

Friend or enemy?

Reading Schmitt politically

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The debates concerning a 'crisis' in social theory in recent years have been partly generated by those socialists for whom old certainties now appear naive and the theoretical foundations of a socialist approach to history and society obliterated. In this context some have looked to new approaches – discourse theory, poststructuralism, deconstruction, rational choice theory, to name but a few – for a way out of the crisis. My interest in this article is with none of these. Instead I am concerned with the process of 'unlearning' that has occurred whilst the breaking with the past foundations of socialist theory has taken place: specifically, astute political and theoretical judgements made by socialists of the past generation that have been forgotten. The judgement at issue is that Carl Schmitt was a fascist.¹

This has been forgotten in the attempt to utilize some of Schmitt's more challenging theoretical work as part of the rethinking of socialist theory. For Schmitt is being offered to us as one way of thinking ourselves out of the theoretical crisis confronting us. We are told that 'the left can only learn from Carl Schmitt';² that Schmitt's 'genuine analysis' 'enlightens us';³ that 'we can learn a great deal' from Schmitt's critique of Parliamentary democracy;⁴ and that, for liberals, Schmitt can offer the basis for a rethinking of liberalism.⁵ The crisis, then, has reached a point where fascists are being used as the basis for a revitalized and rejuvenated socialist political theory.

It should be stated from the outset that Schmitt is being offered to us not *because* of his fascist politics but *despite* it. This is done on the assumption that his fascist politics is somehow unconnected to the profound theoretical insights he is said to provide on a range of issues – the nature of the political, the importance of constitutional legality, and the possible contradictory tendencies of democracy and liberalism. The implication is that these insights are far more telling than any the Left, especially the Marxist Left, has produced. In one sense it is the ambiguous status of socialist political theory in general, and Marxist political theory in par-

ticular, that lies at the heart of the discussion. Writing in *Telos*, the journal which has played a major role in making Schmitt's work available to a wider audience, Paul Piccone and Gary Ulmen claim that 'most Marxists, neo-Marxists and liberals in this century have plodded along without a political theory *strictu sensu*'. In such a situation Marxists have either underwritten some of the worst barbarities of the twentieth century or have come to embrace the most naive features of traditional liberalism in the guise of post-Marxism. In this context Schmitt's thought 'may well turn out to be the antidote' needed.⁶ Piccone and Ulmen express here the central issue at the heart of the current appropriation of Schmitt. On the one hand lies the necessity of developing a critical theory of liberal democracy, which Marxism is said to have failed to do – in effect, Schmitt is being turned to as a means of 'filling the gap left by the non-existent Marxist theory of democracy', as Habermas puts it.⁷ On the other hand, sensitive to the fact that those who have moved out of Marxism have often done so only to embrace a liberal pluralism indistinguishable from a range of mainstream liberal writers and thus lacking any real radical force, Schmitt's *critique* of liberalism's key presuppositions and central institutions is also being appropriated.

Underlying the rehabilitation of Schmitt are thus the tensions within Marxist political thought. The supposed failings of Marxist theory are taken as read – its economism and reductionism downgrades the importance of the political, its universalism threatens heterogeneity, its rejection of liberalism fails to do justice to the complex nature of liberal thought and consequently throws the democratic baby out with the capitalist bath water, its class essentialism obliterates the multi-faceted nature of political struggles – in order for Carl Schmitt to step in and supply some of the required concepts and theoretical insights. This is because Schmitt, supposedly unlike classical Marxism, takes the political seriously, gives us one of the most telling critiques of liberalism, and encourages a rethinking of the

questions of identity and heterogeneity and their constitutive role in democracy.

In what follows I present arguments for resisting such an appropriation; in doing so I seek to dispel some of the increasingly popular myths surrounding Schmitt and his work. I first present an outline of the broad contours of Schmitt's work, before exploring the fascist nature of his work in more detail. The thrust of the argument is that it is Schmitt's *theoretical* work that led him to join the Nazi Party and that the *theoretical* presuppositions of his critique of liberalism underlie an essentially fascist political project. I conclude with some comments on the dangerous intellectual hybrid of a 'socialist Schmittianism' through a brief critique of those who seek to incorporate Schmitt's work into a politics which he would have despised. Whatever weaknesses socialist and Marxist political theory may have, the means for rejuvenating it do not lie in Carl Schmitt's critique of liberalism. To think otherwise, to appropriate his arguments on the misguided assumption that they can make a contribution to a socialist political theory of liberal democracy, is to engage in a wilfully dangerous illusion.

Sovereignty and the friend-enemy distinction

At the heart of Schmitt's political thought lies a critique of liberalism and parliamentary democracy; behind this lies his conception of sovereignty. Taken together these give us his concept of the political. Schmitt's starting point is his adoption of two formulations crucial to early modern political thought but which, he claims, have been lost in the triumph of liberalism. The first, his understanding of sovereignty, is found in the opening sentence of *Political Theology* (1922): 'Sovereign is he who decides on the exception.'⁸ For Schmitt it is this, rather than the understanding of sovereignty as the 'absolute and perpetual power', that forms the insight made by natural law theorists, and in particular Jean Bodin. For the state of exception – a severe political or social disturbance requiring extraordinary measures involving the partial or total suspension of constitutional laws – reveals who has the power to decide when such a decision is necessary. The second formulation is his claim that 'all significant concepts of the modern theory of the state are secularized theological concepts'.⁹ In being transferred from theology to the theory of the state, the omnipotent God could become the omnipotent law-giver; typical here is Hobbes's Leviathan.

However, the contemporaneous rise of deism and the liberal constitutional state banished both the idea of miracle and the concept of the exception – the jurisprudential equivalent to the miracle – from the world.

The gradual elimination of theistic and transcendental conceptions from political thought, especially after 1848, put paid to the traditional monarchical form of legitimacy, which found itself usurped by liberal democratic legitimacy with its principal mechanism for maintaining order – the discussion – and its central institutional form, parliament. Invoking the Catholic counter-revolutionary Donoso Cortes's characterization of the bourgeoisie as a discussing class, Schmitt presents the bourgeois and the liberal as committed to endless debate. Based on the assumption that opposing views can be reconciled, this commitment to debate merely serves to avoid a decision on the exception. 'The essence of liberalism is negotiation, a cautious half-measure, in the hope that the definitive dispute, the decisive bloody battle, can be transformed into a parliamentary debate and permit the decision to be suspended forever in an everlasting discussion.'¹⁰ It is against this perceived weakness of liberalism that Schmitt pits his decisionism.

For Schmitt, the liberal belief that politics can be successfully conducted through discussion and negotiation, and the decision thereby avoided, is undermined by the fact that politics is a realm of struggle. More explicitly, it is a realm of struggle between friends and enemies. This is the core of Schmitt's concept of the political: 'the specific political distinction to which political actions and motives can be reduced is that between friend and enemy.' Such a distinction is concrete and existential rather than metaphorical or symbolic, for an enemy exists when one fighting collectivity of people confronts another. The liberal transforms this enemy into either an economic competitor or an intellectual adversary, in the process failing to recognize the centrality of the state. The concept of the state presupposes the concept of the political and, as the *political* status of an organized people, the state must be the ultimate authority. Thus the sovereign, as 'he' who decides on the exception, must be a specifically political entity, an entity standing above all other social groupings. Liberal pluralism denies or avoids addressing this. The pluralism of G.D.H. Cole and Harold Laski, for example, 'consists in denying the sovereignty of the political entity by stressing time and again that the individual lives in numerous different social entities and associations'. In sum, there must be one association – political in nature – with the ability to define the enemy and decide on the state of exception; to be, in effect, a genuinely sovereign power.¹¹

Now, for Schmitt a number of historical changes have occurred which render the earlier liberal conception of the state redundant. The distinction between state and

civil society in particular is an obsolete conceptual dichotomy. After 1848 'the qualitative distinction between state and society ... lost its previous clarity'. Failing to recognize this, liberalism remains trapped within the distinction, neutralizing and depoliticizing a number of crucial political categories. For 'democracy' to be saved (from liberalism as well as communism, a point to which I shall return) it 'must do away with all the typical depoliticized distinctions characteristic of the liberal nineteenth century, also with those corresponding to the nineteenth-century antitheses and divisions pertaining to the state-society (= political against social) contrast'.¹²

The state-civil society distinction is obsolete because there has been a shift towards the 'total state' and away from the 'neutral (noninterventionist) state'. The increasing involvement of the state in the affairs of society and the fact that everything has become potentially political results in an identity of state and society. But this *liberal* total state is total in the quantitative sense. By reducing the state to one association amongst many, and having the state subject to all and sundry forces of society, the central conception of the state as a decisive entity, capable of distinguishing between friend and enemy, is lost. As such the quantitative total state is unable to save democracy from the emergency situation. Only a *stronger, non-neutral* total state can save democracy, a total state 'in the qualitative sense' in which it is 'especially strong': 'it is total in the sense of its quality and of its energy, of what the fascist state calls the "*stato totalitario*" ... Such a state can distinguish friend from foe.'¹³

What does it mean to say that the qualitative total state can save democracy? In what Habermas describes as the really problematic move, Schmitt separates liberalism and democracy, for two related reasons.¹⁴ First, because the liberal conception of democracy fails to give full weight to one of democracy's central components: the identity of rulers and ruled. Those organizing themselves around the idea of 'democracy' have the same subject – the people – and the same aim – the identity of governors and governed. Parliament is necessary, according to the liberal, because there can be no arena in which all the people can discuss issues at hand; a representative body is thus established to discuss on behalf of the people. On this reading parliament is just a talking shop, the institutional form for discussion. But, if 'for practical and technical reasons the representatives of the people can decide instead of the people themselves, then certainly a single trusted representative could also decide in the name of the same people'. This, 'without ceasing to be democratic ... would justify an antiparliamentary Caesarism'. The belief in

parliamentarism is thus essential to liberalism but not to democracy; the latter is entirely compatible with dictatorship.¹⁵

Second, the purely formal concept of equality held by liberals, in which humans *qua* humans are regarded as equal, allows for substantive difference and thus heterogeneity within the social order. Democracy, in contrast, requires homogeneity and thus the *elimination* of heterogeneity. 'A democracy demonstrates its political power by knowing how to refuse or keep at bay something foreign and unequal that threatens its homogeneity.' The recognition of such a potential *enemy* of homogeneity refers to those internal as well as external to the social order: 'a democracy ... can exclude one part of those governed without ceasing to be a democracy.' On this reading Bolshevism and Fascism are anti-liberal but not necessarily anti-democratic. 'In the history of democracy there have been numerous dictatorships, Caesarisms, and other more striking forms that have tried to create homogeneity and to shape the will of the people.'¹⁶ Thus it is not simply that liberalism will fail to save democracy from the social antagonisms threatening to tear it apart; it is that only a Caesaristic dictatorship, committed to state power and substantial homogeneity, willing to define its enemies and eliminate them should an emergency situation require it, can save democracy.

The crisis of Weimar

It is against the backdrop of the crisis of Weimar that the full implications of Schmitt's work become clear. Faced with social disorder and economic collapse, with the political threat of communists on the one side and Nazis on the other, key political figures in the Weimar republic turned to Schmitt, as one of the leading constitutional theorists, for advice on constitutional and legal matters. The increase in the number of seats held by the National Socialists (107) and the KPD (77) in the 1930 election left Chancellor Brüning without the support necessary for his reform programme. With Brüning unable to govern effectively, and with increased street action by the National Socialists, the crisis of parliamentary democracy had reached an emergency situation. Unwilling to decide on this state of exception, liberalism was unable to save Weimar.

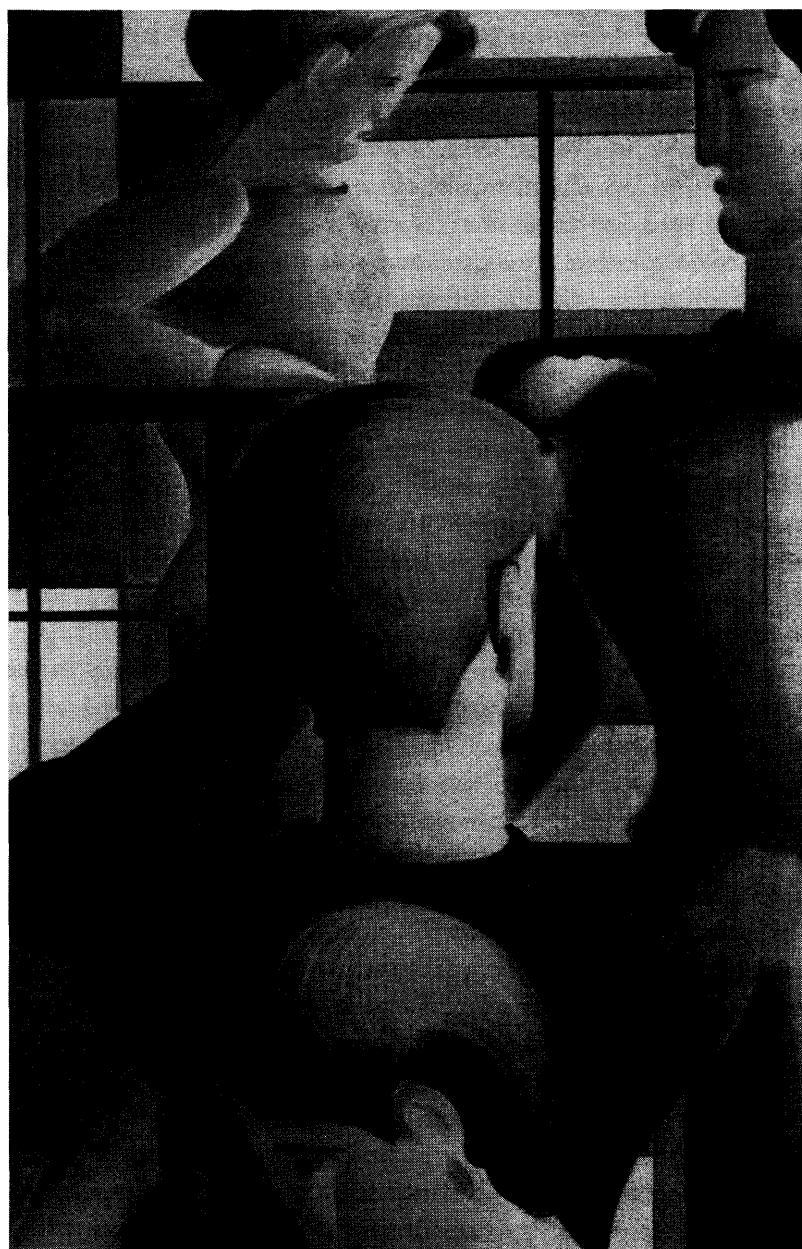
Against this, Schmitt's account of a dictatorship that could save the social order assumes a greater political significance. In order to 'save' the social order Schmitt argued that the president should govern through a series of emergency decrees, a procedure allowed by the Weimar constitution. Article 48 of the constitution was an emergency provision, allowing the president to rule

by emergency decree, with the use of the armed forces, and to abrogate the rights laid down in other articles (such as the right to privacy, secrecy, opinion, assembly, association and property), if a state were unable to fulfil the wider duty to preserve order imposed on it by the constitution. In *Legalität und Legitimität* (1932) Schmitt argued that if one assumes a value-neutral interpretation of the Weimar constitution then it would be unconstitutional to limit a party's equal chance to take power legally. But the concept of 'equal chance' only makes sense if all parties accept the legitimacy of the constitution. An anti-constitutional party controlling a 51 per cent majority in the Reichstag could ban all other parties, amend the constitution, change the election laws and dominate the bureaucracy. In other words, it could institute a new political order through legal means. The *liberal* interpretation of the constitution lacked the resources to deal with this threat. Having separated democracy from liberalism, Schmitt was free to argue that the constitution could be saved through its *democratic* – that is, *dictatorial* – measures. It is precisely this that Article 48 appeared to allow. The constitution could be saved, then, by being *shorn of its liberal components and given a dictatorial reading*. Thus, through an idiosyncratic reading of Article 48 vis-à-vis the rest of the constitution and a politically charged recasting of the relationship between dictatorship and democracy, Schmitt could present himself (and continue to be presented, as we shall see) as saviour of the constitution.

An example of this, and illustrating Schmitt's importance to the debates at the time, is Schmitt's role in defending Chancellor von Papen's replacement of the Prussian government with a commissar ruling under martial law in 1932. Appearing for the Reich government in the Supreme Court, Schmitt argued that the move was constitutionally justified under Article 48 on the grounds that the state had failed in its constitutional duty to maintain order. As Joseph Bendersky rightly notes, Schmitt was treating this as an explicitly *political* as well as legal matter. For as Schmitt put it, 'there is no doubt that the

essential point of controversy in the case concerns the *political* evaluation of two parties, the National Socialists and the Communist Party'.¹⁷ The question was: should such parties be given an equal chance? The answer was No.

For this reason Schmitt's current defenders claim that, far from being a 'genuine' Nazi, Schmitt was concerned to defend the Weimar constitution from its destruction by the Nazis; hence his support for Schleicher in opposition to Hitler, right to the very last minute. Yet on 1 May 1933 Schmitt joined the Nazi Party. It should be noted that this was not a merely formal membership. Within days of joining he engaged in the professional sycophancy displayed by a number of renowned professors, not least Martin Heidegger.¹⁸ Schmitt began by writing articles defending the one-party state. He soon became a Prussian State Councillor, Professor of Public Law at the University of Berlin,



head of the Nazi law professors' guild and, as such, organizer of a conference in 1936 on 'Judaism in Jurisprudence' in which numerous Nazi ideologues pointed out the dangers of Jewish thought and practice in the legal sphere. Schmitt gave the opening and closing speeches. He was also editor of a leading legal publication, *Die Deutsche Juristenzeitung*, in which, as legal justification for the Nazi murders of June and July 1934, he insisted in August of that year that 'The Führer Protects the Law'. Anti-Semitic references started appearing in his work during his period in the party, which proved to be a productive period – some forty or so publications by Schmitt appeared between 1933 and 1936. In terms of his personal choices, he was a close friend of Göring and Frank, and the only professor to refuse to sign a petition defending Hans Kelsen from the university pogroms of 1933. In light of this, it is difficult to make sense of the claims that Schmitt paid 'lip-service' to the regime or that he merely 'flirted' with fascism.¹⁹

Throughout the literature one finds a number of different ways Schmitt is defended, though these are frequently conflated. First, Schmitt's desperate attempts to 'save Weimar' were grounded in his opposition to the Nazis. Second, his joining of the Nazi Party was a mere aberration, a personal mistake (for which he 'suffered' and 'paid for' with forty years' silence).²⁰ Third, there was a logic in joining the Nazis, in that Schmitt's Hobbesian authoritarianism taught him that with protection comes obedience.²¹ (Schwab contends that 'by opting for National Socialism Schmitt merely transferred his allegiance to the new legally constituted authority.'²²) Fourth, the Nazis themselves were suspicious of Schmitt, and he left the party in 1936 after articles in the Nazi press questioning the extent of his National Socialist inclinations. In other words, Schmitt was never a *bona fide* fascist. The gist of the defence of Schmitt is the same as that made for all 'respectable' fascists. The technique is either to separate a 'pre-fascist' from a 'fascist' period and downplay the latter, or to isolate the man from his work.²³ In the case of Schmitt a combination of the two is used: his decision to join the Nazis was a *personal* one, *at odds* with his previous work. Bendersky, for example, suggests that the decision to support the Nazis revealed 'a personal weakness so far as moral principles are concerned', while Julien Freund claims that Schmitt 'was unfaithful to his own ideas'.²⁴

However, by reading Schmitt's decision to support the Nazis as 'personal', and thus out of step with both the theoretical contours of his work and his own political predilections, Schmitt's defenders conveniently obliterate the theoretical as well as the political logic of

his decision. In this way Schmitt's fascism is side-tracked by those seeking to use his work as the basis for rethinking social and political theory. In what follows I seek to dispel the above myths by taking up Martin Jay's suggestion that we consider the reasons *why* Schmitt could so easily 'shift' into supporting the Nazi regime.²⁵ I agree that Schmitt's support for the Nazis, far from being a mere personal aberration or an intellectual break, was in fact built into the theoretical premisses of his work. This places him alongside others of the conservative revolution, those reactionary modernists who found National Socialism a compelling doctrine and life under Nazi rule remarkably comfortable.²⁶ It also renders a Schmittian rethinking of socialism (and liberalism) deeply problematic.

The claim that Schmitt's concern was to save Weimar involves a misreading of his political concerns in the Weimar period. To be sure, prior to 1933 Schmitt was not calling for Nazi power, and his recommendation that the president rule through the use of Article 48 was partly geared towards halting the Nazi rise to power. But to suggest that this was designed to *save* Weimar requires a leap of imagination. It should be noted that 'Weimar' here works in a catch-all fashion. For beyond designating a particular historical period in German history, it has a useful vacuity: instead of saying precisely *what* it was that Schmitt was trying to save, the writer merely alludes to it through the use of the word 'Weimar'. The reader is then left to give the word his or her own meaning; and of course, Weimar is *good* in the minimalist sense of being 'not Nazi'.²⁷

When more specific, Schmitt's defenders suggest that he wanted to save the Weimar *constitution*. But this is not true. Schmitt wanted to save *certain features* of the constitution: those useful for the kind of political order he had in mind. His argument that the constitution contained two quite different logics – one liberal, the other democratic – was because he wanted to use the democratic part against the liberal one. But of course the 'democratic' part was for Schmitt the 'dictatorial' part; hence his privileging of the emergency Article 48 over the Articles detailing the rights of citizens against the state. Schmitt had no desire to preserve a republican form of government.²⁸ Indeed, the whole thrust of his work was to use the dictatorial features of the Weimar constitution against those socialists and communists who wished to preserve the republic and carry through the political project of emancipation they saw as immanent within the liberal aspects of the constitution. What was immanent in the Weimar constitution for Schmitt, in contrast, was a commissarial dictatorship which could be used to achieve homogeneity.

The fascist concept of the political

The real thrust of Schmitt's work is the maintenance of authority and order under strong leadership. It is for this reason that he is commonly read as an authoritarian conservative and why the political Right count Schmitt as one of their own.²⁹ Given his conservative authoritarianism, it is not surprising that, as Paul Hirst puts it, faced with the choice between Hitler and what he regarded as chaos, Schmitt chose Hitler.³⁰ Presenting the argument this way, however, invites us to consider Schmitt's 'choice' of the Nazis as precisely the break that Schmitt's defenders wish to portray. This obscures two crucial points. First, that the thrust of Schmitt's work prior to 1933 had Mussolini's Italy and Italian Fascism as its model and, second, that Schmitt played a crucial role in the ideological triumph of fascism by resisting Marxism and undermining liberalism. The struggle for fascism took place first and foremost as a struggle against the Enlightenment project, or, as Marcuse puts it, as a philosophical controversy with rationalism, individualism and materialism,³¹ and it is in his part in this struggle that Schmitt's fundamental contribution to fascist ideology was made.

Richard Wolin has argued, correctly in my view, that Schmitt's concept of the political and its associated concepts – sovereignty, friend–enemy, emergency – are rooted in the vitalist critique of Enlightenment rationalism.³² For Schmitt the exception is fundamental not just because it allows the imposition of order and the assertion of authority, but also because it is more interesting than the rule: 'in the exception the power of *real life* breaks through the crust of a mechanism that has become torpid by repetition'.³³ This allows us to rethink some of the comments made above. The Russians are praised not just because of their dictatorial regime, but because of their *vitality*, and it is for this reason that they are the most important enemy.³⁴ Liberal rationalism is criticized not only because it rests on the assumption of negotiation and discussion, but because it 'falsifies the immediacy of life'. Thus, despite his sometime socialist inclinations, Georges Sorel is praised for taking seriously 'the true impulse of an intensive life' – 'the warlike and heroic conceptions that are bound up with battle and struggle'. And whereas Marx is criticized for remaining trapped within bourgeois rationalism, Proudhon is praised for having 'an instinct for the real life of the working masses'.³⁵ The state of exception breaks the repetitive everydayness of liberal bourgeois norms. As a moment of political peril, the emergency situation calls forth a political authenticity. It is thereby granted an *existential* significance.³⁶

Schmitt's critique of liberalism passes over into political activism, action for action's sake.

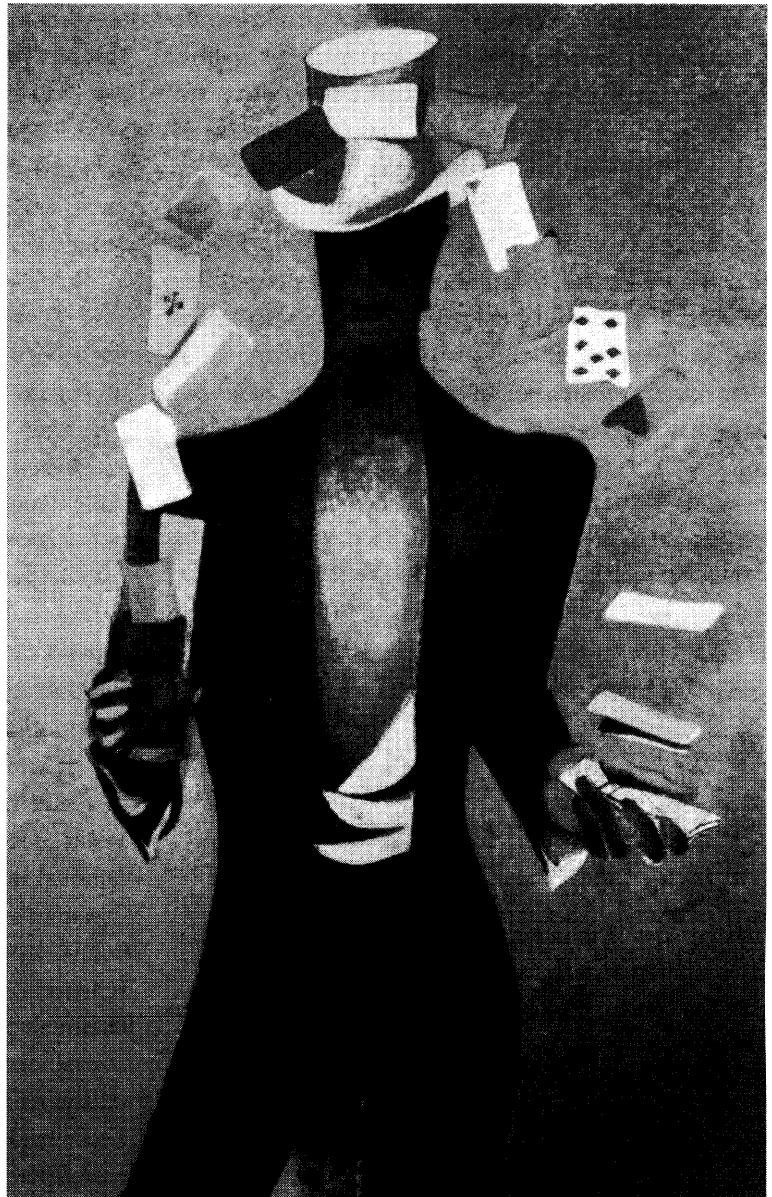
Given that 'an enemy exists only when, at least potentially, one fighting collectivity of people confronts a similar collectivity', it is not surprising to find that inherent in the enemy concept is the idea of combat. Schmitt continually invokes the categories of warfare as the means of understanding the political and thus the nature of the decision. Transposing Hobbes's state of nature into the concept of the political war of all against all – the 'fundamental presupposition of a specific political philosophy' – renders the political a realm of permanent war. Liberalism is criticized for *demilitarizing* and avoiding 'the definitive dispute, the *decisive bloody battle*'. The *political* definition of the bourgeois, then, is one who wishes to remain in the apolitical private sphere and be exempted from the danger of violent death. The liberal and the socialist both fail to realize that war has no normative meaning, is fought not on the grounds of 'humanity' or 'justice' but for its own sake. Just as a decisionist politics breaks with normativism in political philosophy and jurisprudence, so war needs no justification, for its existence *is* its justification: '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'.³⁷ This obliterates the liberal belief in 'perpetual peace' and the socialist declaration of 'war on war', *replacing them with the fascist demand for perpetual war, or, war and war again*.³⁸

Schmitt's contribution to fascist activism and perpetual war is heightened by his concept of the total state, which provides the basis for the struggle against both internal and external enemies. 'The core of the matter is found in war. The character of total war determines the character and shape of the state's totality. But total war receives its meaning through the total enemy'.³⁹ The total state thus becomes a self-justifying mechanism, in exactly the way the fascist state was later to do. This makes even more telling his reference to 'what the fascist calls the "*stato totalitario*"' when explicating his concept of the qualitative total state. Schmitt also admired Mussolini's use of myth, which, as national and fascist, is far superior to that found in the writings of socialists. Approvingly quoting Mussolini's claim of October 1922 that the Fascists have created their myth – the myth of the nation – Schmitt contrasts this with the inferior myth offered by Sorel. By placing it in the hands of a non-political or pre-political class, the proletariat, Sorel gives his myth an economic rather than a political form. He fails to see that the (economic) myth of the general strike is far weaker than the (political) myth of the nation.⁴⁰

Italian Fascism offered Schmitt an example of a state that refused to be an association like all the other associations. *Pace* the English pluralists, and confirming his own insistence that the state which does not stand above all other associations is one which can only fail to be the decisive entity vis-à-vis those associations, Schmitt understood Italian Fascism as a 'heroic attempt to preserve and assert the dignity of the state and national unity against the pluralism of economic interests'.⁴¹ Moreover, Schmitt's claim that democracy is consistent with dictatorship, that only the latter can save the former from collapse into chaos, and that a dictatorial democracy structured through a qualitative total state would be a better and stronger one than liberal democracy, would not be out of place in Mussolini and Gentile's account of fascism as 'organized, centralized, authoritarian democracy'. Distinguishing between quantitative and qualitative democracy, Mussolini and Gentile point to the way that the former, resting on an essentially liberal individualism, equates the nation to the majority and thus thinks of the state numerically, as the sum total of individuals. In contrast, a fascist qualitative democracy recognizes in theory and seeks to realize in practice a qualitative conception of the state.⁴²

Now, the links between Schmitt's work and Italian Fascism have been registered by some of Schmitt's defenders. Schwab, for example, concedes that it is Mussolini's Italy that Schmitt takes as his model, but suggests – presumably as some kind of exercise in damage limitation, though an odd one to say the least – that Mussolini's reign was neither absolute nor totalitarian.⁴³ But whilst it may be true that Schmitt's work contains none of the features which are said to distinguish National Socialism from 'fascism proper', namely anti-Semitism and biological racism,⁴⁴ it was nonetheless the central theoretical features of his work that enabled him to join the National Socialists without too much difficulty. It is not that Schmitt's joining of the Nazis was possible, as some commentators claim, but that it was *probable* given the theoretical contours of his work.⁴⁵

When it came to defending National Socialism, Schmitt's concept of the total state needed little rework-



ing. In *Staat, Bewegung, Volk* (State, Movement, People, 1934) he claimed that the strong Nazi state would halt the slide into a disastrous pluralism, and was at pains to legitimize the Nazi seizure of power by stressing its legality.⁴⁶ And, in a reference back to the suspension of the Prussian government by von Papen in 1932, he repeated his argument that one cannot treat law outside of politics. The Hitler state, by explicitly politicizing law and by refusing to accept the liberal claim that equality before the law means that all parties should be given an equal chance, merely put into practice the arguments Schmitt had earlier proposed as the solution to the crisis of Weimar.⁴⁷ Indeed, he supported the new regime's measures before his membership of the party. Between 31 March and 7 April 1933 he helped draft the law empowering Hitler to appoint commissars to oversee state governments. Again, this is entirely in line with his reading of von Papen's 1932 struggle with the Prussian government.⁴⁸ It was equally

easy for Schmitt to rework his pre-1933 work into the Nazi claim concerning regeneration or rebirth, part of the palingenetic form of populist ultra-nationalism that Roger Griffen has identified as the fascist mythic core.⁴⁹ Schmitt's concern with a *new* form of democracy, his desire for a *revival* of classical (that is, pre-modern) political thought, and thus a *rebirth* of a strong form of the political, are all consistent with fascist thought. And it should be noted that Schmitt's love of strong leadership and fear of 'chaos' was so great that he refused to support the attempt on Hitler in July 1944, eight years after being 'exposed' as a less-than-genuine Nazi.⁵⁰

It should also be recognized that Schmitt did not treat the Communists and the Nazis with equal disdain, as he and his defenders claim. Stephen Holmes asks the pertinent question: in the crisis of Weimar was Schmitt *equally* hostile to the KPD and the NSDAP? It is just not credible to believe that he was.⁵¹ The National Socialists and the Communists had very different attitudes to the nationalism and authoritarianism which so appealed to Schmitt. They likewise had very different conceptions of state power. Most importantly, the groups which Schmitt most despised, the ones he feared liberalism and parliamentarism were most open to, were groups which held universalist and internationalist values, groups claiming to seek the liberation of humanity and to bring about a stateless society – the Communists, not the National Socialists.⁵² If nothing else, the Nazis would prevent this. For these reasons it can be argued that Schmitt became a National Socialist not so much through a biological racism or anti-Semitism (though he had no qualms about developing these traits after 1933) but because National Socialism 'presented itself as the *truth* of the political'.⁵³

'Socialist Schmittianism', or, not knowing your enemies

Is there, then, anything that socialists can learn from Schmitt? The strongest attempts to do so flounder in the face of deep contradiction. Chantal Mouffe's attempt to use Schmitt to help establish the parameters for a liberal, pluralist, heterogeneous democracy provides a good example of the problems faced by those seeking to incorporate and reinterpret Schmitt for any kind of left politics.

For Mouffe, because society is necessarily heterogeneous, there is no option but to embrace pluralism and thus rethink socialism in a liberal pluralist fashion. This means renouncing substantive rationalist-universalist ambitions. Yet she also accepts Schmitt's argument that without homogeneity there can be no democracy. 'Everything depends on how this homogeneity is conceived', she claims. Her recourse is to reject Schmitt's

notion of a substantive homogeneity and replace it with one based on 'agreement on a certain number of political principles', identification with which would 'provide the common substance required for democratic citizenship'. For this, parliament is to be 'the place where it ought to be possible to reach agreement on a reasonable solution'.⁵⁴ Essentially, Mouffe wants the basis for homogeneity to be adherence to the political principles of liberal democracy. Yet this is an absurd position, made all the more so by being formed through a sympathetic critique of Schmitt, for it is the way of thinking about democracy that Schmitt most violently fought.

Mouffe castigates other liberals for not appreciating Schmitt's insights into the nature of the political as a realm of struggle, calling on Schmitt's friend-enemy distinction as a means of distancing her own liberal pluralism from that of Raz and Rawls. 'Schmitt is right to insist on the specificity of the political association', and his injunction to take the political seriously means that we should not see the state as a political community 'on the same level as our other forms of social integration'.⁵⁵ In similar fashion, Richard Bellamy and Peter Baehr argue that political liberalism might use Schmitt's friend-enemy distinction by adopting it and applying it to the conflicts within civil society: the Rushdie affair is thus read as a struggle between the friends and enemies of literary freedom.⁵⁶ But the reason Schmitt insists on the specificity of the political, and the reasoning behind his friend-enemy distinction, is not because he regards the state as an institutional referee between social associations who *might* see each other as opponents (and thus, in Schmittian language, as enemies), for that would reduce him to a liberal who just happened to be more sensitive to the necessity for state power. Schmitt's state is necessary to decide who is an enemy *of the state*, a crucial political decision since such enemies must be *fought and eliminated* on the grounds of substantial homogeneity.

Mouffe distances herself from Schmitt by claiming that 'what has to be challenged ... is not pluralist democracy as such, as Schmitt would have it, but its limitations',⁵⁷ and she uses Schmitt to confirm the importance of thinking about a left-liberal politics. But what does this amount to, precisely? At best it appears that Schmitt is to be praised for his no-nonsense approach to politics, for recognizing that society is constituted through struggle, and that politically one has to recognize that in politics one has friends and enemies. Beyond that it is hard to see what else Schmitt offers. Yet intelligent

socialists have always had a no-nonsense approach to politics and, for fear of pointing to the obvious, have been arguing for some time now that society is constituted through struggle. In fact, as developed by socialists this has produced far more subtle critiques of liberalism than that offered by Schmitt. Subtle and, if truth be told, more insightful. For Schmitt's analyses are often quite wide of the mark. Let me give three examples.

First, Schmitt's critique of liberalism is in certain respects misguided, since liberalism has frequently recognized the necessity of suspension of the rule of law and of dictatorial rule in emergency situations. John Locke, for example, concedes that 'the laws themselves should in some cases give way to the executive power' as 'accidents' may occur where 'strict and rigid observation of the laws may do harm'.⁵⁸ It is not so much that Schmitt misses this (though that in itself is interesting); it is that Schmitt, making a dictatorial virtue out of liberal necessity, *reifies* and *radicalizes* the moments of decision and unrestrained sovereignty, obliterating the necessity for understanding *why* liberal political thought has included such allowances.⁵⁹ This is linked to my second example, which is that liberal democratic regimes have not been slow in practice to declare 'emergency situations' and suspend the rule of law and basic rights. By approaching these two related issues – liberalism's recognition of sovereign powers and the state of exception and the use of these within liberal democracies – in a *socialist* fashion, one is forced to confront head-on the fact that liberalism, whilst shying away from the recognition of society as constituted through struggle, understands that, ultimately, state power is there for a reason: to enforce social order. States in liberal democracies never forget this, however much liberals themselves may sometimes do. As an existential politics, Schmitt's friend-enemy distinction is essentially ahistorical; it has no means of understanding this feature of liberalism and liberal democracy.

Finally, Schmitt's analysis appears somewhat outdated. Parties of all political persuasions are now given an 'equal chance' in liberal democracies, not because liberals are committed to discussion, but because they have learnt that *incorporating* anti-parliamentary groups is a far more effective means of maintaining power than using direct force to suppress them. Parliament may be just a talking shop, but it legitimizes liberal democratic regimes through the subsumption of struggle. Combined with associated institutions and processes – welfare mechanisms,

corporate organization of the economy, the use of cultural institutions such as the media to consolidate liberalism as the dominant ideology, the surveillance of 'extremists' – this has made liberal democracy a far more stable form of state than even its supporters could ever have hoped. Socialists know this – independently of Schmitt's analyses – because whilst they recognize with Mouffe that 'the modern democratic ideals of liberty and equality that constitute the political principles of the liberal democratic regime have provided the political language with which many struggles against subordination have been fought and won',⁶⁰ they also understand that liberalism (and, conjointly, the liberal democratic state) has been used *against* struggles for liberation and *for* the suppression of liberties. In other words, socialists recognize that liberalism has a history of being used against the oppressed, and nowhere more so than in the liberal willingness to declare a state of exception. Socialists can grasp these points because, rather than enacting a reactionary turn against the Enlightenment and treating liberalism and democracy as logical contraries, as Schmitt does, they engage (or at least can and should engage) in an *immanent critique* of the Enlightenment project and a *dialectical* assessment of liberalism's simultaneously radical and reactionary potential.

The attempt to utilize Schmitt for the rethinking of socialist theory turns Schmitt – conservative revolutionary, fascist and an *enemy* of the Left – into a debating adversary. This, as any good Schmittian should know, is a dangerous political manoeuvre. For if Schmitt teaches us anything, it is that we need to know who our friends and enemies are; and if the history of the twentieth century has taught us anything, it is that fascism and its supporters are our enemy. We forget this at our peril.

Notes

1. See, for example, Ernst Bloch, 'Inventory of Revolutionary Appearance' (1933), in *Heritage of Our Times*, trans. Neville and Stephen Plaice, Polity Press, Cambridge, 1991, and *Natural Law and Human Dignity* (1961), trans. Dennis Schmidt, MIT Press, Cambridge MA, 1987, pp. 149–52; Herbert Marcuse, 'The Struggle Against Liberalism in the Totalitarian View of the State' (1934), in *Negations: Essays in Critical Theory*, trans. Jeremy Shapiro, Penguin, Harmondsworth, 1968, pp. 3–42; Georg Lukács, *The Destruction of Reason*, trans. Peter Palmer, Merlin Press, London, 1980, pp. 652–61; Franz Neumann, *Behemoth: The Structure and Practice of National Socialism*, Gollancz, London, 1942. I have taken the idea of an 'unlearning' from Bill Scheuerman, 'Carl Schmitt and the Nazis', *German Politics and Society*

- 23, 1991, pp. 71–9, p. 72, and *Between the Norm and the Exception: The Frankfurt School and the Rule of Law*, MIT Press, Cambridge MA, 1994, p. 7.
2. Paul Piccone and G.L. Ulmen, 'Introduction to Carl Schmitt', *Telos* 72, 1987, pp. 3–14, p. 14.
3. Paul Hirst, *Representative Democracy and Its Limits*, Polity Press, Cambridge, 1990, p. 107.
4. Chantal Mouffe, *The Return of the Political*, Verso, London, 1993, p. 109.
5. Richard Bellamy and Peter Baehr, 'Carl Schmitt and the Contradictions of Liberal Democracy', *European Journal of Political Research*, vol. 23, no. 2, 1993, pp. 163–85.
6. Paul Piccone and G.L. Ulmen, 'Schmitt's "Testament" and the Future of Europe', *Telos* 83, 1990, pp. 3–34, p. 16.
7. Jürgen Habermas, 'Sovereignty and the *Führer-demokratie*', *Times Literary Supplement*, 26 September 1986.
8. Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab, MIT Press, Cambridge MA, 1988, p. 5.
9. *Political Theology*, p. 36; also see *The Concept of the Political*, trans. George Schwab, Rutgers University Press, New Jersey, 1976, p. 42. It should be noted that Schmitt's Catholicism played a prominent role in his political thought. Born to devoutly Catholic parents, he attended Catholic schools and, between 1922 and 1928, taught in the predominantly Catholic University of Bonn. He had close contacts with notable Catholic politicians and organizations such as Brüning and the Centre Party, and was deeply concerned with the place of Catholicism in political life – witness his *Römischer Katholizismus und Politische Form*, translated into English as *The Necessity of Politics* by E.M. Codd, Sheed & Ward, London, 1931, as part of the publisher's series 'Essays in Order' and for their 'Catholic Book-a-Month Club'.
10. *Political Theology*, p. 63.
11. *Concept of the Political*, pp. 19–20, 27–9, 40.
12. *Ibid.*, pp. 23–4. For a defence and rethinking of the state–civil society distinction, rooted in a strong concept of the political, see my *Administering Civil Society: Towards a Theory of State Power*, Macmillan, London, 1996.
13. Cited by J.Z. Muller, 'Carl Schmitt, Hans Freyer and the Radical Conservative Critique of Liberal Democracy in the Weimar Republic', *History of Political Thought*, vol. XII, no. 4, 1991, from Schmitt's text 'Weiterentwicklung des totalen Staats in Deutschland', in the radical conservative *Europäische Revue* in February 1933.
14. Habermas, 'Sovereignty and the *Führerdemokratie*'.
15. Carl Schmitt, *The Crisis of Parliamentary Democracy*, trans. Ellen Kennedy, MIT Press, Cambridge MA, 1985, p. 34.
16. *Ibid.*, pp. 8–9, 16.
17. Schmitt, cited in Joseph Bendersky, *Carl Schmitt: Theorist for the Reich*, Princeton University Press, Princeton NJ, 1983, p. 159, emphasis added.
18. We have Nazism to thank for prompting a correspondence between Schmitt and Heidegger. Schmitt sent to Heidegger a copy of *The Concept of the Political*, for which the latter thanked him in a letter closing with a comment on the 'gathering of the spiritual forces' and 'Heil Hitler' (the letter, of 22 August 1933, is reprinted in *Telos* 72, 1987, p. 132).
19. The 'lip-service' thesis is found in George Schwab, *The Challenge of the Exception: An Introduction to the Political Ideas of Carl Schmitt between 1921 and 1936*, 2nd edn, Greenwood Press, New York, 1990, p. 101; and Joseph Bendersky, 'Carl Schmitt at Nuremberg', *Telos* 72, 1987, pp. 91–6, p. 95. Paul Hirst vacillates between presenting Schmitt as flirting with evil, not flirting with evil and yet more-than-flirting with it (*Representative Democracy and Its Limits*, p. 108, and 'Carl Schmitt – Decisionism and Politics', *Economy and Society*, vol. 17, no. 2, 1988, pp. 272–82, p. 276).
20. Bendersky, *Carl Schmitt*, p. 202; Hirst, 'Carl Schmitt – Decisionism and Politics', p. 276.
21. Bendersky, *Carl Schmitt*, p. 204; Bellamy and Baehr, 'Carl Schmitt and the Contradictions of Liberal Democracy', p. 177.
22. Schwab, *Challenge of the Exception*, p. 106. Note how the 'merely' here minimizes the political enormity of the 'shift', as though Schmitt were (merely) a floating voter tired of the current government.
23. See the comments on Robert Michels and Henri De Man in Zeev Sternhell, *Neither Right Nor Left: Fascist Ideology in France*, trans. David Maisel, University of California Press, Los Angeles, 1986, p. 142.
24. Bendersky, *Carl Schmitt*, pp. 202, 257, 287; Julien Freund, 'Schmitt's Political Thought', *Telos* 102, 1995, pp. 11–42, p. 31. Note how the personal weakness is separated from the moral principles. Given that Schmitt argued against moral principles *in theory*, it seems odd that his *personal* lack of them is separated from the theory in this way. For Piccone and Ulmen, Schmitt's 'relation to Nazism' is 'less a question of his thought than his character' ('Introduction to Carl Schmitt', p. 11). In their contribution to Jeffrey Herf, Paul Piccone and G.L. Ulmen, 'Reading and Misreading Schmitt: An Exchange', *Telos* 74, 1987–88, pp. 133–40, Piccone and Ulmen separate Schmitt's *theoretical* work from his *political* judgements, without ever specifying why theory and politics are unconnected in this way (except, that is, for Schmitt's opportunism). Hirst reads Schmitt's Nazi period as a 'personal political judgement' ('Carl Schmitt's Decisionism', *Telos* 72, 1987, pp. 15–26, p. 16). The 'personal' and the 'political' here are simultaneously brought together and kept apart, obscuring the author's unwillingness to specify whether the decision was either. In a reworked and extended version of this essay, which appears as Chapter 7 of his *Representative Democracy and Its Limits*, Hirst repeats the point (p. 108), suggesting as a comparison that 'Marx's life was littered with political errors, as anyone who cares to consult his work on the Eastern Question can confirm'. But, as far as I am aware, no one has criticized Marx – or, for that matter, defended him – on the grounds that these were *personal* or even *personal political* errors/judgements.
25. Martin Jay, 'Reconciling the Irreconcilable? Rejoinder to Kennedy', *Telos* 71, 1987, pp. 67–80, p. 72, in response to Ellen Kennedy's forced (and rather desperate) reading of the theoretical connections between Schmitt and some members of the Frankfurt School (in 'Carl Schmitt and the Frankfurt School' in the same issue of *Telos*). In doing so Kennedy joins the ranks of Schmitt-defenders by drawing a break between

- Schmitt's pre-Nazi and Nazi work.
26. In his account of *Reactionary Modernism: Technology, Culture, and Politics in Weimar and the Third Reich*, Cambridge University Press, Cambridge, 1984, Jeffrey Herf claims that Schmitt 'joined the Nazi party in the belief that Hitler and National Socialism were the realization of his theory of decisionism' (p. 44).
 27. See for example Schwab, *Challenge*, p. 38; Bendersky, *Carl Schmitt*, p. 96; Piccone and Ulmen, 'Reading and Misreading Schmitt', p. 137.
 28. Bendersky's puzzlement over why Schmitt's most vehement opponents were the republicans underlines Bendersky's own confusion over Schmitt's 'defence' of the republic, noted above. The republicans opposed Schmitt for a very simple reason: they recognized him as an enemy (*Carl Schmitt*, p. 99). See Scheuerman, *Between the Norm and the Exception*, p. 79.
 29. See David Levy, 'Carl Schmitt as a Conservative Thinker', *Salisbury Review*, vol. 8, no. 4, 1990; Paul Gottfried, 'Legality, Legitimacy and Carl Schmitt', *National Review*, 28 August 1987, *Carl Schmitt: Politics and Theory*, Greenwood Press, New York, 1990, and *Carl Schmitt*, Claridge Press, London, 1990.
 30. Hirst, 'Carl Schmitt's Decisionism', p. 16; *Representative Democracy and Its Limits*, p. 108.
 31. Marcuse, 'Struggle Against Liberalism', p. 3. On this point, see also Mark Neocleous, *Fascism*, Open University Press, Milton Keynes, 1997, ch. 1.
 32. R. Wolin, 'Carl Schmitt: The Conservative Revolutionary Habitus and the Aesthetics of Horror', *Political Theory*, vol. 20, no. 3, 1992, pp. 424–47, p. 432.
 33. Schmitt, *Political Theology*, p. 15.
 34. Schmitt, 'The Age of Neutralizations and Depoliticalizations' (1929), *Telos* 96, 1993, pp. 130–42, p. 130.
 35. Schmitt, *Crisis of Parliamentary Democracy*, pp. 70–71. It is worth noting that Schmitt writes this at the time when Proudhon was widely regarded as providing some of the theoretical foundations of fascism – as witnessed by his appropriation by the *Cercle Proudhon* and *Action Française* – and Sorel was being hailed by fascists as one of the most original contributors to fascist thought.
 36. R. Wolin, 'Carl Schmitt', and *The Politics of Being: The Political Thought of Martin Heidegger*, Columbia University Press, New York, 1990, pp. 38–40. See also Marcuse, 'Struggle Against Liberalism in the Totalitarian View of the State'.
 37. *Concept of the Political*, pp. 28, 32, 49, 62–3, 65, 71; *Political Theology*, p. 63, emphasis added.
 38. I have argued this at greater length elsewhere: Mark Neocleous, 'Perpetual War, Or "War and War Again": Schmitt, Foucault, Fascism', *Philosophy and Social Criticism*, vol. 22, no. 2, 1996, pp. 47–66.
 39. Schmitt, cited in Lukács, *Destruction of Reason*, p. 660.
 40. *Crisis of Parliamentary Democracy*, p. 76.
 41. Schmitt, cited in Lukács, *Destruction of Reason*, p. 659.
 42. Benito Mussolini and Giovanni Gentile, 'The Doctrine of Fascism', in A. Lyttleton, ed., *Italian Fascisms: From Pareto to Gentile*, Jonathan Cape, London, 1973, pp. 39–67, p. 42, 50.
 43. Schwab, *Challenge of the Exception*, p. 147.
 44. See, for example, Schwab, *Challenge of the Exception*, p. 138; Bendersky, 'Carl Schmitt at Nuremberg', p. 91.
 45. See Susan Buck-Morss's contribution to 'Schmitt's "Testament" and the Future of Europe', *Telos* 85, 1990, pp. 93–148, p. 105. Those such as Mouffe who suggest that Schmitt's approach is useful but his solutions unacceptable fail to realize that Schmitt's solutions follow – logically, theoretically, politically – from his premisses (*Return of the Political*, pp. 109, 115, 121; see also her 'Pluralism and Modern Democracy: Around Carl Schmitt', *New Formations* 14, 1991, pp. 1–16, pp. 5, 11). This would partly explain the contradictions in the intellectual hybrid of a 'socialist Schmittianism', discussed below.
 46. In Roger Griffen, ed., *Fascism*, Oxford University Press, Oxford, 1995, pp. 138–9. It is significant that Schmitt's writings from the 1930s have yet to be translated. One wonders why this is so. Small sections of this particular text are also available in George Mosse, *Nazi Culture: Intellectual, Cultural and Social Life in the Third Reich*, W.H. Allen, London, 1966, pp. 323–6.
 47. See the section cited in Mosse, *Nazi Culture*, p. 323. On this point compare Schmitt's own account of this some forty-five years later, by which time he appears to have conveniently forgotten his own role in legitimizing the regime (Carl Schmitt, 'The Legal World Revolution' (1978), *Telos* 72, 1987, pp. 73–89, p. 75).
 48. Bendersky, *Carl Schmitt*, p. 199. Far from being forced into supporting the regime, Schmitt went out of his way to do so.
 49. Roger Griffen, *The Nature of Fascism*, Routledge, London, 1993.
 50. Schwab, *Challenge of the Exception*, p. 147 n.11.
 51. Stephen Holmes, *The Anatomy of Antiliberalism*, Harvard University Press, Cambridge MA, 1993, p. 43. As Bendersky's biography makes clear, Schmitt's greatest fear was of the radical republicans, communists and socialists, a fear shaped immediately following World War I and which never left him (*Carl Schmitt*, ch. 2).
 52. For Schmitt the vision of a world without the state, without political friend–enemy distinction and without war is an absurd and impossible dream. It is also of course a communist, but not fascist, one (*Concept of the Political*, pp. 35, 53).
 53. Philippe Lacoue-Labarthe, *Heidegger, Art and Politics: The Fiction of the Political*, trans. Chris Turner, Blackwell, Oxford, 1990, p. 77. In other words, Schmitt's joining the Nazi Party was the bureaucratic baptism of an already essentially fascist argument (see Neocleous, 'Perpetual War, Or, "War and War Again"', p. 59).
 54. Mouffe, *Return of the Political*, pp. 129–30.
 55. *Ibid.*, pp. 127, 131.
 56. Bellamy and Baehr, 'Carl Schmitt and the Contradictions of Liberal Democracy', pp. 180–81.
 57. *Ibid.*, p. 130.
 58. John Locke, *Two Treatises of Government*, Dent & Sons, London, 1986, Book II, ch. IV, p. 199. See Holmes, *The Anatomy of Antiliberalism*, p. 58.
 59. See Scheuerman, *Between the Norm and the Exception*, pp. 103, 132, 184.
 60. Chantal Mouffe, 'Radical or Liberal Democracy?', *Socialist Review*, vol. 90, no. 2, 1990, pp. 57–66, p. 65.