

Against Ethics? Iconographies of Enmity and Acts of Obligation in Carl Schmitt's *Theory of the Partisan*

A paper prepared for the panel WC63:
Practices of Ethics: Relating/Responding to Difference in International Politics
Annual Convention, International Studies Association, 26-29 March 2008

Working Draft, 22 March 2008

Please do not cite without permission, comments welcome

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Abstract: Ethics, and especially the liberal universal ethics animating much of world politics, has been criticised by scholars as being politically imperialist and culturally insensitive. Others have suggested that there can be no ethics without politics and others still that there is little to universal claims to ethics but abstracted yet, nevertheless, localised habituation. These critiques, however, do not articulate a perspective against ethics as such. This paper revisits Carl Schmitt's particular critique of the universal ethics of humanity but advances this further by using, first, the recent translation of Schmitt's *Theory of the Partisan* and also Michel Foucault's understanding of governmental practice as leading to an ethics of enforced freedom. Schmitt's discussion offers, it is argued, two iconographies of enmity: the accounts of limited and absolute enmity significant for mapping the contemporary world order. Together with Foucault, Schmitt helps articulate a notion of world-political obligation which is against ethics but for the openness of the political as a pluriverse. To this openness 'enmity' is central.

I. Introduction

Following an earlier incitement to ethical discourse (Odysseos 2002: 403), it has become almost *de rigueur* to identify problems with particular conceptions of ethics and distinct ethical traditions. The liberal universal ethics animating much of world politics today has been criticised by realist scholars of world politics for its universalist pretensions, its masking of power-political imperatives and imperialist tendencies, as early as the interwar years (cf. Carr 2001). More recently, it has been accused of being Eurocentric and culturally insensitive (cf. Dallmayr 2002). Others, still, have suggested that there can be no ethics without an attendant politics (cf. Walker 1993) while others still that there is little to universal claims to ethics but the abstracted particularist historical-habitual practices of local groups, which coalesce into customary ways of doing things, i.e. ‘norms’ (cf. Odysseos 2003, 2007a). Ethical norms are representative of current average practice that is attained through processes of normalisation of behaviour and the power of habituation (Heidegger 1962: § 27; Gadamer 1992: 366). As Charles Scott has shown us, ‘the possibility of ethical thought and action is found in traditional “normalcy” and its history’ (1993: 106). In the claim to universal validity and application, however, universal ethics becomes ‘forgetful’ of its origins. It is, in no small measure, part of ‘Europe’s’ globalisation that it renders the self-assertion of its ‘universal and rational ethics’ invisible as a local creation (Nancy 2007: 34).

Such critiques, however, do not negate that there exists ‘an urgent *plea* for a universal morality’ (Nielsen 1966: 545; cf. Cochran 1999: 206; Booth 1999: 53). Put otherwise, these objections and critiques do not actually articulate the *impossibility* of an ethics. They are not tantamount to a denial of its need or possibility but variably suggest other, better, paths to ethics: ontological ethics (Benso 1994), originary ethics (Caputo 1989), dialogical ethics (Coles 1992) etc.: that ethics might lie, in other words, in an ‘openness’ (in the sense of disposition, sensibility or even obligation) towards the other (Campbell 1994, 1996; Warner 1996; Odysseos 2003, 2007a). Even political realists are really idealists of prudence. Ethics holds us in captivity to it: we have, as John Caputo accuses Emmanuel Levinas, ‘made ethics into a holy of holies, an inviolable inner sanctum, pure and uncontaminated’ (1993: 125). Yet, the situation is far more ‘polymorphic’ and there are other ‘games’ to play: there is politics, Caputo

says (ibid.). Coming from a philosopher particularly interested in the *question* of ethics (cf. Scott 1990) and working intensively in the Heideggerian and Levinasian traditions, this declaration against (universal, originary, fundamental, etc.) ethics is important. Caputo moves from the question of ethics to the possibility of a notion of obligation that cannot be contained within ethics, which shatters ethics (1993).

Caputo's injunction begs the question: might we conceive of a different trajectory? Can we today speak *against* ethics, hope for an anti-ethics? This paper situates itself in much this vein of thinking, yet by further specifying and refocussing its domain of concern: to speak against ethics, to hope for an anti-ethics, is to listen to the demands of and for politics. The paper examines Carl Schmitt's particular, if increasingly familiar, critique of universal ethics. This critique argues that, in as much as ethics is predicated on the discourse of a universal humanity (and its human rights), it produces and objectifies the other as the inhuman, which then becomes the proper object of annihilation as the enemy of humanity (Schmitt 1996a, 2003, 2004; Rasch 2003; Odysseos 2007b). The paper extends this critique to include the ways in which the discourse of humanity transforms itself in the era of global governmentality into 'biopolitical care of the living', taking 'population' as its privileged object (Foucault 2001, 2007a), and leading to an governmental stance that the paper analyses as the ethics and politics of the subject of (enforced) freedom. Inherent, too, in this governmental transformation of universal ethics is the figure of the enemy.

In order to elucidate an anti-ethics, the paper then considers two iconographies of enmity found in Schmitt's *Theory of the Partisan* (1963) which advance his earlier critique against the ethics of a universal humanity and, taken together, offer what may be called an 'anti-ethical stance for the world-political'. I use the term 'iconographies' here in order to be explicit that what Schmitt offers are 'images or symbols associated with a subject and especially a religious or *legendary* subject'.¹ In recognising the legendary or mythic hue imbued by Schmitt to the evolving figures of the enemy, I hope to be upfront about the nostalgic and Eurocentric character of his work. I argue that despite this recognition, Schmitt's account of the transition from 'real' to 'absolute' enmity – evident in the dehumanisation of the enemy in the 'post-

¹ Merriam-Webster dictionary online URL: <http://www.merriam-webster.com/>

Westphalian era' – and the further location of this in the thought of governmentality, allows us to map the contours of a notion of obligation to enmity and the openness of politics.

II. Speaking against ethics

'I have for some time now entertained certain opinions that I have been reluctant to make public...I am against ethics' (Caputo 1993: 1).

This section outlines and also extends Schmitt's of the ethics of a universal and common humanity, operationalised in a variety of contemporary discursive practices, such as cosmopolitan ethical discourses of human rights (cf. Beitz 2003), institutional practices of criminalising acts against humanity (cf. Dillon 1998), of using force where appropriate to facilitate the creation of an international society of equal regard (cf. Elshtain 2003), etc.

Ethics, polemics, tactics: the discourse of humanity

In *The Concept of the Political* Schmitt had already indicted the increased usage of the terminology of 'humanity' by both theorists and institutional actors such as the League of Nations (1996a). His initial critique allows us to illuminate four distinct criticisms against contemporary world politics' ethical recourse to the discourse of humanity (cf. Odysseos 2007b). The first objection arises from the location of this discourse in the liberal universe of values. By using the discourse of humanity, the project of a universal ethics reverberates with the nineteenth century 'ringing proclamations of disinterested liberal principle' (Gowan 2003: 53) through which 'liberalism quite successfully conceals its politics, which is the politics of getting rid of politics' (Dyzenhaus 1998: 14). For Schmitt, the focus of liberal modernity on moral questions aims to ignore or surpass questions of conflict altogether: it is therefore 'the battle against the political - as Schmitt defines the political', in terms of the permanency of social antagonism in politics (Sax 2002: 501).

The second criticism argues that ‘humanity is not a political concept, and no political entity corresponds to it. The eighteenth century humanitarian concept of humanity was a polemical denial of the then existing aristocratic feudal system and the privileges accompanying it’ (Schmitt 1996a: 55). Outside of this historical location, where does it find concrete expression but in the politics of a politically neutral ‘international community’ which acts, we are assured, in the interest of humanity? (cf. Blair 1999). The ‘international community is coextensive with humanity...[it] possesses the inherent right to impose its will...and to punish its violation, not because of a treaty, or a pact or a covenant, but because of an international need’, a need which *it* can only determine as the ‘secularized “church” of “common humanity”’ (Rasch 2003: 137, citing James Brown Scott).²

A third objection, still, has to do with the imposition of particular kind of monism: despite the lip-service to plurality, taken from the market (Kalyvas 1999), ‘liberal pluralism is in fact not in the least pluralist but reveals itself to be an overriding monism, the monism of humanity’ (Rasch 2003: 136). Similarly, current universalist perspectives, while praising ‘customary’ or cultural differences, think of them ‘but as ethical or aesthetic material for a unified polychromatic culture – a new singularity born of a blending and merging of multiple local constituents’ (Brennan 2003: 41). One oft-discussed disciplining effect is that, politically, the ethics of a universal humanity shows little tolerance for what is regarded as ‘intolerant’ politics, which is any politics that moves in opposition to its ideals, rendering political opposition to it illegitimate (Rasch 2003: 136). This is compounded by the fact that liberal ethical discourses are also defined by a claim to their own exception and superiority. They naturalise the historical origins of liberal societies, which are no longer regarded as ‘contingently established and historically conditioned forms of organization’; rather, they ‘become the universal standard against which other societies are judged. Those found wanting are banished, as outlaws, from the civilized world. Ironically, one of the signs of their outlaw status is their insistence on autonomy, on sovereignty’ (ibid.: 141; cf. Donnelly 1998).

² Scott was a jurist and prominent political figure in the United States at the beginning of the 20th Century.

Most importantly, and related to this concern, there is the relation of the concept of humanity to ‘the other’, and to war and violence. In its historical location, the humanity concept had critical purchase against aristocratic prerogatives; yet its utilisation by liberal ethical discourses within a philosophy of an ‘absolute humanity’, Schmitt feared, could bring about new and unimaginable modes of exclusion (1996a, 2003, 2004/2007):

By virtue of its universality and abstract normativity, it has no localizable polis, no clear distinction between what is inside and what is outside. Does humanity embrace all humans? Are there no gates to the city and thus no barbarians outside? If not, against whom or what does it wage its wars? (Rasch 2003: 135).

‘Humanity as such’, Schmitt noted, ‘cannot wage war because it has no enemy’, (1996a: 54), indicating that humanity ‘is a *polemical* word that negates its opposite’ (Kennedy 1998: 94; emphasis added). In *The Concept of the Political* Schmitt argued that humanity ‘excludes the concept of the enemy, because the enemy does not cease to be a human being’ (1996a: 54). However, in his 1950 book with an international focus, *The Nomos of the Earth*, Schmitt noted how 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’ (2003a: 104). It becomes apparent that, historically examined, the concept of humanity engenders a return to a ‘discriminatory concept of war’, by which Schmitt meant that it reintroduces the legitimacy and need for substantive causes of justice in war (Schmitt 2003b: 37-52). This in turn disallows the notion of *justus hostis*, of a ‘just enemy’ – explored in section three – associated with the notion of non-discriminatory interstate war which took the shape of *guerre en forme* (Schmitt 2003a: 142-144). The concept of humanity, therefore, shatters the formal concept of *justus hostis*, allowing the enemy to now be designated substantively as an enemy of humanity as such. This leaves the enemy of humanity with no value and open to dehumanisation and political and physical annihilation (Schmitt 2004: 67). In discussing the League of Nations, Schmitt highlights that, compared to the kinds of wars that can be waged on behalf of humanity, the

interstate European wars from 1815 to 1914 in reality were regulated; they were bracketed by the neutral Great Powers and were completely legal procedures in comparison with the modern and gratuitous police actions against violators of peace, which can be dreadful acts of annihilation (Schmitt 2003a: 186).

Enemies of humanity cannot be considered 'just and equal'. Moreover, they cannot claim neutrality: one cannot remain neutral in the call to be for or against humanity or its freedom; one cannot, similarly, claim a right to resist or defend oneself, in the sense we understand this right to have existed in the international law of Europe (the *jus publicum Europeum*). Such a denial of self-defence and resistance 'can presage a dreadful nihilistic destruction of all law' (ibid.: 187). When the enemy is not accorded a procedural justice and formal equality, the notion that peace can be made with him is unacceptable, as Schmitt detailed through his study of the League of Nations, which had declared the abolition of war, but in rescinding the concept of neutrality only succeeded in the 'dissolution of "peace"' (ibid.: 246). It is with the dissolution of peace that total wars of annihilation become possible, where 'the other' cannot be assimilated, or accommodated, let alone tolerated: the friend/enemy distinction is no longer taking place with a *justus hostis* but rather between good and evil, human and inhuman, where 'the negative pole of the distinction is to be fully and finally consumed without remainder' (Rasch 2003: 137).

Finally, the ethical discourse of a universal humanity can be discerned in the tendency to normalise diverse peoples through legalisation and individualisation. The paramount emphasis placed on legal instruments and entitlements such as human rights transforms diverse subjectivities into 'rights-holders'. '[T]he other is stripped of his otherness and made to conform to the universal ideal of what it means to be human', meaning that 'the term "human" is not descriptive, but evaluative. To be truly human, one needs to be corrected' (Rasch 2003: 140 and 137; cf. Young 2002; Hopgood 2000). What does this correction in its 'multiform tactics', which include Michel Foucault's proper terms of discipline and training, aim to produce? The answer may well be the proper, free (masterful), equal and rational (in its self-interest) subject of rights, of capitalism and the governmentalised state (Foucault 2001a). As Gil Anidjar notes, the operation of the traditional binary 'sovereign/enemy' is transformed 'in the disciplinary society (which signals, according to Foucault, the dissolution of sovereign power) into "disciplinary regime/criminality" (*or, for that second term, legal subject, subject of the law, and, of course, "man"*)' (Anidjar 2004: 42; emphasis added). Of equally great importance is transformation that follows in the transition from a disciplinary to a governmental economy of power: this is what we are at the moment confronting and must analyse: what are the paths towards which the

other as enemy is directed by (a global) governmentality and, moreover, what forms, subjectivities, etc., is the ‘enemy’ encouraged to take in the form of an unavoidable freedom, along the lines articulated by Foucault under the heading of ‘self-government’ (2007b).

The international human rights regime is championed by liberal world politics as an institutional expression of the centrality of the individual and an ethical expression of the universality of humanity. It can, therefore, be seen as the exportation of modern subjectivity, open to the biopolitical care of governmental rationalities, around the globe. The subject of governmental rationalities is one of almost *enforced* freedom, evident in this ‘sacralisation of human life and deification of human rights’ (Prozorov 2007a: 112). ‘Enforced freedom’, if one can use this paradoxical term, is not to be understood as ‘a necessary *property* of a self-actualising subject, ontologically prior to power relations’ (ibid.: 27). Rather, in the global liberal *governmental* order (cf. Odysseos 2008; Neumann and Sending 2007) ‘freedom becomes a duty... a governmental injunction’; as Sergei Prozorov notes, ‘the subject’s freedom becomes an obligation and, furthermore, an obligation to be *enjoyed* as a personal project of self-actualisation rather than simply a duty to be fulfilled’ (2007a: 30). In the service of governmentality and for its purposes of ‘care of the living’, which result in the production of subjects, we encounter ‘the reduction of human existence to some positive social project’ (ibid.: 34). The individual subject’s search for autonomy, for greater choice, for self-determination – all practices which define ‘freedom’ in a capitalist (and governmental) system – indicate that freedom becomes a form of ‘subjection’ (ibid.: 30).

Whereas the sovereign’s task, Foucault argued, was to remain sovereign, that is, in power, governmentality is characterised by a finality, directed towards the things it manages: care for life and population management are amongst the ends of a governmental economy of power (Foucault 2001a: 211). A certain kind of subject is produced therein which *takes over the work of its own care* and, for that matter, of its own freedom (cf. Lemke 2001). Therefore, one *must* be free: being made free serves the biopolitical ends of the global liberal order, which then replicates world-wide a particular transformation of territorial states into population states, i.e. globalises the governmentalisation of the state (Foucault 2001a). The subject of enforced freedom is

possibly the last figure of humanity. But, as Kennedy told us long ago (1998), the invocation of humanity is predicated upon the calling into being of the ‘human’, which in turn can only be defined as against its opposite, the inhuman. The subject of enforced freedom is also the subject that requires the inhuman and its obliteration in the form of absolute enmity, as we shall see below.

If the global liberal order is an order for which the political object is ‘population’, then its end is to manage that population ‘in pursuit of the perfection and intensification of the processes it directs’ (Foucault 2001a). It is important that the enemies of this order be identified and ‘corrected’. It is this kind of constant vigilance against the enemy of governmental rationality which also allows Foucault to note that, whereas sovereign power had historically created systems of exclusion by differentiating between those who submit to its power and its enemies, which seek to violate it, governmental power differentiates between those who behave in accordance with the welfare of the population and ‘those who conduct themselves in relation to the management of the population...as if they were not part of the population...as if they put themselves out of it’ (Foucault 2007a: 43-44). The order must ensure, then, that it is able to distinguish between those ‘who resist the regulation of the population, who try to elude the apparatus by which the population exists, is preserved, subsists, and subsists at an optimal level’ and the population; as Foucault argues, this ‘opposition is very important’ (ibid.: 44). The production, naming and designation of the order’s enemy are part of the ethics of enforced freedom.

Below we turn to Schmitt’s iconographies of enmity because it may well be the function of enmity to ‘introduce[s]...a moment of openness and freedom into the immanence of world order’ (Ojakangas 2007: 211; brackets added). Specifically, we discuss, first, the figure of the just and equal enemy which Schmitt identified within the geo-political structuring of war and politics in the ‘Westphalian order’ (Schmitt uses the term ‘nomos of the earth’ (2003) to designate the order we mythically call ‘Westphalia’ in IR). Second, we turn to the figure of the absolute enemy and consider Schmitt’s discussion of the dangers of its emergence. Out of this particular analysis, found primarily in *Theory of the Partisan* (1963/2004/2007), we can then map a political normativity which is not, however, ethical but anti-ethical, so that we can

proceed in the concluding section to articulating a notion of political obligation. This is both an obligation to the other as enemy but also to the openness of the political.

III. Iconographies of Enmity

'No discourse...has ever claimed for itself the right to consider the enemy as a privileged object. No discipline (in Foucault's use of the term) has ever "fashioned" an enemy as such. Enemy would thus be the name of an exteriority that could be structurally compared to the decision which founds, according to Schmitt, the political (and the force of law) without being reducible to it' (Anidjar 2004: 41).

That thinking about the enemy is important to Schmitt is a statement that requires little justification.³ 'The enemy is not something to be eliminated out of a particular reason, something to be annihilated as worthless. The enemy stands on my own plane...' (Schmitt 2004: 61). So contends Schmitt in *Theory of the Partisan* (1963/2004/2007). Given Schmitt's critique of the ethics of a universal humanity outlined above, as well as his involvement with the National Socialists in 1930s, one may be forgiven for not attributing to this statement about the enemy an ethical intent and they would be correct in not doing so. This paper argues that Schmitt's iconographies of enmity engender *not* an ethical discourse about the other as enemy but an anti-ethical stance contributing to the variable *reinstatement* of the political.

An iconography of limited enmity: the figure of justus hostis

As argued elsewhere (Odysseos 2007b; Odysseos and Petito 2007) the figure of *justus hostis*, the procedurally just and equal enemy emerged within the order Schmitt called 'the nomos of the Earth' and which we in IR call 'Westphalia'. However, this figure can no longer obtain in a post-Westphalian era, the advent of which Schmitt dates as early as 1899 with the Hague War Conventions and which becomes inescapable with the outbreak of World War I in 1914. 'Westphalia', by contrast, was that interstate order which existed until 1914 and which had sought, through the spatiality of the *jus publicum Europaeum*, its international law, 'to prevent wars of annihilation, i.e. to the extent that war was inevitable, to bracket it' (Schmitt 2003a: 246). This 'bracketing'

³ But not obviously to the exclusion of concerns with the decision and with concrete order (cf. Prozorov 2007b; Zarmanian 2006).

of war refers to the limitation, rationalisation and, contentiously, the ‘humanisation’ of war: what Schmitt called *eine Hegung des Krieges*, which he regarded with great nostalgia to be a major achievement of this interstate order.

It is important to distinguish such ‘bracketing’ from attempts to abolish or banish war, that is, to end war *as such*, which are a characteristic of both classical and contemporary liberalism (Joas 2003). Schmitt, nostalgic regarding the bracketing of war, distinguishes sharply and critically from ‘of the modern drive to contain war through indiscriminate legal provision’ (Goodson 2004b: 148). ‘Bracketing’ in the proper sense of *Hegung* is not only a delimitation but also a ‘pruning’, a constant maintenance, a politics rather than a singular and spectacular act of law. This is because the *jus publicum Europaeum* recognised that ‘any abolition of war without true bracketing resulted only in new, perhaps even worse types of war, such as reversions to civil war and other types of wars of annihilation’ (Schmitt 2003a: 246). It accepted war as an inevitable occurrence of international political order; it was the form of war which had to be invigilated and contained. Doing so, laid a foundation for ‘a bracketing of war’: ‘[t]he essence of such wars was a regulated contest of forces gauged by witnesses in a bracketed space. Such wars are the opposite of disorder’ (ibid.: 187).

The ability of the Westphalian order to bracket and regulate war rested on its expression through *Liniensdenken* – the geopolitical thinking of global lines (Schmitt 2003a; 1995a). These refer to the lines or distinctions (the so-called ‘amity lines’⁴) drawn between European soil and the ‘free space’ available for appropriation which facilitated the bracketing of war on European soil. The amity lines set aside two distinct areas considered ‘open spaces’ (Schmitt 2003a: 94-95): on the one hand, the landmass of the New World, whose belonging to the native populations was not recognised, and on the other, the newly mapped and navigable seas. In both types of

⁴ Schmitt discusses in great details the historical context and specificity of three types of global line that operated since the ‘discovery of the New World’, and the ways in which these lines produced distinct spatial orderings. These are the distributive *rayas* (2003a: 90-92 and 287), the agonal *amity lines* (2003a: 92-99 and 287) and the final global line of the Western hemisphere (2003a: 99-100 and 281ff), which did not concern land-appropriation as did the previous two lines but which signal the isolation sphere of the United States that displaced Europe, the old West, with a new, truer and more just West. Schmitt discusses the end of the Western Hemisphere as the ‘last global line and with it the age of the global line (1995a).

‘open space’, force could be used freely and ruthlessly as these were areas ‘designated for agonal tests of strength’ amongst European powers (ibid.: 99). In other words, Schmitt argues that the sharp distinction drawn between Europe and the rest of the world made it possible for states to find ways in which to gauge their opponents’ strength, usually by striving for appropriation of lands in the ‘new’ world or by fighting limited wars on European soil. In this we must recognise that Schmitt was a European, indeed, Eurocentric thinker in that ‘the ethical stance that governs Schmitt’s position is the belief that warfare fought justly, or *as a rule governed exercise*, is what enables peace and what legitimates the European state’ (Beasley-Murray 2005: 218; emphasis added). Schmitt, however, does not deny that this spatial distinction between Europe and the non-European, later colonial, world, as well as the ‘politicization of warfare – its transformation into a separate and distinct activity’ (ibid.: 218) was for many reasons an ambiguous achievement. A positive evaluation of it acknowledges the benefits of the bracketing and ‘pruning’ of war, and also that it requires the establishment or acceptance of ‘relative reason’. This what Schmitt meant when he argued that politics is a pluriverse and not a universe and that its pluriversalism must be achieved and maintained as against universal tendencies and projects. But on the negative side of the balance sheet, we must wholeheartedly accept that this distinction also, under the rubric of colonial appropriation and occupation, ‘presupposed the consignment of unrestrained violence to the rest of the world’ (Rasch 2005: 258).⁵ As Achille Mbembe writes in ‘Necropolitics’, ‘all manifestations of war and hostility that had been marginalized by a European legal imaginary find a place to reemerge in the colonies’ (2003: 25).

Importantly for Schmitt’s iconography of limited enmity, the bracketing of war requires that the figure of the enemy be appropriate for such a pluriversal understanding of politics, that is, what Schmitt would later call ‘the relativisation of enmity’ (2004). In fact, the achievement of this type of regulated but limited warfare on European soil was enabled by (better: *predicated on*) the recognition of the opponent as an equal and just enemy. The development of the notion of *justus hostis*,

⁵ In part, this explicit acknowledgement and grounding of the violence to which the rest of the world was subjected is why Schmitt’s understanding of Westphalia is so much more interesting than the one commonplace in International Relations, although it might shocking to those readers expecting the wholesale condemnation of violence and war, while being, at the same time, cynical about the veracity of such condemnations.

associated with the denigration of *justa causa* (just cause) in the commencement and waging of war, may be considered to be the second achievement of the Westphalian order. The concept of an 'equal and just enemy' evolved alongside the emergence and consolidation of the modern state as the predominant political entity (see Teschke 2003 for a contrary account), as well as the weakening of the moral authority of the Church. Under these conditions, warfare became divorced from substantive causes of justice. Since war was the means by which land could change ownership status, 'war came to be judged in terms of its outcome' and, indeed, became a type of political relation amongst states (Schmitt 2003a: 100). Any enemy which had the form of a state was a just enemy and war could be waged against it. This avoided wars of conviction, creed and religion (that is, based on a *justa causa*) which had historically taken war to an extreme, seeking the enemy's annihilation. For Schmitt, whose belief was that war was an inevitable part of world-political life, this regulation of war without substantive cause meant a 'rationalization, humanization and legalization' of war; regarding an enemy as both just and as 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 by established norms and rules. The development of the notion of *justus hostis* and the elimination of just cause, moreover, also indicated an order of relations and a system of war which recognized the enemy's 'right' to resistance and self-defence.

Schmitt associates the 'nomos of the earth' with the emergence of limited and regulated wars that sought balance and the avoidance of preponderance, rather than the extermination of the enemy in the name of a just cause. William Rasch explains that the 'medium' of Westphalian

self-organization was violence (war); yet, by virtue of mechanisms of reciprocity, by virtue, that is, of a similarly emergent self-regulation of violence called international law (the *jus publicum Europaeum* of which Schmitt sings his praises), the conduct of warfare among European states was restrained and controlled (2005: 257).

What is important in the development of the figure of *justus hostis*, is not a celebratory denial of the drawbacks and repercussions of the Westphalian order in which it emerged, especially its colonisation of the non-European world. Rather, what is important is the *possibility* to which it points: a 'relativisation' of enmity that allows for a delimitation of war. As Schmitt would write in *Theory of the Partisan*, 'with the

bracketing of war, European humanity had achieved something extraordinary: renunciation of the criminalization of the opponent, i.e. the relativization of enmity, the negation of absolute enmity' (Schmitt 2007: 90). For Schmitt, 'renouncing the discrimination and defamation of their enemies' was a significant and rare achievement, in fact, a most 'human' development (Schmitt 2004: 64).

It is the dissolution of this limited enmity what confronts us today and structures the field of possibilities of engaging with others as enemies. The dangers of this dissolution can be seen clearly in the re-emergence of just cause and unlimited, interminable war in international politics, as well as the renewed designation of enemies as absolute and unjust. We turn to this second iconography of absolute enmity below.

An iconography of absolute enmity

Schmitt's two lectures on the partisan trace the emergence of partisanship to the Spanish Civil War of 1808-1813 (2004/2007; cf. Hardt and Negri 2004: 71) and outline its main characteristics precisely at a time when Schmitt argued that partisan warfare was in a state of flux with the advent of mechanisation and motorisation, but also with its infusion of revolutionary and universalist fervour (Schmitt 2004: 13).

Although an irregular and highly flexible and mobile fighter by standards of regular troops, the partisan was characterised by 'intense political commitment', usually to a 'fighting warring or politically active group' and this is what enables his distinction from 'a common thief or criminal' (ibid.: 10). This intense commitment to a political objective, rather than private enrichment, is also related to the 'tellurian character of the partisan', by which Schmitt means that he is tied to a particular territory as 'the defender of house, hearth and homeland [*Haus und Herd und Heimat*]' (ibid.: 20). For Schmitt, then, the partisan exists in an essentially 'defensive situation' and it is this defence of an attacked or threatened territory, which makes his political activities spatially specific (in the sense of limited) and concrete, rather than universal and abstract (ibid.: 13). Just as importantly, moreover, this means that the traditional partisan still operates within an idea of 'real' enmity, limited by its desire to *defend*,

which ‘preserve[s] it from the absolutism of abstract justice’ (ibid.: 13). For instance, the partisans of the Spanish Civil War of 1808-13 placed themselves

on the defensive side of the old European continental states whose old regularity, worn down to mere convention and game, showed itself to be no match for the revolutionary new Napoleonic regularity. The enemy thus became a real enemy again, war again real war. The partisan defending national soil against the foreign conqueror became a hero who was fighting a real enemy in a real sense. (ibid.: 63)

The relinquishment of limited, or real, enmity was amongst the most noticeable of changes (alongside a certain regularisation) once the partisan begins to ‘identif[y] with the absolute aggressiveness of a world-revolutionary or technologizing ideology’ (ibid.: 13). By highlighting and analysing the changes to the figure of the partisan, from the defensive irregular fighter of the Spanish Civil War through to its theorisation by Lenin and later Mao Tse-tung, Schmitt grasps the notion of absolute enmity and its political and normative significance. For Lenin, Schmitt argues, the enemy was ‘the class enemy, the bourgeois, the western capitalist and his social order in every country in which they ruled’ (ibid.: 35). In this way, ‘only revolutionary war is true war for Lenin, because it derives from absolute enmity. Everything else is a conventional game’ (ibid.). The struggle against this universal class enemy, therefore, had to correspond to the enemy’s own universal presence. For a universal war against an absolute enemy no bracketing [*Hegung*] remains possible.⁶

Central to Schmitt’s *Theory of the Partisan* is the transition from real enmity (discussed above in the figure of *justus hostis*) to absolute enmity⁷ within a changing global order in which the state was no longer the ‘adequate bearer of order’ (cf. Colombo 2007) and in which bracketed war had collapsed, as we discussed above; Schmitt explores how ‘war finds its meaning in enmity...The question, however, is whether the enmity can be contained and regulated, that is, whether it represents relative or absolute enmity’ (Schmitt 2004: 41). ‘The consistent fulfillment of absolute enmity’, which requires a ceaseless search and production of enmity itself,

⁶ It is worth noting that Mao Tse-tung was, like Lenin, a professional revolutionary, but with a distinctly and particularly intense tellurian because his revolutionary fighter exhibited an intense ‘relationship to the soil and the people they seized’ (Schmitt 2004: 40)

⁷ As Gary Ulmen explains, Schmitt used the adjectives ‘real’ and ‘absolute’ to enable a distinction between ‘enemy’ and ‘foe’ which is not easily accommodated in German (Schmitt 2007: 89, n. 90; cf. Ulmen 1987; Schwab 1987).

‘provides its own meaning and justification’ (Schmitt 2007: 52; 2004: 38). In this statement, we can see intimations of the emerging normativity of Schmitt’s account. A.C. Goodson, for example, notes that the partisan analysis is really ‘an exemplum’, a story intended to highlight a moral lesson, ‘in the spirit of the French *moralistes* whom he admired...Here the forlorn partisan stands larger than life, a man apart, alone with his destiny, properly singular...’ (Goodson 2004b: 146). While Goodson is correct to identify a certain ‘mythic drift’ (ibid.: 153) in the characteristics of partisanship delineated by Schmitt and to point to the romanticism that plagues the figure, what is important about the normativity of Schmitt’s discussion, I argue, is its anti-universal-ethical stance.

The iconography of absolute enmity, then, approaches the figure of the enemy as exemplary of the emerging post-Westphalian order, which is best understood as a ‘global civil war’ (Odysseos 2008; cf. Schmitt 1995a). Global civil war is characterised by internality, the collapse of ‘Westphalian’ distinctions such as rule/exception, war/peace, domestic/foreign, and also by the fact that it is not really a war at all but, rather, a ‘war-order’: that order-producing war and war-making order whose spatial and temporal bounds have been rescinded (Odysseos 2008). In this war-order, war is absolute war, properly ontologised (cf. Hardt and Negri 2004: 19). Moreover, in this war-order bracketing war is impossible. As Schmitt himself argues, absolute war and absolute enmity appear coextensive (Schmitt 2004: 35). Absolute enmity, however, is elusive and entirely abstract: a spectre. It is its abstractness that allows for the enemy’s total renunciation. As Beasley-Murray argues, outside of bracketing of war,

in this transaction of death, what is absent is an exchange or even a relation between subjects who can recognize each other: both parties, on the ground or in the air, confront an unknowable foe...The enemy becomes abstract for both sides. (2005: 220)

Schmitt’s *Nomos of the Earth* had noted that in the *jus publicum Europaeum* civil and colonial wars had been excluded from the delimitation of war (2003: 309) and, indeed, that the limiting of European *land* war was predicated on the possibility of (non-European areas for) colonial land-appropriations (cf. Odysseos 2007: 126ff). In as much as ‘the partisan or terrorist is in certain respects a symptom of much larger structural problems’, as Jan-Werner Müller observes (2006: 5), Schmitt worried that

the collapse of the distinction between European and no-European would not bring 'liberalism and prosperity to the periphery' but, rather, would reverberate with 'the threat that we could all now be subject to colonial violence' (Beasley-Murray 2005: 219-220). The contemporary war-order, however, far exceeds Schmitt's initial concerns of the United States' decisive swing towards a 'global pan-interventionism', which subjects us all to 'colonial' relations because it strives to reorder the Earth as a globe, leaving no 'internal' space and society unchanged (1995a: 445-448). This order, rather, orders and takes life at the same time: the attempt to eliminate the other as absolute enemy, is 'at the same time, [a] construction of a new order' (Laclau 2005: 11; brackets added) with colonial racial characteristics (see, importantly, Mbembe 2003: 17, 24; Beasley-Murray 2005).

Just as Foucault had documented how war became 'the permanent basis of all the institutions of power' (2003: 264) and that relations of force pervaded constitutional and social arrangements, this war-order similarly rescinds the distinction between institutional arrangements of peace and relations of war, though war itself changes meaning and becomes fused with domestic police activities (cf. Hardt and Negri 2004). This is because 'the basis or model for all war is the civil war': to a war-order defined by no outside, the search for the enemy becomes necessary for the continued coherence of the constitution of society (Beasley-Murray 2005: 221). As against 'the juridical model of sovereignty', Foucault alerts us that, in this war-order too, war is nothing if not the organising principle of institutions of power. Schmitt was right to worry that this might have signalled the end of the political as he conceived it (1996a) because in his iconography of absolute enmity he identifies what might well be the central product and indeed character of this war-order. It is for this purpose that a notion of obligation needs to be discussed that is not ethical but political, i.e. dedicated to the openness of politics as against an absolute internality or immanence.

Informed by the two iconographies of enmity, we conclude by sketching a notion of obligation which is, however, against ethics. This obligation is political in that it emerges out of our being governed in common and out of which we are obliged to act for others and for politics.

IV. Conclusion: political acts of obligation

The paper ends with a discussion of obligation. Outlining the contours of a notion of political, rather, than ethical obligation, however, may require some explicit distancing from the now-familiar accounts that have oriented critical ‘ethical’ endeavours for some time. So we ask again the ethical question which has haunted us: from whence does obligation originate? Were we to be still enthralled by a Levinasian or generally any ‘other-beholden’ thought of being ‘hostage’ to the other, we might say that the face to face encounter installs obligation before representation, knowledge and other ‘Greek’ relationalities (Levinas 1989: 76–77; Odysseos 2007a: 132-151). Caputo, however, warns us off this kind of commitment to a notion of perfectible or total obligation. He asks that we recognise that ‘one is always inside/outside obligation, on its margins. On the threshold of foolishness. Almost a perfect fool for the Other. But not quite; nothing is *perfect*’ (1993: 126). The laudable but impossible perfectibility of ethics and ethical obligation to the other must be rethought. This is because ‘one is hostage of the Other, but one also keeps an army, just in case’ (ibid.). Caputo is not speaking as a political realist in this apparently funny comment. He is pointing, I suggest, to the centrality of politics and enmity. Obligation is not to the other *alone*; it is also to the radical possibility of openness of political order, which allows self and other to be ‘determined otherwise’ (Prozorov 2007a). Analytically, we also want to know the tactics and subjective effects of being directed towards enforced freedom. In this way, we might articulate a political and concrete act obligation that is inextricably tied to freedom that is not ‘enforced’, that is not produced for us, or *as* ‘us’.

With Schmitt, one might say that obligation points practically (i.e. politically) to the ‘relativisation of enmity’. Obligation may not, however, be towards the enemy as such, for the enemy is the pulse of the political – so long as the enemy is relative (yet can be killed) in the order, the openness of the order can be vouchsafed in the disruption of the absolutism of its immanence (Ojakangas 2007; Schmitt 1995a). We might, then, recast Schmitt’s conception of the political (which he regards as coming into being in the *decision* which distinguishes between friend and enemy) through his later emphasis in *Theory of the Partisan* on the politically normative significance of

the relativisation of enmity. In other words, we might say that what needs to remain possible is the constant struggle ‘between constituent and constituted power’ (Beasley-Murray 2005: 221) in both society and also world order.

It is important to identify the ethical and governmental project of enforced freedom because doing so allows us to think of obligation as related to a different freedom: freedom as resistance (not freedom as an attribute). Prozorov suggests that an ‘ontology of concrete freedom’ relies on ‘freedom of potentiality of being otherwise’, of being able to ‘to assert one’s power as a living being against the power, whose paradigm consists in the “care of the living”’ (2007a: 210-211). This assumes, however, first, that resistance lies in the ‘refusal of biopolitical care that affirms the sovereign power of bare life’ ((Prozorov 2007a: 20) and, second, that there is a sort of ‘radical freedom of the human being that precedes governmental care’ (Prozorov 2007a: 110). I argue in conclusion, however, that freedom as resistance is still too limited; it may still be, despite all attempts, lured back to a thinking of an essence: of that prior state of pre-governmental production of subjectivity, which in actuality does not exist. Rather, Foucault’s brief intervention on the issue of obligation (2001b) through the International Committee against Piracy points to ‘a radically interdependent relationship with practices of governmentality’ (Campbell 1998: 516) to which we are all *subjected*, here understood in the proper Greek sense of our subjectivity being *predicated on* governmental practice (cf. Odysseos 2007a: 4). ‘We are all members of the community of the governed and thereby *obliged* to show mutual solidarity’, Foucault had argued, as against obligation understood within modern humanism (Foucault 2001b: 474; emphasis added). This obligation which he invokes simply exists (*es gibt*), as Heidegger might say. We would add that Schmitt’s account of the transition from ‘real’ to ‘absolute’ enmity in the twentieth century and his demand that ‘the enemy is not something to be eliminated out of a particular reason, something to be annihilated as worthless..’ must be read in this way (Schmitt 2004: 61): as speaking for the need to ward off the shutting down of politics. That is why Schmitt’s two iconographies rest precisely on two extremes: the mythic narratives of an order open to enmity as its exteriority, which guarantees pluriversal openness, on the one hand, and the absolute immanence of order where ‘absolute enmity driv[es] the political *universe*’ on the other hand (Goodson 2004b: 151).

This is a notion of a world-political obligation that ‘is a kind of *skandalon* for ethics, which makes ethics blush, which it must reject or expel in order to maintain its good name...’ (Caputo 1993: 5). This obligation is articulated for the openness that enmity brings; it attends to the other as enemy by allowing, *against ethics*, for the continued but changeable structurations of the field of politics, of politics as pluriverse.

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