The Concept of the Political and the Critique of Liberalism

The sovereign dictator has the power, in taking the decision on the exception, to set aside the positive legal and constitutional order in its entirety and to create a novel positive legal and constitutional order, together with a situation of social normality that fits it. It follows that the sovereign dictator cannot base his claim to be acting in the name of the people on any kind of formal authorization. If the old constitution no longer exists and the new one is not yet in force, there is no formal procedure for generating a public will. And yet, the sovereign dictator claims to exercise the constituent power of the people. What is more, the constitutional order he is to create is to be considered as legitimate since it rests on the people's right to give itself a constitution (CT 136–9). Schmitt's view assumes that it is possible to speak of the existence of a people in advance of the creation of any positive constitutional framework. Schmitt therefore has to explain what it means for a people to exist prior to any constitutional framework, and he has to give an account of how the people's political existence prior to any constitutional framework can ground a sovereign dictatorship.

Schmitt's The Concept of the Political phrases the answer to this question as an account of the nature of ‘the political.’ (Sartori 1989; Gottfried 1990, 57–82; Meier 1998; Hofmann 2002, 94–116; Mehring 2003; Kennedy 2004, 92–118; Slomp 2009, 21–37) Schmitt famously claims that “the specific political distinction … is that between friend and enemy.” (CP 26) The distinction between friend and enemy, Schmitt elaborates, is essentially public and not private. Individuals may have personal enemies, but personal enmity is not a political phenomenon. Politics involves groups that face off as mutual enemies (CP 28–9). Two groups will find themselves in a situation of mutual enmity if and only if there is a possibility of war and mutual killing between them. The distinction between friend and enemy thus refers to the “utmost degree of intensity … of an association or dissociation.” (CP 26, 38) The utmost degree of association is the willingness to fight and die for and together with other members of one's group, and the ultimate degree of dissociation is the willingness to kill others for the simple reason that they are members of a hostile group (CP 32–3).

Schmitt believes that political enmity can have many different origins. The political differs from other spheres of value in that it is not based on a substantive distinction of its own. The ethical, for example, is based on a distinction between the morally good and the morally bad, the aesthetic on a distinction between the beautiful and the ugly, and the economical on a distinction between the profitable and the unprofitable. The political distinction between friend and enemy is not reducible to these other distinctions or, for that matter, to any particular distinction — be it linguistic, ethnic, cultural, religious, etc. — that may become a marker of collective identity and difference (CP 25–7). It is possible, for instance, to be enemies with members of a hostile group whom one judges to be morally good. And it is equally possible not to be engaged in a relationship of mutual enmity with a group whose individual members one judges to be bad. The same holds, Schmitt thinks, for all other substantive distinctions that may become markers of identity and difference.
This is not to say, however, that one’s conception of moral goodness or badness, for instance, will never play a role in a relationship of political enmity. Any distinction that can serve as a marker of collective identity and difference will acquire political quality if it has the power, in a concrete situation, to sort people into two opposing groups that are willing, if necessary, to fight against each other (CP 37–8). Whether a particular distinction will come to play this role is not determined by its own intrinsic significance but by whether a group of people relies on it to define its own collective identity and comes to think of that identity, as based on that distinction, as something that might have to be defended against other groups by going to war. Since the political is not tied to any particular substantive distinction, Schmitt argues, it is naïve to assume that the political will disappear once conflicts arising from a particular distinction no longer motivate opposing groups to fight. Political identification is likely to latch on to another distinction that will inherit the lethal intensity of political conflict (See ND). But wherever a distinction has political quality, it will be the decisive distinction and the community constituted by it will be the decisive social unit. Since the political community is the social unit that can dispose of people's lives, it will be able, where it exists, to assert its superiority over all other social groups within its confines and to rule out violent conflict among its members (CP 37–45).

Schmitt claims that one cannot judge, from an external perspective, that a group is morally unjustified in defining its own identity in a certain way and to introduce political enmity, with the attendant possibility of killing, to preserve that identity. Only members of a group are in a position to decide, from the perspective of an existentially affected participant, whether the otherness of another group amounts to a threat to their own form of life and thus potentially requires to be fought (CP 27; See also CT 76–7, 136). Schmitt's reasoning implicitly relies on a collectivist version of the logic of self-defence. The decision whether someone else's behaviour constitutes a threat to one's own life, in some concrete situation, and the decision whether it is necessary to use reactive or even pre-emptive violence to remove or to escape that threat, cannot be delegated to a third person. A group that perceives its own existence to be threatened by some other group, Schmitt argues, finds itself in an analogous position. The possibility of third-party mediation is therefore ruled out in a truly political conflict (CP 45–53).

A political community exists, then, wherever a group of people are willing to engage in political life by distinguishing themselves from outsiders through the drawing of a friend-enemy distinction (CP 38, 43–4). A group's capability to draw the distinction between friend and enemy does not require, Schmitt holds, that the group already possess a formal organization allowing for rule-governed collective decision-taking. A people, thus, will have an existence prior to all legal form as long as there is a sense of shared identity strong enough to motivate its members to fight and die for the preservation of the group. And as long as a people exists in this way it is capable, through its support, to sustain a sovereign dictatorship exercised in its name (CT 126–35).

Of course, Schmitt's analogy between the collective and the individual interest in self-preservation papers over an important difference between the two cases. A political community does not enjoy simple biological existence. It might die though all of its individual members continue to live. The drawing of a friend-enemy distinction, therefore, is never a mere reaction to a threat to a form of existence that is already given (but see
Mouffe 1999, 49–50). Rather, it actively constitutes the political identity or existence of the people and determines who belongs to the people. To belong one must identify with the substantive characteristic, whatever it may be, that marks the identity of the people, and one must agree that this characteristic defines a form of life for the preservation of which one ought to be willing to sacrifice one's own life, in the fight against those who don't belong (CP 46).

Schmitt realizes, of course, that it is possible for people who are not willing to identify in this way to be legally recognized as citizens, and to live law-abidingly, under the norms authorized by some positive constitution. Liberal states, in Schmitt’s view, have a tendency to fail to distinguish properly between friends and enemies, and thus to extend rights of membership to those who do not truly belong to the political nation. In a liberal state, Schmitt fears, the political nation will slowly whither and die as a result of spreading depoliticization, it will succumb to internal strife, or it will be overwhelmed by external enemies who are more politically united (CP 69–79; L 31–77). To avert these dangers, Schmitt suggests, it is necessary to make sure that the boundaries of the political nation and the boundaries of citizenship coincide. This demand explains Schmitt's claim, in the first sentence of The Concept of the Political, that the concept of the state presupposes the concept of the political (CP 19). The point of this remark is that a state can only be legitimate if its legal boundaries embody a clear friend-enemy distinction.

In order to achieve this aim, Schmitt clearly implies, a sovereign dictator, acting in the interstices between two periods of positive constitutional order, must homogenize the community by appeal to a clear friend-enemy distinction, as well as through the suppression, elimination, or expulsion of internal enemies who do not endorse that distinction (CP 46–8). In so doing, the sovereign dictator expresses the community's understanding of what is normal or exceptional and of who belongs, and he creates the homogeneous medium that Schmitt considers to be a precondition of the legitimate applicability of law. Schmitt observes that his concept of the political is not belligerent. It does not glorify war, but merely claims that a community that is interested in living politically needs to be willing to go to war if it perceives its political existence to be threatened (CP 32–5). But the intended analogy with self-defence seems to make little moral sense, given that Schmitt's conception of political existence demands the active elimination of those whom a majority perceives as internal enemies, and even celebrates that elimination as the essential activity of the popular sovereign.

Schmitt's understanding of the political provides the basis for his critique of liberalism (Holmes 1993, 37–60; McCormick 1997; Dyzenhaus 1997, 58–70; Kahn 2011). On a descriptive level, Schmitt claims that liberalism has a tendency to deny the need for genuine political decision, to suggest that it is neither necessary nor desirable for individuals to form groups that are constituted by the drawing of friend-enemy distinctions. Liberals believe that there are no conflicts among human beings that cannot be solved to everyone's advantage through an improvement of civilization, technology, and social organization or be settled, after peaceful deliberation, by way of amicable compromise. As a result, liberalism is unable to provide substantive markers of identity that can ground a true political decision. Liberal politics, consequently, boils down to the attempt to
domesticate the polity, in the name of the protection of individual freedom, but it is unable to constitute political community in the first place (CP 69–79; CPD 33–50).

If this is a correct account of the character of liberal ideology and of the aims of liberal politics, Schmitt is right to conclude that liberalism has a tendency to undermine a community's political existence, as he understands it. But in order for this observation to amount to a critique of liberalism, Schmitt needs to explain why a liberal subversion of the political would be undesirable. Schmitt's political works contain a number of rather different answers to this question. A first line of thought emphasizes, with appeal to Hobbes, that a state can only be legitimate as long as it retains the capacity to offer protection to its members (for Schmitt's engagement with Hobbes see McCormick 1994; Tralau 2011; and Schmitt's L; SM; VR). And a state that has suffered a subversion of the political, induced by liberal ideology, Schmitt argues, will be unable to offer protection to its members, because it will fail to protect them from the indirect rule of pluralist interest-groups that have successfully colonized the state (LL 17–36, L 65–77) and, more importantly, because it will lack the power to protect them from external enemies (CP 51–3). If a people is no longer willing to decide between friend and enemy the most likely result will not be eternal peace but anarchy or subjection to another group that is still willing to assume the burdens of the political. This first answer, however, is not Schmitt's last word on why liberal de-politicization is undesirable. Schmitt seems to admit that a global hegemon might one day be able to enforce a global de-politicization, by depriving all other communities of the capacity to draw their own friend-enemy distinctions, or that liberalism might one day attain global cultural hegemony, such that people will no longer be interested in drawing friend-enemy distinctions (CP 35, 57–8). Schmitt, then, cannot rest his case against liberal de-politicization on the claim that it is an unrealistic goal. He needs to argue that it is undesirable even if it could be achieved (Strauss 2007).

Schmitt replies to this challenge that a life that does not involve the friend-enemy distinction would be shallow, insignificant, and meaningless. A completely de-politicized world would offer human beings no higher purpose than to increase their consumption and to enjoy the frolics of modern entertainment. It would reduce politics to a value-neutral technique for the provision of material amenities. As a result, there would no longer be any project or value that individuals are called upon to serve, whether they want to or not, and that can give their life a meaning that transcends the satisfaction of private desires (CP 35, 57–8; RK 21–7; PR 109–62). But that a world in which one does not have the opportunity to transcend one's interest in individual contentment in the service of a higher value would be shallow and meaningless does not suffice to establish that a willingness to kill or to die for a political community will confer meaning on a life, much less that it is the only thing that can do so. When Schmitt claims that the defence of the political is the only goal that could possibly justify the killing of others and the sacrifice of one's own life (CP 35; 48–9) he assumes without argument that the life of political community, as he understands it, is uniquely and supremely valuable.

Some interpreters have explained Schmitt's hostility towards liberal de-politicization as being grounded in the view that a willingness to distinguish between friend and enemy is a theological duty (Mehring 1989; Meier 1998; Groh, 1991). Schmitt argues in Political Theology that all key concepts of the modern doctrine of the state are secularized
theological concepts, which suggests that a political theory that continues to use these concepts needs a theological foundation (PT 36–52). In *The Concept of the Political*, Schmitt claims that all true political theorists base their views on a negative anthropology which holds that man is by nature evil and licentious, and thus needs to be kept in check by a strong state capable of drawing a friend-enemy distinction if there is to be social order (CP 58–68). This latter thesis, Schmitt admits, can take a secular form, as in Hobbes or Machiavelli, as the purely descriptive claim that man is inherently dangerous to man. But Schmitt suggests that this secular version of a negative political anthropology is open to be transformed into the view that man, though by nature dangerous, is perfectible or into the view that man's dangerous behavior is a mere contingent consequence of a mistaken form of social organization (PT 53–66; L 31–9). In order to establish a permanent need for political authority, negative political anthropology must be given a theological reading that portrays the dangerous nature of man as an irrevocable result of original sin. Liberal depoliticization, from this perspective, is to be rejected as a sign of human pride that rebels against God, who alone, but only at the end of history, can deliver humanity from political enmity.

Schmitt himself admits that the theological grounding of politics is based on an anthropological confession of faith (CP 58). And one is tempted to say that Schmitt's theory turns out to be philosophically irrelevant if this is really the last word. Schmitt would likely have replied that the liberal assumption that man is perfectible, that humanity can overcome political enmity, and that to do so is desirable, is also an article of faith. The theological partisan of the political, in Schmitt's view, is as justified in practicing his creed as the liberal cosmopolitan and to engage in a deliberate cultivation of political enmity (CPD 65–76). As long as the political theologian can make sure that the friend-enemy distinction survives, liberals will be forced to enter the arena of the political and to go to war against the partisans of the political. And this fight, Schmitt hopes, is going to secure the continuing existence of political enmity and prevent the victory of liberal depoliticization (CP 36-7).