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Vagaries of Interpretation: A Rejoinder to David Chandler's Reductionist Reading of Carl Schmitt

Louiza Odysseos and Fabio Petito

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Carl Schmitt is undeniably one of the most controversial, intellectually challenging and personally enigmatic political thinkers of the 20th century. A 'name redolent of Nazism whose reputation has fluctuated so wildly across time and space: a classic in one country, a nonentity in another',¹ a man who is said, even by some of his fiercest critics, to belong 'among the ranks of the twentieth-century Europe's most influential political and legal theorists ... [and] who has exerted a subterranean influence on postwar American political thought', as in the case of the father of modern International Relations, Hans Morgenthau.² To engage with Schmitt's thought, then, is to necessarily be wary of his own and his opponents' political propaganda, as little about his writings, long life and times is uncontroversial.³

This general premise underlies and frames our reply to David Chandler's article on the revival of Carl Schmitt in International Relations,⁴ which, we argue, advances a highly reductionist reading of Schmitt's *The Nomos of the Earth* (hereafter, *Nomos*).⁵ This reading ignores both Schmitt's wider methodological approach, as well as the important juridical concerns about the boundaries of the political and the delimitation of war that preoccupied Schmitt throughout his life. In so doing,

1. Gopal Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt* (London: Verso, 2000), 1.

2. William E. Scheuerman, *Carl Schmitt: the End of Law* (Lanham, MD: Rowman & Littlefield, 1999), 1.

3. Paul Gottfried, *Carl Schmitt: Politics and Theory* (Westport, CT: Greenwood Press, 1990).

4. David Chandler, 'The Revival of Carl Schmitt in International Relations: The Last Refuge of Critical Theorists?' *Millennium: Journal of International Studies* 37, no. 1 (2008): 27–48, hereafter cited in text.

5. Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, trans. G. L. Ulmen (New York: Telos Press, 2003).

Chandler's article ultimately also fails to grasp Schmitt's topicality and his continuing relevance for understanding the contemporary international predicament and crisis of order.

Chandler, the Schmitt 'revival' and Critical IR

Chandler's main contention is that the recent interest in Schmitt has been largely driven by two strands of thought within Critical IR theory: 'critical cosmopolitanism' and 'critical post-structuralism'. In both cases, Chandler argues, the treatment and usage of Schmitt's thought has been 'superficial' and 'idealist' (27–8), 'based on selective descriptive appropriations of his work with very little regard to his underlying ontological framing of the relationships between law, ethics and the use of force' (47). Chandler presents the diverse work of scholars in our recent collection as the clearest example of the 'critical post-structuralist' strand.⁶ Our reply to Chandler's argument may be seen as foolhardy, in that it could be read as accepting this categorisation. Far from it, however, we find Chandler's typecasting of scholarship obviously unsustainable, yet at the same time peculiarly indicative of the problems with Chandler's reading, not only of Schmitt's work, but also of the diverse and often contradictory interpretations to which his corpus has been put. Chandler's is a very limited engagement with Schmitt's work – resting primarily on the *Nomos* – and with the emerging interdisciplinary field of 'Schmitt studies'. This results in what can only be described as a reductionist and problematic reading of Schmitt that ultimately neither expands our understanding of his work nor particularly illuminates the political implications of the so-called 'Schmitt revival'.⁷

Specifically, Chandler's argument proceeds in two steps and also has one fundamentally polemical aim. The first step entails an analysis of how 'critical cosmopolitans' and 'critical post-structuralists' have engaged in an 'idealist' manner with the work of Schmitt – the former in condemnation of his work and the latter in a more favourable endorsement of its value for analysing contemporary global politics. Critical cosmopolitans, argues Chandler, use Schmitt to defend their emancipatory position by distinguishing themselves from the messianic decisionism of the peculiar liberal internationalism associated with a broader American neo-conservative project,⁸ while critical post-structuralists use Schmitt 'to

6. Louiza Odysseos and Fabio Petito (eds), *The International Political Thought of Carl Schmitt: Terror, Liberal War and the Crisis of Global Order* (London: Routledge, 2007).

7. A 'revival' which of course far pre-dates the interest shown in him in IR and can, in fact, be traced to the well-documented 1980s' post-Marxist attempts to grasp social antagonism, which exceeded the capacities of extant materialist approaches.

8. Not cited by Chandler but important essays in this vein are, inter alia, William E. Scheuerman, 'Carl Schmitt and the Road to Abu Ghraib', *Constellations*

oppose US power and the restrictions on civil liberties domestically' and to show that 'the undermining of these legal frameworks is, in fact, an example of the dangers of liberal universalism' (30). For Chandler, this engagement enables both groups to distinguish and defend their position as a 'critical' one. It is in this sense, as the subtitle of his article suggests, that Schmitt has become 'the last refuge for critical theorists'. Chandler's second step consists of the articulation of a more appropriate, 'non-idealist', reading of Schmitt's international thought, almost exclusively through the *Nomos*.

These two steps lead Chandler to conclude with a polemical argument against the de-politicisation and 'exhaustion of ... critical perspectives and the fact that even a political and legal theorist explicitly hostile to an emancipatory perspective [like Carl Schmitt] has more to offer than they do themselves' (48). Such an argument is not unfamiliar to those engaged in the contentious and admittedly difficult task of using Schmitt's thought, an argument which might well be read as a reiteration of the well-known lament: what has 'critical' political thought come to, if it has to rely on the likes of Carl Schmitt, the crown jurist (*Kronjurist*⁹) of the Third Reich? Chandler's overriding, if rather implicitly couched, concern with the Schmitt 'revival', therefore, appears to be with the fortunes and misfortunes of 'critical IR', or one might suggest even with what was once called 'the intellectual Left'. For what it's worth, we agree that this is far from an unimportant concern. Beyond these intimations, however, we do not directly respond to Chandler's polemics about the moral and political status – the 'exhaustion' (48) – of critical approaches to IR using Schmitt's thought and this is for two reasons. First, we think that claiming to defend such diverse and often contradictory positions, which Chandler argues share 'substantial common ground' (27), would be a hubristic and presumptuous undertaking on our behalf. Second, more importantly, we have opted to illustrate that the charges of superficiality (27, 47) and idealism (28, 38), which Chandler levies against 'critical cosmopolitans' and 'critical post-structuralists', themselves rest on Chandler's own limited engagement with Schmitt's thought and on a reductionist interpretation of Schmitt's *Nomos*.

Therefore, our reply focuses instead on interrogating Chandler's own supposedly 'non-idealist' and more appropriate reading of Schmitt's *Nomos*, because it is the edifice upon which his broader argument about

13, no. 1 (2006): 108–24 and Brian S. Turner, 'Sovereignty and Emergency: Political Theology, Islam and American Conservatism', *Theory, Culture & Society* 19, no. 4 (2002): 103–19.

9. Joseph W. Bendersky, *Carl Schmitt: Theorist for the Reich* (Princeton: Princeton University Press, 1983). For new archival documentation on Schmitt and Nuremberg and an authoritative reassessment of Schmitt's Nazi past, see also Joseph W. Bendersky, 'Carl Schmitt's Path to Nuremberg: A Sixty-Year Reassessment', *Telos* 139 (2007): 6–34.

critical approaches involved in the Schmitt 'revival' rests. We show how Chandler's own problematic reading of Schmitt's work ironically reproduces and further compounds the very 'superficial' (27) reading he denounces. It does so, first, by providing, as noted above, a highly reductionist, almost Leninist, reading of the *Nomos*, which misses some of the central political and juridical concerns of Schmitt's reflections in the *Nomos* and other key texts; and, second, by failing to understand the significance of Schmitt's methodological approach, i.e. his theory of 'nomos' and its framing of the relationship between law, ethics and the use of force. This approach, we argue, has much to offer contemporary IR theory and the understanding of global politics – as Chandler himself intimates in the article's final sentence. Our reply, therefore, further elucidates what we have called in our volume the *heterodox* international thought of Schmitt. It is this heterodox, sometimes ambiguous, and not easily classifiable nature of Schmitt's work that renders it of such interest and particular relevance to IR in the present condition of crisis in international order and epoch-making changes in the normative structures of international society.¹⁰

Eyes Wide Shut: Chandler's Reductionist Reading of the *Nomos*

Chandler argues that there is a single, 'fundamental' theme that characterises the *Nomos*, that of 'the management of inter-imperialist rivalry' (31). This singular emphasis on the problematic of inter-imperialist rivalry, is predicated on a reductionist epistemological position and directly results in a variety of substantive problems of exegesis and interpretation while at the same time obscuring, in our view, the polysemic nature of the *Nomos* and Schmitt's international thought more broadly.¹¹ Importantly, it leads Chandler to a problematic (indeed, 'superficial', to use Chandler's own term [27]), reading of the *Nomos*.

According to Chandler, Schmitt's overriding concern 'was reading the development of international law in the context of inter-imperialist

10. Louiza Odysseos and Fabio Petito, 'Introduction: The International Political Thought of Carl Schmitt', in Odysseos and Petito, *The International Political Thought of Carl Schmitt*, 1–17.

11. Incidentally, singularity is a problem that also plagues Chandler's categorisation of the contributions to our volume, whose diversity Chandler tends to reduce to the already inappropriate label of 'critical post-structuralists'. It is true that Chandler acknowledges that his categorisation of both 'critical cosmopolitans' and 'critical post-structuralists' is 'more of a heuristic device' (29). Indeed, a number of the contributors to our volume express that current of thought which has found it fruitful to put the work of Schmitt in dialogue with that of post-structuralist thinkers such as inter alia Foucault, Derrida, Heidegger and Nancy. To claim, however, that the often contradictory analyses and claims that exist in contention in our volume, for example, of Alain de Benoist, whose position in the New French Right has led French post-structuralists to renounce him as

conflict' (46), an assertion which allows him to dismiss Schmitt's contemporary relevance: 'The management of inter-imperialist rivalry, the fundamental theme of Schmitt's *Nomos*, is not the predominant concern of the present' (31). Yet, what we unveil below as Chandler's 'Leninist' interpretation may well be the result of what Martin Heidegger called a 'forehaving',¹² i.e. the naturalised pre-existing standpoint with which Chandler turns to Schmitt's *Nomos* and which radically colours his reading. Calling into question Chandler's interpretation of the *Nomos* is neither to deny the ontological significance of land-appropriation, nor to suppress Schmitt's illuminating historical discussion of what we have called 'the global relations of appropriation', both of which were given a prominent place in our own assessment of the *Nomos*.¹³ Yet, Chandler's reductionist emphasis on inter-imperialist rivalry obfuscates the methodological significance of Schmitt's discussion of the history of international law and the global order which in IR we call 'Westphalia', with serious repercussions for understanding the *Nomos*, as we discuss below.

Chandler writes:

Schmitt was writing during the intense inter-imperialist rivalry of the inter-war period. ... His writing was essentially a call for peace amongst Western powers and agreement on a division of the world: a call for the restoration of the moral authority of imperialism, with *Nomos* being an elegy for, and renegotiation of, a lost past. It is for this reason that Schmitt continually highlights the problematic and divisive nature of inter-imperialist rivalry, sharpened by clashes over universal moral claims, which made it impossible to legitimize a working arrangement. His call for a restoration of the political is for an honest 'pact amongst thieves' focused on clarity of interest in maintaining world order rather than having to defend themselves against imperial 'equals'. (38)

Chandler's emphasis on the inter-imperialist problematic as the single 'fundamental theme' of the *Nomos* arises from his reduction of Schmitt's wide-ranging juridical and political concerns to Karl Kautsky's

a legitimate interlocutor, or of Gary Ulmen, whose co-editorship of *Telos* for several decades can hardly be accused of post-structuralist sympathies, or even of Danilo Zolo, whose anti-cosmopolitanism is always very wary of any post-modernist leanings, all take place in a post-structuralist context, gives a sense of the simplifications to which Chandler's categorisation unfortunately gives rise. (See the relevant chapters in Odysseos and Petito, *The International Political Thought of Carl Schmitt*). This is not to deny the importance of post-structuralist readings of Schmitt in our volume and elsewhere, or to belie that, indeed, Schmitt's anti-Enlightenment tendencies, as well as his understanding of the political as a pluriverse, point to the many productive affinities and possibilities between his thought and post-structuralism.

12. Martin Heidegger, *Ontology: The Hermeneutics of Facticity*, trans. John van Buren (Bloomington: Indiana University Press, 1999), 62.

13. Odysseos and Petito, 'Introduction', *The International Political Thought of Carl Schmitt*, 6.

'ultra-imperialist' thesis. Readers could be forgiven for easily missing this, however, as Chandler only refers to this *en passant* in the footnotes to the article: '*Nomos* reproduces the assumptions behind Karl Kautsky's September 1914 article, "Ultra-Imperialism", in the possibility of an inter-imperialist alliance sustaining world peace and evading "the colonial danger"' (38, fn. 35). Equating Schmitt to Kautsky, Chandler then endorses Lenin's scathing critique of Kautsky's (and, for Chandler, Schmitt's) 'ultra-imperialist' thesis in his 1917 *Imperialism: The Highest Stage of Capitalism*: 'Whichever way one turns, one will find nothing in it except reaction and bourgeois reformism'.¹⁴ Following Lenin, Chandler argues that Kautsky, and therefore by implication Schmitt, was wrong, as an alliance of the imperialists for the peaceful division of the world was impossible or, *better*, incompatible with the inescapable logic of capitalism, as the outbreak of the two world wars would clearly prove. Therefore, Chandler appears to read Schmitt's *Nomos* through the conceptual language and apparatus of the debate on imperialism between Lenin and Kautsky. Such an interpretation largely reduces Schmitt's analysis to Kautsky's thesis and then offers a critique of it inspired by Lenin. This reduction is significant for his 'non-idealist' reading of Schmitt, but it is also highly questionable. At the very least, one should expect Chandler to discuss such a move explicitly and to marshal support regarding its appropriateness, usefulness and explanatory value, which cannot, in our mind, simply be asserted in marginal comments.

Not only that: Chandler's reductionist reading is further revealed in his discussion of two other related themes relevant to Schmitt's analysis of 20th century international relations: the end of the centrality of Europe and the emergence of total wars. According to Chandler – for whom this also explains Schmitt's modern appeal to critical scholars – Schmitt sees 'American claims to universalism as responsible for the unlimited nature of conflict in the 20th century' (39) and as 'undermining European unity' (39). But, Chandler continues, this is wrong as:

The inability of the Westphalian peace to hold in Europe was a reflection of the social and economic tensions which could not be contained within the existing territorial boundaries. As Lenin argued, once the world was divided up, inter-imperialist rivalry could only take the much more destructive form of the redivision of the world. (40)

In other words, following the Leninist reasoning, it is not the US but the highest 'monopolistic and financial' stage of capitalist development¹⁵ what Chandler calls in the above quote 'social and economic tensions', which bring about the inter-imperialist rivalry and its corollary of the end of the European unity/centrality.

14. Lenin, *Imperialism: The Highest Stage of Capitalism*, available online at URL: <http://www.marxists.org/archive/lenin/works/1916/imp-hsc/ch09.htm> (accessed 14 July 2008).

15. Lenin, *Imperialism*.

The problem here is that, again, as with the previous case of the conflation to Kautsky, Schmitt has never entertained such a reductionist and mono-causal reading of the end of the first global (and Euro-centric) *legal* order of the earth. Quite the contrary: Schmitt identifies the end of the first *nomos* of the earth at least in three major distinct, but related, processes emerging with all their strength throughout the 20th century: the dissolution of the *jus publicum Europaeum* into a spaceless and generic 'International Law' and its institutionalisation in the League of Nations system;¹⁶ the transformation of the meaning of war;¹⁷ the new role of the United States and the emergence of the Western hemisphere as a central category of its foreign policy discourse.¹⁸ Behind all these processes lay two major historical and epoch-making shifts of *longue durée*: the end of Europe as the centre of the earth and the emergence of a 'global economy'.¹⁹ If there had been one state critical to such a historical transformation, it was not the United States as Chandler seems to suggest, but England, which, 'at the end of the sixteenth century ... detached itself in ideal terms from the destinies of the continent to undertake its own adventure on the seas'.²⁰ As Schmitt argues in *Land and Sea*, the global economy is given its fundamental structure and ideology by England:

Slogans about freedom such as 'all trade is world trade; all world trade is maritime trade' [on to] 'all world trade is free exchange' express England's maritime and global power. Their veracity should be appreciated in relation to a particular era, to a certain world situation.²¹

Beyond that, the three 20th-century historical processes on which Schmitt focuses are still very much structuring the nature of global politics and are of great relevance, in our view, for understanding the contemporary international predicament and crisis of order.

In sum, these are some of the historical and analytical reasons why Chandler's reading, and the resulting assessment of the *Nomos*'s relevance, are highly problematic. At a minimum, his reading is only very

16. Schmitt, *Nomos*, 227–58.

17. Schmitt, *Nomos*, 259–78 and 309–22.

18. Schmitt, *Nomos*, 281–308.

19. Schmitt, *Nomos*, 235. We do not have space here to explore the consequences of this gradual emerging of a global economy in the 19th century according to Schmitt. Inter alia, Schmitt argues that 'In the idea of a free global economy lay not only the overcoming of state-political borders, but also ... a standard for the internal constitutions of member states', p. 236. This is an unfortunately overlooked dimension of the *Nomos* (see in particular 192–212 and 234–37) and it may be indeed interesting to compare with other historical materialist readings of this process.

20. Giacomo Marramao, 'The exile of the *Nomos*: For a Critical Profile of Carl Schmitt', *Cardozo Law Review* 21 (2000): 1586.

21. Carl Schmitt, *Land and Sea*, trans. S. Draghici; (Corvallis, OR: Plutarch Press, 1997), 47.

loosely related to the history of the rise and fall of the *jus publicum Europaeum* narrated by Schmitt, as well as to the historical context in which his analysis emerged. If there is a historical context which can help us understand Schmitt's international thought, it is not the inter-imperialist rivalry, but the wider context of the short 20th century, experienced by Schmitt as a 'European civil war', that sanctioned the end of the centrality of Europe in world politics and history.²² Chandler fails to grasp that Schmitt's nostalgic yet at the same time pragmatic understanding of the self-decentring of Europe is not 'a call for the restoration of the moral authority of imperialism' (38). It is, on the contrary, an elegy for the end of the era of European jurisprudence and its concrete global order, whose legal achievement, the *jus publicum Europaeum*, became for a period of time capable of bracketing, limiting, rationalising and 'humanising' war. According to Schmitt, the *jus publicum Europaeum* brought about what he called *eine Hegung des Krieges* [a bracketing of war]— the main objective of any system of international law. Schmitt understood himself as the 'last, self-conscious representative of the *jus publicum Europaeum*, its last teacher and researcher in an existential sense, one who has lived through its end'²³ – in Carlo Galli's words, as 'the last bearer of the European juridical civilisation'.²⁴ Having failed to grasp this juridical context, Chandler appears entirely unaware of Schmitt's wider methodological approach – and in particular his theory of 'nomos' – which contradicts the reading of Schmitt that Chandler advances. We turn to Schmitt's approach next.

Ideas and International Law in Carl Schmitt

The lack of any engagement with and understanding of the eminently juridical dimension of the *Nomos* is what, ultimately, explains Chandler's problematic reading of Schmitt's thought and of the contemporary interest that thought has generated. This is primarily evident in Chandler's discussion of international law. He claims, for example, that for Schmitt 'international law can only be contingent unless there is a global

22. Eric Hobsbawm, *Age of Extremes: The Short Twentieth Century 1914–1991* (London: Abacus, 1994), Paul Preston and Ann L. Mackenzie, eds, *The Republic Besieged: Civil War in Spain 1936–1939* (Edinburgh: Edinburgh University Press, 1996) and, controversially, Ernst Nolte, *Der europäische Bürgerkrieg 1917–1945: Nationalsozialismus und Bolschewismus* (Frankfurt: Propyläen, 1987).

23. 'Ich bin der letzte, bewußte Vertreter des *jus publicum Europaeum*, sein letzter Lehrer und Forscher in einem existenziellen Sinne und erfahre sein Ende'. Carl Schmitt, *Ex Captivitate Salus*, 2nd edn. (Berlin: Duncker und Humblot, 2002), 75, our translation.

24. Carlo Galli, *Genealogia della politica: Carl Schmitt e la crisi del pensiero politico moderno* (Bologna: Il Mulino, 1996), v, trans. in Thalín Zarmanian, 'Carl Schmitt and the Problem of Legal Order: From Domestic to International', *Leiden Journal of International Law* 19 (2006): 41.

sovereign power capable of enforcing it' (41) or unless it works as a negotiating 'mechanism for institutionalising a consensus among the Great Powers' (42). For Chandler, 'Schmitt recalls Hobbes' fundamental political ontology, reflected in the injunction that there can be no law without a sovereign' (41). Such an anti-juridical and hyper-realist interpretation explains Chandler's otherwise puzzling remarks on the relationship between US hegemony and the contemporary system of international law, such as, 'From a Schmittian perspective, it could, in fact, be argued that today there is little gap between sovereign power and legal content' (31) and 'if America has the power to territorially ground sovereign global power this would not be problematic' (42). If Schmitt maintained such a reductionist and limited understanding of international law as nothing more than the reflex of the distribution of power capabilities, his praise for the modern system of international law – the *jus publicum Europaeum*, as the masterpiece of Western rationalism and his regret about its demise would be meaningless.

To make sense of this apparent contradiction, to which arguably Schmitt himself has contributed in his Weimar writings, it is useful to bear in mind that, as Galli has argued, the common thread linking Schmitt's entire *oeuvre* is the search for a *legal order*, domestically and internationally, capable of answering the 'tragedy of modernity', that is, the end of the uncontested foundation for legitimacy of medieval Christian unity and the necessity to assume plurality, conflict and chaos – an ontology of politics as a *pluriverse*.²⁵ For Schmitt, the problem of legal order is about the creation of a convergence between the pluriverse of the political²⁶ and the universal drive of the juridical. Schmitt revised his earlier decisionist theory of order in a later work, *On the Three Types of Juristic Thought*,²⁷ in which he distinguishes amongst decisionism, normativism and concrete-order thinking.

The concrete-order approach describes the essence of the problem of legal order and lays the ground for Schmitt's theory of 'nomos' as a structuring combination of order (*Ordnung*) and spatial orientation (*Ortung*). According to his concrete-order thinking, legal order is neither 'decisionist' (based on the pure exercise of power) nor 'normativist' (based on universal and objective positivist law): a legal order as concrete-order

25. See Zarmanian, 'Carl Schmitt and the Problem of Legal Order', 48; cf. Galli, *Genealogia della politica*.

26. Also see the recently translated *Constitutional Theory*, trans. J. Seitzer; (Durham, NC: Duke University Press, 2008), in which Schmitt extensively discusses the limits of the political, balancing the rather agonistic, struggle-oriented, view of politics that emerges in his earlier and best-known work, *The Concept of the Political*, trans. G. Schwab (Chicago: University of Chicago Press, 1996).

27. Carl Schmitt, *On the Three Types of Juristic Thought*, trans. J. W. Bendersky (Westport, CT: Praeger, 2004). As Zarmanian explains, however, even in his earliest writings, 'The Schmittian decision differs, therefore, from mere power in

has to be based on the pre-existent concrete social order and is legitimate 'to the extent that it brings a pre-existent asset of power and interest to a concrete order through a *creative action* which is able to neutralise conflicts as they arise'.²⁸ In the domestic sphere, it is the sovereign power which creates the legal order by neutralising conflicts among units, that is, rendering conflicts capable of non-violent adjudication and intervening with a *decision* in the critical case (the exception). It is the international realm, however, with its absence of an overarching sovereign power – theorised in IR as 'international anarchy' – that posed the archetypal problem of how to construct a legitimate pluralistic international order.

The global political and legal order which Schmitt discussed as the '*nomos* of the earth' must, therefore, be read in this light: as a geopolitical order which was also a 'community of political entities united by common rules ... considered to be mutually binding in the conduct of international affairs'.²⁹ The pillar of these rules and institutions that made up the *jus publicum Europaeum* was the 'war in form', '*la guerre en forme*',³⁰ whereby the justice of war was no longer determined by the causes of war, but by the formal adequacy of the belligerents: they had to be *justi hostes*, bearers of the *jus belli*, that is, European sovereign states. Therefore, when Schmitt speaks of 'bracketing', in the proper sense of *Hegung*, he means not only a delimitation but also a 'pruning', a constant maintenance of war, much like one prunes flower borders in a garden. Schmitt evaluates this bracketing of war in Europe as 'the strongest possible rationalisation and humanisation of war'³¹ which involved *not* the attempt to abolish war, as would the League of Nations in the early 20th century, but rather consisted of the ceaseless effort 'to prevent wars of annihilation, i.e. to the extent that war was inevitable, to bracket it'.³² In other words, there is a 'thick' ideational-normative dimension in Schmitt's understanding of the modern international order, which is, however, very different from an idealist reading of international law as the overcoming of war and power politics.

that, instead of avoiding and negating occasions of conflict, as does the exercise of arbitrary power and, instead of perpetuating it, as does a nihilistic vision of power, it sees conflict as a constitutive, unavoidable and creative aspect of human existence and tries to contain it', in Zarmanian, 'Carl Schmitt and the Problem of Legal Order', 53.

28. Zarmanian, 'Carl Schmitt and the Problem of Legal Order', 53.

29. Gary L. Ulmen, 'Translator's Introduction', in Schmitt, *The Nomos of the Earth*, 10. Schmitt's analysis of the dense institutional-statist dimension of 'Westphalia', then, shows affinities with some versions of the rationalist and English School traditions of International Relations. Cf. Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (London: Macmillan, 1977), 13.

30. Schmitt, *Nomos*, 141.

31. Schmitt, *Nomos*, 142.

32. Schmitt, *Nomos*, 246.

The significance of Schmitt's particular explanation about the ability of law to 'keep war at bay'³³ is a far cry from the idealist view of law, because for Schmitt the juridical dimension relied on, but was not reduced to, politics or even geopolitics. It was made possible by 'global linear thinking' (*das globale Liniendenkens*)³⁴ and was based on differentiated geographies of rule: conquest and appropriation in the non-European world and bracketed war and balancing amongst powers in Europe. For Schmitt, therefore, 'nomos' is the foundational act that creates a concrete territorial order as unity of (legal) order and (spatial) orientation.³⁵ This is why the *ius publicum Europaeum* could only emerge as the first *order* of the earth, in the horizon made possible by the discovery and forcible appropriation of the 'new world', regarded as a free space, as an area available for European expansion and occupation. Ordering the earth – spatially and legally – is necessarily based both on a historical event of land-appropriation and also the ideational-legal dimension mentioned above.

Therefore, the global relations of appropriation, which far preceded the historical era of imperialism and inter-imperialist rivalry, play a crucial role in Schmitt's heterodox account of international politics and law. They are, however, part of a more complex story, which cannot be reduced purely to a history of imperialism, because that would obscure, as Chandler's reading effectively does, the critical link between the juridical and (geo)political dimensions, which emerges most clearly in the relationship between land-appropriation and the bracketing of war.

The above discussion, then, points to a wider problem with Chandler's limited reading of the *Nomos*: Schmitt's approach cannot be reduced to that of an unsophisticated hyper-realism and definitely not to a crude materialism.³⁶ As David Pan argues, Schmitt 'has become known to his detractors as a theorist who has replaced rational discourse with pure power', which leads many to ignore that his 'notion of politics is, on a fundamental level, culturally and ethically based'.³⁷ We would argue that, in fact, in the *Nomos* and elsewhere Schmitt opposed a purely materialist or even 'Machiavellian' interpretation of politics. Convictions, beliefs and ideas are what politics were ultimately about, as he makes abundantly

33. Chantal Mouffe, 'Carl Schmitt's Warning on the Dangers of a Unipolar World', in Odysseos and Petito, *The International Political Thought of Carl Schmitt*, 150.

34. Schmitt, *Nomos*, 87 and Carl Schmitt, 'Die letzte globale Linie', in *Staat, Großraum, Nomos: Arbeiten aus den Jahren 1916–1969*, ed. G. Maschke (Berlin: Duncker & Humblot, 1995), 447.

35. Schmitt, *Nomos*, 67–79.

36. See Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870–1960* (Cambridge: Cambridge University Press, 2002), 413ff.

37. David Pan, 'Carl Schmitt on Culture and Violence in the Political Decision', *Telos* 142 (2008): 49.

clear in his 1923 book, *Roman Catholicism and Political Form*: 'No political system can survive even a generation with only naked techniques of holding power. *To the political belongs the idea*, because there is no politics without authority and no authority without an ethos of belief'.³⁸

Nowhere is this clearer, perhaps, than in the 1929 'Neutralisations' essay where European history and politics are driven (though not *forward* in any teleological sense) in a series of politicisations and neutralisations. Each epoch is defined by contention and strife within a central sphere, crystallised around a core set of ideas, the controversy around which is neutralised, only to be challenged again in an almost dialectical process.³⁹ This remains a concern even in Schmitt's post-World War II works, such as *Theory of the Partisan*, where ideas and ideology appeared responsible for a new political intensity, one that the 'state' was no longer able to integrate or neutralise.⁴⁰

Finally, the above discussion highlights what Alessandro Colombo has provocatively described as Schmitt's 'realist institutionalism', a term which seeks to capture something that liberal institutionalists in IR have failed to do: the institutional richness of Westphalian 'statism' expressed in its international law. Schmitt's conception of international law can only be understood, then, as the constant effort to:

reconcil[e] form and decision, effective and juridical power, in an attempt to distinguish what power *always* is – the pure and simple ability to impose one's will on others – from what it *can become* through law – a 'restraining force', as Schmitt defines it, borrowing the Pauline concept of *katechon*; namely, an instance able to channel the indomitable lack of restraint of the political into juridical form.⁴¹

Conclusion

There is little space to recount here the details of Chandler's critique of the Schmitt 'revival' or our assessment of and reply to the peculiarities of his reading of Schmitt's *Nomos*. Rather, we want to conclude on one particular implication of Chandler's reductionist, anti-juridical (and, therefore, hyper-realist) reading of Schmitt. We have mentioned this above but would now like to take it up in the form of a conclusion, as it allows us to reflect on Chandler's dismissal of Schmitt's contemporary relevance.

38. Carl Schmitt, *Roman Catholicism and Political Form*, trans. G. L. Ulmen (Westport, CT: Greenwood, 1996), 17, emphasis added.

39. Carl Schmitt, 'The Age of Neutralizations and Depoliticizations', trans. M. Konzett and J. P. McCormick, *Telos* 96 (1993): 130–42.

40. Carl Schmitt, *Theory of the Partisan: Intermediary Commentary on the Concept of the Political*, trans. G.L. Ulmen; (New York: Telos Press, 2007), 88–9.

41. Alessandro Colombo, 'The "Realist Institutionalism" of Carl Schmitt', in Odyseos and Petito, *The International Political Thought of Carl Schmitt*, 21.

The crude materialist and unsophisticated realist Schmitt, who emerges out of Chandler's interpretation, is a Schmitt that can be dismissed as being of little relevance to the present 'post-imperialist' era.⁴² It also allows Chandler to focus exclusively on the *Nomos* as representative of Schmitt's international political thought, something that the diverse engagements with Schmitt in our volume attempted to avoid.⁴³ The problem with such a reading, however, beyond what we have discussed above, is that it ignores how 'Schmitt does not belong to one clearly discernible era of modern European politics'; because, as Jan-Werner Müller has argued, Schmitt 'was a thinker during a time of transition – and a thinker of the transition'.⁴⁴ While Müller has in mind the 'transition from a European to a post-European age',⁴⁵ that is, the decentring of Europe which we have discussed above, Schmitt is also a foremost thinker of the crisis of the state as 'the adequate bearer of order'⁴⁶ and the emergence of a post-statist era in which the bracketing of war is no longer possible.⁴⁷ Nowhere is this clearer, perhaps, than in Schmitt's later writings, such as *Theory of the Partisan*, where Schmitt gives his initial explorations of the political intensity that characterised the era of partisanship, itself in flux through the emergence of world revolutionary ideology. It is Schmitt as a thinker of the transitional crisis in which we are still, arguably, living who has proved of such interest to a variety of scholars in the related fields of International Relations and International Law.

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42. Of course, Chandler's dismissal of 'imperialist' concerns in the present era contradicts recent analyses of contemporary global politics e.g. Danilo Zolo, 'The re-emerging notion of Empire and the influence of Carl Schmitt's thought', in Odysseos and Petito, *The International Political Thought of Carl Schmitt*, 154–65 and Michael Cox, 'A New American Empire', in eds David Held and Mathias Koenig-Archibugi *American Power in the 21st Century* (Cambridge: Polity Press, 2004).

43. The essays in our volume inter alia reinterpret Schmitt's early decisionist writings, engage with his analysis of *Großraum*, his explorations of a new 'nomos' of the earth, and his theory of the partisan. See Odysseos and Petito, *The International Political Thought of Carl Schmitt*.

44. Jan-Werner Müller, *A Dangerous Mind: Carl Schmitt in Post-war European Thought* (New Haven, CT: Yale University Press, 2003), 245, emphasis in original.

45. Müller, *A Dangerous Mind*, 245.

46. Colombo, 'Realist Institutionalism', 26.

47. Schmitt, *Partisan*, 52.