptual frameworks, and imaginative constructions. Order has a significant imaginative dimension which,

²⁹ I expand on this in Chapter 4.

³⁰ Two main critiques of Schmitt's grounding of the political in land-appropriation must be highlighted. The first comes from Stuart Elden, who argues that Schmitt's concept of territory is too static to be of any interest, as it is little more than a "bounded space under the control of a group," with no distinctive features or any geographical substance. (Elden 2011, 98). The second, from Benno Teschke, attacks Schmitt for equating law and force: "Legal orders have spatial and martial origins. Might generates right." (Teschke 2011, 194) However, as highlighted above, Teschke's critique ignores the question of legitimacy in Schmitt's conception of power. Power, for Schmitt, including the power to ground political order in land-appropriation, comes from the ability to be followed, by trading protection for obedience. It is not brute force that grounds law, but rather the perspective of *meaningful* order that makes order possible.

while grounded in land-appropriation, depends more on the conception of space entailed by the land-appropriation than on the concrete, physical ordering of the land.³¹ In the foreword to the *Nomos of the Earth*, Schmitt refers to the discovery of the Americas as this mythical ground for the *jus publicum Europaeum*: "This order arose from a legendary and unforeseen discovery of a new world." (Schmitt 2003, 39) The legendary quality of this founding land-appropriation is crucial to the foundation of a political order, as it entails lasting effects on the way space is conceived and imagined. The spatialization of the political does not depend only on it being inscribed in the soil, but also on the imaginative constructions that it sustains, on what Vaughan-Williams and Minca call "imaginative political geographies" (Minca and Vaughan-Williams 2012, 759).

Marcus Schulzke, in relation to *The Theory of the Partisan*, has highlighted that for Schmitt, the mythological representations of partisan fighters are more significant, politically, than the actual fighters who engaged in irregular warfare (Schulzke 2016a, 2). In fact, Schulzke describes how the partisan, mythologised "through intellectuals' efforts to come to terms with it," (Schulzke 2016a, 5), becomes a player in a "war of ideas" (Schulzke 2016a, 7) in which the battleground is not only the concrete space, but the myths and conceptual constructions themselves (Schulzke 2016a, 13). A struggle about myths leaves a much longer lasting trace than a physical battle.³² To a large extent, the foundations of political order are just as much the subject of Schmitt's "theory of political myth" (Schulzke 2016a, 6) as is the partisan. Thus, Schmitt repeatedly refers to the

³¹ A spatial revolution, for Schmitt, therefore constitutes a change in the "image of the earth," (Schmitt 2003, 50) in the conception of the earth as a whole. Land-appropriations grounding political order are tied with such revolutions.

³² In the case of the partisan, Schmitt argues for instance that, while Clausewitz' advocacy of partisan warfare in Prussia was militarily meaningless, it represented a watershed moment in the development of the theory of the partisan, with deep impacts on current politics and warfare (Schmitt 2007d, 40–48; see also Heuser 2010).

Discoveries of the turn of the sixteenth century as fostering a consciousness of a new "global image of the world." (Schmitt 2003, 52) The boundaries of the ordered world, which before "were determined by mythical concepts, such as the ocean, the Midgard Serpent, or the Pillars of Hercules," were replaced by a conception of the world as a whole through this founding land-appropriation (Schmitt 2003, 52).³³ Through this "constitutive historical event," (Schmitt 2003, 73) a spatial order was created through a change in political imagination.³⁴ Order, for Schmitt, relies on mythical foundations which provide both the setting for the political, and the substance upon which political struggles may be waged.³⁵

The political distinction of friends and enemies, therefore, relies by definition on an ordering of the potential for violence inherent in human nature. Such an order, for Schmitt, must be founded in a recognition of the significance of the political in grounding human existence, and in its intimate relationship to space. Most importantly, based on Schmitt's ontology of radical alterity, the object of a depoliticised unified world without enmity is an unattainable fiction. Schmitt's claim that order, particularly liberal order, "cannot escape the logic of the political," (Schmitt 2007c, 79) is, as Bernstein noted

³³ Julia Hell has emphasised the role of "scopic mastery," of domination through looking. (Hell 2009, 290–292) According to this, land-appropriation entails also a visual, mental, and imaginative appropriation: by 'discovering' the New World, the Europeans 'appropriated' it: it became part of their geopolitical consciousness. To see, to dominate the viewpoint from which concepts are created, is to control.

³⁴ Similarly, the Mediaeval "Respublica Christiana" (Schmitt 2003, 58) relied on a geopolitical order centred on the mythical foundation of Christianity, which sustained a "medieval spatial order supported by empire and papacy." (Schmitt 2003, 56) The change in conceptions of Christian history (Schmitt 2003, 63) and of space led to the "disintegration" of this mythical/theological foundation of order (Schmitt 2003, 56).

³⁵ Schmitt highlights particularly the fact that conceptualisations are part of the political struggle and are part of the political order: "Qu'un penseur politique soit mêlé à l'hostilité des fronts en lutte, le concept de politique l'implique par lui-même." (Schmitt 2007a, 73)

(Bernstein 2013, 26), a normative claim that relies on this ontological assumption. Nevertheless, this claim combined with Schmitt's supposition of a dangerous and dynamic human nature provides the foundation of the concept of the political and of enmity, and of the association the political with order.

2.3. The Three Types of Enmity

The necessity of the political having been established, the following section turns to the category of enmity itself and its relationship to the political. In this section I argue first and foremost that political enmity, for Schmitt, is conceived as a relationship between agents claiming political legitimacy. I continue by describing the three types of enmity discussed by Schmitt, before arguing that the main distinction is that between real and absolute enmity, which corresponds to the boundary of the political. It is crucial to note that Schmitt, in his discussion of the political, provides not a narrowly-constrained definition of the political, but rather "criteria" of the political which may take many forms and shapes (Schmitt 1992a, 41).³⁶ The category of the political is a set of propositions which expresses itself differently in different historical contingencies, with different actors and in different situations (Hooker 2009, 107). As such, while it may seem that Schmitt confuses his topic by discussing certain types of enmity in relation to many subjects and actors (real enmity between states, in partisan warfare; absolute enmity in nuclear warfare, colonial war, total war, etc.), he never ties a form of enmity to a specific actor, but rather provides "criteria" to delineate general types.³⁷ In 1963, Schmitt asserted

³⁶ It is worth recalling that words "to achieve the status of concept, [...] must always remain ambiguous." (Koselleck 2011, 18)

³⁷ It is worth recalling here Koselleck's assertion that concepts may never be defined but must remain somewhat ambiguous (Koselleck 2011, 18).

in the Preface to *The Concept of the Political* that the three types of enmity were insufficiently distinguished in the original *Concept of the Political*, thereby implying that all three were present from the start, rather than amounting to a later addition to his concept of the political (Schmitt 1992a, 52). However, Schmitt does not provide a clarification of his original intention, nor does he point to where the different types of enemy are discussed in the *Concept of the Political*. Rather frustratingly, therefore, it remains unclear how the three types of enmity relate to the concept of the political itself – at best, this must be reconstructed from the body of Schmitt's later writings.

2.3.1 Conventional Enmity

Conventional enmity can best be summed up as a formalised, restricted form of opposition which is stripped of its existential quality. It relies on political actors being united by mutual recognition and common political rights, allowing each other the pursuit of *justus hostis*, the right to wage war. Schmitt ties conventional enmity mainly to the era of the *jus publicum Europaeum*,³⁸ in which war was "bracketed," "humanized"³⁹ and

³⁸ It should be noted that conventional enmity was not only present in the *jus publicum Europaeum* – the *Respublica Christiana* achieved a similar bracketing of war in Europe through the central authority and community of the Christian church (Schmitt 2003, 58).

³⁹ The reference to bracketed war as "humanized" plays on what Schmitt identified as a double concept of humanity: "the idea of humanity is two-sided and often lends itself to a surprising dialectic." (Schmitt 2003, 103) Humanity can refer both to a status as human being, as part of a human community, and to a standard of civilization, as in the humanist movement. Schmitt notes that, for instance, while Native Americans were considered human (rather than animals) by mediaeval Spanish jurists, they were outside of humanity in that they did not conform to European standards of civilization (Schmitt 2003, 102–104). Here, by describing war as "humanized," Schmitt refers both on this sense to war as *humane*, as conforming to higher standards of what is meant to be human, and also that the enemy is not treated as excluded from humanity, as *hostis generi humanis* (Schmitt 2011c, 27). Conventional enmity is humanised by the fact that all parties are deemed 'human' and behave according to a normative conception of 'humanity.'

"rationalized" through "juridical formalization." (Schmitt 2003, 121) As Hooker states, conventional enmity is a form of opposition expressed within the political order, and which confirms the political *status quo*: "wars, of course, do not challenge the coherence of a *nomos per se*." (Hooker 2009, 80) By considering war and enmity as "war in form," thus, political parties restrict the virulence and intensity of enmity through a preservation of formalised agreements beyond any expression of hostility (Schmitt 2003, 141).

Conventional enmity, therefore, relies on the presence of mutual recognition and bonds between political sovereigns, who form something of an association of states with the right to wage legitimate war: "Like fathers, heads of government welcome each other into an old and exclusive club." (Onuf 2009, 16) The enmity within this association of sovereigns does not negate "the largely unseen network of obligations that supervene the formal entailments of sovereign equality" (Onuf 2009, 16) and which form the basis of this mutual recognition. Within this system, for Schmitt, "war became somewhat analogous to a duel," (Schmitt 2003, 141) providing parties with a rigid form in which competing claims could be tested through an artificial test of strength. The rules of the duel are established by convention and norms prior to the eruption of a dispute, and the form of the duel is not dependent on the content of the conflict. Similarly, for Schmitt, "regarding an enemy as both a just and an equal partner meant that peace could be made with that enemy – his ultimate destruction was not sought, but conflict with him was possible and regulated." (Odysseos and Petitto 2007a, 7) The conventional enemy is regarded as a legitimate political entity, not as a criminal, leading to the possibility of negotiated peace.

Conventional enmity, therefore, relied on the constitution of "spatially defined units [...] conceived of as *personae publicae* living on common European soil and

belonging to the same European 'family.'" (Schmitt 2003, 141) As both Schmitt and Chris Brown have emphasised, the success of this bracketing of enmity under the *jus publicum Europaeum* had much to do with the personal connections of rulers, and the fact that state, territory and sovereign powers were conceived as attributes of a personalised king (Brown 2002, 28–33). This personalisation and clarification of borders led to the establishment of "sharp and clear" distinctions (Schmitt 1992a, 43–44) between public and private actors, between peace and war, and between the territories of different states. As such, conventional enmity relied on the preservation of formalised order, and the abhorrence of disturbances to the existing order.

2.3.2 Real Enmity

Unlike conventional enmity, real enmity entails an abandonment of formalised structures in favour of an expression of existential enmity. Discussed mainly by Schmitt in relation to the partisan fighter (Schmitt 2007d), it entails a suspension of the bracketing of war, triggered by an unbalancing of the status quo. While conventional enmity allows for the preservation of a "balance" between powers, a legalised status quo in which states possess equal and reciprocal political rights (Schmitt 2003, 133–135; 145), a disturbance of this status quo leads to a suspension of the bracketing of war and the expression of real enmity, as states seek to preserve their political rights and existence. As Hooker writes, "real politics within a contained system (the state system) seems at first glance a non sequitur." (Hooker 2009, 52) As such, as the example of the partisan makes clear, real enmity is fundamentally defensive, seeking to preserve the political community against an aggressor. As Slomp writes, "the Schmittian enemy poses a threat because he endangers the existence of the political entity (be it a state, party or group) which in turn

is the precondition of our own being."⁴⁰ (Slomp 2009, 27) In such cases, real enmity and real war constitute the existential effort to preserve the political entity: as Schmitt writes, "only a weak people will disappear."⁴¹ (Schmitt 2007c, 53)

The precondition of real enmity is thus the denial of the enemy's legitimate hostility (Slomp 2005, 510). As it is a fundamentally defensive form of enmity, meant to ward off an attack that "intends to negate [its] opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence," (Schmitt 2007c, 27) the pursuing of a real enmity does not entail the annihilation of the enemy as a political entity, but his elimination as a political threat in a given territory.⁴² In other words, real enmity can be conceived as a reaction against an aggressor who transgresses the formalistic structure which guarantees the existence of conventional enmity.

2.3.3 Absolute Enmity

In the case of absolute enmity, the hostile party is not ascribed any form of legitimacy, but must rather be annihilated and utterly destroyed. Schmitt draws clearly this distinction between real and absolute enmity in *The Concept of the Political*, when discussing "the absolute last war of humanity:"⁴³

⁴⁰ Although Slomp does not specify it here, this statement applies to real enmity.

⁴¹ This will be discussed further in chapter 3.

⁴² Slomp writes that "whereas peace with the enemy is the normal conclusion of hostilities in inter-state wars, for the Schmittian partisan peace and war are moments of the struggle that cannot end until the annihilation of the enemy" (Slomp 2005, 511); this, however, must be read in relation to the opposition to occupation mentioned immediately before, and particularly in relation to the telluric character of the authentic partisan, who acts only within a given territory. Thus, Slomp clearly affirms that "real enmity is, Schmitt insists, relative and not absolute, defensive and not aggressive." (Slomp 2005, 511)

⁴³ That is the name given by Schmitt to the military opposition by pacifists to war, to a "war against war."

Such a war is necessarily unusually intense and inhuman because, by transcending the limits of the political framework, it simultaneously degrades the enemy into moral and other categories and is forced to make of him a monster that must not only be defeated but also utterly destroyed. In other words, he is an enemy who no longer must be compelled to retreat into his borders only. (Schmitt 2007c, 36)

Here, Schmitt clearly establishes that treating an enemy as someone to be "utterly destroyed" leads to the "transcending of the limits of the political framework." In other words, in absolute enmity, the enemy is not viewed as part of a relationship, but merely as an object of violence. Such an enemy has no "borders," no territory, no legitimate existence. He is only an object on which violence is applied, which has no recognised means of expressing itself politically. Such an enemy is not "on the same level" as the self (Schmitt 2007d, 85), but exists only in order to be destroyed.

This passage also establishes the link between absolute enmity and moralisation. While Schmitt has no issue with political enmity generating moralistic rhetoric (Schmitt 2007c, 27), he takes issue repeatedly with abstract moral principles overtaking concrete political concerns. As he writes, "the justification of war does not reside in its being fought for ideals or norms of justice, but in its being fought against a real enemy." (Schmitt 2007c, 49). In a war driven by ideology or abstract moral principles (which, in being used as a justification for war, necessarily become ideologised), the enemy necessarily becomes *inimicus* (Schmitt 2007c, 28), the representative of abstract evil, who is hated for its being and must be eliminated by all means available (Slomp 2009, 87). Such an enemy becomes the enemy of humanity, and ceases to be human (Bernstein 2013, 39). Absolute hostility becomes therefore an unbridgeable void between, on the one side,

a righteous, ideological humanity, and on the other, the enemy of humanity, the inhuman: "Only when man appeared to be the embodiment of absolute humanity did the other side of this concept appear in the form of a new enemy: the inhuman." (Schmitt 2003, 104) Such hostility cannot be political, as the enemy has no status, no legitimacy, no proper existence; most importantly, such violence cannot be ordered or constrained – evil cannot be allowed to exist in the world, and the inhuman cannot be given a legitimate status along the human.⁴⁴

2.4. Real Enmity as a Borderline Concept

As mentioned at the beginning of this section, Schmitt does not clarify how the three types of enmity ought to be distinguished in *The Concept of the Political*; nor does he explain how they relate to the political. As a result of this, despite seemingly discussing three subdivisions of political enmity, he regularly seeks to exclude absolute enmity from the realm of the political. As quoted above, absolute enmity "[transcends] the limits of the political framework" (Schmitt 2007c, 36); in fact, it may not be enmity at all (Schmitt 2007d, 94).⁴⁵ Nevertheless, I conclude this chapter by providing a general conception of the political enemy for Schmitt. In the *Concept of the Political*, Schmitt writes that the political distinction of friend and enemy "denotes the utmost degree of a union or separation, of an association or disassociation." (Schmitt 2007c, 26) Therefore, I argue that political enmity, for Schmitt, is a relationship between political actors, which may take multiple forms, but which rests upon two parties conceiving of themselves as being

⁴⁴ See Schmitt's discussion of the pirate as *hostis generi humanis* (Schmitt 2011c).

⁴⁵ Schmitt has – somewhat – acknowledged this confusion, seeking to draw a contrast between the English terms "enemy" and "foe" which both correspond to the German "Feind." (Schmitt 1992a, 54; Schwab 1987; Ulmen 1987) The enemy, therefore, would be by definition limited and political, while the foe would be absolute.

in relation with each other.⁴⁶ In other words, the disassociation entailed by political enmity rests on a common relationship, albeit one of opposition. As Schmitt writes, "an enemy is not someone who, for some reason or other, must be eliminated and destroyed because he has no value. The enemy is on the same level as I." (Schmitt 2007d, 85) Enemies are "antitheses" (Schmitt 2007c, 28) with a "polemical character" (Schmitt 2007c, 31) which finds its realization in "the ever present possibility of combat," (Schmitt 2007c, 32), not in the annihilation of the other. Human life exists through a "specifically political tension" which rests on the continued relationship of enmity, on the maintaining of this "meaningful antithesis." (Schmitt 2007c, 35)

In this, I echo Nicholas Onuf's conception of the international world as being ruled by "heteronomy," namely, by "many partners bound together by agreement, reciprocity." (Onuf 2009, 8) Onuf, like Schmitt, explicitly defines enmity as a relation: "As enemies, we are partners in enmity." (Onuf 2009, 8) Thus, while political enmity represents an intense form of disassociation which entails by definition an opposition which may lead to war and killing (Schmitt 2007c, 33), it nevertheless presupposes minimally the recognition of the other as a political entity. As Hooker notes, paraphrasing Schmitt, enemies are united by a common "grammar of enmity" which is present in the order itself, within the *nomos* (Hooker 2009, 169).

⁴⁶ The partisan is somewhat of an exception or rather a problematization of this question of reciprocal enmity, as he is not legitimised by itself and through the friend, although not through the enemy (Schmitt 2007d, 74). The partisan exists in this twilight zone of the political to which Schmitt refers to as the "Acheron" (Schmitt 1992b, 85), from which he draws his military and political irregularity. The legitimacy of the partisan will be discussed further in Chapter 3 (and below), but suffice it to say that the identity of the partisan remains fundamentally relational. It is, after all, in relation to the partisan that Schmitt writes that "the enemy is our own question as *Gestalt* [Der Feind ist unsere eigene Frage als *Gestalt*]." (Schmitt 2004a, 61; Schmitt 1992b, 87).

Therefore, along with sovereignty (Schmitt 2005c, 5) and war (Ojakangas 2006, 97), I suggest that real enmity constitutes a "borderline concept," in that it pertains "to the outermost sphere" of the political, namely the distinction of order and disorder, of cosmos and chaos (Schmitt 2005c, 5).⁴⁷ Real enmity constitutes the borderline concept of the political – both as the affirmation of the political as "the most extreme point, that of the friend-enemy grouping" (Schmitt 2007c, 29) and as the boundary which antagonisms cannot transgress without becoming unpolitical (or even antipolitical). For this reason, real enmity is perhaps the most authentically political, as it concerns the border between order and disorder, between status quo and upheaval. It concerns the whole of the Schmittian notion of *stasis*, upheaval and stability simultaneously (Schmitt 2008, 123).

Political enmity is fundamentally relational, in that it recognises the possibility – or the reality – of fighting with the enemy, while such fighting is restricted by the recognition of the other's legitimate political existence.⁴⁸ This mutual recognition of political adversaries provides the "grammar of enmity" and of order. The structure of the order, as such, determines the type of enmity which may be expressed within it and what types of political actors may be considered as legitimate bearers of enmity. Most fundamentally, for Schmitt, political enmity is conceived as an enmity between public

⁴⁷ "For Schmitt, the decisive place in this configuration is the borderline between inside and outside, between order and disorder. It is this position of in-between which guarantees that the inside remains open to the outside and the movement of living history continues. All of Schmitt's central concepts orient themselves to this position which is also why he calls them borderline concepts (*Grenzbegriff*). A borderline concept indicates the extreme sphere of an order – the point at which a given order opens up to the outside, that is to say, to disorder and chaos. Nevertheless, this extreme sphere is also the point at which the order is created and maintained." (Ojakangas 2006, 16)

⁴⁸ In the case of the partisan, the recognition of legitimacy is provided by the invading party to the regular political authority which the partisan claims to represent (see Chapter 3). While the partisan denies the *justus hostis* of the invader, he does not challenge that enemy's right to exist.

institutions, or representatives of a community, to the exclusion of private enmity: “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. The enemy is *hostis*, not *inimicus* in the broader sense.” (Schmitt 2007c, 28) As Onuf writes, “already constituted, kinds of partnerships effectively select individuals to serve as partners.” (Onuf 2009, 9) The “kinds of partnerships” are provided by the “grammar” of the political order, and select “individuals” – namely, in Schmitt's (and Onuf's) conception, “*magni homines*” (Schmitt 2003, 142), to engage in political relationships.

2.4.1 The Real-Absolute Border

In terms of enmity, this border between order and disorder corresponds to the border between real enmity and absolute enmity. The distinction between real enmity and absolute enmity, in other words, pertains to a distinction between a form of enmity which is related to order and seeks to maintain order, and one which seeks to destroy order completely. Slomp, as such, has argued that while Schmitt distinguishes three types of enmity, concretely, the most significant distinction, for him, is that between limited and unlimited enmity (Slomp 2009, 93). Indeed, particularly when real enmity is considered a borderline concept, the significance of the distinction between concrete, genuine enmity and abstract, absolute enmity can hardly be overstated, as Schmitt very clearly seeks to distinguish the two. The partisan, as the bearer of real enmity grounded in an existential political commitment, is thus “the last sentinel of the earth, as a not yet destroyed element of world history,” (Schmitt 2007d, 71) against the sweeping absolute

enmity derived from the sea.⁴⁹ Schmitt very clearly construes the preservation of real enmity as the last rampart of the political as a mode of existence that gains its significance from struggle and combat (Schmitt 2007c, 33; Schmitt 2007d, 85) rather than from destruction (Schmitt 2007c, 36).

The limited, defensive aim of real enmity is emphasised by Schmitt, in distinction to the offensive form of absolute enmity. The partisan, for instance, relies first and foremost on a telluric bond, which makes "the defensive, i.e., limited nature of hostility, spatially evident, and [guards] it against the absolute claim of an abstract justice." (Schmitt 2007d, 20). It is crucial, for the continuation of the political, that "the real enemy will not be declared to be an absolute enemy, also not the last enemy of mankind," (Schmitt 2007d, 92) as such a transition would lead to a collapse of concrete political order and its replacement with the "absolute claim of an abstract justice, which would not be ground in a recognition of human nature and the necessity of political order, but rather be divorced from concrete reality. As long as the borderline concept of real enmity is preserved and secured, the world will continue to be ordered: "Only the denial of real enmity paves the way for the destructive work of absolute enmity." (Schmitt 2007d, 95)⁵⁰

Another point highlighted by Slomp is that the political is, for Schmitt, constituted of the distinction of friends *and* enemies (Schmitt 2007c, 26).⁵¹ Absolute enmity leads to the elimination of the friend, as it means positioning oneself strictly in relation to an enemy to be eliminated. As such, one of the preconditions for absolute enmity is the

⁴⁹ Both the opposition of land and sea and the figure of the partisan will be discussed in Chapter 3.

⁵⁰ As such, I agree entirely with Slomp that Schmitt does not glorify absolute enmity, but rather seeks to oppose it in favour of some form of limited enmity – conventional or real (Slomp 2009, 92)

⁵¹ See also Ulmen's footnote in (Schmitt 2007d, 85)

disappearance of the friend – there is only the self and the enemy, with no mediating power or other groups (Slomp 2007, 202). Slomp in particular discusses the case of Raoul Salan, brought up by Schmitt in the *Theory of the Partisan*.⁵² For Slomp, in Salan we find the story of a man who, according to Schmitt, lost his political identity," (Slomp 2007, 207) as he found himself surrounded by enemies: first the Algerian guerrilla, then France, then all of anti-colonialism. As Bernstein writes, "the bearers of absolute enmity perceive themselves as surrounded by Evil," (Bernstein 2013, 39) leaving no room for friends. Furthermore, as Slomp notes, it is inherent to the concept of the political that political identities are never fixed: "present allies can become our future enemies just as our present enemies can become our future friends." (Slomp 2007, 207) In the case of Salan, and indeed in the case of absolute enmity in general, any situation other than this unbridgeable hostility is unthinkable: the inhuman, radical evil, cannot be politically rehabilitated, but can only and must be annihilated.

Absolute enmity represents therefore a total rejection of the political and political ordering: "The war of absolute enmity knows no bracketing. The consistent fulfilment of absolute enmity provides its own meaning and justification." (Schmitt 2007d, 52) A commitment to absolute enmity reduces real and conventional enmity to mere "play," that fails to define itself in relation to the meaningful totality – the annihilation of the absolute enemy. (Schmitt 2007d, 52) As such, in Prozorov's words, absolute enmity becomes not political enmity, but enmity of the political – a hostility against the political order that allows such an absolute enmity to exist (Prozorov 2009, 243). The absolute enemy, as Onuf notes, is the utter and complete stranger, which represents an irreducible threat:

⁵² Raoul Salan was the commander of French forces in Algeria before leading the putsch attempt against the French government in 1961.

"Strangers have no place in a world of brothers, of friends, rivals and enemies, of partners." (Onuf 2009, 9) In a Schmittian political world, therefore, absolute enmity represents nothing else than the spectre of unrestrained violence against order – of chaos.⁵³

Finally, one question that remains unclear for Schmitt is the question of whether a political enemy is declared – that is, determined arbitrarily by a sovereign decision – or recognised – that is, merely acknowledged and accepted by the decision. Schmitt seems to waver between the two, never providing a clear answer to this question. In the *Theory of the Partisan*, Schmitt writes, very ambiguously that "Eine Kriegserklärung ist immer eine Feind-Erklärung" (Schmitt 1992b, 87), with "Feind-Erklärung" meaning both "declaration" and "clarification" of an existing enmity.⁵⁴ The very story of Raoul Salan, which Schmitt discusses in the *Theory of the Partisan*, further blurs the picture, as Salan declares two wars at once, thereby "[losing] his political identity." (Slomp 2007, 207) As Slomp notes, Salan failed to recognise his enemy properly, trying to position himself simultaneously against two negations, thereby losing his political bearings. Ultimately, therefore, it would appear that, as enmity represents the existential "negation" of the self, (Schmitt 2007c, 27) it "comes from the soul," (Slomp 2007, 206), and most importantly, it is constituted of a relationship between the self and the other, the enemy is

⁵³ In ontological terms, the attempt to annihilate the other can be equated to a desire to negate the ontological plurality of the world in order to instil an ontological uniformity ripe for hegemony. In this, see Schmitt's critique of liberalism (Schmitt 2007c, 69–79; Schmitt 2007b)

⁵⁴ Interestingly, the two translations published by Telos Press' differ (both were prepared by Gary Ulmen, but he disavowed the first when changes were made without his consent). The 2004 version reads "a declaration of war always implies the identification of an enemy" (Schmitt 2004b, 71), whereas the 2007 version reads "a declaration of war is always a declaration of an enemy." (Schmitt 2007d, 85). A. C. Goodson, meanwhile, circumvented the problem by writing of "a declaration of enmity," which is incorrect (the original has "Feind," not "Feindschaft") (Schmitt 2004a, 61).

simultaneously declared by and imposed upon the self. The enemy is declared to the extent that it is declared to be a legitimate enemy with political status: 'The enemy is on the same level as I.' (Schmitt 2007d, 85) Fundamentally, however, the political enemy does not represent an ontological Other to be annihilated. Enmity, when ascribed to a determined foe to be eliminated (as in the case of absolute enmity)⁵⁵ does not rely on the dialectic of recognition and declaration – it denies the fact that "the enemy is our own question as *Gestalt*." (Schmitt 2004a, 61)⁵⁶ The following section will, by describing the three types of enmity, emphasise this distinction between political and anti-political enmity.

2.5. Conclusion

This chapter has sought to advance four main arguments, which together constitute a foundation for the exploration of the spatial and bellicose dimensions of the concept of the enemy. First, I argued that Schmitt's concept of the political is founded in a coherent conception of human nature as fundamentally violent, which is grounded in radical alterity. As the human world is fundamentally plural, dynamic, and potentially dangerous, the political must be based in a recognition of this ontological reality. Second, from this potential violence arises the existential need for the political, through the imposition of meaningful order. The political is intrinsically connected to order and cannot exist without order. Third, political enmity, founded in the concept of the political as political order, is conceived by Schmitt as a relationship between parties which claim

⁵⁵ "Why, truly, your great Enemy is the Spaniard. He is a natural enemy." (Oliver Cromwell, in Schmitt 2007c, 68).

⁵⁶ I use here exceptionally Goodson's translation, as Ulmen inexplicably omits the sentence altogether from his translation.

equal political legitimacy. Enmity, as such, is related to a certain "grammar" inherent to the order which dictates how these relationships are established and who may enter into political relationships. Finally, in situating the three Schmittian categories of enmity within the overarching concept of enmity, I argued that real enmity represents a borderline concept, in which the stability and existence of a given political order are challenged. I further established that Schmitt emphasised the distinction of real and absolute enmity as the location of the border of the concept of the political, and that absolute enmity transcends this border by rejecting political order altogether and seeking to resolve ontological pluralism into hegemonic universalism through unmediated hostility.

It must, therefore, be once again emphasised that the thread running through this chapter, and indeed through the following chapters, is that Schmitt's works can be interpreted as a coherent unity putting forth a unified concept of the political and of enmity. It is possible, and indeed fruitful, to read *The Concept of the Political*, *The Nomos of the Earth*, and *The Theory of the Partisan* as complementary and as commenting on each other, building on a common foundation and around a common core. While Schmitt is at times careless and imprecise – as he himself acknowledges, without correcting these defects – this does not signal fundamental transformations in his view of the political but rather an opportunity for complementary reading. It must also be emphasised that Schmitt's thought may not be read abstractly, or as providing rigid definitions, but must be interpreted in a way that retains its typological and conceptual flexibility. As Mitchell Dean (Dean 2006, 8) and Slomp (Slomp 2005, 517) have noted, forms of enmity are historically variable and are not tied to any specific situation, actor or historical form. The next chapter builds on the foundation established here, emphasising the relationship of enmity and war, and developing the Schmittian opposition of real and absolute enmity.

3. War and Enmity

The previous chapter established the foundation of enmity in a dynamic conception of human nature grounded in radical alterity, and argued that political enmity has its meaning in organised combat, not in annihilation (contra absolute enmity). Therefore, it has been established thus far that enmity relates to violent confrontation in relation to a spatial order. This second chapter assesses the links between enmity and war, with a particular attention to total war. My overarching contention is that, for Schmitt, war and enmity exist in a tightly-knit reciprocal relationship, in which the intensity of warfare and its relation to political order depends and conditions the form of enmity.⁵⁷ As Schmitt states, "in the theory of war, it is always the distinction of enmity that gives war its meaning and character." (Schmitt 2007d, 89). As he wrote in the aftermath of the First World War, which saw the eruption of new forms of total enmity (Schmitt 2007d, 95), this category features prominently in Schmitt's discussion of war and enmity. However, frustratingly, Schmitt never situates total enmity in relation to the threefold typology of enmity exposed in the previous chapter. This chapter, therefore, explores the category of total enmity and its relation to the political.

Schmitt notes that the historical developments of international law of conflict, warfare, and political enmity are not distinct threads running in parallel, but rather interrelated conceptual histories which cannot be properly separated from each other. As such, "the history of international law is a history of the concept of war." (Schmitt 2011e, 31). What has changed in the twentieth century, through the decay of the *jus publicum*

⁵⁷ Schmitt conducts himself a – rather sparse and short – assessment of such links in the second corollary to *The Concept of the Political* in the 1963 edition (Schmitt 1992a, 161–172).

Europaeum is not only the forms of warfare, law and enmity, but the relationship between these three elements. While "war has its meaning in enmity," (Schmitt 2007d, 59) this is not to mean that enmity always precedes war. In fact, Schmitt concludes that this relationship may be monodirectional or reciprocal, and go in either direction, depending on the circumstances and depending on whether one is dealing with war as a "state" or as an "action" (Schmitt 1992a, 161–162).⁵⁸ At any rate, Schmitt affirms unquestionably that "nowadays, 'enemy' is, relative to 'war', the primary concept," drawing a clear contrast with the "cabinet and duel wars, or other merely 'agonal' types of war."⁵⁹ (Schmitt 1963, 102) What changes at the turn of the twentieth century is therefore not only the type of war and enmity – most prominently the quasi-disappearance of conventional enmity – but rather the direction of the relation between the two. In the conventional war of the *jus publicum Europaeum*, war produced (formal) enmity; "nowadays," enmity produces war, without any necessary prior combat. It would therefore be possible to suggest the following typology: in conventional enmity, war begets enmity;⁶⁰ in real enmity, war and enmity begin and recede inseparably from each other; in absolute enmity, enmity begets war (Schmitt 2007d, 51), and war continues as long as the absolute enmity persists.

This chapter, overall, argues that Schmitt espouses a conception of total war based on the element of the land, in opposition to the sea; Schmitt's discussion of total war, therefore, must be read both in relation to his opposition of land and sea, and to his discussion of the partisan. This chapter proceeds in three different sections which all explore different aspects of total warfare. The first section, continuing on the theme of

⁵⁸ The distinction amounts to whether one *is* at war or whether one *wages* war.

⁵⁹ "Feind ist heute im Verhältnis zu Krieg der primäre Begriff."

"Kabinetts- und Duellkriegen oder ähnliche nur 'agonale' Kriegsorten."

⁶⁰ This is to mean that parties become enemies by engaging in war, and cease to be enemies when the war is concluded.

spatial order from the last chapter, develops Schmitt's distinction between land and sea and their distinct types of total war and enmity. This opposition is particularly significant in regards to Schmitt's discussion of the British turn to the sea from the eighteenth century onwards. The second section discusses Schmitt's conception of war in relation to Carl von Clausewitz, particularly on the distinction of offensive and defensive war. The role of total war in Clausewitz's thought is also discussed, as Schmitt deems Clausewitz the first theorist of total war (Schmitt 1999, 28). The third section deals with Schmitt's use of the partisan as the point of intersection of war and politics and situates partisan warfare within the framework of enmity developed in Chapter 2. Particular attention is devoted to the partisan's relationship with regularity, with the state, and the impact of such relationship on enmity.

3.1. Land and Sea

As part of his turn to the spatial dimensions of order, Schmitt presents the opposition of the elements of land and sea, expressing two distinct mythical "grand possibilities of human existence." (Schmitt 2015c, 10) As "possibilities of human existence," land and sea represent not (only) concrete spaces but also modes of spatial organisation, of orientation, and most importantly, systems of values and of perception of political reality. Simply put, therefore, the decision between land and sea determines the spatial organisation of the world, and therefore the whole conceptual field of the political: "A spatial revolution involves a change in the concepts of space encompassing all the levels and domains of human existence." (Schmitt 2015c, 57) As Hooker writes, ordered land, free land, and free sea are "each with varying tendencies towards the definition of enemy, property and authority." (Hooker 2009, 93) More than a mere

physical reality, land and sea are used by Schmitt as overarching spatial-conceptual orientations which determine the forms of political order and of war.

Historically, the great "war of the elements against one another" (Schmitt 2015a, 60) was made most manifest in the development of the *jus publicum Europaeum* after 1713, when Great Britain made the decision to orient itself in relation to the sea rather than the land of the continent, and "heeded the historical call of the time."⁶¹ (Schmitt 2015a, 70) Through the British decision in favour of the sea, a new concept of war entered the European world and, according to Schmitt, ended up overtaking land-based conceptions of war as the dominant principle of European conflict. While land-appropriations, as described in Chapter 2, ground concrete political order by uniting space, law, and power (Zarmanian 2006, 56–57), on the sea, order cannot be similarly imposed through appropriation. Unlike the land, which can be demarcated and appropriated (Schmitt 2003, 42), lines and fences have no place on the sea: only Britain, through the exceptional decision in favour of the sea, achieved a sea-appropriation (Schmitt 2015a, 69; Schmitt 2015c, 72).⁶² Therefore, unlike land which exists to be ordered, the sea is a space of uncertainty and disorder: "The sea represented the pregnant

⁶¹ The decision in favour of the sea is equally a rejection of the land: England "really displaced its existence away from the land and into the element of the sea." (Schmitt 2015c, 47)

⁶² In *The Nomos of the Earth*, Schmitt fails to distinguish coastal waters from open, free oceans. While he writes that "the Assyrians, the Cretans, the Greeks, the Carthaginians, the Romans in the Mediterranean, the Hanseatics in the Baltic, and the British in the oceans of the world all 'appropriated the sea'," (Schmitt 2003, 44) in *Land and Sea* he distinguishes between rivers, seas, and oceans (Schmitt 2015c, 16–25) and explicitly rejects the idea of a Roman sea-appropriation (they engaged in land warfare on water rather than embraced the sea) (Schmitt 2015c, 24).

possibility of disorder – *utopos*, formlessness, nihilism – and there was no apparent way to contain this possibility within an order of territory."⁶³ (Hooker 2009, 95)

As such, the sea entails a different conception of war and enmity from that of the land. Simply put, there is no possibility of conventional, restricted enmity on the sea. Sea war is, by definition, prone to totalisation, as the absence of ordering distinctions (civilian/military, peace/war, territorial boundaries) led to "a seamless continuum between trade, political power and piracy." (Hooker 2009, 86) Land war is not immune to totalisation; however, totalisation on land is achieved differently from that on the sea (Schmitt 1999, 32). Land "war is a relation between state and state" (Schmitt 2015c, 75); it is a war *for* territory, intimately related to space and control of territory. In contrast, the sea is a "theatre," (Schmitt 2003, 43) a surface *on* which war is waged. The sea sustains a conception of space for trade routes, not for appropriation (Schmitt 2011d, 91).⁶⁴ For this reason, the totalisation of sea warfare depends on the absence of distinction between war and economy, between trade and warfare. For Schmitt, "there is an Anglo-Saxon concept of enemy, which in essence rejects the differentiation between combatants and non-combatants, and an Anglo-Saxon conception of war that incorporates the so-called economic war." (Schmitt 1999, 34) The "continuum" of trade and military power

⁶³ While Hooker calls the sea "disordered," I prefer the term "unordered"; the sea, for Schmitt, is fundamentally impermeable to order; while land is "firm," the sea is "free." (Schmitt 2003, 37) Land in which order has broken down can be "disordered," but the sea can never be properly ordered, and therefore remains "unordered." Even the British sea appropriation did not order the sea, as the sea was rather appropriated to exert hegemonic control over the land throughout the world.

⁶⁴ As the sea was never appropriated (until the Treaty of Utrecht (Schmitt 2015c, 36)), it was a space ripe for piracy (Schmitt 2003, 43), in the absence of a state to police it (Schmitt 2011c, 27). The pirate is therefore *hostis generi humanis* – the most utter stranger, unconnected to the order of the land.

on sea means that all enemy ships may be targeted, irrespective of their political-military or merchant mission.

Therefore, total war on sea entails a totalisation first and foremost on the side of the target. A sea-based total war makes no difference between economy and military targets, between civilian and military. In contrast, a total land war is total on the side of the community that fights, in that it stems from total mobilization (Schmitt 1999, 32). As such, when Schmitt calls Clausewitz the first theorist of total war (Schmitt 1999, 28), he refers among others to Clausewitz's support for total mobilisation in Prussia in 1813 (Schmitt 2007d, 8; 44–47). As such, total land war seems to be rather in line with Schmitt's conception of real enmity as a total defence against an existential threat.⁶⁵ It consists in the "summoning up of one's strength to the limit," (Schmitt 1999, 29) as is required in response to an existential threat. In summary, then, Schmitt's argument suggests that the rise of offensive total war is attributable to a change of spatial principle from the land to the sea, which has led to the breakdown of the restrictions on war entailed by land-based organisation.⁶⁶

⁶⁵ As will be argued later in this chapter, the partisan is a figure of total war, despite being telluric and defensive.

⁶⁶ Another aspect of the opposition of land and sea leads Schmitt into the terrain of philosophical world history. For Schmitt, "world history is a continuous confrontation between land powers and sea powers," (Schmitt 2015a, 58) indicating that history concerns the struggles over the spatialisation and definition of political order. In describing these confrontations, Schmitt reaches a frenetic, almost apocalyptic tone in which he describes total war as, quite literally, war for the totality of the earth: "Whenever enmity between great powers reaches a climax, the martial confrontation plays itself out simultaneously in both domains, and the war becomes a land *and* sea war on both sides. Every power is compelled to follow the opponent into the other element. [...] When a world-historical opposition approaches its climax, then on both sides all material forces, all forces of soul, and all intellectual forces are brought to bear in the conflict to the greatest extreme. [...] At this point, the elementary opposition between land and sea is itself brought into the confrontation." (Schmitt 2015a, 60)

3.2. Clausewitz and Total War

As mentioned above, Clausewitz, for Schmitt, was the first theorist of total war (Schmitt 1999, 28). Schmitt argues (Schmitt 2007d, 46) that, for Clausewitz, partisan warfare, and through it, "total war, the pure element of enmity unleashed," (Clausewitz 1984, 605) was "systematically [worked] into his theory of war," which may seem to contradict Clausewitz's conception of war as limited presented in *On War*. While scholars of Clausewitz have argued for the presence of a strong link between Clausewitz's observations on partisan warfare and his comprehensive theory of war presented in *On War* (Scheipers 2016, 345; Davis 2015, 18), Schmitt might seem to imply that Clausewitz embraced partisan warfare entirely, which somewhat clashes with his suggestion that "war is nothing but a duel on a larger scale."⁶⁷ (Clausewitz 1984, 75) While Clausewitz acknowledges that "war itself has undergone significant changes in character and methods, changes that have brought it closer to its absolute form" and brought about a new "degree of energy in war," (Clausewitz 1984, 610) his emphasis on the distinction between pure (absolute) and real war⁶⁸ (Clausewitz 1984, 79–81) cannot be ignored, as Schmitt seems to do.⁶⁹ Schmitt recalls Clausewitz's exposé of war in Chapter 1 of Book 1 of *On War* explicitly when he argues that Clausewitz associates the partisan with "the

⁶⁷ Interestingly, however, Clausewitz uses the word "Zweikampf," (Clausewitz 1980, 191) which essentially means a contest between two adversaries, a struggle of force – indeed, his analogy is that of a pair of wrestlers (Clausewitz 1984, 75), which suggests that force and combat are primary. Schmitt, by contrast, likens conventional war to a "Duell," (Schmitt 1997, 113–115) which refers to the rule-bound arranged confrontation between individuals. Therefore, while Clausewitz emphasises combat as the essence of war (see Clausewitz 1984, 95), Schmitt emphasises rather the rule-bound, formalised aspect of conventional warfare. Nevertheless, the contrast of regular army/irregular partisan is somewhat at odds with a conception of war as a "Zweikampf."

⁶⁸ Real war, for Clausewitz, is restrained by limited political aims and by friction (Clausewitz 1984, 119).

⁶⁹ In other words, Schmitt seems to suggest that Clausewitz sets up a model of conventional war only in order to subvert it through the introduction of total war.

exploding forces in war," (Schmitt 2007d, 46), in contrast to Clausewitz's assertion that the violence of war "is not of the kind that explodes in a single discharge [...but] a pulsation of violence" which "explodes and discharges its energy" in a lasting and controlled manner (Clausewitz 1984, 87). The suggestion on Schmitt's part, therefore, is clearly that partisan warfare brings about this new "degree of energy" which destabilises the regular understanding of war and brings it closer to total, pure, war.⁷⁰

Clausewitz, ultimately, seems more intent on presenting total war as a misconception to be rejected than as an actual development of warfare. Thus, while he acknowledges that there exists at times a tension between pure war and war as a political instrument, he remains firmly on the side of the primacy of the political; in other words, he rejects the possibility of war overtaking policy: "War, therefore, is an act of policy. Were it a complete, untrammelled, absolute manifestation of violence (as the pure concept would require), war would of its own independent will usurp the place of policy the moment policy had brought it into being. It would then drive policy out of office and rule by the laws of its own nature, very much like a mine that can explode only in the manner or direction pre-determined by the setting. [...] But in reality things are different, and this view is thoroughly mistaken." (Clausewitz 1984, 87) Nevertheless, while he rejects this possibility, he does provide a starting point for a conception of total war, of the logic of

⁷⁰ Peter Uwe Hohendahl has, in contrast, argued that Schmitt's recuperation of Clausewitz's (failed) advocacy of partisan warfare in 1812-1813 demonstrates the "strategic military as well as political priority of interstate warfare as the legal and ethical standard." (Hohendahl 2011, 532) While Schmitt does highlight the dialectic and interdependence of regular and irregular military organisations, the text *Clausewitz als politische Denker* makes clear that what Schmitt sees in Clausewitz's defence of the partisan is not only embracing illegality but rather an appeal to a different source of legitimacy and ethics (Schmitt 2007a, 49). As he writes in the *Concept of the Political*, "if there really are enemies in the existential sense as meant here, then it is justified, but only politically, to repel and fight them physically." (Schmitt 2007c, 49)

war overflowing the formalistic limits of the political. Schmitt, therefore, while clearly not a Clausewitzian, remains nonetheless grounded in the Clausewitzian theory of war.

For Schmitt, the essence of total war lies in the total commitment of the whole community to the war effort – it requires the "summoning up of one's strength to the limit." (Schmitt 1999, 29) In other words, total war requires, by definition, the total engagement of a political community in combat – effectively, the fate of the community as a whole rests on the result of the fight. Total war, therefore, rests on the presence of a total enemy which existentially determines the community: "it is the total enemy that gives the total war its meaning."⁷¹ (Schmitt 1999, 31) Schmitt further notes that "a war may be total either on both sides or on one side only," (Schmitt 1999, 29) thereby noting that relations of enmity and intensity in warfare need not be symmetrical.⁷²

It is worth, in this context, revisiting the distinction between the two types of totalisation that Schmitt associated with land and sea, and which were described above. A further distinction introduced by Clausewitz, after that between absolute and real war, is that between offensive and defensive war, which obey different logics and seek different objectives (the former seeks to defeat the enemy decisively or achieve a certain objective, while the latter has a "negative" aim, preventing the enemy from achieving its goal) (Clausewitz 1984, 83–84). I suggest that this Clausewitzian distinction can be considered to correspond to the distinction of sea and land-based forms of total war. I conceive of total sea war as offensive, in that it entails the targeting of the totality of the enemy – it brings the war to the enemy as a whole, and therefore poses a total existential

⁷¹ The total enemy may be either a real or an absolute enemy, as both present an existential threat.

⁷² In conventional enmity, of course, a mutual and reciprocal respect for the form of war and the *justus hostis* of the enemy is necessary, thereby precluding asymmetrical enmity.

threat to the enemy. The "Anglo-Saxon concept of enemy [...] incorporates the so-called economic war," (Schmitt 1999, 34) as in sea war "the trade and economy of the enemy ought to be targeted." (Schmitt 2015c, 75) Targeting enemy civilians includes under the category of 'enemy targets' citizens which do not pose an immediate threat, as they are (by definition) not involved in combat; harming trade and economic assets seeks to injure the enemy community as a whole rather than merely denying the enemy its military objective. It involves the overstepping of the restraints placed on war and ignores the spatial bracketing of war. Total sea war tends therefore, in my view, towards offence, in that it relies on attacking enemy civilian targets, which is incompatible with the "negative" aim of defensive war. This conception of total war is in entire contrast to Clausewitzian war, which does not conceive at all of an attacker targeting enemy civilians indiscriminately.⁷³ It is, in addition, in opposition with Schmitt's conception of real enmity as being fundamentally defensive and deriving from an existential threat.⁷⁴

In contrast, total land war, which Schmitt associates with total mobilisation, would be a form of primarily defensive war, associated with real enmity. Total mobilization is associated with total defence of the political community in the face of an existential threat to the community.⁷⁵ Schmitt thus mentions that through compulsory military service (a form of total mobilisation), "all wars become in principle wars of national liberation,"

⁷³ Chapter 26 of Book 6 discusses popular uprising as a means of defence, but does not discuss how an occupier should react to an uprising. (see Clausewitz 1984, 479–483)

⁷⁴ See Chapter 2.

⁷⁵ The political community possesses "the right to demand from its own members the readiness to die and unhesitatingly to kill enemies;" (Schmitt 2007c, 46) "if such physical destruction of human life is not motivated by an existential threat to one's own way of life, then it cannot be justified [...] If there really are enemies in the existential sense as meant here, then it is justified, but only politically, to repel and fight them physically." (Schmitt 2007c, 49)

(Schmitt 2007d, 10) which supports the conception of total mobilisation as essentially defensive and connected to a territory. The prime example of this provided by Schmitt is that of Prussia during the Seven Years War, in which Prussia conducted a "relatively total" war through its total mobilisation of forces (Schmitt 1999, 30).⁷⁶ Similarly, Slomp has highlighted the importance of the telluric partisan as a figure of defensive total war. She describes the partisan group's unity as being the result of a "total bond" between its members (Slomp 2009, 65); this total bond arises through the complete mobilisation of the members of the group, who are willing to kill and be killed for the sake of their community (Slomp 2007, 210). The partisan, as such, engages in total war due to his total and existential commitment to the defence of the community.

As such, total sea war appears closer to absolute enmity, in that it seeks the complete destruction of the enemy without deriving from an existential threat. Therefore, the Schmittian association of total land war with real enmity feeds into his normative privileging of real enmity over absolute enmity, of existential politics rather than ideological politics, and of the land over the sea. It is in this context that "the partisan always has been a part of the true earth; he is the last sentinel of the earth as a not yet completely destroyed element of world history." (Schmitt 2007d, 71) The partisan defends a conception of total war which is entirely opposed to that of the sea; as "only the denial of real enmity paves the way for the destructive work of absolute enmity," (Schmitt 2007d, 95) only the preservation of total land war may prevent the onset of absolute total war.

⁷⁶ "In the Seven Years War, for instance, Frederick the Great had no thought of taking the offensive, at least not in its final three years. Indeed, we believe that in this war he always regarded offensives solely as a better means of defense." (Clausewitz 1984, 358)

Finally, I contend that one of the main components which Schmitt borrows from Clausewitz is the concept of the escalation in war. Schmitt argued that total enmity could arise through two opposed mechanisms. Total enmity may be the product of a political dispute, which then leads to total war; conversely, a regular (conventional) war may escalate militarily towards total war, to the point of fuelling total enmity (Schmitt 1999, 35–36). Schmitt very aptly states that war and enmity are not fixed categories, but are interlinked and may vary in intensity.⁷⁷ Similarly, Clausewitz argued for a recognition of the possibility of escalation or, rather, of friction being reduced and thereby increasing the intensity of war (Clausewitz 1984, 119). While war, in theory, "is an act of force, and there is no logical limit to the application of that force," (Clausewitz 1984, 77) in practice the belligerents moderate their use of force according to the political aim that they are seeking to pursue (Clausewitz 1984, 81). However, Clausewitz notes that this restriction – in Schmittian terms, "bracketing" – of force in war depends on interaction with the enemy, which may lead to an intensification of war (Clausewitz 1984, 77). Thus, "if one side uses force without compunction, undeterred by the bloodshed it involves, while the other side refrains, the first will gain the upper hand. That side will force the other to follow suit; each will drive its opponent toward extremes, and the only limiting factors are the counterpoises inherent in war." (Clausewitz 1984, 75–76) In fact, it is this

⁷⁷ Slomp has argued that all enmity is equally intense for Schmitt, as enmity concerns killing and dying (Schmitt 2007c, 46), which is always equally intense; since enmity represents "the utmost degree of intensity of a union or separation," (Schmitt 2007c, 26) only the targeting varies, not the intensity (Slomp 2009, 11). I disagree with Slomp, as Schmitt speaks repeatedly of enmity becoming more intense (Schmitt 2007d, 95; Schmitt 2015c, 63), and as the presence (or absence) of an existential threat which gives the political its existential quality may vary. Kam Shapiro has instead proposed a "threshold" of intensity beyond which disputes become political, and intensify in a different manner, essentially suggesting that Schmitt uses two different notions of intensity (Shapiro 2008, 41–42).

interaction and the inherent potential for escalation that drives war towards extremes (Clausewitz 1984, 75–77). While he argues that war follows from hostile intentions and not hostile feelings, he acknowledges that emotions "cannot fail to be involved" in war, and that they will have an effect on warfare (Clausewitz 1984, 76). As such, the Clausewitzian notion of war tending towards extremes (at least in theory) is helpful in clarifying the role of escalation in Schmitt's theory of warfare and enmity.

For Schmitt, similarly, the appearance of new forces in war forces the hitherto regular powers to intensify their struggle. Thus, in the confrontation of land and sea powers, "every power is compelled to follow the opponent into the other element." (Schmitt 2015a, 60) The appearance of partisans forces the regular army to abandon the restraints of conventional war and operate more ruthlessly and more violently: "one must operate as a partisan wherever there are partisans;"⁷⁸ (Schmitt 2007d, 13) the partisan, in Schmitt's words, gets "the Acheron moving" (Schmitt 2007d, 40) and "forces his enemy into another space [...] a dimension of the abyss." (Schmitt 2007d, 69) For this reason, I suggest that warfare, for Schmitt, has an innate tendency towards escalation, and towards an intensification of enmity.⁷⁹ If war can fuel enmity, then escalation in war threatens to lead to real or absolute enmity, which would sweep away every restraint on force and warfare.

⁷⁸ "il faut opérer en partisan partout où il y a des partisans."

⁷⁹ Even Benno Teschke, while blaming the political organisation of states rather than escalation, acknowledges that in the *jus publicum Europaeum* "scale and intensity, in turn, were radicalized by the frequency of war." (Teschke 2011, 204)

3.3. The Partisan

Among the wide range of Schmitt's interests, the partisan stands out as the clearest manifestation of his assertion that the concept of the state does not necessarily follow from the concept of the political (Schmitt 2007c, 19). The partisan, indeed, while not amounting to a complete rejection of the state system, nevertheless contains a combination of state-affirming and state-rejecting characteristics (Schulzke 2016a, 11); the partisan both originates from the state and presents a challenge to the monopoly of the state (Slomp 2005, 505). In the *Theory of the Partisan*, Schmitt engaged in "a conceptual study of the underbelly of European history since Napoleon," (Hooker 2009, 159) an exploration of irregular politics, in contrast to his previous focus on regular politics (and its breakdown). Through the partisan, "new horizons of war opened, new concepts of war developed, and a new theory of war and politics emerged," (Schmitt 2007d, 3) leading to the eruption of new forms of enmity and expressions of the political.

The partisan, Schmitt tells us, is defined first and foremost by irregularity. "The partisan fights irregularly," (Schmitt 2007d, 3) and therefore "the fact that he stands outside of this bracketing [of war] now becomes a matter of his essence and his existence." (Schmitt 2007d, 10–11) The irregularity of the partisan is however not merely military: "The partisan fights at a political front, and precisely the political character of his acts restores the original meaning of the word *partisan*." (Schmitt 2007d, 15) The partisan, therefore, combines military irregularity with political irregularity, being outside of the regular structure of political legitimacy and authority. Just as he is in fighting tied by opposition to the regular army (Schmitt 2007d, 3), he is politically tied to the concept of the state which he challenges. At the centre of these two facets of irregularity, Hooker correctly argues that one finds the concept of enmity (Hooker 2009, 184): what links the

irregularity of the military challenge with the irregularity of the political challenge is that both are united through the figure of a common enemy, namely an invader who has sought to destroy the political community.

As such, the partisan represents the barest form of enmity – a sort of organic, "telluric" real enmity connected with the territory which the partisan inhabits (Schmitt 2007d, 20). The partisan becomes the representative of the nation in arms, of a political community in revolt against a perceived illegitimate aggressor who has ignored the formalistic brackets on war and enmity. In discussing Clausewitz's manifesto from 1812, which calls for the "taking of a desperate risk" in engaging in partisan war against Napoleon (Schmitt 2007a, 47),⁸⁰ Schmitt notes the conflict of legitimacies triggered by the Napoleonic wars, with Clausewitz seeking both to uphold the dynastic legitimacy of the Prussian royal house and acknowledge (and even fire up) the nationalistic legitimacy of a popular uprising (Schmitt 2007a, 49–50).⁸¹ Through this manifesto, Schmitt argues, the key question answered was "who is the real enemy of Prussia?"⁸² (Schmitt 2007a, 48) The partisan, therefore, springs out of this nationalistic resistance against an "imperialist intruder" perceived as a criminal, as an illegal invader (Schmitt 2007a, 49). In this, however, as Schulzke has noted, the partisan is both a concrete fighter and a mythical representation of the nation-in-arms, of the real war against the real enemy: the "partisans' political significance is closely linked to the myths that are constructed about

⁸⁰ "la prise du risque désespéré d'une guerre avec Napoléon."

⁸¹ "...a popular uprising should, in general, be considered as an outgrowth of the way in which the conventional barriers have been swept away in our lifetime by the elemental force of war. It is, in fact, a broadening and intensification of the fermentation process known as war." (Clausewitz 1984, 479) In contrast, Schmitt's conception of conventional war was rooted to a large extent in the personal dynastic relations between *magni homines*, sovereign representatives of the community (Schmitt 2003, 143–144), thereby rooting conventional war in dynastic legitimacy.

⁸² "Qui est l'ennemi réel de la Prusse?"

them." (Schulzke 2016a, 2) In this way, partisans become figures representing the polity, representing a claim to national legitimacy and serving as a "focus [to] intensify enmity."⁸³ (Schulzke 2016a, 3) Schulzke argues that partisans become "politically charged myths that help to constitute an ideological dimension of irregular war," and that therefore they end up "simultaneously waging a real war and a war of ideas." (Schulzke 2016a, 7) The partisan embodies the struggle against a real enemy through this intellectual-mythical dimension, which feeds into its intense politicisation (Schmitt 2007d, 14–15).⁸⁴

This mythical dimension necessarily inscribes the telluric partisan within an overtly political context, as a representative of a political community. The irregularity of this political aspect arises from the fact that, unlike the regular political agent (normally the state), the partisan is not legitimately sovereign – the partisan is not the recognised holder of the power of the decision on the state of exception and on the enemy (Schmitt 2005c, 5; Schmitt 2007c, 47). The partisan arises when there is a failure by the regular authority to take the politically significant decision: the partisan "risked battle on his own

⁸³ Schmitt describes the image of the Spanish guerrilla fighter as "a spark [that] jumped from Spain to the North," as a myth that could be transported from one place to another, although it failed to "ignite the same fire that gave the Spanish guerrilla war its world-historical significance." (Schmitt 2007d, 6)

⁸⁴ Schulzke treats the partisan as a player in an "ideological" struggle between revolutionary and status quo forces. While he must be commended for highlighting the ideas at play in partisan warfare, he fails to distinguish the ideological recuperation of the partisan myths from the ideas at play in the partisan struggle itself. Telluric partisans embody an 'idea' of the nation, of a "way of life," (Schmitt 2007c, 27) of the meaning of the political community which they represent. As such, they can seek to rally popular support around this ideal of the nation/community, in the manner of Clausewitz's "popular uprising" (Schmitt also associates partisan warfare and national liberation (Schmitt 2007d, 10)). The recuperation of the partisan myth for "ideological" purposes, however, separates the partisan from his concrete struggle and turns him into either a global revolutionary (Schmitt 2007d, 49–50) or, as Schulzke notes, a weapon of the state. At any rate, such a partisan is no longer the telluric, autochthonous partisan presented by Schmitt.

home soil, while the king and his family were not yet able to tell exactly who was the real enemy." (Schmitt 2007d, 6) As such, therefore, I contend that the partisan's "most extreme intensity [...] of political engagement" (Schmitt 2007d, 90) comes from the fact that he claims the control of the sovereign decision on the identity of the real enemy when the sovereign is incapacitated or has surrendered. The partisan group claims to recognise the enemy more clearly than the sovereign authority, and perceives this enemy as constituting a negation of one's "way of life and therefore must be repulsed or fought in order to preserve one's own form of existence." (Schmitt 2007c, 27) As Schmitt writes, "only the actual participants can correctly recognize, understand, and judge the concrete situation and settle the extreme case of conflict." (Schmitt 2007c, 27) As the figure which is at the heart of a conflict, as a participant in its most concrete form, the partisan challenges the monopoly of the sovereign on the political decision, and takes the "risk of the struggle for existence" which the sovereign has already abandoned (Schmitt 2007a, 47). The partisan's enmity, as such, genuinely "comes from the soul" (Slomp 2007, 207) and leads to a total bond of the land, the party, and the political community against a real enemy (Slomp 2007, 210).

Schmitt, throughout his writings, is very clear that in the face of an existential threat, a political community can only affirm itself through combat, both intellectually and physically: "If a people no longer possesses the energy or the will to maintain itself in the sphere of politics, the latter will not thereby vanish from the world. Only a weak people will disappear." (Schmitt 2007c, 53) Real enmity, it must be reiterated, arises in response to a threat to a community's existence, to a challenge to "our very being." (Slomp 2007, 207) It is by combating the real enemy that a community affirms its existence, "contending in battle, in order to assure [its] own standard, [its] own limits, [its] own

Gestalt." ⁸⁵ (Schmitt 2004a, 61) The partisan, as such, takes on the political decision in a "desperate" (Schmitt 2007a, 47) revolt against defeat, in a refusal of annihilation. Schmitt writes that "a people is only conquered when it subordinates itself to the foreign vocabulary, the foreign construction of what law, especially international law, is;" (Schmitt 2011a, 45) by engaging in disobedience and public disorder (Schmitt 2007d, 43), the partisan refuses to subordinate itself to the foreign invader and refuses to be conquered.⁸⁶ Schmitt argues that political power determines political concepts: "whoever has real power is also able to appropriate and determine concepts and words. *Caesar dominus et supra grammaticam*." (Schmitt 2011a, 44) Such meaning of concepts is founded in the decision on enmity and the exception, as it is this decision that provides orientation to the political community; as such, by refusing to grant concrete power to the invader, the partisan claims the right to express himself politically, to have a political voice, and to express himself in his own concepts and words. The partisan, as such, by claiming the control of the decision on the distinction of friends and enemies, refuses to be subordinated and refuses to disappear.

⁸⁵ Once again, I rely on Goodson's translation as Ulmen's proves to be misleading. Additionally, the French translation highlights that fighting is a means of expression, almost a form of speech: "j'ai à m'expliquer avec [l'ennemi] dans le combat, pour conquérir ma propre mesure, ma propre limite, ma forme à moi." (Schmitt 1992a, 294–295; see Schmitt 1992b, 87) I thank Dr Larissa Alles for helping me verify the translations of this passage.

⁸⁶ "like a drowning man who will clutch instinctively at a straw, it is the natural law of the moral world that a nation that finds itself on the brink of an abyss will try to save itself by any means. No matter how small and weak a state may be in comparison with its enemy, it must not forego these last efforts, or one would conclude that its soul is dead." (Clausewitz 1984, 483) Also, given that "no reasonable legitimacy or legality can exist without protection and obedience," (Schmitt 2007c, 52) by refusing to obey the partisan refuses the protection of the occupying power, and therefore rejects its political legitimacy. This in itself sets the partisan up as a real enemy of the invader.

Therefore, Schulzke's point that the partisan engages in both an intellectual war and a military war cannot be emphasised enough.⁸⁷ The partisan is a central figure in a struggle between claims to legitimacy and therefore seeks to achieve a different form of regularity. As Schmitt quotes at the end of his article of *Clausewitz als politische Denker*, "le combat spirituel est plus brutal que la bataille des hommes." (Schmitt 2007a, 73)⁸⁸ The partisan's intellectual struggle is even more important than his military aspect (see Schulzke 2016a, 6), as the partisan's struggle is in large part a struggle over concepts of power and law, opposing a legal to a national legitimacy. Most importantly, the partisan is in need of political legitimacy from outside, which entails a certain measure of political recuperation of the mythology of the partisan on the part of the state providing support (Schulzke 2016a, 11). Hooker has noted that "the act of decision [on enmity] itself is not enough to anchor the political identity of the [partisan] group," (Hooker 2009, 178) forcing the partisan to seek support outside of the group. This, in turn, however, may strip a careless partisan group from its grounding in the decision on the real enemy and turn it into a "the irregular cannon fodder of global political conflicts." (Schmitt 2007d, 6)

The partisan claims a legitimacy rather different from the regular legitimacy of the *justus hostis*, the recognition through the enemy. The partisan, standing in opposition

⁸⁷ See footnote 84.

⁸⁸ In French in the original. According to Günter Maschke's note, the original citation is from Arthur Rimbaud, *Une saison en enfer*. However, the original citation which reads "Le combat spirituel est aussi brutal que la bataille des hommes; mais la vision de la justice est le plaisir de Dieu seul" is altered by Schmitt to suggest that spiritual combat is *more* brutal than physical fighting; by removing the reference to God, he also changes the meaning of "spirituel" from divine to intellectual (in the sense of *Geist*). Given that the context of this passage discusses Clausewitz's engagement in a political polemic over the meaning of concepts, it is clear that Schmitt refers here not to theology but to ideas and concepts.

to the regular soldier, is not considered as legitimate but as a criminal by its regular opponent: "this follows directly from the logic of classical European martial law, distinguishing as it does military from civilian, combatants from non-combatants, and managing to bring about the rare moral force not to declare the enemy as such a criminal." (Schmitt 2004a, 24) As the partisan stands outside of these distinctions, he falls into the category of the criminal when judged by the enemy. Therefore, as Slomp and Hooker have both claimed, the partisan may not be legitimised by the enemy but is regularised by "recognition from outside," (Hooker 2009, 179) namely through an 'interested third party,' a regular political authority which acts as a friend to the partisan, providing both legitimacy and material support. Unlike the conventional (or absolute) enemy, the partisan gains recognition through the friend, not the enemy. It is, as Slomp notes, this recognition and friendship that prevents the partisan from slipping into absolute enmity (Slomp 2007, 208).

The partisan demonstrates more than any other figure in Schmitt's writings the intensity of real enmity triggered by the perception of an existential threat to the community. The partisan arises from the "underbelly of European history" (Hooker 2009, 160) as war and enmity overflow the formalistic brackets placed on them: the partisan's enmity "is a form of enmity that represents the limits and failings of the *jus publicum Europaeum*." (Hooker 2009, 164) As such, however, it demonstrates the fundamental fragility of both conventional and real enmity. The innate tendency of war to escalate, described above, tends to push war towards a more intense form of hostility, where the enemy has no standing and must be destroyed. The partisan, in its autochthonous and telluric iteration, is a figure of existential politics, which represents a last effort to safeguard political existence and avoid oblivion or irrelevance. The margin between the

telluric partisan, tied to the soil and the heartland, and the global revolutionary partisan is however very narrow. Indeed, historically, Schmitt argues that Lenin propelled the partisan into a global stage: no longer "cannon fodder," he became the agent of global revolution, indeed, the sole genuine warrior (Schmitt 2007d, 52).

3.4. Conclusion

This chapter has argued that Schmitt's discussion of the category of total war allows for a clarification of the relation of war and enmity, as well as of the role of real enmity as a border concept of the political.⁸⁹ Schmitt discusses the link of war and enmity in many ways, among which the opposition of land and sea, limited and total war, and regular and irregular warfare. The opposition of land and sea represents two different ways in which war may totalise, either as a *defensive* totality (total mobilisation) or as an *offensive* totality (total targeting), which corresponds roughly to the distinction between real and absolute war. Schmitt's use of Clausewitz as a theorist of total war highlights the difference between offensive and defensive war, as well as the significance of escalation. According to Clausewitz, war, in theory, possesses an innate tendency towards extreme intensity, which may actualise itself in the absence of political brackets or of friction. The transition achieved by Schmitt to the figure of the partisan furthered his discussion of total war and real enmity. The telluric partisan combines irregular warfare with irregular political enmity into an existential revolt against the perspective of political disappearance by claiming the ability to take the political decision when the regular political authority is incapacitated.

⁸⁹ See Chapter 2.

Total enmity, therefore, can be reconciled into the concept of the political as a form of real enmity. However, it remains a very unstable form of enmity, which threatens to turn into absolute enmity if the telluric, defensive posture is abandoned. The distinction between land and sea-based forms of total war only highlights the inherent fragility of the political. Real enmity is the space where genuine existence can be achieved, but also runs the risk of slipping into absolute, antipolitical enmity. The connection of enmity to territory, therefore, seems to be of crucial importance, as the most significant restraint preventing real enmity from collapsing into absolute hostility.

4. The Spatial Nomos of the Earth and the New World

4.1. Introduction

In the *Nomos of the Earth*, Schmitt asserts that the order of the *jus publicum Europaeum* was so effective in bracketing war because it "was a true spatial order, it was a 'public legal' order."⁹⁰ While the previous two chapters have established that political order is an order between communities claiming legitimacy (in the case of the state, through legality), this chapter addresses the spatial quality of political order through the spatialization and localisation of the enemy. This chapter, on these foundations, argues that any conception of order contains at its very core an understanding of the content of the concept of the enemy, and a spatialization of concepts of enmity. As with any relationship (and enmity *is* a relationship⁹¹), fundamental rules and norms to govern the mode of expression of this relationship must be established. The triple movement of production-demarcation-appropriation which grounds the nomos (Schmitt 2003, 42–48) must be rooted in a concept of enmity with provisions for the possibility of strife and war: in other words, the definition of order itself is political. For Schmitt, then, there is no possibility of order without the possibility of legitimate enmity. While Montserrat Herrero is correct in arguing that order is the fundamental principle throughout all of Schmitt's writings (Herrero López 2015, 3), any conception of order is rooted in a specific

⁹⁰ The partisan's relationship to legitimacy, which was discussed in chapter 3, of course brings a caveat to this assertion. The partisan claims legitimacy partly through the friend, partly through itself, by usurping the power of the decision, and not so much through recognition from the enemy. William Hooker, in this way, sees the partisan rather as a demonstration of the "limits and failings" of the conventional order (the *jus publicum Europaeum*) (Hooker 2009, 164).

⁹¹ See Chapter 2.

understanding of enmity. Therefore, this chapter suggests that it is not sufficient to understand Schmitt as a theorist of order; Schmitt is a theorist of political order, and political order presupposes a certain acknowledgment and recognition of the dynamism of the political.⁹²

I proceed to outline this argument in three main sections. The first section discusses the tension between territorially-based enmity and universalising principles, as well as the spatial restraints on warfare. This section will show that Schmitt's concept of spatial order entails a spatialization of enmity and that legitimate enmity relies on this spatial rootedness. The following two sections discuss the two forms of delineation of space in the *jus publicum Europaeum*, namely amity lines and borders. The second section of this chapter argues that amity lines entrenched a hierarchy of space which allowed the externalisation of total enmity into the colonial world, thereby contributing to the pacification of Europe. The third section will address European order and argue that rigidly fixed European borders bracketed warfare geographically, and that borders are better conceived, in Schmitt's conception of order, as zones rather than lines. As in previous sections, I emphasise continuity between Schmittian works by drawing on common conceptual themes, rather than highlighting differences in arguments and subject-matters.

⁹² As discussed in Chapter 2, political order must leave space for friends as well as enemies. However, it seems to me that the concept of the enemy is more protean than the concept of the friend in Schmitt's thought (Slomp, for instance, speaks of the friend as an "ally" (Slomp 2009, 24)); therefore, while an order must encompass both friends and enemies, the form of the enemy is more crucial in determining the structure of this political order. After all, for Schmitt, it is a change in the concept of the enemy and its relationship to war which has brought about the downfall of the *jus publicum Europaeum* (Schmitt 1992a, 161). However, the forms of enmity and friendship are somewhat intertwined – a structure of *magni homines* as Schmitt discusses supposes a certain form of constitutive friendliness (Schmitt 2003, 145; see also Onuf 2009, 8–17).

4.2. Enmity, Territory, and Universalism

This section will discuss the relationship of enmity and space. It will argue that any political order must contain a clear concept of political enmity determining which actors may engage in enmity, and to what extent and by what means that enmity may be pursued. Schmitt argues very clearly throughout his writings that the fundamental concept of order must always be and remain a spatial concept of order (Schmitt 2003, 145). Controversially for some (see Elden 2011, 98; Minca 2011, 166–174), he states in *The Nomos of the Earth* that any order is rooted in the soil and in the concrete marking of the land (Schmitt 2003, 45–47). By rooting order in the soil, Schmitt refers specifically to the movement of production-demarkation-appropriation as the "threefold root of justice," (Schmitt 2003, 42) thereby conceiving of order as a specifically terrestrial phenomenon (Legg and Vasudevan 2011, 2).⁹³ Schmitt's post-Weimar writings, from 1933 onwards, emphasise significantly this spatial dimension of order. When discussing the partisan, for instance, the "telluric" character of the partisan is what fundamentally differentiates him from the disorderly global revolutionary (Schmitt 2007d, 74–75). That being said, as Claudio Minca points out, Schmitt does entertain a certain confusion about the meaning of "space" as both a fundamental principle of political order and as an independent physical reality which is a-political (Minca 2011, 167), which leads Stephen Legg to characterise Schmitt's ontology as one of "radical indeterminacy" (Legg and Vasudevan 2011, 16). Nevertheless, what is clear is that order for Schmitt must be inscribed in both physical space and in a certain geopolitical conception of political space, in which friends and enemies are located and distinguished, among others through a

⁹³ See Chapter 3 for the opposition of land and sea.

spatialization of the exception (Minca 2011, 168) and the establishing of clear borders (Minca and Vaughan-Williams 2012, 759).

As the appropriation and delimitation of space remains the foundation of a spatial order, so does enmity become rooted in this conception of space, both in that it is geographically located and that it sustains a geopolitical conception of space. The distinction between spatially-rooted concrete enmity and "a-spatial" enmity (Minca and Vaughan-Williams 2012, 769) fuelled by universal principles is the foundation upon which Schmitt grounds all of his order-oriented writings, be it the opposition of land (limited) and sea (unlimited) (Schmitt 2015c; Schmitt 2003, 42–49), of *Großraum* and Society of Nations (Schmitt 2011d; Schmitt 2011b), or of the telluric partisan and the global revolutionary (Schmitt 2007d, 74). As Schmitt makes clear in *Total Enemy, Total State, Total War*, one of the fundamental restrictions – or brackets – on warfare and its escalation is the most physical one, a geographical restriction (Schmitt 1999, 29). Some enmities may be largely ineffectual for geographical reasons, be it distance, difficult access, or seasonal conditions, thereby restricting the intensity and magnitude of warfare. For Schmitt, therefore, by providing a very immediate restriction on the extent of enmity, as well as by defining spaces of encounter between (potential enemies), space constitutes the foundation of order.

However, when an enmity rejects any rootedness in space and territory – as absolute enmity claims (Schmitt 2007d, 74–75), it opposes itself to principles of order, becoming a bearer of disorder rather than order.⁹⁴ Thus, Schmitt ends his *Theory of the Partisan* by stating that "new types of absolute enmity" are being created

⁹⁴ See Chapter 2.4.1.

Enmity becomes so frightful that perhaps one no longer should speak of the enemy or enmity, and both should be outlawed and damned in all their forms before the work of destruction can begin. Then, the destruction will be completely abstract and completely absolute. In general, it no longer would be directed against an enemy, but rather would serve as a given objective realization of the highest values, for which no price would be too high. Only the denial of real enmity paves the way for the destructive work of absolute enmity. (Schmitt 2007d, 94–95)

Here Schmitt clearly establishes that the "denial of real enmity," rooted in space and soil (just as the partisan is rooted in a "telluric character" and a "defensive" posture tied to a "piece of land" (Schmitt 2007d, 92)), leads to "absolute" destruction and the breakdown of order. Absolute enmity, by associating itself with universal ideological principles which are not attached to a given space, "knows no bracketing" (Schmitt 2007d, 52) and represents the mere extension of "an abstract justice" (Schmitt 2007d, 20). The bracketing of enmity thus relies on the presence of spatial delineations. The fundamental relationship which Schmitt uncovers between order and localisation – between *Ordnung* and *Ortung* – applies first and foremost to enmity, power, and the exception (Minca and Vaughan-Williams 2012, 760; 768–769).⁹⁵

4.2.1 Spatial Delineations

Schmitt is very clear that no order is universal and can apply to the whole earth (Schmitt 2011d, 87); in *The Turn to the Discriminating Concept of War*, notably, he states that the attempt to transfer the decision on the justice of war – in other words, the decision

⁹⁵ By committing to an order, a political community simultaneously establishes its location within that order, in relation to the other members of the order.

on friendship and enmity⁹⁶ – to a universal body such as the League of Nations amounts to raising "a new claim to world domination [...] a claim that only a new world war could realise." (Schmitt 2011e, 69) When concluding that essay, he reiterates that "a true community of European nations is the precondition of a genuine and effective international law," (Schmitt 2011e, 74), thereby clearly undercutting the claim to universal applicability of international law.⁹⁷ In a later essay, he similarly denounces the turn to imperialism at the beginning of the twentieth century by Western liberal powers, stating that "their methods consist in dissolving a concrete, spatially determined concept of order into universalistic 'world' ideas and, in doing so, transforming the healthy core of a *Großraum* principle of international law of non-intervention into a global ideology that interferes in everything, a pan-interventionist ideology as it were, all under the cover of humanitarianism." (Schmitt 2011d, 90) Each order, as such, possesses its own internal dynamics which restrict its scope of applicability; for Schmitt, "there are neither spaceless political ideas nor, reciprocally, spaces without ideas or principles of space without ideas." (Schmitt 2011d, 87)

I argue, therefore, that the relationship between spatial rootedness and limited enmity is at the foundation of Schmitt's concept of order. An order – entailing a conception of enmity – which would apply to the whole earth at once would thus universalise the notion of enmity as well, and annul one of the fundamental sources of bracketing of enmity – geographical restraint. Conceptions of enmity – and relations of enmity – must therefore be localised in a specific territory in order to have any concrete

⁹⁶ See (Schmitt 2005a, 612).

⁹⁷ As Schmitt writes in *Political Theology*, "all law is 'situational law'" (Schmitt 2005c, 13); for this reason, even international law cannot originate from an abstract principle which is not grounded in a given situation, geographically and temporally.

ordering power.⁹⁸ In this way, the presence of spatial boundaries is the fundamental limit on the range and scope of enmity, both in the types of resources that can be mustered and the extent to which the enemy may be targeted.

For Schmitt, "universalistic general concepts that encompass the world are the typical weapons of interventionism in international law" (Schmitt 2011d, 90). Given that ordering principles, for Schmitt, depend fundamentally on localisation and geopolitical restriction, as established above, universalistic overreach corresponds to a rejection of the ordering principles which had allowed for "the coexistence of nations being properly recognized," (Schmitt 2011d, 102) as universalism rejects the spatial limits in which order must be grounded. These confrontations between different political orders cannot be restricted in any way, as there is no order to establish the legitimacy of either party: as Hooker writes, "to a large extent, each *Nomos* sustained the illusion that it was a world unto itself." (Hooker 2009, 74) Confrontations between orders, then, are the fundamental vectors of absolute enmity, of unrestricted violence, and also by extension of the most existential struggles. The example which Schmitt adopts throughout most of his early work is that of the Monroe Doctrine, as the ideal type of order which is delimited spatially, centred on a territory, not an abstract idea (Schmitt 2011d, 85–87).

The Monroe Doctrine, for Schmitt, constituted the prime example of order grounded in space, at least in its original form. In Schmitt's account, the original Monroe Doctrine revolved around three principles: the independence of American states, the opposition to colonisation in the Americas, and the exclusion of any intervention by non-American powers in the Americas (Schmitt 2011d, 83). Schmitt describes the Monroe

⁹⁸ As mentioned in Chapter 3, the partisan gains its "real" political quality from its defensive, telluric posture. In Chapter 3, I argued that real enmity, while total, is fundamentally defensive and therefore tied to territory.

Doctrine as an essentially defensive form of organisation – one which targeted the exclusion of foreign powers and of colonial influences, rather than one which aimed at overtaking the whole world. As such, in Schmitt's words, it constituted an "expression of the inalienable right to self-defense," (Schmitt 2011d, 85), and therefore, it was rooted in a concrete understanding of a space to be defended. It explicitly contained the spatial delimitation of its territory, by explicitly restricting its application to the Americas. As Schmitt writes, "the original Monroe theory had the political meaning of defending a new political idea against the powers of the contemporary status quo through the exclusion of interventions from spatially foreign powers." (Schmitt 2011d, 90) it claimed to order only a specific space, and not the earth as a whole. In Schmitt's view, then, the Monroe Doctrine represented an example of an order which was established with "a certain opponent in mind" (Schmitt 2011d, 87), a political order grounded in a spatial conception of the enemy.⁹⁹

4.3. Demarcations: Amity Lines and Borders

In his discussion of the structure of the nomos of the *jus publicum Europaeum* in *The Nomos of the Earth*, Schmitt begins by discussing the concept of the amity line, of the arbitrary demarcation providing the outward borders of the European order (Schmitt 2003, 87–99). Amity lines, in a way, act as the borders between order and disorder, just as land borders provide the outward limits of national orders – of the power of a sovereign. Schmitt, of course, praises strongly the *jus publicum Europaeum* for providing

⁹⁹ Schmitt argues that the Monroe Doctrine changed from a territorial, defensive ordering principle to an offensive imperialist slogan in the twentieth century. This is discussed in Chapter 5.

a qualified peace in Europe for 250 years, a macroscopic peace through which warfare was, largely, restricted to certain bordering zones and never truly engulfed the whole continent¹⁰⁰. However, I argue in this section that Schmitt tied the persistence of this order to the existence of disorder outside of Europe, in a move that has often been overlooked. While commentators discuss the link between the old and new world and the externalisation of absolute enmity into the New World in the form of an absolute war of annihilation against Native populations, they fail to acknowledge the externalisation of European total enmity that accompanies it (Shapiro 2008, 71; Coleman 2011, 134; Hohendahl 2011, 537; Teschke 2011, 195). The imposition of a European order – of a *Groß-order* – is as much of a political act as the imposition of domestic order. It is, fundamentally, an order which is established with an enemy in mind, in contradistinction from another political reality (Schmitt 2011d, 87).

In discussing the relationship of Europe to this free space outside in the rest of the world, Schmitt makes clear that European order was related directly to the presence of European powers in the rest of the world:

The old Europe-centric system of international law rested upon the differentiation in international law of a *European* space of states of fully valid state order and implemented peace from a *non-European* space of free European expansion. The

¹⁰⁰ The principal exception to this, which Schmitt acknowledges, would be the Napoleonic wars, in which warfare *did* in fact reach many of the capitals of Europe. Napoleon did enter Moscow, Vienna, and Madrid, and the Coalition powers did enter Paris in 1814-15. Schmitt does mention that the Napoleonic wars planted the seeds of concrete enmity – notably through the eruption of national wars and national mobilization. See among others the *Theory of the Partisan* for a discussion of the effect of the Napoleonic wars on the Prussian state (Schmitt 2007d, 40–48; see also Heuser 2010; Rink 2010). Nevertheless, while the Napoleonic wars did challenge the persistence of this order, the Concert of Europe re-established traditional order soon after (Schmitt 2007d, 9). Incidentally, Schmitt also recognised in *The Theory of the Partisan* that *The Nomos of the Earth* dealt insufficiently with the Napoleonic wars (Schmitt 2007d, 9) .

non-European space was without a master, uncivilized or half-civilized, an area of colonization, an object of the seizure of holdings through European powers that became *Reichs* through the fact that they owned such overseas colonies. *The colony is the basic spatial fact of hitherto existing international law. All Reichs of this system of international law had a Großraum available for expansion [...]* Prussia was the only great power that was only a state, and the only great power that, if it became spatially larger, could only do so at the cost of neighbors who already belonged to the European community of international law. Because of this, it was easy to attach the reputation of peace breaker and brutal state concerned only with power to Prussia, even though its space was small and modest in comparison with that of the other *Reichs*. (Schmitt 2011d, 114–115)¹⁰¹

In this passage, therefore, Schmitt clearly ties the existence of European order to the presence of colonial space, which was treated differently and constituted, more or less, a reflection of European power struggles. Immediately after, Schmitt continues by demonstrating the importance in his thought of the relationship of European and colonial spaces:

The decisive meaning of the overseas colony for international law lies in the fact that the concrete reality of the concepts *war* and *peace* of hitherto existing international law could only be understood on the basis of this image of space.

[...] The time-specific, spatially specific, concrete and specific reality of war and

¹⁰¹ Emphasis in the original. While this passage relates specifically to Schmitt's theory of the *Großraum*, that is, of larger geopolitical constructions centred on one strong state (a *Reich*) and a lesser space surrounding it, its discussion of the dual status of European and colonial land is very relevant for the whole of Schmitt's thought. Schmitt discusses the question of non-European land as a "free space" for appropriation throughout his later works as well.

peace, vary though it may throughout different historical epochs, as well as the just as concrete and specific mutual relation of these two conditions, forms the core of every order of international law and every coexistence of organized nations in spaces, divided as they may be. (Schmitt 2011d, 115)

What is clear from these two passages is that, as affirmed above, the spatiality of order possesses for Schmitt fundamental constitutive qualities: the constitution of spatial relations grounds any further understanding of international order. Under the *jus publicum Europaeum*, for Schmitt, the presence of colonial possessions which were contested by European powers impacted significantly the unfolding of European politics and the preservation of European order. Most importantly, these colonial spaces allowed European powers the possibility of "expansion" without triggering competition in Europe itself.

Mathew Coleman has insisted on the "uncomfortable geopolitical truth" exposed by Schmitt, that of the ontological spatial distinction between Europe and the colonies in the *jus publicum Europaeum* and in international law (Coleman 2011, 130). Coleman argues that Schmitt, through these distinctions, grounded in legality the extra-territorial violence of the colonial wars, and therefore considered the *jus publicum Europaeum* as making war and violence part of the legal apparatus: "By colonial war, Schmitt means legal war, or making war a legal problem – as well as a closely related shift from what he calls 'real' to 'absolute enmity.'" (Coleman 2011, 134) For Coleman, Schmitt outlined a system in which absolute enmity was de-territorialised and made legal. Coleman further ties this argument to Schmitt's critique of liberalism, arguing that Schmitt drew a stark contrast between the legalised, explicit warfare of the colonial wars and the covert, masked, pervasive violence of liberal hegemony: "Liberalism is for Schmitt about the

covert advancement of enemies against the (now dismantled) state under the thin guise of the law. We might further note that this is an explicitly geographical critique that Schmitt offers us." (Coleman 2011, 136) This critique rests on the fact that, according to Coleman, the hierarchy of space exposed by Schmitt was replaced by liberalism's de-spatialized conception of the whole earth as empty space for socioeconomic activity (Coleman 2011, 137).¹⁰²

Coleman's argument highlights several significant features from Schmitt's discussion of colonial appropriation. First, it emphasises the fact that Schmitt considered colonial warfare to have close relations to the form of enmity, and that colonial territory served to allow for forms of enmity which were "bracketed" (Schmitt 2003, 143) in Europe. Further evidence of this is found in the *Theory of the Partisan*, in which Schmitt writes that "classical European international law pushed both of these dangerous forms of war and enmity [civil war and colonial war] to the margins," that is, outside of the core space of Europe (Schmitt 2007d, 11). By contrasting the overt colonialism of European powers in the *jus publicum Europaeum* with the covert hegemony of liberalism, Coleman highlights the continuity between Schmitt's early works and his later, geopolitical writings. Second, he notes the de-territorialisation of enmity inherent in the relationship of hierarchically different spaces. The presence of distinct spaces within a hierarchical relationship allows not only for the presence of two different principles of enmity, but for the transfer of enmities and conflicts from one space to the other. What Schmitt mentioned, however, and what Coleman does not address, is the relationship of this

¹⁰² This calls to mind Schmitt's discussion of the difference between appropriation, on land, and the traversing of seas; in other words, of conceptions of space as controlled or as used to project power (Schmitt 2011d, 91). Liberalism, in this account, assumes that borders are porous and easily crossed in order to engage in trade; space does not need to be controlled, but rather merely used.

externalisation to the logic of war. As Schmitt wrote, and as I cited above, the "specific reality of war and peace [...] forms the core of every order of international law" (Schmitt 2011d, 115).

Therefore, in my view, Schmitt suggests that the stability of the European order did not preclude or eliminate competition between European states, or the birth of enmities – indeed, a short glance at the historical record can confirm that, as Teschke stated, "warfare was endemic [and] territorial redistributions were a constant of early modern international relations." (Teschke 2014) As Schmitt writes, "you should not conceive of this 'community of the Christian-European peoples' as a flock of peaceful lambs. They conducted bloody wars among themselves." (Schmitt 2015c, 63) That being said, Coleman notes, however, that the presence of two different spatial realities, ruled by different principles, allowed for the coexistence or combination of multiple types of enmity simultaneously. The limited warfare in Europe, therefore, was accompanied by unrestricted violence abroad, in the free space of colonial land. The escalation in enmity was externalised into the non-European world, providing a cathartic counterpart to the formalised warfare of Europe. Thus, while "wars are all the more intense the more valuable the object of battle," the restriction of warfare to non-European land allowed for the maintaining of European order (Schmitt 2015c, 63). Nevertheless, Schmitt does not downplay the intensity of enmity abroad: war in America and Asia "spared neither women nor children [...] and] the brutal enmity of which humans are capable appeared to reach its highest degree of intensity." (Schmitt 2015c, 63) The collapse of the ethical restraints on war was not the only distinguishing feature of colonial war, as the identity of the combatants changed as well: "the deployment of non-Europeans, Mohammedans, or Indians as overt or covert aids or even as allies was never a cause of concern." (Schmitt

2015c, 63) In other words, war in the colonies was waged on behalf of European sovereigns, but was distinctly 'un-European', in that it escaped the conventions of European war and was even waged by non-Europeans, who carried an enmity which was not their own.

The genuine contests for the redefinition of European order, therefore, occurred not in Europe but abroad; Europe, in some ways, was little more than a mirror of what was played out abroad – a space for *fait accompli*, not for power. My suggestion, therefore, is that European powers *needed* a space in which to externalise their absolute enmity in order to avoid the escalation of war and violence within Europe. In other words, I contend that order in Europe existed only through the presence of an unordered space in which existential enmity could be released without disturbing the continental peace.¹⁰³ Through this mechanism, enmities in Europe never reached the status of existential threats, and never triggered the dual escalation mechanism towards total war. In other words, "the significance of amity lines in 16th and 17th century international law was that great areas of freedom were designated as conflict zones in the struggle over the distribution of a new world. [...] The designation of a conflict zone outside Europe contributed also to the bracketing of European wars." (Schmitt 2003, 97)

As mentioned in Chapter 3, Schmitt outlined two ways in which enmity and war could be related. The first was absolute enmity fuelling total war. In *The Concept of the Political*, he even provides an example of such a relationship, taken from the early days of the *jus publicum Europaeum*. Schmitt cites speeches against the Spanish by Oliver Cromwell, affirming the irremediable, "natural" and absolute enmity between the two

¹⁰³ I return to this argument on peace in Chapter 5.

powers.¹⁰⁴ (Schmitt 2007c, 68) This enmity, in turn, led to an existential confrontation between them. The second mechanism for escalation is that of war, through its own logic, leading to total enmity, as it did in 1914-1918 (Schmitt 1999, 30). What prevented this escalation before, however, was that normally, the escalation occurred not in Europe but outside. Given the innate pressure of war towards escalation (Clausewitz 1984, 76–77),¹⁰⁵ it is inevitable that war in Europe which, once again, was a recurring feature of European politics, should have fostered total enmity. This enmity, however, did not remain in Europe but was transferred to other parts of the world, to colonial lands. For Schmitt, therefore, the principal balancing mechanism of European order was the existence of a displaced intermediate border space in which European borders were externalised and mediated. The colonies allowed for the pressure created by war to be evacuated, through a catharsis in which non-European lands were plundered and destroyed, foreign citizens killed,¹⁰⁶ by non-European combatants (Schmitt 2015c, 63). As the quote on p. 77 makes clear, the only power which did not have access to colonial space to mediate its enmity was Prussia; therefore, it is consistent with my interpretation that Prussia engaged in total war much more frequently than other European powers, a situation "typical of Germany." (Schmitt 1999, 29–30) In the case of all other European

¹⁰⁴ This enmity, however, presents one facet of absolute enmity, but could be argued to belong rather to the first *nomos* – the *Respublica Christiana* (Schmitt 2003, 58) rather than to the properly European *nomos*; indeed, it consisted in a struggle over the notion of Christianity, and was fuelled partly by a conception of a theological just cause: "his enmity is put into him by God." (Schmitt 2007c, 68). It is significant, however, that it was resolved at sea through the defeat of the Spanish Armada, before warfare even reached land. The Spanish-English enmity, therefore, was mediated by an intermediate free space.

¹⁰⁵ See Chapter 3.

¹⁰⁶ While *de jure* European citizens, colonial citizens were in fact very much second-class citizens (Reich 2010, 260), as the taxation issue in the American Colonies demonstrated (Clark 2012, 533), as well as the absence of nobility titles (Clark 2012, 524) and the priority given to the homeland's interests (Clark 2012, 532).

powers, the *jus publicum Europaeum* achieved the remarkable feat of fostering total war by proxy.

The presence of an ordered world, therefore, would seem to exist only in a dialectic with disordered land, with free territory. If the imposition of macroscopic order is indeed the imposition of political order, achieved with an enemy in mind (Schmitt 2011d, 87), that opposition must necessarily be that of order to disorder.¹⁰⁷ The opposition of Europe and the New World superimposed itself to the hostility between European states, and was constructed to provide a frame for European antagonisms. This dual order of enmity and war, for Schmitt, was sustained through rigid principles of international law. The guaranteeing mechanism of such stable coexistence in Europe was the presence of amity lines which separated of European order from international disorder. The amity lines physically – concretely – inscribed in the world and on maps the boundary between the two orders and between the two conceptions of enmity (see Schmitt 2011d, 115).¹⁰⁸ The amity lines provided the physical boundaries on absolute enmity and served to banish it to the outer world.

Benno Teschke, among others, has criticised Schmitt for his substantial idealisation of the historical situation in Europe (Teschke 2011; Teschke 2014; also Koskenniemi 2004, 495). Teschke argued that Schmitt deliberately engaged in the

¹⁰⁷ It is manifest that links to a theological conception of enmity – a struggle between God and the Devil, between light and darkness, between order and disorder – is heavily suggested here. Given Schmitt's own theological commitments, it is certainly not a far-fetched suggestion that such considerations featured to a certain extent in his thought. On this, see (Koskenniemi 2004, 499–505). Schmitt's conception of the state or of the empire as a *katechon*, as the restrainer of chaos, speaks particularly to this conception of political order as perceived through a theological lens, or at least, through theological language (Schmitt 2003, 59–60).

¹⁰⁸ This dual mechanism refers to the two ways in which Schmitt envisions the escalation towards total enmity and total war, namely total enmity leading to total war or total war leading to total enmity.

fabrication of "counter-concepts in the political and conceptual battles for intellectual hegemony," in order to advance an "antiliberal historical narrative." (Teschke 2014) For Teschke, Schmitt's account suffers from multiple contradictions, notably on whether the *jus publicum Europaeum* depended on the discovery of the Americas or on the establishing of religious peace in Europe (Teschke 2011, 194), as well as on overschematisation in the notion of the "war in form."¹⁰⁹ Teschke argues that Schmitt focused strictly on theoretical restrictions on warfare, without taking into account that war was not such a rationalised, limited practice as Schmitt argued; Teschke thus accuses Schmitt of falling for the legal positivism he elsewhere denounced – mistaking legal norms for concrete political reality (Teschke 2011, 207).

However, one must wonder to what extent Teschke himself schematised warfare and social relations in early modern Europe. While Schmitt did perhaps overstate the cleanliness of war in Europe, it remains that, by and large, it is correct to assert that war in Europe did not have an overly existential quality and was quite restricted on the European continent; besides, Schmitt did acknowledge that while European powers "conducted bloody wars among themselves [...], this does not abolish the historical fact of a Christian-European civilized community and order." (Schmitt 2015c, 63) In fact, against Teschke's argument, it must be noted that the Treaty of Paris and Treaty of Hubertusburg, which concluded the Seven Years' War in 1763, contained no significant

¹⁰⁹ Teschke is however correct to suggest that the *jus publicum Europaeum* does not have a definitive starting date, but a number of beginning moments, notably 1492 (the discovery of America), 1555 (Treaty of Augsburg), 1648 (Treaty of Westphalia), and 1713 (Treaty of Utrecht). However, in criticising Schmitt for this, Teschke seemingly takes Schmitt as presenting a rigid, fixed, unchanging order, thereby providing an easy target for Teschke to criticise (Teschke 2011, 202). As noted above, however, Schmittian order is not such a rigid concept, but a fluid and constantly challenged notion. See Chapter 5 for a continuation of this argument.

changes to European borders, all major changes occurring outside of Europe. Indeed, the language of the Treaty of Paris, affirming that "a sincere and constant friendship shall be re-established" (Parry 1969a, 322) in line with "the spirit of union and concord among the Princes," (Parry 1969a, 321) indicates that Schmitt's account of war as a qualified, limited disturbance within a larger, stable order, is to a significant extent correct.¹¹⁰ In contrast, the Treaty of Versailles from 1919 contained no such claim to friendship, but merely claims to "international peace and security," "obligations not to resort to war" and "the maintenance of justice." (Parry 1969c, 195) In summary, while Schmitt's account is undoubtedly schematised and abstracted to some extent, I disagree fundamentally with Teschke's assertion that these abstractions represent a categorical failure crippling Schmitt's account. As Hooker states, "wars, of course, do not challenge the coherence of a *nomos per se*," (Hooker 2009, 80) and it is not unreasonable to affirm, as Schmitt does, that "there were no wars of destruction on European soil for two hundred years." (Schmitt 2003, 151)

4.4. Borders

This following section discusses specifically European order through its demarcations, namely borders and amity lines. Amity lines, just like Schmitt's conception of the borders in Europe, constitute "the symbolic and physical line in the sand that helps

¹¹⁰ The treaty further states that "there shall be a general oblivion of every thing that may have been done or committed before or since the commencement of the war which is just ended" (Parry 1969a, 322) and reaffirms the validity of the previous treaties (Parry 1969a, 323), suggesting the presence (or assumed presence) of a stable order.

The Treaty of Hubertusburg similarly proclaims "une paix inviolable & perpétuelle, de même qu'une sincère union & parfaite amitié" and claims that the parties "ne commettront ni permettront qu'il se commette aucune hostilité, secrètement ou publiquement." (Parry 1969b, 349–350)

to produce the imaginative political geographies of enmity that sit at the foundations of his theory of the political." (Minca and Vaughan-Williams 2012, 759) They guaranteed a spatialization of enmity and the preservation of a safe haven in Europe through the requirement of the projection of power abroad prior to its exercise. Amity lines constituted the border between the ordered European world, governed by the *jus publicum Europaeum*, and the unordered "free space" of the colonial world, guaranteeing that the fighting or hostility on the unordered side of the amity lines would not perturb the peace in Europe. Therefore, while amity lines were not "physical" lines, in that they did not rest in any physical land but were rather drawn arbitrarily across the sea (Schmitt 2003, 89), they definitely did sustain "imaginative political geographies of enmity." As I demonstrate throughout this section, amity lines sustained a hierarchy of land and territory which allowed for the externalisation of European enmity and of the pressure towards escalation. Amity lines, therefore, constituted the initial point of the constitution of an order which, while "imaginative" – that is, constructed in consciousness as much, if not more, than in physical land – embedded an understanding of enmity at its core and assigned certain forms of enmity to certain spaces, thereby clearly affirming the link between the concept of the enemy, political order and the spatialization of order.

As Hooker makes clear, these spatial concepts of border and territory are fundamental to Schmitt's conception of order: "territory is as close as we come to a foundation in Schmitt's thought." (Hooker 2009, 101) To properly understand Schmitt's conception of concrete order and of its relation to enmity, it is therefore crucial to address the importance of the border as a spatial construct rooted in the land, and its relation to nomic order. As Claudio Minca and Nick Vaughan-Williams make clear, Schmitt problematizes the notion of borders as "lines in the sand," as lines which are precisely

traced and demarcate two entities. Rather, Schmitt's understanding of enmity suggests a conception of borders as zones, as spaces in which two (domestic) orders interact. Warfare, in Europe, occurred principally around borders, and was restricted to certain zones. These border zones, Vaughan-Williams and Minca argue, are different from normal national territory, in that the laws of the state do not have the same applicability as they have in the rest of the country. Border zones, for most of the *jus publicum Europaeum*, were under a form of martial law and constitute military spaces rather than civilian spaces. As such, they represent "a zone of anomie excluded from the 'normal' juridical political space of the state, but nevertheless an integral part of that national territory." (Minca and Vaughan-Williams 2012, 760) Minca and Vaughan-Williams suggest that borders are the spaces in which the state of exception is localised, as spaces of more-or-less permanent exceptions (Minca and Vaughan-Williams 2012, 761; 768). In these border lands, the prevalence or imminent possibility of warfare created a different political dynamic from that of the core territory of a country. In these zones of exception, the regularity expected from the form of the sovereign state was not forthcoming, and would be replaced by a state of exception.

The main significance of the borders of these sovereign states, according to Vaughan-Williams and Minca, was therefore to restrict the dangers of war to specific zones, in which the confrontations were devoid of existential significance. As Hooker similarly writes, "politics is possible *within* the Nomos since the various political units understand the existence of a zone in which interaction can take place." (Hooker 2009, 72) The concept of the sovereign state with a definite territory and clear border zones, as such, provided this space for interaction which ensured the stability of European order. Schmitt's analogy of war as a "duel" (Schmitt 2003, 143) therefore gains a spatial

dimension, although the fundamental analogy remains accurate: in a duel, an 'imagined', or constructed confrontation is substituted for a genuine, 'real' confrontation.¹¹¹ Similarly, in a war restricted to more-or-less formalised border zones, the actual outcome of the war and the reality of the fighting are divorced, as territorial gains and losses are determined by treaty, not by the actual occupation of territory. Formalised, limited struggle in specific spaces became a surrogate to real enmity. In this, therefore, the presence of border zones grounds the Schmittian analogy of conventional war to a duel, as well as giving this analogy a concrete spatial foundation. Schmitt further emphasises this by writing that "the sovereign territorial state initiated war 'in form' – not through norms, but through the fact that it bracketed war on the basis of mutual territoriality, and made war on European soil into a relation between specific, spatially concrete, and organized orders" (Schmitt 2003, 157–158). In the concept of border zones, the interlinking of concepts of war, enmity, and space is made manifest. It is further shown that the conceptual apparatus of Schmitt's theory of war ultimately depends on a spatial conception of political relations, in which the border plays the fundamental structuring role.

The main effect of this duelling in geographically-delineated peripheral spaces, therefore, was to strip European warfare under the *jus publicum Europaeum* of the existential quality of real enmity through the spatialization of enmity in exceptional border spaces; Schmitt explicitly stated that geographical constraints were paramount in preventing the onset of total war (Schmitt 1999, 32). Firm, established borders provided the "physical and ontological fixity required to create meaningful order" (Hooker 2009, 83); such meaningful order, by definition, for Hooker, must contain and restrain "political

¹¹¹ See Chapter 3 for a discussion of the "duel."

dynamics," of which war is a potent manifestation (Hooker 2009, 107). However, Hooker does err in suggesting that real – or absolute – enmity, or at least the pressure towards escalation, could be restrained or eliminated from European politics.¹¹² Rather, I argue that real enmity can only be displaced, managed, or externalised into foreign spaces, in which the genuine confrontation of real enemies can be played out.¹¹³ While border spaces in Europe provided some space for the release of enmity, it was only through the presence of de-localised border zones beyond the amity lines, in the colonial spaces, that enmity could be externalised and released without impacting European stability.¹¹⁴

¹¹² This may be attributable to poor wording by Hooker, as he does allude to the externalisation of enmity elsewhere. While Hooker does state that "as Schmitt presents them, the primary historical purpose of political ordering principles appears to be to contain and restrain the dynamics of enmity within a manageable framework" (Hooker 2009, 109), he earlier acknowledged that "amity lines, whereby states agreed to the geographical limits of the European order, represented an attempt to externalise oceanic space, and thereby to neutralise its potential effect on the foundations of European order. 'Beyond the line' there lay another world, in which Europeans would explore, conquer, and fight as aliens unconnected to the order and orientation of metropolitan Europe. (Hooker 2009, 92) What I argue, *contra* Hooker, is that the "dialectic effect of the sea on the land" (Hooker 2009, 92) is not merely one of ontological opposition and negation but of complementarity. In the *jus publicum Europaeum*, the containment and restraining of enmity in Europe depended on boundless "struggle for land-appropriations" (Schmitt 2003, 93).

¹¹³ "Such [amity] lines delineate, to take the example of the sixteenth century, a not yet pacified space for the reckless struggle for power regulated in such a way that the mutual violations of law and inflicting of damages on both sides that play out inside the delineated space ('beyond the line') do not amount to a basis for war for the European relations of the colonial powers. Nor should they disturb European treaties and European peace." (Schmitt 2011d, 116)

¹¹⁴ Several authors have acknowledged the displacement of *absolute* enmity to the New World (Shapiro 2008, 71; Coleman 2011, 134; Hohendahl 2011, 537); Inayatullah and Blaney discuss the distancing of difference in the new World and the displacement into the domestic (religious strife) and the New World (against Natives) of absolute hostility (Inayatullah and Blaney 2004, 10; 32; 53); Teschke, meanwhile, accused Schmitt of simply writing Native Americans out of history (Teschke 2011, 195). However, while these authors are correct in asserting that Europe formed a united front in waging an absolute war of annihilation against Natives and did not treat them as political actors (Schmitt 2003, 106–112; Schmitt 2015c, 63–64), Schmitt also argues that the Natives never presented themselves as a meaningful opponent, and therefore that combating the Natives was never a significant aim of the land-appropriation (Schmitt 2015c, 66; Schmitt

What Minca and Vaughan-Williams suggest, thus, is that land in Europe was not homogenous and of equal status; nor was territory definitively fixed. Certain zones were of 'core' importance, while borders were contested spaces. However, while European border zones were contested spaces in which limited enmity played out, more importantly, European powers never banished total enmity from their relationships, but merely externalised it. Just like European borders provided a space for power struggles between domestic orders, the rest of the world – particularly the free spaces of America, then Africa (Schmitt 2003, 352) – constituted a border zone into which the European enmities could be exteriorised. European land was ordered, superior land, while colonies – despite being appropriated by European powers – were not given an equal status. Until 1856/1890, the existence of borders between colonies was an *état de fait*, not an *état de droit* (Schmitt 2011d, 114).¹¹⁵ Colonies were not ordered by right but by force (Schmitt 2003, 94). The European order of the *jus publicum Europaeum* was spatially bound to the territory of Europe, and not to the states *qua* agents. States positioning themselves outside of this territory forfeited the nomic protections of the *jus publicum Europaeum*

2003, 87) (this resolves Teschke's argument straight away – the Natives never presented a political force and therefore were, effectively, written out of political history by the European colonisers).

Hence, as Schmitt says, the meaningful struggle in the New World was "an internal European struggle" (Schmitt 2003, 87) and not a civilisational struggle. Inayatullah and Blaney highlighted furthermore how Natives, as the absolute Other, were used as ideological weapons in European religious struggles (Inayatullah and Blaney 2004, 70–79). It is manifest, therefore, that the enmity that fuelled struggles in America was not 'produced' locally, but imported from Europe. The "bitter enmity [...which] reach its highest degree of intensity" (Schmitt 2015c, 63) and in which pirates (Schmitt 2003, 93) and Natives (Schmitt 2015c, 63) were deployed without scruples was not a war against Natives but between Europeans. From the perspective of Europe, the land of America was deemed 'free' and Native populations given no meaningful standing, and therefore not the subject of political enmity, but merely the object of annihilation.

¹¹⁵ See Chapter 5.1.2 for a discussion of the change of status of colonial land and its relation to the decay of the *jus publicum Europaeum*.

for their extraterritorial possessions¹¹⁶. Thus, while colonies were of great economic importance, and provided status, resources, and wealth, the unordered appropriation or loss of colonies carried no existential value, as they did not belong to the core territory of the state. The laws which guaranteed the 'normal' situation in 'normal' European territory did not carry weight abroad, and administration was carried in different manners. The bracketing of war ended where the New World began (Schmitt 2003, 93).

As such, therefore, the presence of this dichotomous and hierarchical conception of space constituted the foundation on which European order rested. For Schmitt, the *jus publicum Europaeum* could simply not have existed without this hierarchy; indeed, the formal annexation of colonies into stately territory fuelled the decline of the nomos of Europe (Schmitt 2011d, 114). As Schmitt writes, "even the bloody wars of this [colonial] era were not total in the sense of a struggle for final existence, since the upholders of this international law had available sufficient free space in the colonies in order to rob their mutual confrontations in Europe of a genuine existential severity." (Schmitt 2011d, 117) The nomos of Europe existed, fundamentally, only against the backdrop of the anomie of the world. The free space of the world provided an imagined, constructed border space between European powers, which mediated interactions and allowed them to express their concrete enmity without impacting the order of Europe. In America and Africa, the distinction of combatants and non-combatants was not rigidly observed; enmity was not restricted to battlefields, and illegal means of warfare – biological weapons, torture, irregular warfare – were routinely used by European powers. In North America, France and Great Britain allied with local Aboriginal groups – most notably Iroquois tribes – to

¹¹⁶ Schmitt does, however, recognise that outside of Europe, "these parties still shared the memory of a common unity in Christian Europe." (Schmitt 2003, 94)

use them as proxies for enmity. These tribes, paradoxically, provided the absolute warfare which was fuelled by an enmity which was not their own or, at least, which was mapped onto their own absolute enmity between tribes.¹¹⁷ The overarching conception of war remained that of a duel, in which the fighting and the resolution of the fight are not necessarily tied. The overall conception of war was somewhat de-spatialized, in that fighting did not occur where the dispute was located, but in a free space; disputes in Europe travelled to the colonies, but never travelled back to Europe (until 1914, that is (Chandler 2008a, 39)). In the free space, however, the war was very much total in scope and means.

4.5. Conclusion: Order and Space

This chapter has argued that conceptions of international order, for Schmitt, are fundamentally rooted in specific conceptions of enmity, which determine this order's functioning, as well as the relationship between war, hostility, and the stability of the order. In any order, the form of enmity is inscribed in the very spatiality of that order and in its relation to physical and metaphorical space. These spatializations of enmity may take multiple forms, depending on the physical environment in which they occur as well as their interaction with other forms of order. Schmitt identifies multiple levels of spatialization, of which two stand out. The first form of spatialization of the earth consists in the global ordering of the world. The earth as a whole must be inscribed with spatial meaning, with a *nomos* in which humans can dwell. This *nomos* order establishes the relationship of order to disorder, and of spaces to one another. The *nomos* of the *jus*

¹¹⁷ For the relation between grand narratives of enmity and local disputes in ethnic wars, see (Kalyvas 2003).

publicum Europaeum did so by implementing a core-periphery hierarchy of space, in which the European land was given a superior value while non-European soil was conceived as free space for appropriation. This order is stabilised by global lines of demarcation, of which the amity lines were a precursor. Whether these lines are formalised or rather internalised in consciousness, they sustain the "imaginative political geographies of enmity" which structure global order (Minca and Vaughan-Williams 2012, 759). The second spatialization occurs within a space, is sustained by border zones, and receives its concrete meaning from the global ordering. In the case of Schmitt's *Nomos of the Earth*, the bracketing of war in Europe thus depended on the hierarchisation of space at the global level.

The European nomos, as such, was stabilised by the presence of this free space, which provided a distinct border space in which absolute enmity was delocalised. This externalisation of enmity allowed for quasi-continuous war in Europe while restricting its effects and the escalation toward absolute enmity. Europe managed to achieve an absolute war by proxy, which came to an end when the hierarchy of space which had grounded this order came to an end towards the end of the nineteenth century. Therefore, while Schmitt affirmed the need for a new nomos, which would this time be not a European order but a "nomos of the earth," the absence of free space presents a wholly new challenge which must be heeded.

5. Collapse and Renewal

This chapter discusses the Schmittian analysis of the "world-historical" (Schmitt 2015a, 60) moment of the beginning of the twentieth century, in which he situates the disintegration of the old *nomos* of the earth. Following on the analysis of the concept of the enemy offered in the previous three chapters, this chapter highlights that Schmitt writes from a very specific vantage point, at the moment of the transition from one *nomos* to the next. Having "sat three times in the stomach of the fish,"¹¹⁸ (Schmitt 2015b, 93) and having witnessed "the many types of terror,"¹¹⁹ (Schmitt 2015b, 92) Schmitt is in a position to offer a "historical retrospective" on the era of the *jus publicum Europaeum* (Schmitt 1992a, 51). Schmitt positions himself as the "ruin-gazer," (Hell 2009, 292) viewing the history of the *jus publicum Europaeum* through its demise, and "writing with the end in sight." (Hell 2009, 305) Just as Schmitt studies the concept of the political through the threat of depoliticized liberalism (Strauss 2007, 100), so does he understand international history through the dethroning of the state and of "the whole superstructure of concepts relating to the state." (Schmitt 1992a, 43) The collapse of the *jus publicum Europaeum* and the foundation of a new *nomos* represents the pivot around which all his thought is oriented. In Hooker's words, "any attempt to read Schmitt as a theorist of the present must, it would seem, weigh the effects of this intense spirit of *fin de siècle*." (Hooker 2009, 102)

¹¹⁸ By "fish," Schmitt likely means "whale;" in *Land and Sea*, he refers to the whale as "whale-fish." (Schmitt 2015c, 26–27) This probably refers to the three defeats Schmitt suffered, namely 1933 – his failure to prevent the Nazi rise to power, 1936 – his exclusion from the circles of high Nazi power, and 1945 – the German defeat and his internment (Cumin 2005, 216).

¹¹⁹ The translation is my own, but is informed by Ulmen's previous translation (Schmitt 1987a).

This chapter, therefore, offers an analysis of the causes of the collapse of the *nomos* of the earth. It begins by surveying multiple phenomena which, according to Schmitt, constitute interlinked causes of the "foundering" of the "traditional Eurocentric order of international law [...and of] the old *nomos* of the earth." (Schmitt 2003, 39) I argue that Schmitt sees the turn of the twentieth century as representing the coincidence of European, colonial, and global disintegrations which culminate in the collapse of the modern *nomos*. I follow by discussing briefly the "call of the new *nomos*"; I argue that this call is fundamentally different from the founding of the previous *nomos* of the earth, and therefore, that the new order must address more complex and multifaceted challenges and disturbances. Finally, this chapter offers an interpretation of the Schmittian conception of peace, in a manner that will preserve the dynamic quality of the political. As Schmitt's saying (borrowed from Cicero and Grotius) "*Inter pacem et bellum nihil est medium*" (Schmitt 1992a, 166–167) makes clear, the preservation of the political rests in large part on the concrete possibility of meaningful peace. I argue therefore for a conception of political peace as the establishment of separate *Großräume* which are distinct from each other and which allow for the banishing of absolute enmity.

5.1. The Collapse of the *Jus Publicum Europaeum*

Thalin Zarmanian has called *The Nomos of the Earth* an "obituary of modernity." (Zarmanian 2006, 54) Indeed, Schmitt's writings, the *Nomos* in particular, are united by a common concern for the rise of absolute enmity and the disappearance of genuinely political, conventional or real, enmity. The *Nomos*, as a proper obituary, recalls and unites the concerns of Schmitt's previous texts, namely the intensification of conflict through pacifism and global liberalism (Schmitt 2007c; Schmitt 2011e), the rise of de-

spatialised imperialism (Schmitt 2011d; Schmitt 2011b; Schmitt 2011a), and the dialectic of land and sea (Schmitt 2015c; Schmitt 2015a), and provides a history of the rise and decay of the *jus publicum Europaeum*, with a particular attention to its collapse.¹²⁰ This section here surveys three interconnected phenomena linked to modernity which all contributed to the slippage from ordered enmity to disordered, absolute enmity. First, in Europe, the appearance of irregular challenges to statehood (most notably the partisan) and the ideologisation of warfare increasingly challenged the – intra-European – bracketing of war. Second, in the colonial world, the closing of the free space of the Americas and Africa prevented the externalisation of total enmity. Finally, at the global level, the turn to the sea – which Schmitt ascribes first to Great Britain – entailed a turn to increased technologisation of politics, the breakdown of spatial balancing of land and sea and the turn to offensive total war.

5.1.1 The Collapse of European Order

While, as the later sections will demonstrate, significant pressure on the European bracketing of war did arise as a result of changes in the non-European world, the nineteenth century and early twentieth century saw the appearance of significant challenges to the state system in Europe itself. As Chapter 3 noted, a significant challenge arose in the figure of the partisan, who, while originating in the state system and existing only in relation to the state's regularity (Schmitt 2007d, 3), simultaneously (and somewhat tragically) challenged the monopoly of the state over the political decision on friendship and enmity (Schulzke 2016a, 10). By appealing to a form of national legitimacy distinct

¹²⁰ The *Theory of the Partisan*, continues this reflection through the distinction between the telluric partisan and the global revolutionary, a "bearer of absolute enmity against an absolute enemy." (Schmitt 2007d, 89)

from the dynastic or legal legitimacy of established stately power, the partisan begins to break down the distinctions that allow for the bracketing of war, namely the relation of state and territory (rather than nation and homeland), the distinction of civilian and combatant, and of peace and war. The partisan continues the fight abandoned by the state by "[getting] the Acheron moving" (Schmitt 2007d, 40); as such, by engaging in real enmity rather than conventional enmity, the partisan challenges the existing order and stands outside of the bracketing of war. As Hooker states, "real politics within a contained system (the state system) seems at first glance a non sequitur." (Hooker 2009, 52). Nevertheless, as long as the partisan remains telluric, he may challenge the order but not lead to its definitively collapse, being tied to a territory.

The change in the figure of the partisan occurred, for Schmitt, through Lenin's transformation of the partisan into an ideologically-motivated global revolutionary. Lenin brought partisans in multiple countries under one central leadership, replacing the autochthonous struggle for national liberation with the aim of the global revolution (Schmitt 2007d, 49–50). For the telluric partisan, the interested third party provides legitimacy to the autochthonous political decision; for the global partisan, the third party takes over the power of the decision and becomes the focus of the struggle. As Slomp writes, "for Schmitt, globalization fosters the further growth of the global activist and the notion of absolute enmity that goes with it." (Slomp 2005, 516) Schmitt insists on the autonomy of the political decision of friends and enemies, which must respond to political imperatives before moral or ethical ones. The ideological motivation for war, conversely, subordinates the political to the moral, and the concrete conflict to the abstract. Abstract ideology in the service of the 'good' is by definition absolute and limitless. The global revolutionary, therefore, denies the legitimacy of the *jus publicum Europaeum* and of

concrete order, privileging an ideal order-to-come through the annihilation of the current order.

For Schmitt, by infusing the revolutionary partisan with a motivation grounded not in a territory and a nation to defend but rather in an ideological enemy to annihilate, Lenin postulated that "the distinction of friend and enemy in the age of revolution is primary, and that it determines war as well as politics"; furthermore, "only revolutionary war is genuine war, because it arises from absolute enmity. Everything else is conventional play." (Schmitt 2007d, 51–52) The partisan, a figure of European territorial bracketing due to its spatial rootedness, became a tool of the 'third party,' the central authority which took on the decision on friendship and enmity (Schmitt 2007d, 50), and therefore the claim to legitimacy. Whereas the *jus publicum Europaeum* was founded as a "public sphere" with a monopoly on collective legitimacy and on legitimate violence, the transformation of the partisan meant that not only did a "non-public sphere [develop] within it," (Schmitt 2007d, 72) it overtook the public sphere by claiming an ideological legitimacy unconnected to the state system (in fact, explicitly opposed to it); while the "partisan needs legitimation if he is to be included in the political sphere," (Schmitt 2007d, 82), Lenin's global revolutionary deliberately stands outside of the political sphere and treats it as his enemy.¹²¹ By turning the partisan into "the true executor of enmity," Lenin "caused nothing less than the destruction of the whole Eurocentric world." (Schmitt 2007d, 52–53)

Throughout the nineteenth century, therefore, Europe generated challenges to the *jus publicum Europaeum* not only from without (see the next two sections) but also from

¹²¹ As mentioned in Chapter 2.4.1, absolute enmity is among others enmity of the political.

within. Partisan warfare and ideological war arose not as a result of Europe's standing in the global nomos, but as a result of changes in European consciousness and theory of warfare – notably through Clausewitz' defence of wars of national liberation (Clausewitz 1984, 479–483; Schmitt 2007d, 44–51).¹²² While the partisan is undoubtedly a symptom of profound changes in European warfare, the transformation runs much deeper: the nationalisation of warfare led to an intensification of enmity, as conventional enmity – between armies and sovereigns, not between peoples – was replaced with real enmity, as "all wars [became] in principle wars of national liberation." (Schmitt 2007d, 10) Ideology became the driving force in warfare as the relationship of war and territory was broken. The partisan, correspondingly, became "a new weapon" (Schulzke 2016a, 10) used both by states and their challengers, part of an "extremely dangerous" wager by states (Schulzke 2016a, 11) which led to the demise of the European state system.

5.1.2 Closing the Free Space

In addition to the intra-European ideologisation and intensification of warfare, the transformation of European interactions with the New World led to the fostering of absolute enmity. Chapter 4 made two crucial claims regarding the relationship of Europe to the colonies. First, the *jus publicum Europaeum* relied on the presence of a hierarchy of two spaces, namely the (ordered) European space, governed by law and reciprocal political relations, and the (unordered) colonial space, in which appropriation followed no other logic than force and actual possession. Amity lines, in turn, separated these two spaces and ensured their independence from each other. Second, the presence of order in Europe relied on the constitution of the colonial space as "free space," in which European

¹²² See Chapter 3.

tension and enmity could be externalised without any significant consequences for European balance. Wars could be fought by proxy, abroad, and concluded through the exchange of colonial possessions rather than upsetting the European balance. In the latter half of the nineteenth century, according to Schmitt, these two pillars of the spatial ordering of the *jus publicum Europaeum* collapsed under challenges both from the West and the East (Schmitt 2003, 217)

The first spatial transformation consisted in the establishing and enforcement of the American Monroe Doctrine which excluded European powers from the Americas, closing off one space for competition. As mentioned in Chapter 4, the main principle of the Monroe Doctrine was the opposition to European intervention in the Americas; it was a claim made against Europe, a "protest against further European land-appropriations of American soil." (Schmitt 2003, 286) While at first merely "the defensive stance of a still very weak colonial state in a peripheral position," (Schmitt 2011a, 31) it quickly led to "American *soil* now [acquiring] a completely new status in international law." (Schmitt 2003, 289) Namely, it bracketed off the Americas, separating them from the balancing order of the *jus publicum Europaeum*. As a result of the Monroe Doctrine, "thereafter, American soil would not belong to any soil status that European international law had recognized in the 19th century: neither soil with no master (and thus open for occupation in the former sense), nor colonial soil, nor European soil as the territory of European states." (Schmitt 2003, 289) America became a counterweight to Europe, another ordered space, challenging the Eurocentrism of the *jus publicum Europaeum*. Most importantly, by determining the meaning of the Monroe Doctrine "in any concrete case" by itself, (Schmitt 2011a, 31) the United States challenged the hegemony of European political and legal "vocabulary [...] and construction of what law, especially international law, is,"

(Schmitt 2011a, 45) thereby rejecting European domination. Thus, while Schmitt speaks with unmistakable sympathy of the Monroe Doctrine as the first "example of a *Großraum* principle," (Schmitt 2011d, 83) he also sees in the Monroe Doctrine a cause of the breakdown of European order.¹²³

The second spatial transformation occurred through the annexation of colonial land in Africa, which broke the hierarchy of European and colonial space, turning a spatially limited European order into an undifferentiated spatial order. While "the Europe-centric vision of the world took its first blow through the Monroe Dispatch of 1823," (Schmitt 2011d, 114) it is in 1856, and then in 1890 that the relativisation of European order was definitively achieved (Schmitt 2011d, 114). In 1856, Turkey was granted participation "in the advantages of public law and of European concert" (Schmitt 2003, 217); combined with the recognition of the United States as a legitimate participant in international, this contributed to the "relativisation of Europe from the West [...and] from the East." (Schmitt 2003, 217) The 1884-1885 Berlin Conference on the dividing of the Congo, while constituting "the last common land-appropriation of non-European soil by the European powers," (Schmitt 2003, 214) also was a testament of its relativisation due to the presence of Turkey and the United States at the conference.

Yet, this last glory of the *jus publicum Europaeum* was subverted in 1890; while it is unclear what made 1890 a watershed moment, turning European order into "a collection of somehow valid [positivistic] norms," (Schmitt 2003, 220) there seem to be

¹²³ While Schmitt does not discuss it *per se*, the establishing of an independent state abroad, of similar status to European states, should in itself constitute a challenge. It is, however, from 1823 onwards that the United States decided to reject orientation in relation to Europe and establish its own order. In this line, Schmitt discusses the appearance of the "Western Hemisphere" as a spatial construct, centred on the United States (Schmitt 2003, 281).

a number of coinciding factors leading to this designation. 1890 marks the dismissal of Bismarck, "the last statesman of European law," (Schmitt 2003, 216) a designation no doubt earned in great part through Bismarck's chairing of the Berlin conference.¹²⁴ 1890 also saw the end of the Reinsurance treaty (from 1887) which guaranteed European balance. Wilhelm Grewe attaches to this event – caused by Bismarck's dismissal – a crucial importance: "The statesmanship which had prevented the European world of States from disintegrating into several rigid blocks of alliances, confronting each other in irreconcilable hostility, disappeared. Only a few years before, at the Berlin-Congo conference of 1885, the system had proved its balancing and peace-making effectiveness in the new, tension-filled sphere of revitalised overseas colonial expansion policies of the European powers. After 1890 the opposing camps clashed irreconcilably, both overseas and within the narrower sphere of Europe."¹²⁵ (Grewe 2000, 439) Finally, from 1890 onwards the recognition of African "states" (Schmitt 2003, 233) as equivalent to European states definitively de-centred Europe and led to the collapse of the hierarchy of space which grounded the *jus publicum Europaeum*.¹²⁶ The recognition of African states not as admitted *into* the legal order but as new actors unconnected to the old legal order (Schmitt 2003, 233) led to international law becoming not a system grounded in concrete

¹²⁴ Bismarck is only meaningfully mentioned on two occasions in the *Nomos of the Earth*; first, for his commitment to European balancing (Schmitt 2003, 189–190), and second for his chairing the Berlin conference and his seeking to exclude Natives from international law (Schmitt 2003, 216–219) Wilhelm Grewe, while devoting a chapter to "the Age of Bismarck" and agreeing with Schmitt on Bismarck's role in Europe (Grewe 2000, 439) suggests that Schmitt overstates Bismarck's commitment to the 'old' colonial order (Grewe 2000, 470).

¹²⁵ Martti Koskenniemi has noted the unmistakably Schmittian borrowings and tone of Grewe's history of international law, including regarding the collapse of European order (Koskenniemi 2002a, 747–749)

¹²⁶ Koskenniemi noted, however, that the General Act of the Berlin Conference explicitly reserved sovereignty to European possessions (Koskenniemi 2002b, 126).

order but a disordered collection of coexisting norms with no coherent relation to each other or to a concrete situation (Schmitt 1995a, 377). The extension of hitherto European concepts – statehood and sovereignty – to Africa created an image of the world not as hierarchical but spatially homogenous.¹²⁷

The result of these upheavals was that the exceptionalism of Europe – as an ordered space against a background of disorder – ceased to be, and the exporting of total enmity abroad ceased to be practical.¹²⁸ This led, on the one hand, to the fact that European tensions now had to play out in Europe, leading to the disturbing of European balance and the rise of real, total (and absolute enmity) in Europe. On the other hand, it also led to a reversal of the monodirectional relationship whereby European enmity was exported to the New World: as Chandler points out, in the First World War, the use of colonial troops in Europe meant that "the unlimited war which had been 'bracketed off' came to Europe, literally, in the British and French use of colonial troops." (Chandler 2008a, 39) While in the past centuries European conflicts had been fought abroad by foreign troops, destroying foreign land, now foreign troops, doing the bidding of European enmities, contributed to the destruction of European land.

¹²⁷ Grewe, while agreeing with Schmitt on the dissolution of European law into global law, challenges Schmitt's situating of this transformation at the end of the nineteenth century: Schmitt's view that "the *ius publicum europaeum* did not dissolve until as late as 1890 and was only then replaced by a global 'international law,' is not in conformity with the historical facts and is similarly unconfirmed by the literature of the period." (Grewe 2000, 466–467)

¹²⁸ The connection of these two challenges is further revealed by Koskenniemi's mention that Bismarck had accused Great Britain "of espousing a kind of a Monroe Doctrine for Africa." (Koskenniemi 2002b, 123)

5.1.3 The Turn to the Sea

The transformation of the spatial ordering of the world as well as transformations in European ideology were associated, for Schmitt, with the turn away from the land towards the element of the sea. In what Grewe called "the British Age," (Grewe 2000, 429) the sea-like conception of space as a collection of roads rather than as territory (Schmitt 2011d, 91) became dominant, overtaking the territorially-based order of the *jus publicum Europaeum*.¹²⁹ This domination of the sea over the land was expressed in three major ways. First, technology introduced itself "between the element of the sea and human existence" (Schmitt 2015c, 86); second, a conception of order founded in territory was replaced by spaceless universalism, namely liberal imperialism; third, this spaceless ideology became a vehicle for economic activity, just as on the sea trade and warfare were indistinguishable (Schmitt 2015c, 73).

In *Land and Sea*, Schmitt noted that unlike land-dwelling, presence on the sea required technological progress, uniting maritime activity with technological progress (Schmitt 2015c, 31–32); in other words, human relation to the sea depends on technology, and technological progress mediates human interaction with this element. Even further, in the nineteenth century, industrialisation occurred in England, turning "the great sea power [...into] the great machine power. Now its world domination appeared to be final." (Schmitt 2015c, 84) In fact, due to its turn to the sea, England was predestined to lead the industrial transformation: "An industrial revolution means the unleashing of technological progress, and the unleashing of technological progress is only

¹²⁹ Great Britain, according to Schmitt, alone achieved sea-appropriation through its orientation towards the sea (Schmitt 2015c, 72–79; Schmitt 2015a, 69). In a world-historical confrontation of powers representing land and sea, "every power is compelled to follow the opponent into the other element." (Schmitt 2015a, 60)

comprehensible from out of a maritime existence." (Schmitt 2015a, 72) So doing, Britain answered the "challenge [...] of the world oceans opening themselves" by engaging in the "industrial revolution [...] the logical second stage of a transition toward maritime existence." (Schmitt 2015a, 75)

In his 1929 lecture on *The Age of Neutralizations and Depoliticizations*, Schmitt sought to chart the development of 'neutral' politics through four central domains which would not lead to intense oppositions but rather form a common ground through which all other disagreements could be resolved (Schmitt 2007b, 89). In Schmitt's view, the central domain of the twentieth century was technology, which liberals claimed would definitively solve problems before they rose to the intensity of political antagonism (Schmitt 2007b, 88–90). The technological world, according to this view, would be a pacified world in which humanity could achieve its maximum progress. Schmitt's answer to the question of technology was the completely opposite. Technology, he contended, was not a neutral domain but rather "only an instrument and a weapon" (Schmitt 2007b, 91) which served the definition of new enemies, in an ever intensifying battle (Schmitt 2007b, 95). As a result, "power has slipped out of human hands even more than has technology, and the humans who exercise power over others with the help of such technological means are no longer alone with those who are subject to their power." (Schmitt 2015a, 45) A machine is meant to be used, and technology in that sense is a "weapon" to be directed towards an enemy to be destroyed. The politically relevant question, as such, is no longer *whether* there is an enemy, but rather *who* the enemy to be destroyed is.

As quoted above, Schmitt ties "sea power" and "machine power," not least as technological progress makes the control of the globe as a whole possible. Schmitt's

critique of universalism, however, goes much further. Among others, he denounces the transformation of the Monroe Doctrine from a spatially delimited principle into an offensive justification of imperialistic liberalism (Schmitt 2011d, 89). Schmitt tracks the abandoning of the restrained doctrine of the nineteenth century in favour of "a spatially undifferentiated and borderless extension of liberal democratic principles to the entire Earth and all of humanity." (Schmitt 2011b, 47) Ideologically-driven liberal universalism "transforms the entire Earth into the battlefield for its interventions" (Schmitt 2011b, 52) through "the covert advancement of enemies against the (now dismantled) state under the thin guise of the law." (Coleman 2011, 137) The offensive Monroe Doctrine, as such, became another example of "universalistic general concepts that encompass the world [which] are the typical weapons of interventionism in international law." (Schmitt 2011d, 90)

Such universalism not only claims hegemony over the political decision throughout the earth, but excludes as an absolute enemy any community which opposes it. In other words, universalism entails the criminalisation of war and enmity (Schmitt 2011e, 66–72). Turning war into "the realization of justice" (Schmitt 2011e, 66) blurs the distinction between war and peace, which was a staple of the *jus publicum Europaeum*: "it is typical of Geneva pacifism to make of peace a juridical fiction."¹³⁰ (Schmitt 1992a, 170) Thus, the treaty of Versailles made peace into "the pursuit of war by other means"¹³¹ (Schmitt 1992a, 167) by declaring the Kaiser criminally responsible and imposing costly penalties which crippled Germany throughout the Weimar period (Schmitt 2011e, 69; Parry 1969c, 285–286). The subsequent League of Nations claimed

¹³⁰ "c'est une démarche typique du pacifisme de Genève de faire de la paix une fiction juridique."

¹³¹ "la poursuite de la guerre par d'autres moyens"

the right to determine the justice of causes and therefore the power of the political decision on friendship and enmity (Schmitt 2011e, 64), in the process positioning itself as a representative of 'humanity' as a whole. More than a criminal, the enemy of the League of Nations became an enemy of humanity, an inhuman *hostis generi humanis*: "humanity can have no enemy that is a human being." (Legg 2011a, 114) Universalism, therefore, turns order into an ideological construct, a cloak under which absolute enmity can progress. Spatial differentiation is abolished and, with it, every bracket on enmity. The enemy of the universal power becomes the enemy of an ideological "humanity," the victim of imperialist absolute enmity (Schmitt 2007c, 54)

Finally, Schmitt argues that in the pursuit of imperialism the United States and England turned the earth into a space free for economic hegemony covertly subverting the autonomy of the political (Schmitt 2011a, 29) By subordinating the pursuit of political interests to the extension of trade and "economic-capitalistic imperialism," the United States could preserve the appearance of peace while using economic control to deny other states the ability to take autonomous political decisions (Schmitt 2011b, 50). Schmitt ties this economic expansionism to the criminalisation of war exposed above, stating that "the liberal-capitalistic interpretation of economic imperialism," by depicting itself as peaceful and "natural," becomes an "intellectual armament for just war." (Schmitt 2011b, 51) The political enemy, therefore, is replaced with an economic foe who must be eliminated in order to ensure free economic activity and who is considered as an unjust aggressor if he stands in the way of imperialistic liberalism, thereby "[delivering] up the concept of peace to scorn and ridicule." (Schmitt 2011a, 43)

5.1.4 The Call of the New Nomos

As a result of these profound European, colonial, and global transformations, "we must pose wholly new questions" (Schmitt 2015a, 64) and acknowledge that enmity itself has radically changed. Beyond the two elements of land and sea, Schmitt speculates about the rise of air or fire as a third element, with its own concept of enmity which, while closer to the sea, might usher in a new area of heightened destruction (Schmitt 2003, 316–320). Most importantly, the appearance of weapons of mass destruction requires new, absolute forms of enmity: "Men who use these weapons against other men feel compelled morally to destroy these other men, i.e. as offerings and objects."¹³² (Schmitt 2007d, 94; See Slomp 2005, 516) While Shapiro has argued that "absolute enmity has become the consequence rather than the cause of spectacular violence. Or rather, neither technology (weapons of mass destruction) nor human nature (premeditated evil) can be isolated as sources of absolute enmity, or even as independent qualities," (Shapiro 2008, 88) it is clear that, for Schmitt, the rise of absolute enmity is a historically contingent phenomenon dependent on specific developments around the turn of the twentieth century. As such, the forms of enmity prevalent in the twentieth century have, in many cases, little to do with those of the nineteenth century and often fall under the category of absolute, unpolitical enmity.

¹³² "But today, it is conceivable that the air will envelop the sea and perhaps even the earth, and that men will transform their planet into a combination of produce warehouse and aircraft carrier. Then, new amity lines will be drawn, beyond which atomic and hydrogen bombs will fall. Nevertheless, we cling to the hope that we will find the normative order of the earth, and that the peacemakers will inherit the earth." (Schmitt 2003, 49)

5.2. Peace

In the preface to *The Concept of the Political*, Schmitt affirms that the "great problem" is to "put restraints on war."¹³³ (Schmitt 1992a, 54) It is safe to say, as has been demonstrated in this thesis, that Schmitt is not advocating or glorifying war, but rather seeking to outline a theory of the political and of order that recognises war as a concrete possibility: Slomp argues that Schmitt's main commitment is to oppose absolute enmity throughout all his works (Slomp 2009, 92), a position also held by Richard Bernstein, as mentioned in Chapter 2. The alternative to absolute enmity, therefore, must be a form of relatively stable and peaceful order which, while allowing for political enmity, excludes absolute enmity and prevents its eruption. It is in this sense that I consider Schmitt as seeking political peace – not in the absence of conflict, but in the elimination of conflict which would destabilise order and lead to absolute disorder.

Schmitt affirms that a strictly European *nomos* is no longer possible, given the globalisation of the earth – quite literally, the conception of the earth as a whole globe, as a single entity, rather than differentiated spatial entities (Schmitt 2003, 351). As he writes at the end of his foreword to the *Nomos of the Earth*:

The traditional Eurocentric order of international law is foundering today, as is the old *nomos* of the earth. This order arose from a legendary and unforeseen discovery of a new world, from an unrepeatable historical event. Only in fantastic parallels can one imagine a modern recurrence, such as men on their way to the moon discovering a new and hitherto unknown planet that could be exploited freely and utilized effectively to relieve their struggles on earth. The question of a new *nomos* of the earth will not be answered with

¹³³ "Le grand problème n'est-il pas de mettre des bornes à la guerre?"

such fantasies, any more than it will be with further scientific discoveries.
 [...] The earth has been promised to the peacemakers. The idea of a new
nomos of the earth belongs only to them. (Schmitt 2003, 39)

This passage contains multiple facets of the Schmittian understanding of the *nomos* and of peace, and deserves close attention. The first striking element is the "legendary" discovery of a new world, which is legendary both in that it served as a founding myth to the *jus publicum Europaeum* and that it belongs to legendary times, to a dynamic which can only occur once, as was discussed in Chapter 2. As Schmitt stated elsewhere, "the great events are unique, irrevocable and irretrievable. An historical truth is true only once." (Schmitt 2015a, 72) Later, he states that the "call" of new space is always a "new" call, never a recurrence of the old (Schmitt 2015a, 79). The legendary times of appropriation of a new world are forever gone; while they account for the present situation, they operated in a foreign world with different norms, just as Aeneas's mythical founding of Rome was legendary in that it originated in qualitatively different founding times, governed by laws (and gods) which do not apply today (Virgil 1992, 3).¹³⁴

The second striking element is that Schmitt speaks here of the "free exploitation" of the new world to "relieve" struggles in the principal space. He suggests explicitly that the principle of free space is that of externalising enmity and providing a cathartic space in which violent responses and struggles can be managed and mediated, as Chapter 4 discussed. The third significant mention is that "the question of a new *nomos* of the earth will not be answered with such fantasies": the call to a new *nomos*, to a new principle of

¹³⁴ The reference to the *Aeneid* here is particularly apt given Schmitt's (modified) quotation of Virgil in *The Age of Neutralizations and Depoliticizations*: "*Ab integro nascitur ordo.*" (Schmitt 2007b, 96) Another apt reference here is to Ovid's *Metamorphoses*, in which the recurring foundation myths indicate their significance for posterior order (Ovid 2010, 7–9; 65–69).

order, is not of the same nature as that of the previous epoch. The *jus publicum Europaeum* existed by balancing order against disorder and European powers interacting in both; before that, the *Respublica Christiana* similarly demarcated the Christian lands against the foreign lands, and legitimised the exercise of violence abroad in order to preserve unity within. The new nomos of the earth, unlike the two previous, will claim to be truly *global*, by ordering the whole earth rather than leaving some part unordered and free to balance the rest. As Schmitt mentions, the hope of finding a new free space to allow for the balancing of order is little more than a fantasy. The call of the new nomos is, therefore, qualitatively unique and different from everything that happened before. The new nomos is unique. Finally, however, Schmitt affirms simultaneously, if only tentatively, the possibility of genuine peace: "The earth has been promised to the peacemakers. The idea of a new *nomos* of the earth belongs only to them." As the new nomos is to order the whole earth, the possibility of a peace extending to the whole earth is by extension affirmed. The new nomos opens up, for the first time, the genuine prospect of global, political peace. The question, therefore, of what Schmitt understands as 'peace' remains to be resolved.

5.2.1 Liberal Peace

In the *Concept of the Political*, Schmitt criticises liberal conceptions of peace as being rooted in the absence of conflict and the unanimous agreement of all. Liberal peace, according to Schmitt, is founded in the depoliticisation of the earth, not in a truly political understanding of peace (Schmitt 2007c, 78–79; Schmitt 2011b, 50–51). In contrast, Schmitt's discussion of nomos divorced the concept of order from the concept of peace. It is very possible, even conceivable, to imagine unpeaceful order; the *jus publicum Europaeum*, fundamentally, was such an order, in that the *jus publicum Europaeum* did

not banish war completely but restricted its scope and magnitude and made it part of the order itself (Hooker 2009, 80).¹³⁵ Schmitt was particularly critical of a peace founded on a discriminatory war – on one which claimed to pacify "humanity" by excluding unpeaceful elements from the concept of "humanity," by turning the enemies of 'peace' into criminals and pirates (Schmitt 2011e, 66–72; Schmitt 2011c; Schmitt 2003, 142). Schmitt's ironic quip about the "absolute last war of humanity," a "war against war," forcefully expresses this distaste (Schmitt 2007c, 36). Similarly, he denounces liberal interventionism meant to export 'freedom,' and 'peace' as military imperialism relying on an almost Orwellian redefinition of concepts: "How is a jurisprudence possible that in view of bloody struggles, in view of tens of thousands of casualties, dares still speak of 'peaceful occupation' [in China] and thereby delivers the concept of peace to scorn and ridicule?" (Schmitt 2011a, 43) Peace, for Schmitt, must necessarily be a political peace, one that takes into account the distinction of friends and enemies, and not one which seeks to conceal or de-politicise this reality. As Chapter 2 made clear, Schmitt considers that a peace that would deny the possibility of the political distinction of friends and enemies would conceal the ontological reality of radical alterity and the anthropological fact of human dangerousness (Schmitt 2007c, 57). To presume that complete, universal, depoliticised peace could be achieved and eliminate enmity completely is a sign of "anthropological optimism," which would lead to a dissolution of the political (Schmitt 2007c, 64).¹³⁶

¹³⁵ Liberal peace, however, relies precisely on the banishment of every meaningful conflict.

¹³⁶ This argument is somewhat circular, and can only rest securely in the ontological claim on Schmitt's part, as Chapter 2 also indicated: "Because the sphere of the political is in the final analysis determined by the real possibility of enmity, political conceptions and ideas cannot very well start with an anthropological optimism." (Schmitt 2007c, 64) However, the ineradicable "real possibility of enmity" is itself reliant on

It is therefore clear that the peaceful order which Schmitt conceives as the concrete possibility of a new *nomos* is not of a Kantian nature, in which all states agree on leaving aside political disagreements in order to rely on a coincidence of economic and moral interests. As long as political existence remains, war must remain a concrete possibility and enmity remains a concrete possibility as well (Schmitt 2007c, 65; 79).¹³⁷ Eliminating human strife, for Schmitt, would be one such fantasy entertained by those who do not entertain "genuine political theory." (Schmitt 2007c, 61) To abolish the political would be to abolish the essence of humanity, which is this fundamental potential for danger. Liberal peace, as such, is little more than an inhuman peace. Beyond this rejection of unpolitical peace, Schmitt does not discuss much his conception of peace, except to distinguish political peace from depoliticised peace.

What Schmitt does mention, however, is the distinction between political war and antipolitical civil war: for instance, in the *Großraum Order of International Law*," Schmitt states that "war in this [interstate *Großraum*] system of international law is a relationship of one order to another order, and not from order to disorder. This relationship of order to disorder is 'civil war.'" (Schmitt 2011d, 105) In order for peace to exist, therefore, relationships must remain relationships between orders, and not between order and disorder. A *nomos* of the earth, further, may not be the expression of a universal ideal. Rather, the *nomos* would have to allow for the existence of differentiated, distinct

humans being dynamic and dangerous. Schmitt rejects equally the anthropological pessimism of Donoso Cortés and the likes (see Chapter 2) as moralistic, preferring his own "realism" which acknowledges "the concrete possibility of an enemy" without ascribing any moral value to it (Schmitt 2007c, 65).

¹³⁷ It is particularly significant, in this regard, that Schmitt republished the *Concept of the Political* without modifications in 1963. It would suggest that, while he qualifies his agreement in the preface and the corollaries, he agrees by and large with the conclusion that the political is, if not inevitable, at least the sole genuine field of meaningful human existence.

orders in relation with one another, with a hierarchy of space, if only between centres and borders (Minca and Vaughan-Williams 2012, 760). This conception of the new nomos of the earth suspiciously resembles that of Schmittian *Großräume*, as a plurality of spatially-bound orders centred on *Reichs*, or strong super-states (Schmitt 2011d, 102).¹³⁸ Therefore, I suggest that, for Schmitt, the most peaceful form of organisation would be one in which multiple orders, of conceptually equal legitimate status, coexisted in mutual recognition and non-intrusion. A world which would be populated by a plurality of "Monroe Doctrines" (see Schmitt 2011d; Schmitt 2011b) would be globally at peace, and remain undisturbed in its totality even if a certain portion were to be disturbed by a limited war.¹³⁹

As mentioned at the beginning of this section, peace, under such a system, would not be defined as the total absence of meaningful disagreement, as in a standard liberal framework, nor would it be conceived as requiring the absolute and definitive exclusion of the possibility of war. Rather, peace would require the management of enmity and its restriction within each sub-nomic order and thus the absence of absolute global war. In such a system, the nomic order would effectively be populated by relationships of 'order to order' rather than 'order to disorder.' The presence of states with a global reach, engaged in appropriation all throughout the world, threatens the stability of domestic

¹³⁸ It is clear that when drawing up this conception of the order of the world (prior to writing the *Nomos of the Earth*), Schmitt had a very strong political and ideological agenda to express (Schmitt 2011d, 99). Nevertheless, he never formally withdrew his support for this form of organisation.

¹³⁹ While, in *Großraum*, Schmitt argues that *Großräume* must be centred on a "Reich," a dominant power, I suggest that this conception of peace would not necessarily require a *Reich* to dominate and set the order. It seems to me that Schmitt never persuasively establishes the necessity of a *Reich*, apart possibly as the holder of the decision on friendship and enmity beyond the boundaries of the *Großraum*; in a peaceful world, however, such extra-territorial relations should not be necessary.

order if there is no genuine free space for all to be engaged in. The paradoxical solution to the problem of the global nomos, thus, is that the globalisation of power may be its greatest threat.

For Schmitt, the most dangerous spatial conception is that of spacelessness – in other words, that of the globe as homogenous, empty space. A multipolar, or multi-ordered world, would not as such be homogenous and empty, but heterogeneous and filled, leaving no room for global disorder. Such a system would, problematically, however, require each order to be auto-sufficient and somewhat autarkic; the heterogeneous space may not become a *hierarchical* space, lest the process of disordering and land-appropriation be relaunched (see Chapter 4). Land-appropriation in such a system would fundamentally become *land-deprivation* as well, carrying an inherent existential threat for another order. Under such a nomos, the principal threat would inherently be that of absolute enmity; it would consist in the war of an overreaching order against another order, carrying inherently an existential threat. The peaceful coexistence of the whole would depend on the banishing of disorder from the world (or land-world, at least) completely. Any inter-order war would therefore necessarily represent a return of disorder in the nomos of the earth, an existential threat. Thus, while war may be allowed to freely exist within each order, without intervention from other powers, any potentially global war would threaten to cripple the nomos as a whole. Order is, by definition, fragile.

In a 1955 article appended to the *Nomos*, Schmitt outlines three possibilities for the coming of the new nomos, in which the prospect of a plurality of independent *Großräume* arises as seemingly the only possibility of preserving the political. The setting in which Schmitt draws up these reflections is that of the opposition of a land power – the

USSR – and a sea (and air) power – the USA – locked in a world-historical confrontation (Schmitt 2003, 354; Schmitt 2015a, 60). The first possibility for a new *nomos*, in those circumstances, would be that of the decisive victory of one of the two parties (Schmitt 2003, 354). This, however, would eliminate the political distinction of friends and enemies from the world. On the one hand, a successful victory would lead to the universal hegemony of the victor, negating the possibility of the political.¹⁴⁰ On the other hand, Schmitt is sceptical about such unity ever being realisable: "Given the effectiveness of modern technology, the complete unity of the world appears to be a foregone conclusion. But no matter how effective modern technical means may be, they can destroy completely neither the nature of man, nor the power of land and sea without simultaneously destroying themselves." (Schmitt 2003, 354)¹⁴¹

The second alternative is that of an *ad hoc* extension of the previous *nomos*, in the form of the balancing of the USSR's land power against the USA's sea power and the reconciliation of this confrontation under a common political order (Schmitt 2003, 355). However, it would appear that Schmitt does not conceive this as a likely possibility. Elsewhere, he writes that "atomic weapons of mass destruction [...] require an absolute enemy," (Schmitt 2007d, 93) further stating that "men who use these weapons against other men feel compelled morally to destroy these other men [...] they must declare their opponents to be totally criminal and inhuman, to be a total non-value." This in turn leads

¹⁴⁰ Elements of the critique of absolute enmity and universalism are present in all three main chapters. Chapter 2 discusses the necessity for friendship and the presence of an enemy that can be confronted existentially; chapter 3 argues for the danger of absolute enmity and the annihilation of the enemy; chapter 4 discusses Schmitt's critique of groundless universalism.

¹⁴¹ In *The Concept of the Political*, Schmitt wrote about universalistic liberalism that "this allegedly non-political and apparently even antipolitical system serves existing or newly emerging friend-and enemy groupings and cannot escape the logic of the political." (Schmitt 2007c, 79)

to the creation of "new types of absolute enmity" which are "so frightful that perhaps one no longer should speak of the enemy or enmity." (Schmitt 2007d, 94) In the setting of the Cold War, then, the scenario of "the martial confrontation [...] of the elements against one another" seems more likely than the scenario of a balancing and constraining of one power by the other (Schmitt 2015a, 60).

The remaining scenario, therefore, is that of "an equilibrium of several independent *Großräume*, [which] is rational, if the *Großräume* are differentiated meaningfully and are homogeneous internally." (Schmitt 2003, 355) Not only does Schmitt establish this eventuality as the most political one (against the prospect of a single hegemon), he also clarifies what is necessary to preserve the quality of the political, namely the presence of clear, unchallenged borders (meaningful differentiations) between the different spaces and the absence of internal hierarchies (internal homogeneity). Given this prospect, Schmitt even allows himself to end on a hopeful note, claiming that a new *nomos* is appearing, despite all the death and destruction that is visible on the surface: "what is coming is not therefore boundlessness or a nothingness hostile to *nomos*." (Schmitt 2003, 355) Global order will appear, and with it the potential for global peace.

6. Conclusion

In one of the corollaries appended to the *Concept of the Political* in 1963, Schmitt derisively writes that "it is a typical method of the pacifism of Geneva to make of peace a juridical fiction. [...] What a pitiful peace!" (Schmitt 1992a, 170) As this thesis has sought to demonstrate, careful attention to the concept of the enemy in Schmitt's international political thought uncovers implications that far exceed the basic elaboration of the political as the distinction of friends and enemies. Enmity is related directly to order, political existence, and above all war and peace, all of which have been central concerns of this thesis. In Schmitt's thought, the enemy, in all its complexity, sits at the very centre of the theory of the political. Just as "war has its meaning in enmity," (Schmitt 2007d, 59) the possibility of meaningful peace depends on a concrete understanding of the conditions under which enmity may arise and be expressed. Conversely, when the link between war, peace, and enmity is broken, absolute hostility alone remains and transforms both war and peace into the pursuing of destruction (Schmitt 1992a, 169–170). Situating the enemy in relation to other political concepts, therefore, is necessary to retain the possibility of genuine politics and genuine peace.

In addition to the concrete discussion of the concept of enmity in Schmitt's work, this thesis has sought to advance a number of arguments about Schmittian scholarship in general. First, this thesis has argued that Schmitt is first and foremost a political thinker, before being a jurist (*contra* Schmitt himself!) or a theologian. Schmitt's primary concern is for political existence and the creation and maintaining of political identities. Second, this thesis has sought to demonstrate that Schmitt's conception of the political remains consistent throughout his writings. While he does acknowledge a mistake in insufficiently distinguishing the types of enmity in the original *Concept of the Political*

(Schmitt 1992a, 52), while he leaves the state behind to address irregular political forces (Schmitt 2007d), and while he changes his method of argumentation from systematic theory to retrospective historical analysis (Schmitt 1992a, 51), that does not alter the substance of his conceptualisation of the political and of enmity. For this reason, it is fruitful, even necessary, to read Schmitt's work as a whole, and to use the whole body of texts to illuminate the meaning of Schmitt's arguments. Schmitt's work is traversed by a number of themes – land and sea, the critique of liberalism, the criminalisation of war, land-appropriation, etc. – which are discussed in multiple texts, sometimes over a long period of time; for this reason, no work can be properly read in isolation. With the exception of *The Nomos of the Earth*, Schmitt's writings on international theory consist in a large number of short articles and essays; through them, Schmitt constructs his arguments one piece at a time.

Third, this thesis contends that Schmitt's position as contemplating the ruins of the *jus publicum Europaeum* in the aftermath of the First World War¹⁴² must be kept in mind when analysing his work.¹⁴³ Schmitt conceives of the nomos of the earth through, on the one hand, the collapse of the *jus publicum Europaeum* and, on the other hand, the prospect of a new nomos of the earth. As he writes in *Ex Captivitate Salus*, as he went through the all the "tribulations of fate," (Schmitt 1987a) "it all has passed through

¹⁴² The First World War features in Schmitt's works much more than the Second. Indeed, according to Schmitt, it is the war of 1914-1918 that unleashed absolute enmity onto the world and definitively buried the *jus publicum Europaeum* (Schmitt 2007d, 95; Schmitt 2003, 352).

¹⁴³ One may recall here Walter Benjamin's Angel of History, who, looking at the past, "sees one single catastrophe which keeps piling wreckage upon wreckage and hurls it in front of his feet," while a "storm is blowing from Paradise [...and] irresistibly propels him into the future to which his back is turned, while the pile of debris before him grows skyward." (Benjamin 1999, 249)

[him]."¹⁴⁴ (Schmitt 2015b, 92) Schmitt draws on the manifest success of the bracketing of war for much of the four centuries preceding him, but also on its ultimate failure in the face of real and absolute enmity. As the introductory chapter (Chapter 1) made clear, I follow Koselleck in contending that Schmitt addressed a specific audience in a specific context, and that this fact colours his approach of the political. His claim that "only the denial of real enmity paves the way for the destructive work of absolute enmity" (Schmitt 2007d, 95) thus takes on a very urgent and fatalistic tone, as he simultaneously warns of the danger of the absolute enmity of the Cold War and describes the historical development of interstate politics at the beginning of the twentieth century.¹⁴⁵ In summary, I agree with Slomp's thesis that "diagnostics and polemics are intertwined aspects of Schmitt's thought." (Slomp 2007, 200) Diagnostics and polemics feed off each other, and cannot be easily separated.

This thesis has sought to demonstrate that enmity for Schmitt is a rich, multifaceted, and somewhat ambiguous concept which determines nearly every fundamental characteristic of political order, its stability, its existential quality, and its distinction of peace and war. Chapter 2 argued that Schmitt's conception of enmity devolves from a consistent ontology and anthropology which consider the political world as fundamentally disunited, and populated by human beings who are dynamic and (potentially) dangerous. The world is therefore conditioned by violence or the threat of violence. The political, as a result, constitutes an ordering of this violence and provides

¹⁴⁴ "Ich habe die Escavessaden des Schkicksals erfahren / [...] Durch alles das bin ich hindurchgegangen / Und alles ist durch mich hindurchgegangen."

¹⁴⁵ I therefore disagree with Hooker's claim that "Schmitt's eschatological-historical position results in a sterile conundrum in which Schmitt was torn between an ultra-reactionary defence of the flawed state form, and a breathless anticipation of an apocalyptic world unity." (Hooker 2009, 4)

an architecture of existential meaning to organise and manage this fundamental violence. Political enmity results from this ordering, and therefore is inherently limited; in this, it is opposed to absolute enmity, which knows no bounds and does not recognise the enemy as a legitimate adversary.

Chapter 3 argued that enmity and war are fundamentally united and mutually impact each other. The distinction between land and sea war, for Schmitt, corresponds to a distinction between defensive and offensive total war, and to the distinction of real and absolute enmity. This chapter further emphasised the influence of Clausewitz on Schmitt, notably through the notion that war tends towards extremes and on the relation of war and politics. Finally, this chapter attended to the figure of the partisan, arguing that the partisan claims the power of the political decision from the regular authority, and therefore constitutes the final, existential form of political enmity. Furthermore, the telluric partisan represents the breakdown of the order of the *jus publicum Europaeum*, as every bracket on warfare is swept away in the face of real enmity.

Chapter 4 discussed the spatial dimension of order, which Schmitt emphasised in his writings from the mid-1930s onwards. The principal argument here is that political order, at its very core, contains a spatialization of the concept of enmity. Two main forms of demarcation sustain this spatialization, namely amity lines and borders, which both carve out spaces for combat and warfare, and therefore ground enmity in a concrete localisation. In the *jus publicum Europaeum*, amity lines served to isolate an ordered space – Europe – which was differentiated from an unordered space in the colonial world of the Americas, Africa, and (to a lesser extent) Asia (Schmitt 2003, 352). In this unordered space, European powers not only waged an absolute war against Native populations, but most importantly externalised their own total enmity into a space where

war and enmity could be freed from the bracketing in place in Europe. This cathartic release of total enmity contributed to the managing and restriction of enmity in Europe. In Europe, border zones provided space for limited encounters which did not threaten the form of war.

Finally, Chapter 5 discussed Schmitt's analysis of the collapse of the *jus publicum Europaeum* at the turn of the twentieth century, as, in David Chandler's words, absolute enmity literally travelled back to Europe from the colonies (Chandler 2008a, 39). It argued that the collapse of the old *nomos* of the earth was brought about by a coincidence of European, colonial, and global changes which rendered the bracketing of war impractical and impossible. Among these, the closure of the free space for colonisation, the growing importance of ideology and technology, and the criminalisation of war stand out. This chapter then turned to the question of the new *nomos* by addressing the question of the peace of the new order, a peace which would preserve the quality of the political. I argued that, fundamentally, such a peace would be best preserved by a conjunction of distinct *Großräume* independent from each other. Paradoxically for Schmitt, global political peace may not be achieved through global ordering.

On this basis, several implications for further research may be uncovered. This thesis may provide a foundation upon which it is now possible to return to applying Schmitt to contemporary issues, among which the 'War on Terror'. Such an application of Schmittian ideas would have to rely on a careful acknowledgment of the complexity and nuances of his thought, rather than an application in large brushstrokes. Similarly, Schmitt's concept of enmity provides a powerful challenge to common ideas in the field of peacekeeping and conflict resolution, among which the just war theory and Kantian-inspired peace theories. Finally, attention to the concept of the enemy provides

perspectives for reinvigorated study of world order and the role of war and violence in International Relations. The distinction drawn by Schmitt between political order – an order founded on the distinction of friends and enemies – and unpolitical order – founded on ideological abstractions and groundless absolutes – deserves closer attention, and can inform contemporary study of global relations, globalisation, and the use of force in international politics. Ultimately, however, the greatest insight gathered from Schmitt's concept of enmity is that political order is, almost by definition, fragile and dynamic. Serious life rests on the existence of such a challenge and the active maintaining of a dynamic order.

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