

# Violence *after* the State? A Preliminary Examination of the Concept of ‘Global Civil War’

---

a paper prepared for

## VIOLENCE BEYOND THE STATE

Section 25 of the 6<sup>th</sup> Pan-European International Relations Conference  
Convened by Thomas Biersteker and Fabio Armao  
12-15 September 2007, Torino, Italy

**First draft – Please do not cite without permission – Comments welcome**

Author Details:

Dr. Louiza Odysseos  
Senior Lecturer  
Department of International Relations  
University of Sussex  
Falmer, Brighton  
East Sussex BN1 9QN  
United Kingdom

Tel.: +44 (0) 1273 678835

Fax: +44 (0) 1273 673563

Email: [L.Odysseos@sussex.ac.uk](mailto:L.Odysseos@sussex.ac.uk)

Web: <http://www.louizaodysseos.org.uk/>

## Introduction

Contemporary discourses on the role and characteristics of violence in the global order note that ‘the state no longer possesses a monopoly on the legitimate use of violence’ (Hardt and Negri 2004; cf. Biersteker and Armao 2006, section description): in other words, violence is presently carried out by ‘private’, as well as state or ‘public’ actors. Increasingly, moreover, notions of ‘violence’ and ‘war’ must be thought together because, the distinction between ‘war’ – a category engendering primarily reflections on an activity of sovereign states – and ‘(political) violence’ – a category which excludes this in order to study violence by states against civilians (such as genocide, ethnic cleansing, persecution of minorities, etc.), violence between civilians (such as civil or intra-state wars, terrorist attacks) or even violence by civilians or armed groups against state and market institutions (such as revolutions, terrorist attacks, etc.) – can no longer hold. To this we need to add the equally prescient insight that another weighty distinction of/for international politics also no longer holds: that between ‘war’ and ‘peace’ (cf. Alliez and Negri 2003).

Indeed, one might capture the sea-change implied in the collapse of this distinction between war and violence by saying that ‘...violence of our days is a violence that is more and more civil’ (Biersteker and Armao 2006, section description). Obviously this civil violence may no longer be encompassed solely in the *traditional* sense of ‘civil war’, as a conflict within a state or society, but it may be useful to think about the ways in which violence in the contemporary *global* order is ‘something like’ civil war (cf. Heidegger 1982: 1-23). The provenance of the term ‘global civil war’ still remains unclear, though it is thought the jurist and political thinker Carl Schmitt began using the term ‘global civil war’ [*Weltbürgerkrieg*] after a meeting with the novelist and essayist Ernst Jünger in 1942.<sup>1</sup>

Importantly for us, the term has been used recently to describe the vertiginous transformations of violence in the current global order. Contemporary political philosophers such as Giorgio Agamben (2005), Michael Hardt and Antonio Negri

---

<sup>1</sup> It has been sometimes argued that the term actually first appeared in Eugen Rosenstock-Huussy’s *Die Europäischen Revolutionen. Volkscharaktere und Staatenbildung* (1931), though Ernst Jünger claimed that he first used it in his *Der Arbeiter. Herrschaft und Gestalt* (1932). It appears in Schmitt’s ‘Die letzte globale Linie’ in 1943 (Schmitt 1995).

(2004), and Jean-Luc Nancy (2003a, 2003b, 2004, and 2007) have all used the term in their recent accounts of order, war and politics, though Nancy himself eschews using the term for his preferred ‘war of monotheism’ (2003b). To this already portentous list one cannot but add the recent translations of Carl Schmitt’s *Theorie des Partisanen* (1963/2004/2007)<sup>2</sup> and *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum* (1950/2003), which make available in English his own reflections on the changing nature and context of political violence, while forming, along with Walter Benjamin’s work (1978, 1999) the major starting point, though one to be overcome, for Agamben and often an implicit reference point for Nancy and Hardt and Negri. The concept of a civil war at global level, moreover, has also been picked up by some political commentators of post 9/11 policy developments, who have noted that ‘the war on terrorism is analogous to civil war on a global scale, in that it is taking place in a world which globalisation has shrunk and interconnected’ (Dan Plesch cited in Beaumont 2002).

In this paper, then, I ask the following question: how can the conceptualisations of ‘global civil war’ assist us, if at all, in thinking about violence, in *one* sense ‘beyond the state’, in the contemporary global order? For this purpose, I examine how contemporary war and violence have been recently grasped as ‘global civil war’ in the aforementioned appropriations which, while pursuing distinct trajectories, appear surprisingly complementary. I suggest that these can provide core elements of a notion of ‘global civil war’ but that they need to be supplemented, and sometimes contested, by a historical and substantive perspective that would properly situate our understanding of a (rather sensationalist) term like the ‘global civil war’. I urge, therefore, that we need to examine the historical emergence of the term and to locate it within a broader account of how we now find ourselves in an international-political epoch (or, better: in a new epoch of *the political*) identifiable in its incapacity to distinguish between war and civil violence, war and peace, but also tending towards conceptions of absolute enmity.

For this purpose I turn to, first, Schmitt’s account of the bracketing of war and ‘regulation’ of enmity as central achievements of the ‘Westphalian order’ and their

---

<sup>2</sup> I cite here the German 1963 edition and also both the 2004 Goodson and 2007 Ulmen English translations, as these render German terms in different ways used in the subsequent discussion. See unde 1963 in the References section.

dissipation in the post-World War I era with the arrival of a liberal and abstract universalism; second, Schmitt's account of the emergence of absolute enmity and global civil war in *Theory of the Partisan* with the arrival of revolutionary Marxist ideology and the discussions of German post-World War II intellectuals who extended this insight by examining 'revolutionary humanism' and expanded conceptions of 'global civil war' as a product of a certain 'pathogenesis' of the Enlightenment (cf. Koselleck 1998; Schnur 1963).

Central to our attempts to discuss the global civil war has to be the evolution of the notion of enmity away from its 'structural' parameters after the end of Westphalia, away also from a 'pluriversalism' which recognised a just enemy with rights to exist and resist, and towards the re-emergence of just cause (be this of liberal or other revolutionary convictions) which has intensified designations of absolute and unjust enmity. In the present, international politics enters an era of in which 'violence becomes unbound'. It is for grasping the political contours of this era that this preliminary examination of various understandings of 'global civil war' -- and its attendant, historically specific, and 'world-forming' practices of enmity (cf. Nancy 2007) -- is needed.

## **I. Contemporary reflections on the 'global civil war'**

In this section, I examine three contemporary appropriations of the terms 'global civil war' – Giorgio Agamben's in *State of Exception*, Michael Hardt and Antonio Negri's in *Multitude*, and Jean-Luc Nancy's, as offered in a number of essays and, more recently, in *The Creation of the World or Globalization*.

### ***'Gigantomachia concerning a void'***

Giorgio Agamben begins his *State of Exception* with a reference to 'global civil war' (2005: 2), a starting point which 'signals an immediate concern with the current transformations of world order' (Nielson 2005). He acknowledges that this term can be traced to Hannah Arendt (1963) and Carl Schmitt (2004a, 2007), who first used it in 1963 to respectively address the effects of revolution after 1945 and the evolution of war and enmity in the era of the partisan. Agamben likens the creation or launching

of global civil war to the ways in which modern totalitarianism created a ‘legal civil war’ (Agamben 2005: 2):

modern totalitarianism can be defined as the establishment, by means of the state of exception, of a legal civil war that allows for the physical elimination not only of political adversaries but of entire categories of citizens whom for some reason cannot be integrated into the political system (Agamben 2005: 2).

Today, Agamben asserts pessimistically, the state of exception should be seen as the dominant contemporary ‘paradigm of government’, as a result of which we are today ‘faced with the unstoppable progression of a ‘global civil war’ (Agamben 2005: 2). One might superficially assume that the reference to 20<sup>th</sup> century totalitarianism can be taken to imply that by analogy, *by means of* the state of exception (as a normalised mode of rule and government) a global civil war is created in which the elimination of ‘absolute’ enemies (to borrow here from Schmitt 2004) becomes possible.

But what is at stake for Agamben is the rethinking of the state of exception, away from the jurisprudential theories which link it to dictatorship, to the state’s self defense, or as restoring what Agamben calls a ‘pleromatic [full] state of the law’; but also away from Schmitt’s argument in *Political Theology* that,

All law is “situational law”. The sovereign produces and guarantees the situation in its totality. He has a monopoly over this last decision [of the exceptional case]. Therein resides the essence of the state’s sovereignty, which must be juristically defined correctly, not as the monopoly to coerce or to rule, but as the monopoly to decide. The exception reveals most clearly the essence of the state’s authority. The decision parts here parts from the legal norm, and (to formulate it paradoxically) authority proves that to produce law [to create a juridical order] it need not be based on law’. (Schmitt 2005: 13, brackets added)<sup>3</sup>

For Agamben, ‘the state of exception is not a special kind of law’, ‘like the law of war’, responding to an emergency or a necessity; ‘rather, insofar as it is a suspension of the juridical order itself, it defines law’s threshold or limit concept’ (Agamben 2005: 4). It is important to note the negation of ‘necessity’, but also the refutation of an objective assessment of a ‘real emergency’ in Agamben’s discourse. There is no discussion, frustrating as it is for those political scientists studying the transformations of world order who are involved in promulgating accounts of why the state of exception is necessary, that it responds to some *thing*. Agamben contests that the sovereign power responds to an emergency or a necessity by making the state of

---

<sup>3</sup> See Tracy B. Strong’s excellent ‘Foreword’ to the 2005 edition of *Political Theology* in which he modifies George Schwab’s rendering of *Recht zu schaffen* as ‘to create a juridical order’, p. xx.

exception into the predominant paradigm of government (2005: 2), a line of reasoning that fits nicely with official, as well as most academic and policy discourses, on the new normality employed in the ‘global war on terrorism’ to justify the suspension of law and civil liberties. This would require another layer of causation and explanation – what causes the emergency, such that the state of exception is invoked and needs to become the rule? Is it the rise of global terrorism (cf. de Benoist 2007), of ‘netwars’ (Arquillar and Ronfeldt 2001)? Is it the ‘rise against the West’ (Bull and Watson 1984; Dunne 2003), ultimately a civilisational discourse, traced to essentialist grounds, and ascribing an essence [religious, cultural, historical?] to the West and the agents of resistance to it? Is it insurgency? Yet, such causality would give credence to the fact that states of exception respond to some real threat or circumstances requiring the suspension of the law. And it is *this* which Agamben’s account refutes by way of exposition of the relation of the law to reality, which bears on the subjective nature of deciding the event/situation that necessitates the exception (see Agamben 2005: 31).

In other words, Agamben re-inscribes the state of exception as a ‘space of devoid of law, a zone of anomie in which all legal determinations – and above all the very distinction between public and private – are deactivated’ (2005: 50). And indeed, the ‘global civil war’ resides in the disappearance of the ‘fiction between of a nexus between violence and law’, leaving nothing but ‘a zone of anomie, in which a violence without any juridical form acts’ (Agamben 2005: 59). By referring to Walter Benjamin’s distinction between mytho-juridical and pure violence (1921/1978), the latter being the ‘possibility of violence that lies absolutely “outside” and “beyond” the law’, Agamben contests all attempts to enclose the exception within the law (2005: 53).<sup>4</sup> He specifically has in mind Schmitt’s contention that ‘the exception confirms not only the rule but also its existence, which derives only from the exception’ (Schmitt 2005: 15), that, in other words, the exception makes the normal sphere possible and *also* that in the state of exception political order still prevails (because the exception is not chaos and anarchy, though, as Schmitt says, ‘not of the ordinary kind’) and juridical order is preserved through the very suspension of the norm.

---

<sup>4</sup> Alexander Karschnia calls this into question, however, because he claims that Benjamin’s meaning of *reine Gewalt* should be best understood as ‘ambi-violence’ because, like many of those German ‘Ge-’ words it contains a fundamental ambivalence which disrupts Agamben’s forceful argument: ‘*Gewalt* means not only violence, brute force, in the sense of ‘violation’, but on the contrary, it also means the maintenance of rule, governance, power, control’ (Karschnia 2005: 58).

What is at stake here is the operation of the state of exception *as normality and as a form of rule* (here, in the sense of ‘paradigm of government’), a conception which aims to disrupt the argument that the suspension of the norm occurs for the preservation of the juridical order (Schmitt 2005: 12). Agamben, however, looking at the transformations of world order, contests that the exception aims at the preservation of juridical (and political) order and draws upon Walter Benjamin to call this into question. Writing in light of Fascism, Benjamin suggests in his ‘Theses on the Philosophy of History’ that ‘the state of emergency where we live is not the exception but the rule’ (Benjamin 1999: 248): that state of the exception, this zone of anomie which can no longer sustain the fiction of violence’s relation to law, is not temporary, it is not for the purpose of preserving the law and juridical order, but is the new normality. ‘The attempt of state power to annex anomie through the state of exception is unmasked by Benjamin for what it is: a *fictio iuris* par excellence, which claims to maintain the law in its very suspension as force-of-law’ (Agamben 2005: 59).<sup>5</sup> It is this that Agamben calls, a ‘gigantomachia concerning a void’ (Agamben 2005: 53-64), much unlike, but equally as important as, the *gigantomachia peri tes ousias*.<sup>6</sup>

This echoes official voices of the ‘new normalcy’ or the ‘new normal’, pronounced by Vice President Cheney the day before the passing of the USA PATRIOT Act in October 2001: ‘Many of the steps we have now been forced to take will become permanent in American life. They represent an understanding of the world as it is, and dangers we must guard against perhaps for decades to come. I think of it as the new normalcy’ (Cheney 2001).<sup>7</sup> The new normalcy, encompassing as it does the ‘biopolitical operations’ of the state of exception,<sup>8</sup> points to a disruption of the

---

<sup>5</sup> To put it in its proper context, as Brett Nielson explains with respect to Agamben’s *Homo Sacer* project, of which *State of Exception* is a part, ‘If, for Schmitt, the sovereign maintains the possibility of deciding between the exception and the norm, Benjamin contends that these have become indistinguishable, establishing a link between the exercise of sovereign power and the production of bare life. This becomes the point of departure for Agamben’s analysis of sovereignty in *Homo Sacer*. With the concept of bare life, Agamben identifies a threshold at which life is placed both inside and outside the juridical order, and he equates this paradoxical situation with the structure of sovereignty itself’ (Nielsen 2004: 64; Agamben 1998).

<sup>6</sup> In the *Sophist* (244a), this is what Plato calls the perennial argument between idealists and materialists concerning the shapes of being (or substance or reality), which Martin Heidegger recalls most famously in *Being and Time* (1962).

<sup>7</sup> This has inspired an exhibition by the iCI in New York, (accessed 28 August 2007) and other such artistic explorations. URL: <http://www.ici-exhibitions.org/exhibitions/normal/normal.html>

<sup>8</sup> And which involves the ‘defence of logistical societies’ to point to the analysis given to this by Julian Reid (2006).

relationship posited by Schmitt between the rule and the exception, allowing Agamben to speak of its becoming the ‘dominant paradigm of government in contemporary politics’ (Agamben 2005: 2). When the state of exception becomes the rule, we see it more clearly as ‘a space devoid of law’, which the law is replaced by ‘civil war and revolutionary violence, that is human action that has shed [*deposto*] every relation to law’ (Agamben 2005: 59).<sup>9</sup> Since the state of exception has ‘today reached its maximum worldwide deployment’, we are faced with the advent of a global civil war in which

the normative aspect of the law can thus be obliterated and contradicted with impunity by a governmental violence that – while ignoring international law externally and producing a permanent state of exception internally – nevertheless still claims to be applying the law (2005: 87)

The emphasis placed on the fictitious (or willed) state of exception, the exposition of Benjamin’s call to bring about a *real* state of exception with which to fight fascism (1999: 248), suggests that we are faced with a ‘post-modern’ totalitarianism, which normalises the state of exception and leads us to a ‘global civil war’. Yet this term refers, for Agamben, not so much to actual fighting or a specific instance of conflict but as a form of world order. As he explains in an article in the *Frankfurter Allgemeine Zeitung*:

By the rapid reduction of global politics to the antitheses of “state/terrorism”, what once seemed a paradoxical and peripheral term has today become real and effective. By strategically linking the two paradigms of the state of emergency and the civil war, the new American world order defines itself as a situation in which the state of emergency can no longer be distinguished from the norm, and in which even differentiating between war and peace - and between external and civil war - is impossible (Agamben 2003).

### **Empire’s war**

Michael Hardt and Antonio Negri also begin *Multitude*, their sequel to *Empire* (2000), with an analysis of the ‘permanent state of global conflict’ in which the attempt to think the ‘in common’ and the possibility of democracy have to be located (2004: xi). This permanent state does not mean that there are frequent outbreaks of conflict, but

---

<sup>9</sup> The reference to civil war and revolution unwittingly returns Agamben to the dual origins he posits for the term: to Arendt and Schmitt. Hannah Arendt, speaking of the world in which war is replaced by revolution, suggests that ‘the end of war is revolution...a kind of civil war raging all over the earth...’ (Arendt 1963: 17).

rather must be understood in the sense that ‘war is becoming a general phenomenon, global and interminable’ (2004: 3). For Hardt and Negri, war in the age of Empire can no longer be conceived as inter-state, limited war but requires an awareness of the emergence of the ‘new supranational form of sovereignty’, which they analysed in *Empire*, with its ‘new notion of right, or rather, a new inscription of authority and a new design of the production of norms and legal instruments of coercion’ (2000: 9; 2004: 3). This form of sovereignty ‘supersedes colonialism and imperialism, is dissociated from national and supranational institutions, and emerges from the autonomous and immanent logic of capital expansion and management’ (Härting 2006: 2). The ground laid by Hardt and Negri’s *Empire* would seem to offer a proper setting for thinking about the ‘global civil war’ in that its articulation of a new form of sovereignty across global relations modifies that element of ‘internality’ that one associates with ‘civil war’ more traditionally.

The boundedness of sovereign political entities not being an assumption that holds in the present epoch, war can only be conceived as ‘civil war’, as ‘armed conflict between sovereign and/or nonsovereign combatants *within a single sovereign territory*’, yet a territory not confined to ‘national space’ but, rather, ‘across the global terrain’ (2004: 3; emphasis in original). Hardt and Negri state that all conflicts raging today, from Colombia to Aceh to Afghanistan to Iraq, ‘hot or cold’, have to be understood as ‘global civil wars’ or, better, ‘imperial civil wars’ because they take place across this global terrain (2004: 4).<sup>10</sup> Moreover, because they are meant to ‘repress movements of resistance and impose order on the multitude’ these currently wars also have to be read as ‘counterinsurgencies’ (2004: 37).

But Hardt and Negri also speak of ‘war’ and ‘global war’ and it is not always clear whether this is to be understood as equivalent to or as a variation of or even in distinction to ‘global civil war’. Noting this fluidity in using these terms, there are a number of interesting attributes to Hardt and Negri’s understanding about the changing relationships between war, politics and global order, which I outline here in brief. First, they suggest that war today is a ‘permanent social relation’ (2004: 12)

---

<sup>10</sup> Hardt and Negri briefly acknowledge that the term ‘*Weltbürgerkrieg*’ belongs simultaneously to Hannah Arendt and Carl Schmitt, but they dismiss their substantive insights because ‘these authors were thinking of a civil war between the capitalist world and the socialist world, which first took the form of the Soviet Union against the Western European countries... and later against the United States’ (2004: 359, n. 2).

which relates war to their earlier exposition of the biopolitical production of Empire (2000: 22-41). If we are in this state of perpetual (war as a ‘permanent social relation’) war can no longer be thought of as a threat to the current structure of power but must be understood as productive: it is an ‘active mechanism that constantly creates and reinforces the present global order’ (2004: 21). In Empire, then, ‘war functions as an instrument of rule’ (2004: xiii).

Similarly, sovereign power cannot really ‘arrive at the pure production of death’, Hardt and Negri argue contra Michel Foucault; rather, it must safeguard and ‘preserve the life of its subjects’, otherwise it would be destroying itself. Thus, much like it produces and regulates order, global war must produce and regulate life itself (2004: 20). I understand this to mean that Empire is a new form of sovereignty but its sovereign power is exercised as biopower, most obviously witnessed in its productive biopolitical capabilities. It is in this sense that they can claim that ‘war has become a *regime of biopower*, that is, a form of rule aimed not only at controlling the population but producing and reproducing all aspects of social life’ (2004: 13).

Order and life, those two things that we used to associate with different spheres of politics, international and domestic, maintained through a variety of social institutions but in the extreme case involving the need for war and the need for police action respectively. As they blur, so do war and police activity, suggest Hardt and Negri. In other words, a war which aims to produce and sustain a social order is not a limited war with specific tactical and strategic objectives, such as the maintenance of order, which can be achieved: much like the crime fought by police activity, it must be fought and won ‘daily’. Also, like police activity, war in the age of Empire may have the best results when it is preemptive (2004: 20) It would appear that war is driven in two apparently diverging directions, ‘on the one hand, reduced to police action and, on the other, raised up to an absolute ontological level by technologies of global destruction’; yet, Hardt Negri argue that ‘the reduction of war to police action does not take away but confirms its ontological dimension (2004: 19) War, in this way, ‘becomes the general matrix for all relations of power and techniques of domination, whether or not bloodshed is involved’ (2004:13). Not only does global war begin to resemble ‘police action’, it also takes on elements of ‘guerrilla and liberation warfare formerly used in the struggle against colonialism’ (Härting 2006: 6).

This state of war is characterised by a situation in which *'the state of exception has become permanent and general'* (Hardt and Negri 2004: 7, emphasis in original). Two points of distinction to the preceding Agamben discussion, however. First, Hardt and Negri suggest that war during the time of state sovereignty was limited spatially and temporarily and when war occurred we could understand this as 'a limited state of exception' (2004: 8) in contrast to the contemporary sovereign formation of Empire in which war is both an instrument of rule and also, because of this, a permanent relation productive of order and life. It is in this sense that *'the state of exception has become permanent and general'*. It is worth noting, however, that they do not remain with a legal understanding of 'exception' (the 'German legal understanding') but seek to relate this to US exceptionalism, which refers to the preponderant power of the US and its ability to order globality, but which also means *'exception from the law'* (2004: 8, emphasis in original). The one legal global state of exception is supported by the other, US exceptionalism. An unlimited exception, moreover, requires 'the constant presence of an enemy and the threat of disorder are necessary' in order to legitimate the exception and also imperial violence (2004: 30).

I have already noted above the indistinction that plagues their account regarding 'war', 'global war' and 'global civil war' and also their problematic suggestion that all wars in the contemporary world are global or imperial civil wars. The former issue requires a delineation, I argue, between war /global war as an attribute of Empire – which is permanent, biopolitically productive of the subjects of Empire, and order-generating across this global terrain – on the one hand, and actual wars fought as counter-insurgencies to suppress resistance to all of the above functions of war/ global war in Empire, on the other. Strictly speaking, it remains a question as to whether only the latter, counter-insurgency, type of imperial civil war might be called 'global civil war', though an even better phrase would be 'imperial war' or war for imperial maintenance, which Hardt and Negri sometimes use. This is also noted by Heike Härting who argues that Hardt and Negri 'read all contemporary wars as "global civil wars" or "netwars"' collapsing them as

postmodern phenomena rather than wars that either pursue particular imperial projects of reordering current global geopolitics or that have long-standing post-colonial roots but have mutated into global civil warfare. (Härting 2006: 6)

Despite their political commitment to resist this, such a conflation may end up supporting ‘a normalizing global imaginary of war’ (Härting 2006: 2) much like hegemonic discourses of global war.

### ***The ‘war of monotheism’***

Jean Luc Nancy does not utilise the exact terminology of the ‘global civil war’ but his conceptual exposition places his post 9/11 thinking firmly within its bounds. There are four interesting contributions or connections that Nancy makes towards a fuller articulation of the concept of a global civil war. First, in the vein of the analyses in *Multitude* and *Empire*, Nancy’s conceptualisation revolves around the theme of ‘internality’ but in a decisively distinct way. Rather than being internal to ‘Empire’, for Nancy the global civil war is internal to the West:

The present state of the world is not a war of civilisations. It is a civil war: it is the internal war of an enclosed city, of a civility, of an ‘urbanity’, which are in the process of fanning out to the very limits of the world, and, because of this, spreading right to the extremity of their own concepts. (Nancy 2003a: 23).

As civil war, it is ‘no longer the old war of sovereign States, not since the open conflict of 1914’ suggests Nancy, consistent in this way with other accounts of the demise of Westphalia at the time of the Great War (Nancy 2003b: 51; cf. Schmitt 2003).

Second, the theme of ‘internality’, that is, that the present war is a global *civil* war, one internal to the West, allows Nancy to contest the dominant way of framing this conflict, that of the clash of civilisations (Huntington 1996): ‘this....forbids us to speak of a ‘war of civilisations’, as if Western civilisation were confronting another civilisation, an Arabo-oriental one’ (Nancy 2003b: 51). Indeed, elsewhere Nancy speaks of ‘the instrumentation of religions, or the deviation, perversion, or betrayal of this or that religion (including the national theism of the United States)’ for the purposes of sustaining this dominant and influential framing, provided by Huntington (Nancy 2004: 109).<sup>11</sup>

---

<sup>11</sup> cf. Hardt and Negri 2004: 35. It is interesting to note that for Hardt and Negri the US denied that its global security policy and strategy amounts to a clash of civilisations because ‘the notion of civilization is too limited for their global vision’.

Third, for Nancy, the global civil war is the war of a civilisation ‘whose values of monotheism, self-presence, and truth have exhausted themselves’ (Härting 2006: 6). We clearly see the emergence of this kind of war as the ‘the lot of a civilisation that is coming up against its own limit’ (Nancy 2003b: 52), which cannot, given Nancy’s critical *Abbau* of Heidegger, but remind us of the latter’s discussion of the end of philosophy and the completion of metaphysics (Heidegger 1972). More specifically, for Nancy however, ‘global civil war designates an epistemological and material war’ of the West (Härting 2006: 6). That ‘the same Western world is in a permanent state of internal war’ (Nancy 2003b: 51), renders all talk of clash amongst civilisations inappropriate and ultimately ‘othering’, because it points to the causes of this war as the West’s ‘own spiritual emptiness and self-destructive logic of sameness’ (Härting 2006: 6).

This kind of spiritual exhaustion leads also to a blindness or hypocrisy:

The civilization that has represented the universal and reason – also known as the West – cannot even encounter and recognize any longer the relativity of its norms and the doubt on its own certainty (Nancy 2007: 34).

Nancy does not, of course, think that this assumption of universalism and the hypocrisy or self deception that it points too is new (cf., prominently, Koselleck 1998). ‘This was already the situation two centuries ago’, Nancy writes referring to Hegel (Nancy 2007: 34). He might as well have pointed, as others have done, to the French Revolution (cf. Kesting 1959; Schnur 1963, discussed in section two). This is significant because, as Heike Härting suggests, Nancy’s locating of this war as ‘Western’, yet at the same time as *global* civil war, ‘makes legible the ways in which global civil war arises as an epistemological problem of Western metaphysics’ (Härting 2006: 6).

Finally, global civil war points to the ‘disorganisation of all the Western world’s own forms of equilibrium’ (Nancy 2003b: 51), in other words, to what we in IR might call balance of power or threat (see Schmitt 2003; Waltz 1979; Walt 1987). This is not trivial, either for us or for Nancy, because as we shall see in our discussion of ‘Westphalia’ below, to balance involves a recognition of the other as a (procedurally) just and equal enemy, with recognised rights to neutrality and resistance (see Odysseos 2007). Balancing also means that just as war can be waged with this kind of enemy, peace can also be negotiated and accepted (Schmitt 2003).

Such a disorganisation of forms of equilibrium is the twin process of what Nancy calls the ‘the tendential obliteration of its “Western” distinction at the heart of the process of its own “globalisation”’ (Nancy 2003b: 51). The West can no longer sustain its own distinction from others, on the basis of which it globalises itself. As a result, it is tearing itself apart. The result of this rupture, is

a situation that destabilises the splits of the old Europe and that produces, on the one hand, the American superpower, and, on the other hand, the heavy deficit of identity that is Europe’s lot, revealing to the full light of day the contradiction between its claim to rational-moral universality (i.e., in science and democracy) and the glaring injustice of the situations created by its own domination. (Nancy 2003b: 51)

Moreover, through its ‘globalisation’, which might be thought as a replication of its normative-ideological and material-economic structures, ‘the West has come to encompass the world, and in this movement disappears as what was supposed to orient the course of this world’ (Nancy 2007: 34).<sup>12</sup> Thus, the ‘global civil war suggests that the West and its civilization is but a ‘work of death’ (2003a: 24) so that ‘everything takes place as if the world affected and permeated itself with a death drive that soon would have nothing else to destroy than the world itself...’ (Nancy 2007: 34).

Having outlined some of the contemporary ways in which the notion of the ‘global civil war’ has been used, let us now turn to Schmitt’s reflections on the historical collapse of Westphalian order and the becoming possible of something like ‘global civil war’.

## **II. Schmitt and the notion of ‘global civil war’**

‘Schmitt does not belong to one clearly discernible era of modern European politics’, Jan Werner Müller suggests in his important work, *A Dangerous Mind*, ‘rather, he was a thinker during a time of transition – and a thinker *of* the transition, in particular the transition from a European to a post-European age’ (Müller 2003: 245). It is for this reason, perhaps, that today we may still, after all objections to the contrary, turn to Schmitt for conceptualising ‘global civil war’. In this section I suggest that in order

---

<sup>12</sup> Again, it is tempting to read this in light of Schmitt’s comments on ‘order and orientation’ [*Ordnung und Ordnung*], (see Schmitt 2003: 42ff).

to understand the emergence and significance of this term, we need to examine Schmitt's account of the bracketing of war and 'regulation' of enmity as central achievements of the 'Westphalian order', an order whose genesis and demise he examines in *The Nomos of the Earth*. We also, however, need to take into account Schmitt's discussion of partisan warfare and its evolution through 'revolutionary universalism', to which he traces the emergence of absolute enmity and global civil war in *Theory of the Partisan*. Lenin's world revolutionary struggle further accelerates the failure of bracketed war and just (or 'real enmity') in the early decades of the 20<sup>th</sup> century. Adding to Schmitt's discussion of Marxist revolutionary ideology, the section also explores the expansion of the term 'global civil war' by a number of German post-World War II intellectuals, who in the 1950s and 1960s extended Schmitt's insights by examining an older but, perhaps more important, revolutionary universalism, that of the *genre humain* erupting with, but by no means contained to, the French Revolution.

### ***From Hegung des Krieges to violence unbound***

Carl Schmitt's seminal *Der Nomos der Erde* provides a historical and legal-theoretic account of the genesis and demise of the first spatial order, which was uniquely 'global' in scope and which he called the *nomos* of the earth (Schmitt 1950/2003). This order was contemporaneous with the processes of secularisation and the advent of the modern state on the political stage, a development which transformed the institutional and legal basis of political coexistence of peoples and princes in Europe (cf. Colombo 2007). In International Relations we refer to this same order as the 'Westphalian system', designating in this way the system of relations among 'sovereign' states in an anarchical environment, commonly understood to have been established after the Peace of Westphalia of 1648, and more broadly to refer to the ontology of international politics where the state is the primary sovereign actor (see Brown 2002; for a contrary account cf. Teschke 2003).

Given that Schmitt's admittedly nostalgic and almost apologetic account coheres, when read in a superficial way, with the mythology of International Relations, it is worth noting that he distinctly traces the creation of this order to the unrepeatable event of the European 'discovery' of the New World. For scholars of International Relations the value of Schmitt's analysis is his location of the creation of this order

within an expansionist colonial modernity and its ‘global linear thinking’ (see Schmitt 2003: 87ff). This outlook emerges from his analyses of ‘Westphalia’ as a global spatial order predicated on a set of distinctions, or *lines*, drawn between European soil and the so-called ‘free space’ of non-European soil (Odysseos 2007; see also Odysseos and Petito 2007). Contentiously we might say, reading Schmitt, that one of the main purposes of ‘European international law’ (cf. Ulmen 2003), the *jus publicum Europeum*, was the facilitation of the ‘colonial’ (political, military and economic) land-appropriation of this ‘New World’, historically situating Westphalia among the expansion of colonial capitalism (cf. Härtig 2006). On the basis of such lines and distinctions, the Nomos of the Earth achieved *eine Hegung des Krieges* on European soil: a limiting, rationalising and, in a sense, humanising of interstate, or better, *inter-sovereign* war. In its exposition of concepts, its historical claims about the state as the ‘adequate bearer of order’ (Colombo 2007: 26ff) and as the ‘historical agency of detheologization and rationalization’ of ‘public life’ (Schmitt 2003: 159 and 140), its critique of the emerging international law, the *Nomos* is a complex, multi-layered and very much contested book (cf. Koskenniemi 2004). Here, I merely outline what may well be the two most significant achievements of this global order: first, the evolution of ‘bracketed war’ and, second, the development of the notion of *justus hostis*, a just enemy. Both are worth examining, I argue, precisely because their dissipation is of singular importance for Schmitt’s later analyses of violence and enmity in the post-1945 world and its tendency towards global civil war.

The first achievement concerns the aforementioned bracketing and ‘regulation’ of war, which can be traced, I have argued elsewhere, both to the emergence of the state as an agent of rationalisation and ‘detheologisation’ of public life but also to the drawing and maintenance of lines or distinctions (the so-called ‘amity lines’) between European soil and the ‘free space’ of extra-European lands available for appropriation.<sup>13</sup> The amity lines set aside two distinct areas considered ‘open spaces’ (Schmitt 2003: 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 ‘open space’, force could be used freely

---

<sup>13</sup> Schmitt documents how, in fact, there were three lines drawn at different historical junctures and resulting in distinct spatial orders: the distributive *rayas* (2003: 90-92 and 287), agonial *amity lines* (2003: 92-99 and 287) and the final global line of the Western hemisphere (2003: 99-100 and 281ff), which did not concern land-appropriation as did the previous two lines but which displaced Europe, the old West, with a new, truer and more just West.

and ruthlessly as these were areas ‘designated for agonal tests of strength’ amongst European powers (Schmitt 2003: 99). Refreshingly, Schmitt does not deny that this spatial distinction ‘presupposed the consignment of unrestrained violence to the rest of the world’ (Rasch 2005: 258), but it was this which negated the need for expansive war on European soil, and allowed limited war, *guerre en forme*, to emerge as the norm. In this peculiar way, therefore, the interstate order which existed until 1914 (cf. Nancy 2003b: 51) had sought ‘to prevent wars of annihilation, i.e. to the extent that war was inevitable, to bracket it’ (Schmitt 2003: 246). This was wholly different from later classical and contemporary liberal attempts to abolish or banish war, that is, to end war *as such* (Joas 2003; Reid 2006). 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 2003: 246). It accepted war as an inevitable occurrence of international political order and, in doing so, laid a foundation for ‘a bracketing of war’ which rendered it as ‘a regulated contest of forces gauged by witnesses in a bracketed space. Such wars are the opposite of disorder’ (Schmitt 2003: 187).

The acceptance of this type of regulated but limited warfare also enabled the recognition of the opponent as an enemy on equal grounds. This development of the notion of *justus hostis* (just enemy), associated with the denigration of *justa causa* (just cause) reasoning in the commencement and waging of war, is the second achievement of this order.<sup>14</sup> The concept of an ‘equal and just enemy’ evolved alongside the emergence and consolidation of the modern state as the predominant political entity, as well as the weakening of the moral authority of the Church out of the demise of the *respublica Christiana*. Under these conditions, warfare became divorced from substantive causes of justice. Since war was the means by which land could change ownership status, it became a type of political relation amongst states (Schmitt 2003: 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 *justa causa*) which had historically led to unlimited war seeking the enemy’s annihilation. As he would say almost two decades later, ‘with the bracketing

---

<sup>14</sup> ‘Just’ here refers to a ‘procedural’ kind of justice arising from a recognition of sovereignty, which is none other than the recognition of the right of survival and resistance, a ‘purified’ violence pointing to a ‘purified’ or ‘hostility without affect or, at least, without an individual or “private” affect.’, see (Derrida 1998: 124).

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, in fact, a most 'human' development (Schmitt 2004: 64).

Since Schmitt thought that war was an inevitable part of political life, 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.

In sum, 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. This can be understood if we accept 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 (Rasch 2005: 257).

At the same time, Schmitt's *Nomos of the Earth* is an elegy for the collapse of the *jus publicum Europaeum*, an elegy narrated in light of Schmitt's concerns with the emergence of a new kind of universalism and legal positivism that threw the peculiar statist-institutional character of world politics into irreparable crisis in the early decades of the 20<sup>th</sup> century (see, importantly, Colombo 2007). What were the primary reasons for this collapse, however? The answer is complex and involves structural and normative/ideological elements, as well as changes in the conduct and means of war. Amongst the structural changes, one must note at least two: first, the emergence of the United States, which usually participated in international politics with effective absence, and who isolated its own global line of the Western Hemisphere (an isolationism that amounted to an emerging international – rather than European-global – order) (Schmitt 2003: 289). Second, Europe's self-decentring through the colonial

expansions of European powers and the subsequent recognition of former colonies as sovereign states, especially when such sovereignty was purely artificial (what Schmitt calls ‘the territorial parity of states and colonies in international law’ as occurred in the Congo Conference of Berlin 1884-85, Schmitt 2003: 218). In the replication of the state-form, the development of which out of the experience of European modernity Schmitt had documented, and the attempt to ‘expand’ international law to include former and current colonies makes evident Europe’s ‘ultimate, universal and common standard’ to replace, at least in name, the previous distinctions of European and non-European lands (2003: 220-221).

The normative/ideological background of the dissolution of the *jus publicum Europaeum*, however, was the emergence of a ‘spaceless’ or abstract universalism. With regards to universalism, Schmitt was concerned about the effects of ‘de-concretisation’ – the move away from spatial concrete thinking and ordering towards abstract ideals and justice in international politics. This concern remained alive for him throughout the post-war era, when he analysed the tellurian character of ‘genuine’ partisans, signifying an admittedly romantic view of them as earth-bound, territorial and autochthonous, which preserved them from taking on absolute and more abstract ideals of justice, as happened with the transition towards world-revolutionaries (Schmitt 2004: 13).

Specifically confronting liberal universalism in the *Nomos*, Schmitt argued that the ‘spaceless universalism’ that followed the *jus publicum Europaeum*, exemplified in the inability and unwillingness to draw lines and spatial distinctions, could in no way lead to a world of boundless inclusion. Consistent with his earlier works, such as *The Concept of the Political* (Schmitt 1996a: 56), he criticised the discourse of humanity that characterised such universalism, and that still describes much liberal and cosmopolitan thinking today, as inherently exclusionary or othering to its adversaries. The distinction that ‘humanity’ draws -- through those who designate themselves as its arbiters -- is between human or humane as against the inhuman, good or freedom-loving as against evil or freedom-hating, to borrow from the vocabulary of recent US foreign policy. This is a distinction that seeks to subsume, an act of consumption, devouring and using-up of the other and, as such, it points to an absolute kind of enmity, rather than the ‘real’ enmity of the *justus hostis* (Schmitt 2004: 64-68). The

dissipation of the achievements of the *jus publicum Europaeum* was evident in the League of Nations and the creation of the crime of wars of aggression – which Schmitt had already criticised in many essays in the 1920s and 1930s (see Schmitt 1994). Schmitt was concerned that this would have inescapable effects on the conduct of war and the management of enmity, leading ultimately, as he would write in 1963, to an ‘unbounding’ of violence unfolding through ‘ever new, ever deeper discriminations, criminalizations, and devaluations to the point of annihilating all of unworthy life [*lebensunwerten Lebens*]’ (Schmitt 2004: 67; cf. Schmitt 1996b: 27). Coupled with changes in the meaning of war with the criminalisation of ‘wars of aggression’ (Schmitt 2003: 273), but equally with the changes in the conduct and weapons of war, primarily with the advent of air war over land and sea which, for Schmitt, absolutely ‘dissolved the connection between the force applying power and the population in question’, the spatial orientation and limitation of war ceases to exist (Schmitt 2003: 320). Hardt and Negri have called this the ontologisation of war (2004: 19).

### ***Revolutionary universalism and Weltbürgerkrieg***

As noted above, for Schmitt, the theory and practice of bracketed war and just enmity had undergone a gradual, but with hindsight undisputed, dissolution with the convergence of the aforementioned developments. In the post-war era Schmitt continued the investigation of the world-political effects of the collapse of *jus publicum Europaeum*, most notably in *Theory of the Partisan* (1963/2004/2007), but also through his influence on an important circle of students, despite the fact that he was prohibited, as a Nazi, from holding university positions in the young Federal Republic of Germany. Whereas Schmitt continued to theorise the transformation of war and enmity by looking specifically at the historical and theoretical emergence of the figure of the partisan and its evolution with the advent of the Marxist-Leninist world revolutionary ideology, this circle of students, which included Reinhart Koselleck, tackled another world revolutionary ideology, that of Enlightenment humanism. Schmitt and ‘his’ students, therefore, provide parallel insights about the juncture of enmity and ‘global civil war’, which we examine in turn here.

## *Theory of the Partisan*

Schmitt's two lectures on the partisan in 1962, published as *Theorie des Partisanen* in 1963, gave the notion of 'global civil war' its initial orientation through a discussion of the transition from real enmity [discussed above as *justus hostis*] to absolute enmity in the age of the partisan and revolutionary fighter.<sup>15</sup> This short book historically traces the emergence of partisan warfare with the Spanish Civil War of 1808-1813 (cf. Hardt and Negri 2004: 71) and outlines the main characteristics of the partisan 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 us to sustain his distinction from 'a common thief or criminal' (Schmitt 2004: 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*]' (Schmitt 2004: 20). For Schmitt, then, the partisan exists in an essentially 'defensive situation' and it is this defense of an attacked or threatened territory, which makes his political activities spatially specific and concrete, rather than universal and abstract (Schmitt 2004: 13). Just as importantly, moreover, this means that the traditional partisan still operates within an idea of limited enmity, limited by its desire to *defend*, which 'preserve[s] it from the absolutism of abstract justice' (Schmitt 2004: 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. (Schmitt 2004: 63)

---

<sup>15</sup> 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; Ulmen 1987; Schwab 1987).

Obviously, the relinquishment of limited 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’ (Schmitt 2004: 13). And, it is in highlighting and analysing these changes to the figure of the partisan from the defensive irregular fighter of the 1808 Spanish Civil War through to its theorisation by Lenin and later Mao Tse-tung, that Schmitt grasps the notion of absolute enmity, through which we can begin to chart the sense he imparts to the term ‘global civil war’.

For Lenin, Schmitt argues, the absolute enemy was ‘the class enemy, the bourgeois, the western capitalist and his social order in every country in which they ruled’ (2004: 35) and the struggle against him, therefore, had to correspond to the enemy’s own universal presence. As Schmitt writes, ‘Lenin was the first who consciously conceived of the partisan as an important figure of national and international civil war [*des nationalen und des internationalen Bürgerkrieges*], and tried to make him into an effective instrument of central communist-party leadership’ (2004: 34).<sup>16</sup> According to Schmitt, Lenin conceived partisan warfare as belonging ‘to the realm of the methods of civil war’; what preoccupied him were ‘purely tactical or strategic question[s] relating to the concrete situation’, but he felt partisan war must use any means ‘legal or illegal, peaceful or violent, regular or irregular’ to achieve its purpose, the ‘communist revolution in all countries of the world; whatever serves this purpose is good and just’ (Schmitt 2004: 35). For a universal war against an absolute enemy no bracketing [*Hegung*] remains possible.

In this way, ‘only revolutionary war is true war for Lenin, because it derives from absolute enmity. Everything else is a conventional game’ (Schmitt 2004: 35). It is worth noting that Mao Tse-tung, like Lenin, was a professional revolutionary, and like Lenin aimed the struggle at the world-wide class enemy. However, the tellurian character of the partisan intensifies with Chinese communism and Mao, while being exploded by Lenin and his revolutionaries. As Schmitt puts it:

Mao’s revolution is fundamentally more telluric than Lenin’s. The bolshevik avant-garde, which seized power in Russia under Lenin’s leadership in October 1917, is

---

<sup>16</sup> It should be noted that in the text Schmitt utilises a number of cognate terms: ‘national’, ‘international’ and ‘global’ civil war but that the last two are not necessarily interchangeable.

different in every way from the Chinese communists who, after a war of more than twenty years, took charge of China in 1949. The differences lie not only in the internal structure of the group but also in the relationship to the soil and the people they seized. (2004: 40).<sup>17</sup>

Central to Schmitt's definition of the political is the *distinction* between friend and enemy (1996a) and 'it presupposes both friend and enemy' (2004: 65). In *Theory of the Partisan*, he notes 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's answer is, perhaps, to be expected: 'The warring party alone must decide this on its own account' (2004: 41). What is obvious once this decision is made, however, is that 'the war of absolute enmity knows no bracketing. The consistent fulfillment of absolute enmity provides its own meaning and justification' (Schmitt 2007: 52; cf. Schmitt 2004: 38).

This has wide ranging repercussions for the phantoms of the *jus publicum Europaeum* and the Westphalian order, the dissolution of which Schmitt had dated to decades earlier, because as Jan-Werner Müller rightly observes, 'the partisan or terrorist is in certain respects a symptom of much larger structural problems' (Müller 2006: 5). The *Nomos* book had noted that in the *jus publicum Europaeum* civil and colonial wars had been excluded from this delimitation (Schmitt 2003: 309). As we have argued above, the limiting of European *land war* was predicated on the existence of (areas for) non-European land-appropriations, that is, colonial wars (cf. Odysseos 2007: 126ff). As to civil wars, they too had been exorcised, to use a paradoxical but fitting term, by the denigration of *justa causa* reasoning based on absolute and abstract ideals of justice. The bracketing of war was not only its limitation or containment but also its rationalisation and humanisation. In part, in International Relations we have tended to assume that this was down to the formula *cujus regio, ejus religio* which made impossible wars of creed and religion that had historically led to unlimited war. There is also another story, however, of the, at best variable, success of this formula (Teschke 2003; Krasner 1999).

---

<sup>17</sup> The fact that Chinese communist partisans fought the universal class enemy together (or in the form of?) with Japanese colonialism is but an 'inner contradiction in Mao's own situation' (Schmitt 2004: 41).

### *Revolutionary humanism*

Whereas in *Theory of the Partisan* Schmitt was concretely focused on theorising partisan warfare and its transformative encounter with an aggressive, indeed, revolutionary universalism of class struggle, his insights about the history of Europe and revolutionary spirit influenced a number of students studying in Heidelberg in the early post-war years, such as Reinhart Koselleck, Hanno Kesting, Nicolaus Sombart and Roman Schnur. Writing theses after World War II in Heidelberg, where the liberal humanist spirit was seeking ‘moral renewal’, they became Schmitt’s interlocutors and he became an important influence to them (see the excellent discussion in Müller 2003: 104-5). Generally, their work examined another revolutionary thinking: that of the Enlightenment and in particular its philosophies of history. Variably they examined the ‘pernicious effects’ of moral universalist critique of the absolutist state offered by the *philosophes* and the *sociétés de pensée* (Müller 2003: 106-111). Koselleck, for example, practised what he called ‘conceptual history’ in order to examine the moral critique of the *philosophes* against the absolutist state, which sought its abolition (1998; cf. Edwards 2006). He argued that such moral politics could not govern except by bringing about the Terror ‘and a total state, in which the sovereignty on actual individuals was hidden behind the façade of a supposedly anonymous government by morality’ (Müller 2003: 107).

As Müller documents, Hanno Kesting continued the examination of the Enlightenment critical project against the ‘pacifying absolutist state’ and argued that ‘under cover of seemingly pure moral argument, civil war became thinkable again, as the enemies of a morally unified humanity had to be treated not merely as enemies, but as criminals to be put *hors la loi*’ (Müller 2003: 108). This tied the Enlightenment philosophies of history to the outbreaks of the ‘global civil wars’ of the early and mid-twentieth century because ‘...philosophies of history, like morality, contained an inner dynamic, which, since it failed to understand power, had to resort to increasing (and ultimately unlimited) violence’ (Müller 2003: 113). In the French Revolution, this radicalized and moral politics ‘led directly to the crisis which then unfolded as a bloody civil war’ (Müller 2003: 107), itself ‘a prelude to the global civil war of the twentieth century, which had left no positive philosophical legacy whatsoever’ (Müller 2003: 117-8). It was really Roman Schnur, however, who turned his attention

to the effects of the Enlightenment on European international law and, more specifically, on the *jus publicum Europaeum*, in an essay published the same year as Schmitt's *Partisan*, which we discuss here briefly. It is he who gives an account of utopian war and who best discussed the particularities of the notion of 'global civil war' in the ideology of humanity.<sup>18</sup>

Studying the writings of Cloots and Brissot, Schnur would argue that 'The War of Utopia is ...not a war in the traditional sense' but rather,

a crusade, waged much like the crusades were waged in the past. Yet it has a more noble and holy object than the crusades in the Middle Ages, for it is a crusade of an already liberated people against the tyrants, in order to liberate other peoples. As Brissot says, it is a crusade of universal liberty (1963: 313).

As such, Cloots would propose, the revolutionary war should only be understood as 'the global mission, but not the mission of the Jesuits, who marched out for a phantom; rather it is the mission of freedom' (Schnur 1963: 313). It is for this reason that revolutionary war was conducted and heralded under the motto 'war against the kings, freedom to the citizens'. For Schnur this is

the global civil war. This war knows not the battle of states against states, but that of global parties warring amongst one another, namely, the champions of freedom against the oppressors, yes, even public morality against social vices; in short, the good against the bad. Because it is the idea that fights here, it uses not only weapons, but also propaganda, and so the measures in this war are not those used between different states, but those of the civil war. (Schnur 1963: 314)

Propaganda rather than weapons, but also propaganda *and* weapons, the global civil war (and Schnur is speaking of *the* global civil war) suspends 'the formal separation between friend and enemy...and with it the foundation of the laws of war, the international law of the *jus publicum europaeum*' (1963: 314). With respect to the latter, Schnur's assessment was that it would have 'devastating consequences for future developments' in that 'now annexations are no longer an annexation of one state in relation to another state; rather it is much more a case of a spontaneous incorporation of liberated peoples into what is so far the sole representative of the human species – the French nation' (1963: 314). Cloots had argued, Schnur suggests, that one cannot consider the victories of French revolutionary war as conquests or invasions in a traditional sense but, rather, that as 'the daily application of the Declaration of Human Rights'; these are conquests in which the victims, the

---

<sup>18</sup> I thank Stefan Elbe for his assistance with translating the German text (Schnur 1963).

vanquished, are ‘tyrants’, and the only ‘victor is truth – a truth that is not subject to moral or legal judgement, because this truth is itself now the morality and law’ (1963: 314).

Schnur’s exposition of the revolutionary spirit of the *genre humain* and its ‘utopian’ thought leads to the unveiling not of a moral discourse but, rather, a ‘political discourse of humanity’,<sup>19</sup> which still informs global liberal thinking today, and which forms a parallel with the Marxist revolutionary spirit that Schmitt discussed above. This matrix makes it almost too easy, however, to suggest that ‘global civil war’ is the violent opposition of global ideologies (cf. Nolte 1987, 1993). To some, that would fit nicely with an account of the contemporary ‘global war on terrorism’ as a global civil war in the sense of the brutal clash of two totalising worldviews: aggressive liberal interventionism and Islamic fundamentalism. Yet, I would argue that this ‘clash of ideology thesis’ is too restrictive and potentially essentialising as a concept of global civil war and needs to be relinquished, in favour of a concept that can account for the historical emergence of violence and order(s) specific to types of enmity.

### **III. Towards an articulation of the elements of ‘global civil war’**

The paper began with the question as to how, if at all, recent conceptualisations of the notion of ‘global civil war’ could assist us in thinking about the new kind of ‘civil violence beyond the state’ in the present global order. The emergence of this very possibility of civil violence, beyond the state, requires an account of the advent of the current (and any) historical epoch. To this end, I examined the emergence of the post-Westphalian era by using Carl Schmitt’s contentious account of various conditions and reasons for the dissolution of the central achievements of Westphalia: bracketed war and ‘limited and regulated’ enmity. I outlined also Schmitt’s account of the emergence of absolute enmity and global civil war in *Theory of the Partisan* with the arrival of revolutionary Marxist ideology, supplemented, in brief, through a recounting of discussions between German post-World War II intellectuals about the global civil war as a product of a certain ‘pathogenesis’ of the Enlightenment.

---

<sup>19</sup> I thank Fabio Petito for making this point about the political discourse of humanity. Cf. Müller 2003.

The three recent philosophical accounts examined above, however, were not insignificant towards an articulation of ‘global civil war’ as a concept and a *set of practices*. Agamben, Hardt and Negri, and Nancy provide narratives about how contemporary global order, to which a certain kind of war/violence is integral, is (in) a state of global civil war. They lead back, I suggest here, to Schmitt’s final sentence in *Theory of the Partisan*, which is crucial for discerning the elements needed to understand the make-up of the notion of a global civil war in the current world formation. Schmitt writes that: ‘the theory of the partisan flows into the question of the concept of the political, into the question of the real enemy and of a new *nomos* of the earth’ (Schmitt 2007: 95; cf. Schmitt 2004: 68). What does this signify? At the very least, that the question of theorising ‘global civil war’ is related to the question of the distinction between friend and enemy, but also to the question of ‘unanticipated new sorts of enmity’ that ‘come into being’ (Schmitt 2004: 68). Moreover, it is also tied to the question of the emergence of a new *nomos*, ‘a new spatially concrete legal and political order. For Schmitt, *nomos* is the foundational act that creates a concrete order as unity of (legal) order and (spatial) orientation [*Ordnung und Ordnung*]’ which has historically, at least in the example of Westphalia, been constituted by a ‘world-forming’ process of land-appropriation (Odysseos and Petito 2007: 4; cf. Schmitt 2003: 67-79; cf. Nancy 2007: 41).

I would therefore argue that ‘global civil war’ must be understood as possessing the following characteristics. First, global civil war is that war which is not amenable to bracketing. It is, in a sense, violence unbound. Most likely driven by globally active – ‘universalising and technologising’, Schmitt would say – ideologies of justice, morality and society (one could add economy), it resists bracketing because it rescinds the distinction between real and absolute enmity. As Schmitt argued with respect to Lenin, ‘the language and the conceptual world of the contained war and the enmity measured in doses were no match any longer for the sudden emergence of absolute enmity’ (Schmitt 2004: 38). The ideological drivers of an aggressive universalist spirit require that ‘new kinds of absolute enmity must come into being’, almost to allow the ‘opponents [to] mutually consign each other to the abyss of total devaluation’ and make possible their physical destruction and elimination, an annihilation which becomes ‘completely abstract and completely absolute’ (Schmitt 2007: 94). Yet, such annihilation is not even aimed at the enemy as such but ‘serves

only another, ostensibly objective attainment of highest values, for which no price is too high to pay. It is the renunciation of real enmity that opens the door for the work of annihilation of an absolute enmity' (Schmitt 2004: 67).

Contra Schmitt, one could argue that contemporary 'global civil war' is annihilation aimed at the *spectre* of an (absolute) enemy, who remains however elusive, while the violence to eliminate the enemy becomes ever more intensified and also *diversified* in that it encompasses police action, with its social and preemptive characteristics, and also counter-insurgency (cf. Hardt and Negri 2004: 19-20 and 37ff). The emergence of absolute enmity has also led to the utter 'disorganisation' of all historical forms of balancing developed in the Westphalian era (Nancy 2003b; Schmitt 2003). Moreover, the fight against absolute enmity is legitimated through the return of just cause reasoning, but also what Hardt and Negri call 'justification by result'. In other words, even if just cause cannot be found, the humanitarian or liberating results provide legitimation (also in Hardt and Negri 2004: 30; Schnur 2003; Brown 2002).

Second, and following from the nomic act of land-appropriation for the constitution of world order, one might look at the territorial wars enclosed within the 'global war on terrorism' and recall Schnur's insights that land-appropriations, despite their undeniable concrete character, can no longer be comprehended as 'annexations...of one state in relation to another state' (Schnur 1963: 314) but, rather, as the invitation and joining of liberal peoples for the sake of liberating others. Only tyrants need fear this kind of 'conquest' (as against Saddam Hussein and the Taliban), which operates with an absolute truth that will not subject itself to external judgement because, much like the truth of universal liberty during the French Revolution, it is 'itself now the morality and law' ((Schnur 1963: 314).

Third, global civil war incorporates an element of 'internality', much like national civil war. This internality, however, arises from the universalist element of the normative/ideological background against which global civil war takes place. For example, one could point to the fact the structures of liberal modernity and its thinking have encompassed the globe, such that resistance occurs without a concrete outside possibility, though this itself is a problematic assumption. Alternative visions thus remain abstract and are articulated often in opposition to the universalist ideals of

current order but are granted no justice or legitimacy (cf. Schnur 1963: 314; Nancy 2003b, 2007). This internality is present in Nancy's account, which places the *current* global civil war within a certain, if I may borrow Koselleck's term, 'pathogenesis' of the West, a civilisation whose extensive replication through colonialism and other forms of economic, normative and social reproduction, has rendered it invisible to itself as a localised creation.

Finally, with Agamben and again contra Schmitt, we recall that global civil war is also the space of anomie (and that anomie is at the heart of nomos) in which 'governmental violence' suspends the law while claiming to uphold and preserve it (Agamben 2005: 87). The global civil war occurs 'the state of emergency [exception] can no longer be distinguished from the norm' allowing core distinctions of politics, such as that between war and civil war, that of citizen and detainee, that of war and peace begin to dissolve (Agamben 2003). Indeed, global civil war in the global order makes it possible to say that 'civil peace is another way of war' (Hardt and Negri 2004: 12). Peace practices and war practices become 'absolutely contemporary with one another, starting with the inversion both of their functions and of their 'classical' relations' Alliez and Negri 2003: 110).

These preliminary thoughts on the recent and older uses of the term 'global civil war' have sought to think this term together with 'order', but primarily as inseparable from practices on the constitution and 'management' (which speaks of a spectrum from recognition to regulation to elimination) of 'enmity'. Why is this focus on enmity ultimately important? Because, one might say with Schmitt,

the enemy is our own question as *Gestalt*...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. For this reason I must contend with him in battle, in order to assure my own standard [Maß], my own limits, my own *Gestalt*. (Schmitt 2004: 61)

## References

- Agamben, Giorgio. (1998) *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, Calif.: Stanford University Press).
- (2005) *State of Exception*, trans. Kevin Attell (Chicago: The University of Chicago Press).
- (2003) 'Der Gewahrsam: Ausnahmezustand als Weltordnung' *Frankfurter Allgemeine Zeitung*, 19 April; trans. 'The State of Emergency as a World Order: Conclusions after 11th of September' (accessed 31 August 2007) URL: <http://www.muslim-lawyers.net/news/index.php3?aktion=show&number=204>
- Alliez, É. and Negri, A. (2003) 'Peace and war', *Theory, Culture and Society*, 20, no. 2: 109-118.
- Arendt, H. (1963) *On Revolution* (London: Penguin).
- Arquilla, J. and David R. (eds). (2001) *Networks and Netwars: The Future of Terror, Crime, and Militancy* (Santa Monica, Calif.: Rand).
- Beaumont, P. (2002) 'America gears up for a new kind of war', *The Observer*, March 10.
- Benjamin, W. (1978). 'Critique of Violence' in *Reflections: Essays, aphorisms, autobiographical writings*, ed. Peter Demetz, trans. Edmund Jephcott (New York: Harvest Harcourt).
- (1999) 'Theses on the Philosophy of History', in *Illuminations*, ed. Hannah Arendt, trans. Harry Zorn (London: Pimlico).
- Brown, C. (2002) *Sovereignty, rights, and justice: international political theory today* (Cambridge: Polity).
- Bull, H. and Watson, A. (1984) *The Expansion of International Society* (Oxford: Clarendon Press).
- Burchard, C. (2006) 'Interlinking the Domestic with the International: Carl Schmitt on Democracy and International Relations', *Leiden Journal of International Law* 19, no. 1: 9-40
- Carty, A. (2001) 'Carl Schmitt's Critique of Liberal International Legal Order Between 1933 and 1945', *Leiden Journal of International Law* 14: 25-76.
- Cheney, D. (2001) 'Vice President Cheney Delivers Remarks to the Republican Governors Association, Washington, D.C.', 25 October 2001. (Accessed 28 August 2007) URL: <http://www.whitehouse.gov/vicepresident/news-speeches/speeches/vp20011025.html>
- Colombo, A. (2007) 'The "realist institutionalism" of Carl Schmitt' in Louiza Odysseos and Fabio Petito (eds), *The International Political Thought of Carl Schmitt: Terror, Liberal War and the Crisis of Global Order* (London: Routledge), 21-35.
- Derrida, J. (1998) *The Politics of Friendship*, trans. George Collins (London: Verso).
- Dunne, T. (2003) 'Society and Hierarchy in International Relations', *International Relations* 17, no. 3: 3-20.
- Edwards, J. (2006) 'Critique and Crisis Today: Koselleck, Enlightenment and the Concept of Politics', *Contemporary Political Theory* 5, no. 4: 428-446.
- Hardt, M. and A. Negri. (2000) *Empire* (Cambridge, Mass.: Harvard University Press).
- (2004) *Multitude: War and Democracy in the Age of Empire* (London: Hamish Hamilton).
- Härting, H.. (2006) 'Global Civil War and Post-colonial Studies' *Globalization and Autonomy Online Compendium*, 2 February 2006 (accessed 16 August 2007).

- URL:  
[http://www.globalautonomy.ca/global1/article.jsp?index=RA\\_Harting\\_GlobalCivilWar.xml](http://www.globalautonomy.ca/global1/article.jsp?index=RA_Harting_GlobalCivilWar.xml)
- Heidegger, M. (1962) *Being and Time*, trans. John Macquarrie and Edward Robinson (Oxford: Blackwell).
- (1972) *The End of Philosophy*, trans. Joan Stambaugh (New York: Harper and Row).
- (1982) *The Basic Problems of Phenomenology*, trans. Albert Hofstadter, Revised Ed. (Bloomington: Indiana University Press).
- Huntington, S. P. (1996) *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster).
- Joas, H. (2003) *War and Modernity*, trans. R. Livingstone (Cambridge: Polity Press).
- Kaldor, M. (1999) *New and old wars: organized violence in a global era*, (Cambridge: Polity Press).
- Karschnia, A. (2005). ‘Down by Law: A Critique for the 21st Century’, in *Sarai Reader 05: Bare Acts* (New Delhi: Sarai), 56-68 (Accessed 19 August 2007)  
 URL: <http://www.sarai.net/publications/readers/05-bare-acts>
- Kesting, H. (1959). *Geschichtsphilosophie und Weltbürgerkrieg. Deutungen der Geschichte von der Französischen Revolution bis zum Ost-West-Konflikt* (Heidelberg: Carl Winter Verlag).
- Koselleck, R. (1998) *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society* (Cambridge, Mass.: MIT Press).
- Koskenniemi, M. (2004) ‘International Law as Political Theology: How to Read *Nomos der Erde?*’, *Constellations* 11, no 4: 492-511.
- Krasner, S. D. (1999) *Sovereignty: organized hypocrisy* (Princeton, NJ: Princeton University Press).
- Müller, J.-W. (2003) *A dangerous mind: Carl Schmitt in post-war European thought* (New Haven, Conn.: Yale University Press).
- (2006) “‘An Irregularity that Cannot be Regulated’”: Carl Schmitt’s Theory of the Partisan and the “War on Terror””, paper presented at the ‘Jurisprudence and the War on Terrorism’ conference at Columbia Law School, 22nd April.
- Nancy, J.-L. (2003a) ‘The confronted community’, *Postcolonial Studies* 6, no. 1: 23-36.
- (2003b) ‘The war of monotheism’, *Postcolonial studies* 6, no. 1: 51-53.
- (2004) ‘Of the one, of hierarchy’, *Cultural Critique* 57: 108-110.
- (2007) *The Creation of the World or Globalization*, trans. Francois Raffoul and David Pettigrew (Albany, NY: SUNY Press).
- Neilson, B. (2004) ‘*Potenza Nuda?* Sovereignty, Biopolitics, Capitalism,’ *Contretemps* 5: 63-78.
- (2005) ‘Review of Giorgio Agamben, *Stato di eccezione*. Torino: Bollati Boringhieri. 2003’ (Accessed 31 July 2007) URL: <http://www.generation-online.org/p/fpagambenreviewed.htm>
- Nolte, E. (1987) *Der europäische Bürgerkrieg 1917 - 1945. Nationalsozialismus und Bolschewismus* (Berlin: Propyläen Verlag).
- (1993) ‘The Past That Will Not Pass’, trans. James Knowlton and Truett Cates, in Ernst Piper (ed), *Forever In The Shadow of Hitler? Original Documents of the Historikerstreit, the Controversy Concerning the Singularity of the Holocaust* (Atlantic Highlands, NJ: Humanities Press), 18-23.
- Odyseos, L. (2007) ‘Crossing the Line? Carl Schmitt on the “Spaceless Universalism” of Cosmopolitanism and the War on Terror’ in Louiza Odyseos and Fabio Petito (eds), *The International Political Thought of Carl*

- Schmitt: Terror, Liberal War and the Crisis of Global Order* (London: Routledge), 124-143.
- Odyseos, L. and F. Petito. (2007) 'Introduction: the international political thought of Carl Schmitt' in Louiza Odyseos and Fabio Petito (eds), *The International Political Thought of Carl Schmitt: Terror, Liberal War and the Crisis of Global Order* (London: Routledge).
- Rasch, W. (2005) 'Lines in the sand: enmity as a structuring principle', *South Atlantic Quarterly*, 104, no. 2: 253-262.
- Reid, J. (2006) *The Biopolitics of the War on Terror: Life Struggles, Liberal Modernity, and the Defence of Logistical Societies* (Manchester: Manchester University Press).
- Schmitt, C. (1963) *Theorie des Partisanen: Zwischenbemerkungen zum Begriff des Politischen* (Berlin: Duncker & Humblot); (2004) trans. A.C. Goodson, *Theory of the Partisan: A Commentary/Remark on the Concept of the Political*, (East Lansing, MI: Michigan State University Press); also, (2007) trans. G.L. Ulmen, *Theory of the Partisan: Intermediary Commentary on the Concept of the Political* (New York: Telos Press).
- (1994) *Positionen und Begriffe im Kampf mit Weimar-Genf-Versailles 1923-1939*, Dritte Auflage, (Berlin: Duncker & Humblot).
- (1995) 'Die letzte globale Linie', in *Staat, Großraum, Nomos: Arbeiten aus den Jahren 1916 – 1969*, ed. Günter Maschke (Berlin: Duncker & Humblot).
- (1996a) *The Concept of the Political*, trans. George Schwab (Chicago: The University of Chicago Press).
- (1996b) *The Tyranny of Values*, trans. Simona Draghici (Corvallis, OR: Plutarch Press).
- (2003) *The Nomos of the Earth in the International Law of the Jus Publicum Europeum*, trans. G. L. Ulmen (New York: Telos Press).
- (2005) *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago, Ill.: University of Chicago Press).
- Schnur, R. (1963) 'Weltfriedensidee und Weltbürgerkrieg 1791/92', *Der Staat* (Berlin) 2: 297-317.
- Schwab, G. (1987). 'Enemy or Foe: A Conflict of Modern Politics', *Telos* 72 (Winter): 194-201.
- Suganami, H. (1996) *On the causes of war* (Oxford: Clarendon Press).
- Stirk, P.M.R. (2003) 'Carl Schmitt's Enemy and the Rhetoric of Anti-Interventionism', *The European Legacy* 8, no. 1: 21-36.
- Teschke, B. (2003) *The Myth of 1648: class, geopolitics and the making of modern international relations* (London: Verso).
- Ulmen, G.L. (1987) 'Return of the Foe', *Telos* 72 (Winter): 187-193.
- (2003) 'Translator's Introduction', in C. Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europeum*, New York: Telos Press.
- Walt, S.M. (1987) *The Origins of Alliances* (Ithaca, NY: Cornell University Press).
- Waltz, K.N. (1979) *Theory of International Politics* (New York: McGraw-Hill).