

# THE CONCEPT OF THE POLITICAL

*In memory of my friend, August Schaeetz of Munich, who  
fell on August 28, 1917, in the assault on Moncelul*

## I

The concept of the state presupposes the concept of the political.

According to modern linguistic usage, the state is the political status of an organized people in an enclosed territorial unit. This is nothing more than a general paraphrase, not a definition of the state. Since we are concerned here with the nature of the political, such a definition is unwarranted. It may be left open what the state is in its essence—a machine or an organism, a person or an institution, a society or a community, an enterprise or a beehive, or perhaps even a basic procedural order. These definitions and images anticipate too much meaning, interpretation, illustration, and construction, and therefore cannot constitute any appropriate point of departure for a simple and elementary statement.

In its literal sense and in its historical appearance the state is a specific entity of a people.\* *Vis-à-vis* the many conceivable kinds of

\* Schmitt has in mind the modern national sovereign state and not the political entities of the medieval or ancient periods. For Schmitt's identification with the epoch of the modern state see George Schwab, *The Challenge of the Exception: An Introduction to the political Ideas of Carl Schmitt between 1921 and 1936* 2d ed. (New York: Greenwood Press, 1989), pp. 27, 54; also,

entities, it is in the decisive case the ultimate authority. More need not be said at this moment. All characteristics of this image of entity and people receive their meaning from the further distinctive trait of the political and become incomprehensible when the nature of the political is misunderstood.

One seldom finds a clear definition of the political. The word is most frequently used negatively, in contrast to various other ideas, for example in such antitheses as politics and economy, politics and morality, politics and law; and within law there is again politics and civil law,<sup>1</sup> and so forth. By means of such negative, often also polemical confrontations, it is usually possible, depending upon the context and concrete situation, to characterize something with clarity. But this is still not a specific definition. In one way or another "political" is generally juxtaposed to "state" or at least is brought into relation with it.<sup>2</sup> The state thus appears as something political, the political as something pertaining to the state—obviously an unsatisfactory circle.

George Schwab, "Enemy oder Foe: Der Konflikt der modernen Politik," tr. J. Zeumer, *Epirrhosis: Festgabe für Carl Schmitt*, ed. H. Barion, E.-W. Böckenförde, E. Forsthoff, W. Weber (Berlin: Duncker & Humblot, 1968), II, 665–666.

<sup>1</sup> The antithesis of law and politics is easily confused by the antithesis of civil and public law. According to J. K. Bluntschli in *Allgemeines Staatsrecht*, 4th ed. (Munich: J. G. Cotta, 1868), I, 219: "Property is a civil law and not a political concept." The political significance of this antithesis came particularly to the fore in 1925 and 1926, during the debates regarding the expropriation of the fortunes of the princes who had formerly ruled in Germany. The following sentence from the speech by deputy Dietrich (Reichstag session, December 2, 1925, *Berichte*, 4717) is cited as an example: "We are of the opinion that the issues here do not at all pertain to civil law questions but are purely political ones. . . ."

<sup>2</sup> Also in those definitions of the political which utilize the concept of power as the decisive factor, this power appears mostly as state power, for example, in Max Weber's "Politik als Beruf," *Gesammelte politische Schriften*, 3rd ed., ed. Johannes Winckelmann (Tübingen: J. C. B. Mohr [Paul Siebeck], 1971), pp. 505, 506: "aspiring to participate in or of influencing the distribution of power, be it between states, be it internally between groups

Many such descriptions of the political appear in professional juridic literature. Insofar as these are not politically polemical, they are of practical and technical interest and are to be understood as legal or administrative decisions in particular cases. These then receive their meaning by the presupposition of a stable state within whose framework they operate. Thus there exists, for example, a jurisprudence and literature pertaining to the concept of the political club or the political meeting in the law of associations. Furthermore, French administrative law practice has attempted to construct a concept of the political motive (*mobile politique*) with whose aid political acts of government (*actes de gouvernement*) could be distinguished from nonpolitical administrative acts and thereby removed from the control of administrative courts.<sup>3</sup>

Such accommodating definitions serve the needs of legal practice of people which the state encompasses," or "leadership or the influencing of a political association, hence today, of a state"; or his "Parliament und Regierung im neugeordneten Deutschland," *ibid.*, p. 347: "The essence of politics is . . . combat, the winning of allies and of voluntary followers." H. Triepel, *Staatsrecht und Politik* (Berlin: W. de Gruyter & Co., 1927), pp. 16–17, says: "Until recent decades politics was still plainly associated with the study of the state. . . . In this vein Weitz characterizes politics as the learned discussion of the state with respect to the historical development of states on the whole as well as of their current conditions and needs." Triepel then justly criticizes the ostensibly nonpolitical, purely juristic approach of the Gerber-Laband school and the attempt at its continuation in the postwar period (Kelsen). Nevertheless, Triepel had not yet recognized the pure political meaning of this pretense of an apolitical purity, because he subscribes to the equation politics = state. As will still be seen below, designating the adversary as political and oneself as nonpolitical (i.e., scientific, just, objective, neutral, etc.) is in actuality a typical and unusually intensive way of pursuing politics.<sup>3</sup> . . . For the criterion of the political furnished here (friend-enemy orientation), I draw upon the particularly interesting definition of the specifically political *acte de gouvernement* which Dufour . . . (*Traité de droit administratif appliqué*, V, 128) has advanced: "Defining an act of government is the purpose to which the author addresses himself. Such an act aims at defending society itself or as embodied in the government against its internal or external enemies, overt or covert, present or future. . . ."

tice. Basically, they provide a practical way of delimiting legal competences of cases within a state in its legal procedures. They do not in the least aim at a general definition of the political. Such definitions of the political suffice, therefore, for as long as the state and the public institutions can be assumed as something self-evident and concrete. Also, the general definitions of the political which contain nothing more than additional references to the state are understandable and to that extent also intellectually justifiable for as long as the state is truly a clear and unequivocal eminent entity confronting nonpolitical groups and affairs—in other words, for as long as the state possesses the monopoly on politics. That was the case where the state had either (as in the eighteenth century) not recognized society as an antithetical force or, at least (as in Germany in the nineteenth century and into the twentieth), stood above society as a stable and distinct force.

The equation state = politics becomes erroneous and deceptive at exactly the moment when state and society penetrate each other. What had been up to that point affairs of state become thereby social matters, and, vice versa, what had been purely social matters become affairs of state—as must necessarily occur in a democratically organized unit. Heretofore ostensibly neutral domains—religion, culture, education, the economy—then cease to be neutral in the sense that they do not pertain to state and to politics. As a polemical concept against such neutralizations and depoliticalizations of important domains appears the total state, which potentially embraces every domain. This results in the identity of state and society. In such a state, therefore, everything is at least potentially political, and in referring to the state it is no longer possible to assert for it a specifically political characteristic.

[Schmitt's Note]

The development can be traced from the absolute state of the eighteenth century via the neutral (noninterventionist) state

of the nineteenth to the total state of the twentieth.<sup>4</sup> Democracy must do away with all the typical distinctions and depoliticalizations characteristic of the liberal nineteenth century, also with those corresponding to the nineteenth-century antitheses and divisions pertaining to the state-society (= political against social) contrast, namely the following, among numerous other thoroughly polemical and thereby again political antitheses:

religious	as antithesis of political
cultural	as antithesis of political
economic	as antithesis of political
legal	as antithesis of political
scientific	as antithesis of political

The more profound thinkers of the nineteenth century soon recognized this. In Jacob Burckhardt's *Weltgeschichtliche Betrachtungen* (of the period around 1870) the following sentences are found on "democracy, i.e., a doctrine nourished by a thousand springs, and varying greatly with the social status of its adherents. Only in one respect was it consistent, namely, in the insatiability of its demand for state control of the individual. Thus it blurs the boundaries between state and society and looks to the state for the things that society will most likely refuse to do, while maintaining a permanent condition of argument and change and ultimately vindicating the right to work and subsistence for certain castes." Burckhardt also correctly noted the inner contradiction of democracy and the liberal constitutional state: "The state is thus, on the one hand, the realization and expression of the cultural ideas of every party; on the other, merely the visible vestures of civic life and powerful on an *ad hoc* basis only. It should be able to do everything, yet allowed to do nothing. In particular, it must not defend its existing form in any crisis—and after all, what men want more

<sup>4</sup> See Carl Schmitt, *Der Hüter der Verfassung* (Tübingen: J. C. B. Mohr [Paul Siebeck], 1931; Berlin: Duncker & Humblot, 1969), pp. 78-79.

than anything else is to participate in the exercise of its power. The state's form thus becomes increasingly questionable and its radius of power ever broader."<sup>5</sup>

German political science originally maintained (under the impact of Hegel's philosophy of the state) that the state is qualitatively distinct from society and higher than it. A state standing above society could be called universal but not total, as that term is understood nowadays, namely, as the polemical negation of the neutral state, whose economy and law were in themselves nonpolitical. Nevertheless, after 1848, the qualitative distinction between state and society to which Lorenz von Stein and Rudolf Gneist still subscribed lost its previous clarity. Notwithstanding certain limitations, reservations, and compromises, the development of German political science, whose fundamental lines are shown in my treatise on Prussia,<sup>6</sup> follows the historical development toward the democratic identity of state and society.

An interesting national-liberal intermediary stage is recognizable in the works of Albert Haenel. "To generalize the concept of state altogether with the concept of human society" is, according to him, a "downright mistake." He sees in the state an entity joining other organizations of society but of a "special kind which rises above these and is all embracing." Although its general purpose is universal, though only in the special task of delimiting and organizing socially effective forces, i.e., in the specific function of the law, Haenel considers wrong the belief that the state has, at least potentially, the power of making all the social goals of humanity its goals too. Even though the state is for him universal, it is by no means total.<sup>7</sup> The decisive step is found in Gierke's theory of association (the first volume of his *Das deutsche Genossenschaftsrecht* appeared

<sup>5</sup> Kröner's edition, pp. 133, 135, 197.

<sup>6</sup> *Hugo Preuss: Sein Staatsbegriff und seine Stellung in der deutschen Staatslehre* (Tübingen: J. C. B. Mohr [Paul Siebeck], 1930).

<sup>7</sup> *Studien zum Deutschen Staatsrecht* (Leipzig: Verlag von H. Haessel, 1888), II, 219; *Deutsches Staatsrecht* (Leipzig: Duncker & Humblot, 1892), I, 110.

in 1868), because it conceives of the state as one association equal to other associations. Of course, in addition to the associational elements, sovereign ones too belonged to the state and were sometimes stressed more and sometimes less. But, since it pertained to a theory of association and not to a theory of sovereignty of the state, the democratic consequences were undeniable. In Germany, they were drawn by Hugo Preuss and K. Wolzendorff, whereas in England it led to pluralist theories (see below, Section 4).

While awaiting further enlightenment, it seems to me that Rudolf Smend's theory of the integration of the state corresponds to a political situation in which society is no longer integrated into an existing state (as the German people in the monarchical state of the nineteenth century) but should itself integrate into the state. That this situation necessitates the total state is expressed most clearly in Smend's remark about a sentence from H. Trescher's 1918 dissertation on Montesquieu and Hegel.<sup>8</sup> There it is said of Hegel's doctrine of the division of powers that it signifies "the most vigorous penetration of all societal spheres by the state for the general purpose of winning for the entirety of the state all vital energies of the people." To which Smend adds that this is "precisely the integration theory" of his book. In actuality it is the total state which no longer knows anything absolutely nonpolitical, the state which must do away with the depoliticalizations of the nineteenth century and which in particular puts an end to the principle that the apolitical economy is independent of the state and that the state is apart from the economy.

## 2

A definition of the political can be obtained only by discovering and defining the specifically political categories. In contrast to the various relatively independent endeavors of human thought and

<sup>8</sup> Rudolf Smend, *Verfassung und Verfassungsrecht* (Munich: Duncker & Humblot, 1928), p. 97, note 2.

action, particularly the moral, aesthetic, and economic, the political has its own criteria which express themselves in a characteristic way. The political must therefore rest on its own ultimate distinctions, to which all action with a specifically political meaning can be traced. Let us assume that in the realm of morality the final distinctions are between good and evil, in aesthetics beautiful and ugly, in economics profitable and unprofitable. The question then is whether there is also a special distinction which can serve as a simple criterion of the political and of what it consists. The nature of such a political distinction is surely different from that of those others. It is independent of them and as such can speak clearly for itself.

The specific political distinction to which political actions and motives can be reduced is that between friend and enemy.\* This provides a definition in the sense of a criterion and not as an exhaustive definition or one indicative of substantial content.† Insofar as it is not derived from other criteria, the antithesis of friend and enemy corresponds to the relatively independent criteria of other antitheses: good and evil in the moral sphere, beautiful and ugly in the aesthetic sphere, and so on. In any event it is independent, not in the sense of a distinct new domain, but in that it can neither be based on any one antithesis or any combination of other antitheses, nor can it be traced to these. If the antithesis of good and evil is not simply identical with that of beautiful and ugly, profitable and unprofitable, and cannot be directly reduced to the others, then the antithesis of friend and enemy must even less be confused with or mistaken for the others. The distinction of friend and enemy denotes the utmost degree of intensity of a union or separation, of an association or dissociation. It can exist theo-

\* Since Schmitt identified himself with the epoch of the national sovereign state with its *jus publicum Europaeum*, he used the term *Feind* in the enemy and not the foe sense.

† Of the numerous discussions of Schmitt's friend-enemy criterion, particular attention is called to Hans Morgenthau's *La Notion du "politique" et la théorie des différends internationaux* (Paris: Sirey, 1933), pp. 35-37, 44-64. The critique contained therein and Schmitt's influence on him is often implied in Morgenthau's subsequent writings.

retically and practically, without having simultaneously to draw upon all those moral, aesthetic, economic, or other distinctions. The political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor, and it may even be advantageous to engage with him in business transactions. But he is, nevertheless, the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible. These can neither be decided by a previously determined general norm nor by the judgment of a disinterested and therefore neutral third party.

Only the actual participants can correctly recognize, understand, and judge the concrete situation and settle the extreme case of conflict. Each participant is in a position to judge whether the adversary intends to negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence. Emotionally the enemy is easily treated as being evil and ugly, because every distinction, most of all the political, as the strongest and most intense of the distinctions and categorizations, draws upon other distinctions for support. This does not alter the autonomy of such distinctions. Consequently, the reverse is also true: the morally evil, aesthetically ugly or economically damaging need not necessarily be the enemy; the morally good, aesthetically beautiful, and economically profitable need not necessarily become the friend in the specifically political sense of the word. Thereby the inherently objective nature and autonomy of the political becomes evident by virtue of its being able to treat, distinguish, and comprehend the friend-enemy antithesis independently of other antitheses.

## 3

The friend and enemy concepts are to be understood in their concrete and existential sense, not as metaphors or symbols, not

mixed and weakened by economic, moral, and other conceptions, least of all in a private-individualistic sense as a psychological expression of private emotions and tendencies. They are neither normative nor pure spiritual antitheses. Liberalism in one of its typical dilemmas (to be treated further under Section 8) of intellect and economics has attempted to transform the enemy from the viewpoint of economics into a competitor and from the intellectual point into a debating adversary. In the domain of economics there are no enemies, only competitors, and in a thoroughly moral and ethical world perhaps only debating adversaries. It is irrelevant here whether one rejects, accepts, or perhaps finds it an atavistic remnant of barbaric times that nations continue to group themselves according to friend and enemy, or hopes that the antithesis will one day vanish from the world, or whether it is perhaps sound pedagogic reasoning to imagine that enemies no longer exist at all. The concern here is neither with abstractions nor with normative ideals, but with inherent reality and the real possibility of such a distinction. One may or may not share these hopes and pedagogic ideals. But, rationally speaking, it cannot be denied that nations continue to group themselves according to the friend and enemy antithesis, that the distinction still remains actual today, and that this is an ever present possibility for every people existing in the political sphere.

The enemy is not merely any competitor or just any partner of a conflict in general. He is also not the private adversary whom one hates. An enemy exists only when, at least potentially, one fighting collectivity of people confronts a similar collectivity. The enemy is solely the public enemy, because everything that has a relationship to such a collectivity of men, particularly to a whole nation, becomes public by virtue of such a relationship. The enemy is *hostis*, not *inimicus* in the broader sense; *πρόλεμος*, not *ἐχθρός*.<sup>9</sup>

<sup>9</sup> In his *Republic* (Bk. V, Ch. XVI, 470) Plato strongly emphasizes the contrast between the public enemy (*πρόλεμος*) and the private one (*ἐχθρός*), but in connection with the other antithesis of war (*πόλεμος*) and insurrec-

As German and other languages do not distinguish between the private and political enemy, many misconceptions and falsifications are possible. The often quoted "Love your enemies" (Matt. 5:44; Luke 6:27) reads "diligite inimicos vestros," ἀγαπάτε τοὺς ἐχθροὺς ὑμῶν, and not *diligite hostes vestros*. No mention is made of the political enemy. Never in the thousand-year struggle between Christians and Moslems did it occur to a Christian to surrender rather than defend Europe out of love toward the Saracens or Turks. The enemy in the political sense need not be hated personally, and in the private sphere only does it make sense to love one's enemy, i.e., one's adversary. The Bible quotation touches the political antithesis even less than it intends to dissolve, for example, the antithesis of good and evil or beautiful and ugly. It certainly does not mean that one should love and support the enemies of one's own people.

The political is the most intense and extreme antagonism, and every concrete antagonism becomes that much more political the closer it approaches the most extreme point, that of the friend-enemy grouping. In its entirety the state as an organized political entity

tion, upheaval, rebellion, civil war (*στάσις*).<sup>\*</sup> Real war for Plato is a war between Hellenes and Barbarians only (those who are "by nature enemies"), whereas conflicts among Hellenes are for him discords (*στάσεις*). The thought expressed here is that a people cannot wage war against itself and a civil war is only a self-laceration and it does not signify that perhaps a new state or even a new people is being created. Cited mostly for the *hostis* concept is Pomponius in the *Digest* 50, 16, 118. The most clear-cut definition with additional supporting material is in Forcellini's *Lexicon totius latinitatis* (1965 ed.), II, 684: "A public enemy (*hostis*) is one with whom we are at war publicly. . . . In this respect he differs from a private enemy. He is a person with whom we have private quarrels. They may also be distinguished as follows: a private enemy is a person who hates us, whereas a public enemy is a person who fights against us."

<sup>\*</sup> *Stasis* also means the exact opposite, i.e., peace and order. The dialectic inherent in the term is pointed out by Carl Schmitt in *Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie* (Berlin: Duncker & Humblot, 1970), pp. 117-118.

decides for itself the friend-enemy distinction. Furthermore, next to the primary political decisions and under the protection of the decision taken, numerous secondary concepts of the political emanate. As to the equation of politics and state discussed under Section 1, it has the effect, for example, of contrasting a political attitude of a state with party politics so that one can speak of a state's domestic religious, educational, communal, social policy, and so on. Notwithstanding, the state encompasses and relativizes all these antitheses. However an antithesis and antagonism remain here within the state's domain which have relevance for the concept of the political.<sup>10</sup> Finally even more banal forms of politics appear, forms which assume parasite- and caricature-like configurations. What remains here from the original friend-enemy grouping is only some sort of antagonistic moment, which manifests itself in all sorts of tactics and practices, competitions and intrigues; and the most peculiar dealings and manipulations are called politics. But the fact that the substance of the political is contained in the context of a concrete antagonism is still expressed in everyday language, even where the awareness of the extreme case has been entirely lost.

This becomes evident in daily speech and can be exemplified by two obvious phenomena. First, all political concepts, images, and terms have a polemical meaning. They are focused on a specific conflict and are bound to a concrete situation; the result (which manifests itself in war or revolution) is a friend-enemy grouping, and they turn into empty and ghostlike abstractions when this situation disappears. Words such as state, republic,<sup>11</sup> society, class, as well

<sup>10</sup> A social policy existed ever since a politically noteworthy class put forth its social demands; welfare care, which in early times was administered to the poor and distressed, had not been considered a sociopolitical problem and was also not called such. Likewise a church policy existed only where a church constituted a politically significant counterforce.

<sup>11</sup> Machiavelli, for example, calls all nonmonarchical states republics, and his definition is still accepted today. Richard Thoma defines democracy as a nonprivileged state; hence all nondemocracies are classified as privileged states.

as sovereignty, constitutional state, absolutism, dictatorship, economic planning, neutral or total state, and so on, are incomprehensible if one does not know exactly who is to be affected, combated, refuted, or negated by such a term.<sup>12</sup> Above all the polemical character de-

<sup>12</sup> Numerous forms and degrees of intensity of the polemical character are also here possible. But the essentially polemical nature of the politically charged terms and concepts remain nevertheless recognizable. Terminological questions become thereby highly political. A word or expression can simultaneously be reflex, signal, password, and weapon in a hostile confrontation. For example, Karl Renner, a socialist of the Second International, in a very significant scholarly publication, *Die Rechtsinstitute des Privatrechts* (Tübingen: J. C. B. Mohr [Paul Siebeck], 1929), p. 97, calls rent which the tenant pays the landlord "tribute." Most German professors of jurisprudence, judges, and lawyers, would consider such a designation an inadmissible politicization of civil law relationships and would reject this on the grounds that it would disturb the purely juristic, purely legal, purely scientific discussion. For them the question has been decided in a legal positivist manner, and the therein residing political design of the state is thus recognized. On the other hand, many socialists of the Second International put much value in calling the payments which armed France imposes upon disarmed Germany not "tribute," but "reparations." "Reparation" appears to be more juristic, more legal, more peaceful, less polemical, and more apolitical than "tribute." In scrutinizing this more closely, however, it may be seen that "reparation" is more highly charged and therefore also political because this term is utilized politically to condemn juristically and even morally the vanquished enemy. The imposed payments have the effect of disqualifying and subjugating him not only legally but also morally. The question in Germany today is whether one should say "tribute" or "reparation." This has turned into an internal dispute. In previous centuries a controversy existed between the German kaiser (and king of Hungary) and the Turkish sultan on the question of whether the payments made by the kaiser to the sultan were in the nature of a "pension" or "tribute." The debtor stressed that he did not pay "tribute" but "pension," whereas the creditor considered it to be "tribute." In the relations between Christians and Turks the words were still used in those days more openly and more objectively, and the juristic concepts perhaps had not yet become to the same extent as today political instruments of coercion. Nevertheless, Bodin, who mentions this controversy (*Les Six Livres de la République*, Paris, 1580, p. 784), adds that in most instances "pension"

termines the use of the word political regardless of whether the adversary is designated as nonpolitical (in the sense of harmless), or vice versa if one wants to disqualify or denounce him as political in order to portray oneself as nonpolitical (in the sense of purely scientific, purely moral, purely juristic, purely aesthetic, purely economic, or on the basis of similar purities) and thereby superior.

Secondly, in usual domestic polemics the word political is today often used interchangeably with party politics. The inevitable lack of objectivity in political decisions, which is only the reflex to suppress the politically inherent friend-enemy antithesis, manifests itself in the regrettable forms and aspects of the scramble for office and the politics of patronage. The demand for depoliticalization which arises in this context means only the rejection of party politics, etc. The equation politics = party politics is possible whenever antagonisms among domestic political parties succeed in weakening the all-embracing political unit, the state. The intensification of internal antagonisms has the effect of weakening the common identity vis-à-vis another state. If domestic conflicts among political parties have become the sole political difference, the most extreme degree of internal political tension is thereby reached; i.e., the domestic, not the foreign friend-and-enemy groupings are decisive for armed conflict. The ever present possibility of conflict must always be kept in mind. If one wants to speak of politics in the context of the primacy of internal politics, then this conflict no longer refers to war between organized nations but to civil war.

For to the enemy concept belongs the ever present possibility of combat. All peripherals must be left aside from this term, including military details and the development of weapons technology. War is armed combat between organized political entities; civil war is armed combat within an organized unit. A self-laceration endangers the survival of the latter. The essence of a weapon is that is paid not to protect oneself from other enemies, but primarily from the protector himself and to ransom oneself from an invasion (*pour se racheter de l'invasion*).

it is a means of physically killing human beings. Just as the term enemy, the word combat, too, is to be understood in its original existential sense. It does not mean competition, nor does it mean pure intellectual controversy nor symbolic wrestlings in which, after all, every human being is somehow always involved, for it is a fact that the entire life of a human being is a struggle and every human being symbolically a combatant. The friend, enemy, and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing. War follows from enmity. War is the existential negation of the enemy.\* It is the most extreme consequence of enmity. It does not have to be common, normal, something ideal, or desirable. But it must nevertheless remain a real possibility for as long as the concept of the enemy remains valid.

It is by no means as though the political signifies nothing but devastating war and every political deed a military action, by no means as though every nation would be uninterruptedly faced with the friend-enemy alternative vis-à-vis every other nation. And, after all, could not the politically reasonable course reside in avoiding war? The definition of the political suggested here neither favors war nor militarism, neither imperialism nor pacifism. Nor is it an attempt to idealize the victorious war or the successful revolution as a "social ideal," since neither war nor revolution is something social or something ideal.<sup>13</sup> The military battle itself is not the

\* Schmitt clearly alludes here to the foe concept in politics.

<sup>13</sup> Rudolf Stammler's thesis, which is rooted in neo-Kantian thought, that the "social ideal" is the "community of free willing individuals" is contradicted by Erich Kaufmann in *Das Wesen des Völkerrechts und die clausula rebus sic stantibus* (Tübingen: J. C. B. Mohr [Paul Siebeck], 1911), p. 146, who maintains that "not the community of free willing individuals, but the victorious war is the social ideal: the victorious war as the last means toward that lofty goal" (the participation and self-assertion of the state in world history). This sentence incorporates the typical neo-Kantian liberal notion of "social ideal." But wars, including victorious wars, are something completely incommensurable and incompatible with this conception. This idea is then joined to the notion of the victorious war, which has its habitat in the



"continuation of politics by other means" as the famous term of Clausewitz is generally incorrectly cited.<sup>14</sup> War has its own strategic, tactical, and other rules and points of view, but they all presuppose that the political decision has already been made as to who the enemy is. In war the adversaries most often confront each other openly; normally they are identifiable by a uniform, and the distinction of friend and enemy is therefore no longer a political problem which the fighting soldier has to solve. A British diplomat correctly stated in this context that the politician is better schooled for the battle than the soldier, because the politician fights his whole life whereas the soldier does so in exceptional circumstances only. War is neither the aim nor the purpose nor even the very content of politics. But as an ever present possibility it is the leading presupposition which determines in a characteristic way human action and thinking and thereby creates a specifically political behavior.

The criterion of the friend-and-enemy distinction in no way implies that one particular nation must forever be the friend or enemy of another specific nation or that a state of neutrality is not

Hegelian-Rankian philosophy of history, in which social ideals do not exist. The antithesis which appears at first glance to be striking thus breaks into two disparate parts, and the rhetorical force of a thunderous contrast can neither veil the structural incoherence nor heal the intellectual breach.

<sup>14</sup> Carl von Clausewitz (*Vom Kriege*, 2nd ed. [Berlin: Ferd. Dümmlers Verlagsbuchhandlung, 1853], Vol. III, Part III, p. 120) says: "War is nothing but a continuation of political intercourse with a mixture of other means." War is for him a "mere instrument of politics." This cannot be denied, but its meaning for the understanding of the essence of politics is thereby still not exhausted. To be precise, war, for Clausewitz, is not merely one of many instruments, but the *ultima ratio* of the friend-and-enemy grouping. War has its own grammar (i.e., special military-technical laws), but politics remains its brain. It does not have its own logic. This can only be derived from the friend-and-enemy concept, and the sentence on page 121 reveals this core of politics: "If war belongs to politics, it will thereby assume its character. The more grandiose and powerful it becomes, so will also the war, and this may be carried to the point at which war reaches its absolute form. . . ."

possible or could not be politically reasonable. As with every political concept, the neutrality concept too is subject to the ultimate presupposition of a real possibility of a friend-and-enemy grouping. Should only neutrality prevail in the world, then not only war but also neutrality would come to an end. The politics of avoiding war terminates, as does all politics, whenever the possibility of fighting disappears. What always matters is the possibility of the extreme case taking place, the real war, and the decision whether this situation has or has not arrived.

That the extreme case appears to be an exception does not negate its decisive character but confirms it all the more. To the extent that wars today have decreased in number and frequency, they have proportionately increased in ferocity. War is still today the most extreme possibility. One can say that the exceptional case has an especially decisive meaning which exposes the core of the matter. For only in real combat is revealed the most extreme consequence of the political grouping of friend and enemy. From this most extreme possibility human life derives its specifically political tension.

A world in which the possibility of war is utterly eliminated, a completely pacified globe, would be a world without the distinction of friend and enemy and hence a world without politics. It is conceivable that such a world might contain many very interesting antitheses and contrasts, competitions and intrigues of every kind, but there would not be a meaningful antithesis whereby men could be required to sacrifice life, authorized to shed blood, and kill other human beings. For the definition of the political, it is here even irrelevant whether such a world without politics is desirable as an ideal situation. The phenomenon of the political can be understood only in the context of the ever present possibility of the friend-and-enemy grouping, regardless of the aspects which this possibility implies for morality, aesthetics, and economics.

War as the most extreme political means discloses the possibility which underlies every political idea, namely, the distinction of friend and enemy. This makes sense only as long as this distinc-

tion in mankind is actually present or at least potentially possible. On the other hand, it would be senseless to wage war for purely religious, purely moral, purely juristic, or purely economic motives. The friend-and-enemy grouping and therefore also war cannot be derived from these specific antitheses of human endeavor. A war need be neither something religious nor something morally good nor something lucrative. War today is in all likelihood none of these. This obvious point is mostly confused by the fact that religious, moral, and other antitheses can intensify to political ones and can bring about the decisive friend-or-enemy constellation. If, in fact, this occurs, then the relevant antithesis is no longer purely religious, moral, or economic, but political. The sole remaining question then is always whether such a friend-and-enemy grouping is really at hand, regardless of which human motives are sufficiently strong to have brought it about.

Nothing can escape this logical conclusion of the political. If pacifist hostility toward war were so strong as to drive pacifists into a war against nonpacifists, in a war against war, that would prove that pacifism truly possesses political energy because it is sufficiently strong to group men according to friend and enemy. If, in fact, the will to abolish war is so strong that it no longer shuns war, then it has become a political motive, i.e., it affirms, even if only as an extreme possibility, war and even the reason for war. Presently this appears to be a peculiar way of justifying wars. The war is then considered to constitute the absolute last war of humanity. Such a war is necessarily unusually intense and inhuman because, by transcending the limits of the political framework, it simultaneously degrades the enemy into moral and other categories and is forced to make of him a monster that must not only be defeated but also utterly destroyed. In other words, he is an enemy who no longer must be compelled to retreat into his borders only.\* The feasibility of such war is particularly illustrative of the fact that war as a real

\* Also here Schmitt clearly alludes to the enemy-foe distinction.

possibility is still present today, and this fact is crucial for the friend-and-enemy antithesis and for the recognition of politics.

## 4

Every religious, moral, economic, ethical, or other antithesis transforms into a political one if it is sufficiently strong to group human beings effectively according to friend and enemy. The political does not reside in the battle itself, which possesses its own technical, psychological, and military laws, but in the mode of behavior which is determined by this possibility, by clearly evaluating the concrete situation and thereby being able to distinguish correctly the real friend and the real enemy. A religious community which wages wars against members of other religious communities or engages in other wars is already more than a religious community; it is a political entity. It is a political entity when it possesses, even if only negatively, the capacity of promoting that decisive step, when it is in the position of forbidding its members to participate in wars, i.e., of decisively denying the enemy quality of a certain adversary. The same holds true for an association of individuals based on economic interests as, for example, an industrial concern or a labor union. Also a class in the Marxian sense ceases to be something purely economic and becomes a political factor when it reaches this decisive point, for example, when Marxists approach the class struggle seriously and treat the class adversary as a real enemy and fights him either in the form of a war of state against state or in a civil war within a state. The real battle is then of necessity no longer fought according to economic laws but has—next to the fighting methods in the narrowest technical sense—its political necessities and orientations, coalitions and compromises, and so on. Should the proletariat succeed in seizing political power within a state, a proletarian state will thus have been created. This state is by no means less of a political power than a national state, a theocratic, mercantile, or

soldier state, a civil service state, or some other type of political entity. Were it possible to group all mankind in the proletarian and bourgeois antithesis, as friend and enemy in proletarian and capitalist states, and if, in the process, all other friend-and-enemy groupings were to disappear, the total reality of the political would then be revealed, insofar as concepts, which at first glance had appeared to be purely economic, turn into political ones. If the political power of a class or of some other group within a state is sufficiently strong to hinder the waging of wars against other states but incapable of assuming or lacking the will to assume the state's power and thereby decide on the friend-and-enemy distinction and, if necessary, make war, then the political entity is destroyed.

The political can derive its energy from the most varied human endeavors, from the religious, economic, moral, and other antitheses. It does not describe its own substance, but only the intensity of an association or dissociation of human beings whose motives can be religious, national (in the ethnic or cultural sense), economic, or of another kind and can effect at different times different coalitions and separations. The real friend-enemy grouping is existentially so strong and decisive that the nonpolitical antithesis, at precisely the moment at which it becomes political, pushes aside and subordinates its hitherto purely religious, purely economic, purely cultural criteria and motives to the conditions and conclusions of the political situation at hand. In any event, that grouping is always political which orients itself toward this most extreme possibility. This grouping is therefore always the decisive human grouping, the political entity. If such an entity exists at all, it is always the decisive entity, and it is sovereign in the sense that the decision about the critical situation, even if it is the exception, must always necessarily reside there.

A valid meaning is here attached to the word sovereignty, just as to the term entity. Both do not at all imply that a political entity must necessarily determine every aspect of a person's life or that a centralized system should destroy every other organization or

corporation.\* It may be that economic considerations can be stronger than anything desired by a government which is ostensibly indifferent toward economics. Likewise, religious convictions can easily determine the politics of an allegedly neutral state. What always matters is only the possibility of conflict. If, in fact, the economic, cultural, or religious counterforces are so strong that they are in a position to decide upon the extreme possibility from their viewpoint, then these forces have in actuality become the new substance of the political entity. It would be an indication that these counterforces had not reached the decisive point in the political if they turned out to be not sufficiently powerful to prevent a war contrary to their interests or principles. Should the counterforces be strong enough to hinder a war desired by the state that was contrary to their interests or principles but not sufficiently capable themselves of deciding about war, then a unified political entity would no longer exist. However one may look at it, in the orientation toward the possible extreme case of an actual battle against a real enemy, the political entity is essential, and it is the decisive entity for the friend-or-enemy grouping; and in this (and not in any kind of absolutist sense), it is sovereign. Otherwise the political entity is nonexistent.

When the political significance of domestic economic associations had been recognized, in particular the growth of labor unions, the laws of the state appeared quite powerless against their economic weapon, the strike. Consequently, some have somewhat hastily proclaimed the death and the end of the state. As far as I can tell this emerged as a doctrine of the French syndicalists after 1906 and 1907.<sup>15</sup> Duguit is in this context the best known political theorist.

\* Schmitt has consistently maintained this idea and thus has never entertained the thought of a totalitarian state. See Schwab, *The Challenge*, pp. 146-148.

<sup>15</sup> "This enormous thing . . . the death of this fantastic, prodigious being which held such a colossal place in history: the state is dead." E. Berth, whose ideas stem from Georges Sorel, in *Le Mouvement socialiste*, October 1907, p. 314. Léon Duguit cites this in his lectures *Le Droit social, le droit*

Ever since 1901 he has tried to refute the conception of sovereignty and the conception of the personality of the state with some accurate arguments against an uncritical metaphysics of the state and personifications of the state, which are, after all, only remnants from the world of princely absolutism but in essence miss the actual political meaning of the concept of sovereignty. Similarly, this also holds true for G. D. H. Cole's and Harold Laski's so-called theory of pluralism, which appeared somewhat later in the Anglo-Saxon world.<sup>16</sup> Their pluralism\* consists in denying the sovereignty of the

*individuuel et la transformation de l'État*, 1st ed. (Paris: Felix Alcan, 1908). He considered it sufficient to say that the sovereign state conceived as a person is dead or at the point of dying (p. 150: "L'État personnel et souverain . . . est mort ou sur le point de mourir"). Such sentences are not found in Duguit's *L'État* (Paris: Thorin et Fils, 1901), although the critique of the sovereignty concept is already the same. Interesting additional examples of this syndicalist diagnosis of the contemporary state appear in A. Esmein's *Éléments de droit constitutionnel* (7th ed., ed. H. Nèzard [Paris: Sirey, 1921], I, 55 ff.), and above all in the particularly interesting book by Maxime Leroy, *Les Transformations de la puissance publique* (Paris: V. Giard & Brière, 1907). With respect to its diagnosis of the state, the syndicalist doctrine is also to be distinguished from the Marxist construction. For the Marxists the state is not dead or at the point of dying. The state is rather a means for bringing about classes and necessary to make the classless and then the stateless society. But in the meantime this state is still real, and precisely with the aid of Marxist doctrine it has received new energies and new life in the Soviet Union.

<sup>16</sup> A survey and plausible assemblage of Cole's theses (formulated by him) is reprinted in the *Proceedings of the Aristotelian Society*, XVI (1916), 310-325. The central thesis here is also that states are equal to other kinds of human associations. The following works by Laski are mentioned: *Studies in the Problem of Sovereignty* (1917), *Authority in the Modern State* (1919), *Foundations of Sovereignty* (1921), *A Grammar of Politics* (1925), "Das Recht und der Staat," *Zeitschrift für öffentliches Recht*, X (1931), 1-27; also, Kung Chuan Hsiao, *Political Pluralism* (London: K. Paul, Trench,

\* As far as the translator can gather, the Anglo-Saxon theory of pluralism was unknown in Germany until Schmitt called attention to it.

political entity by stressing time and again that the individual lives in numerous different social entities and associations. He is a member of a religious institution, nation, labor union, family, sports club, and many other associations. These control him in differing degrees from case to case, and impose on him a cluster of obligations in such a way that no one of these associations can be said to be decisive and sovereign. On the contrary, each one in a different field may prove to be the strongest, and then the conflict of loyalties can only be resolved from case to case. It is conceivable, for example, that a labor union should decide to order its members no longer to attend church, but in spite of it they continue to do so, and that simultaneously a demand by the church that members leave the labor union remains likewise unheeded.

Particularly striking in this example is the co-ordination of religious associations and labor unions, which could result in an alliance because of their common antipathy toward the state. This is typical of the pluralism which appears in the Anglo-Saxon countries. Its main theoretical point of departure was, next to Gierke's association theory, J. Neville Figgis' book on churches in the modern state.<sup>17</sup> The historical context to which Laski always returns and

Trubner & Co., Ltd., 1927). For a critique of this pluralism see W. Y. Elliott, "The Pragmatic Politics of Mr. H. J. Laski," *The American Political Science Review*, XVIII (1924), 251-275; *The Pragmatic Revolt in Politics* (New York: The Macmillan Co., 1928), and Carl Schmitt, "Staatsethik und pluralistischer Staat," *Kant-Studien*, XXXV (1930), 28-42. On the pluralist splintering of the contemporary German state and the development of parliament into a showcase of a pluralist system see Carl Schmitt, *Der Hüter der Verfassung* (Tübingen: J. C. B. Mohr [Paul Siebeck], 1931; Berlin: Duncker & Humblot, 1969), pp. 73 ff.

<sup>17</sup> Figgis, *Churches in the Modern State* (London: Longmans, Green and Co., 1913) noted on p. 249 that Maitland, whose legal historical researches likewise influenced the pluralists, considered Gierke's *Das deutsche Genossenschaftsrecht* "to be the greatest book he had ever read" and remarked that the medieval controversy between church and empire, i.e., between pope and emperor, or more precisely between the spiritual order and the temporal ones, was not a controversy of two societies but a civil war within the same

which obviously made a great impression on him is the simultaneous and equally unsuccessful attacks of Bismarck against the Catholic Church and the socialists. In the *Kulturkampf* against the Roman Church it was seen that even a state of the unimpaired strength of Bismarck's Reich was not absolutely sovereign and powerful. This state was equally unsuccessful in its battle against the socialist working class. Would this state have been sufficiently strong in the economic domain to remove from the labor unions their power to strike?

This critique is largely justified. The juridic formulas of the omnipotence of the state are, in fact, only superficial secularizations of theological formulas of the omnipotence of God.\* Also, the nineteenth-century German doctrine of the personality of the state is social entity. But today two societies, *duo populi*, face one another. This in my opinion is correct. In the period prior to the schism the relation of pope and emperor could still be understood according to the formula that the pope possessed the *auctoritas* and the emperor the *potestas*. Accordingly a division existed within the same entity, and Catholic doctrine since the twelfth century has maintained that church and state are two *societates*, and indeed both are *societates perfectae* (each one sovereign and autarchic in its own domain). Naturally on the side of the Church the Catholics recognized their church only as *societas perfecta*, whereas on the side of the state today a plurality of *societates perfectae* appear, whose perfection, considering the great number, becomes very problematical. An extraordinarily clear summary of Catholic doctrine is contained in Paul Simon's "Staat und Kirche," *Deutsches Volkstum* (August 1931), pp. 576-596. The co-ordination of churches and labor unions which is typical of the Anglo-Saxon pluralist notion is naturally unthinkable in Catholic theory, and it is just as inconceivable for the Catholic Church to permit itself to be treated on an equal level with an international labor union. In reality the Church serves Laski, as Elliott aptly remarked, only as a "stalking horse" for the labor unions. A clear and fundamental debate on the two theories and their mutual relations is unfortunately missing so far on the side of the Catholics as well as on the part of the pluralists.

\* As early as 1922 Schmitt asserted that "all significant concepts of the theory of the modern state are secularized theological concepts." *Politische Theologie: Vier Kapitel zur Lehre von der Souveränität* (Munich: Duncker & Humblot, 1922, 1934), p. 49.

important here because it was in part a polemical antithesis to the personality of the absolute prince, and in part to a state considered as a higher third (*vis-à-vis* all other social groups) with the aim of evading the dilemma of monarchical or popular sovereignty. But the question remains unanswered: which social entity (if I am permitted to use here the imprecise liberal concept of "social") decides the extreme case and determines the decisive friend-and-enemy grouping? Neither a church nor a labor union nor an alliance of both could have forbidden or prevented a war which the German Reich might have wanted to wage under Bismarck. He could not declare war against the pope, but only because the pope no longer possessed the *jus belli*; and also the socialist labor unions did not want to appear in the role of a *partie belligérante*. In any event, no organized opposition then imaginable could have possibly deprived the German government of making the relevant decision in the extreme case; such an opposition would have risked being treated as an enemy and would thus have been affected by all the consequences of this concept. Furthermore, neither the Church nor a labor union was prepared to engage in a civil war.<sup>18</sup> These considerations are sufficient to establish a reasonable concept of sovereignty and entity. The political entity is by its very nature the decisive entity, regardless of the sources from which it derives its

<sup>18</sup> Because Laski also refers to the controversy of the English Catholics with Gladstone, the following sentences are cited here from Cardinal John Henry Newman's letter to the Duke of Norfolk [regarding Gladstone's *The Vatican Decrees in Their Bearing on Civil Allegiance* (1874)]: "Suppose England were to send her Ironclads to support Italy against the Pope and his allies, English Catholics would be very indignant, they would take part with the Pope before the war began, they would use all constitutional means to hinder it; but who believes that, when they were once in the war, their action would be anything else than prayers and exertions for a termination of it? What reason is there for saying that they would commit themselves to any step of a treasonable nature . . . ?" *A Letter Addressed to His Grace the Duke of Norfolk* (New York: The Catholic Publication Society, 1875), p. 64.

last psychic motives. It exists or does not exist. If it exists, it is the supreme, that is, in the decisive case, the authoritative entity.

That the state is an entity and in fact the decisive entity rests upon its political character. A pluralist theory is either the theory of state which arrives at the unity of state by a federalism of social associations or a theory of the dissolution or rebuttal of the state. If, in fact, it challenges the entity and places the political association on an equal level with the others, for example, religious or economic associations, it must, above all, answer the question as to the specific content of the political. Although in his numerous books Laski speaks of state, politics, sovereignty, and government, one does not find in these a specific definition of the political. The state simply transforms itself into an association which competes with other associations; it becomes a society among some other societies which exist within or outside the state. That is the pluralism of this theory of state. Its entire ingenuity is directed against earlier exaggerations of the state, against its majesty and its personality, against its claim to possess the monopoly of the highest unity, while it remains unclear what, according to this pluralist theory of state, the political entity should be. At times it appears in its old liberal form, as a mere servant of the essentially economically determined society, at times pluralistically as a distinct type of society, that is, as one association among other associations, at times as the product of a federalism of social associations or an umbrella association of a conglomeration of associations. Above all, it has to be explained why human beings should have to form a governmental association in addition to the religious, cultural, economic, and other associations, and what would be its specific political meaning. No clear chain of thought is discernible here. What appears finally is an all-embracing, monistically global, and by no means pluralist concept, namely Cole's "society" and Laski's "humanity."

The pluralist theory of state is in itself pluralistic, that is, it has no center but draws its thoughts from rather different intellectual circles (religion, economics, liberalism, socialism, etc.). It

ignores the central concept of every theory of state, the political, and does not even mention the possibility that the pluralism of associations could lead to a federally constructed political entity. It totally revolves in a liberal individualism. The result is nothing else than a revocable service for individuals and their free associations. One association is played off against another and all questions and conflicts are decided by individuals. In reality there exists no political society or association but only one political entity—one political community. The ever present possibility of a friend-and-enemy grouping suffices to forge a decisive entity which transcends the mere societal-associational groupings. The political entity is something specifically different, and vis-à-vis other associations, something decisive.<sup>19</sup> Were this entity to disappear, even if only potentially, then the political itself would disappear. Only as long as the essence of the political is not comprehended or not taken into consideration is it possible to place a political association pluralistically on the same level with religious, cultural, economic, or other associations and permit it to compete with these. As we shall attempt to show below (Section 6), the concept of the political yields pluralistic consequences, but not in the sense that, within one and the same political entity, instead of the decisive friend-and-enemy grouping, a pluralism could take its place without destroying the entity and the political itself.

## 5

To the state as an essentially political entity belongs the *ius belli*, i.e., the real possibility of deciding in a concrete situation upon the enemy and the ability to fight him with the power emanating from the entity. As long as a politically united people is prepared

<sup>19</sup> "We can say that on the day of mobilization the hitherto existing society was transformed into a community." E. Lederer, "Zur Soziologie des Weltkriegs," *Archiv für Sozialwissenschaft und Sozialpolitik*, 39 (1915), p. 349.

to fight for its existence, independence, and freedom on the basis of a decision emanating from the political entity, this specifically political question has primacy over the technical means by which the battle will be waged, the nature of the army's organization, and what the prospects are for winning the war. The development of military techniques appears to move in a direction which will perhaps permit only a few states to survive, i.e., those whose industrial potential would allow them to wage a promising war. Should smaller and weaker states be unable to maintain their independence by virtue of an appropriate alliance, they may then be forced, voluntarily or by necessity, to abdicate the *jus belli*. This development would still not prove that war, state, and politics will altogether cease. The numerous changes and revolutions in human history and development have produced new forms and dimensions of political groupings. Previously existing political structures were destroyed, new kinds of foreign and civil wars arose, and the number of organized political entities soon increased or diminished.

The state as the decisive political entity possesses an enormous power: the possibility of waging war and thereby publicly disposing of the lives of men. The *jus belli* contains such a disposition. It implies a double possibility: the right to demand from its own members the readiness to die and unhesitatingly to kill enemies. The endeavor of a normal state consists above all in assuring total peace within the state and its territory. To create tranquility, security, and order and thereby establish the normal situation is the prerequisite for legal norms to be valid. Every norm presupposes a normal situation, and no norm can be valid in an entirely abnormal situation.

As long as the state is a political entity this requirement for internal peace compels it in critical situations to decide also upon the domestic enemy. Every state provides, therefore, some kind of formula for the declaration of an internal enemy. The *πολέμους* declaration in the public law of the Greek republics and the *hostis*

declaration in Roman public law are but two examples. Whether the form is sharper or milder, explicit or implicit, whether ostracism, expulsion, proscription, or outlawry are provided for in special laws or in explicit or general descriptions, the aim is always the same, namely to declare an enemy. That, depending on the attitude of those who had been declared enemies of state, is possibly the sign of civil war, i.e., the dissolution of the state as an organized political entity, internally peaceful, territorially enclosed, and impenetrable to aliens. The civil war then decides the further fate of this entity. More so than for other states, this is particularly valid for a constitutional state, despite all the constitutional ties to which the state is bound. In a constitutional state, as Lorenz von Stein says, the constitution is "the expression of the societal order, the existence of society itself. As soon as it is attacked the battle must then be waged outside the constitution and the law, hence decided by the power of weapons."\*

The authority to decide, in the form of a verdict on life and death, the *jus vitae ac necis*, can also belong to another nonpolitical order within the political entity, for instance, to the family or to the head of the household, but not the right of a *hostis* declaration as long as the political entity is an actuality and possesses the *jus belli*. If a political entity exists at all, the right of vendettas between families or kinsfolk would have to be suspended at least temporarily during a war. A human group which renounces these consequences of a political entity ceases to be a political group, because it thereby renounces the possibility of deciding whom it considers to be the enemy and how he should be treated. By virtue of this power over the physical life of men, the political community transcends all other associations or societies. Within the community, however, subordinate groupings of a secondary political nature could exist with

\* Omitted here is a long note by Schmitt on examples of enemy declaration. The Lorenz von Stein citation is from his *Geschichte der sozialen Bewegung in Frankreich*, I, *Der Begriff der Gesellschaft*, ed. G. Salomon (Munich: Drei Masken Verlag, 1921), p. 494.

their own or transferred rights, even with a limited *jus vitae ac necis* over members of smaller groups.

A religious community, a church, can exhort a member to die for his belief and become a martyr, but only for the salvation of his own soul, not for the religious community in its quality as an earthly power; otherwise it assumes a political dimension. Its holy wars and crusades are actions which presuppose an enemy decision, just as do other wars. Under no circumstances can anyone demand that any member of an economically determined society, whose order in the economic domain is based upon rational procedures, sacrifice his life in the interest of rational operations. To justify such a demand on the basis of economic expediency would contradict the individualistic principles of a liberal economic order and could never be justified by the norms or ideals of an economy autonomously conceived. The individual may voluntarily die for whatever reason he may wish. That is, like everything in an essentially individualist liberal society, a thoroughly private matter—decided upon freely.

The economically functioning society possesses sufficient means to neutralize nonviolently, in a "peaceful" fashion, those economic competitors who are inferior, unsuccessful or mere "perturbers." Concretely speaking, this implies that this competitor will be left to starve if he does not voluntarily accommodate himself. A purely cultural or civilized system of society will not lack social indications to rid itself of unwanted perturbations or unwanted additions. But no program, no ideal, no norm, no expediency confers a right to dispose of the physical life of other human beings. To demand seriously of human beings that they kill others and be prepared to die themselves so that trade and industry may flourish for the survivors or that the purchasing power of grandchildren may grow is sinister and crazy. It is a manifest fraud to condemn war as homicide and then demand of men that they wage war, kill and be killed, so that there will never again be war. War, the readiness of combatants to die, the physical killing of human beings who belong

on the side of the enemy—all this has no normative meaning, but an existential meaning only, particularly in a real combat situation with a real enemy. There exists no rational purpose, no norm no matter how true, no program no matter how exemplary, no social ideal no matter how beautiful, no legitimacy nor legality which could justify men in killing each other for this reason. If such physical destruction of human life is not motivated by an existential threat to one's own way of life, then it cannot be justified. Just as little can war be justified by ethical and juristic norms. If there really are enemies in the existential sense as meant here, then it is justified, but only politically, to repel and fight them physically.

That justice does not belong to the concept of war has been generally recognized since Grotius.<sup>20</sup> The notions which postulate a just war usually serve a political purpose. To demand of a politically united people that it wage war for a just cause only is either something self-evident, if it means that war can be risked only against a real enemy, or it is a hidden political aspiration of some other party to wrest from the state its *jus belli* and to find norms of justice whose content and application in the concrete case is not decided upon by the state but by another party, and thereby it determines who the enemy is. For as long as a people exists in the political sphere, this people must, even if only in the most extreme case—and whether this point has been reached has to be decided by it—determine by itself the distinction of friend and enemy. Therein resides the essence of its political existence. When it no longer possesses the capacity or the will to make this distinction, it ceases to exist politically. If it permits this decision to be made by another, then it is no longer a politically free people and is absorbed into another political system. The justification of war does not reside in its being fought for ideals or norms of justice, but in its being fought against a real enemy. All

<sup>20</sup> *De jure belli ac pacis*, Vol. I, Bk. I, Ch. I, #2: "Justice is not included in the definition [i.e., of war]." In the scholasticism of the Middle Ages war against heretics was considered just—a *bellum justum* (accordingly as war, not as execution, peaceful measure or sanction).



confusions of this category of friend and enemy can be explained as results of blendings of some sort of abstractions or norms.

A people which exists in the sphere of the political cannot in case of need renounce the right to determine by itself the friend-and-enemy distinction. It can solemnly declare that it condemns war as a means of solving international disputes and can renounce it as a means of national policy, as was done in the so-called Kellogg Pact of 1928.<sup>21</sup> In so doing it has neither repudiated war as an instrument of international politics (and a war as an instrument of international politics can be worse than a war as an instrument of a national policy only) nor condemned nor outlawed war altogether. Such a declaration is subject, first of all, to specific reservations which are explicitly or implicitly self-understood as, for example, the reservation regarding the autonomous existence of the state and its self-defense, the reservation regarding existing treaties, the right of a continuing free and independent existence, and so on. Second, these reservations are, according to their logical structure, no mere

<sup>21</sup> . . . The Kellogg Pact \* text of August 27, 1928, contains most important reservations—England's national honor, self-defense, the League Covenant and Locarno, welfare and territorial integrity of territories such as Egypt, Palestine, and so forth; for France: self-defense, League Covenant, Locarno and neutrality treaties, above all the observance of the Kellogg Pact; for Poland: self-defense, observance of the Kellogg Pact, the League Covenant. . . . The general juristic problem of reservations has so far received no systematic treatment, not even there where explicit treatments mention the sanctity of treaties and the sentence *pacta sunt servanda*. To fill this gap a noteworthy beginning is to be found in Carl Bilmfinger, "Betrachtungen über politisches Recht," *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, I (1929), 57–76. With respect to the general problem of a pacified humanity, see Section 6 below. On the fact that the Kellogg Pact does not outlaw war, but sanctions it, see E. M. Borchard, "The Kellogg Treaties Sanction War," *ibid.*, pp. 126–131, and Arthur Wegner, *Einführung in die Rechtswissenschaft* (Berlin: Walter de Gruyter, 1931), pp. 109–111.

\* On the Kellogg Pact see also Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum* (Köln: Greven Verlag, 1950; Berlin: Duncker & Humblot, 1974), pp. 255, 272.

exceptions to the norm, but altogether give the norm its concrete content. They are not peripheral but essential exceptions; they give the treaty its real content in dubious cases. Third, as long as a sovereign state exists, this state decides for itself, by virtue of its independence, whether or not such a reservation (self-defense, enemy aggression, violation of existing treaties including the Kellogg Pact, and so on) is or is not given in the concrete case. Fourth, war cannot altogether be outlawed, but only specific individuals, peoples, states, classes, religions, etc., which, by being outlawed, are declared to be the enemy. The solemn declaration of outlawing war does not abolish the friend-enemy distinction, but, on the contrary, opens new possibilities by giving an international *hostis* declaration new content and new vigor.

Were this distinction to vanish then political life would vanish altogether. A people which exists in the political sphere cannot, despite entreating declarations to the contrary, escape from making this fateful distinction. If a part of the population declares that it no longer recognizes enemies, then, depending on the circumstance, it joins their side and aids them. Such a declaration does not abolish the reality of the friend-and-enemy distinction. Quite another question concerns citizens of a state who declare that they personally have no enemies. A private person has no political enemies. Such a declaration can at most say that he would like to place himself outside the political community to which he belongs and continue to live as a private individual only.<sup>22</sup> Furthermore, it would be a mistake to believe that a nation could eliminate the distinction of friend and enemy by declaring its friendship for the entire world

<sup>22</sup> In this case it is a matter for the political community somehow to regulate this kind of nonpublic, politically disinterested existence (by privileges for aliens, internment, extritoriality, permits of residence and concessions, laws formetics, or in some other way). On aspiring to a life without political risks (definition of the bourgeois) see Hegel's assertion below, Section 7.

or by voluntarily disarming itself. The world will not thereby become depoliticized, and it will not be transplanted into a condition of pure morality, pure justice, or pure economics. If a people is afraid of the trials and risks implied by existing in the sphere of politics, then another people will appear which will assume these trials by protecting it against foreign enemies and thereby taking over political rule. The protector then decides who the enemy is by virtue of the eternal relation of protection and obedience.

[Schmitt's Note]

On this principle rests the feudal order and the relation of lord and vassal, leader and led, patron and clients. This relation is clearly and explicitly seen here. No form of order, no reasonable legitimacy or legality can exist without protection and obedience. The *protego ergo obliigo* is the *cogito ergo sum* of the state. A political theory which does not systematically become aware of this sentence remains an inadequate fragment. Hobbes designated this (at the end of his English edition of 1651, p. 396) as the true purpose of his *Leviathan*, to instill in man once again "the mutual relation between Protection and Obedience"; human nature as well as divine right demands its inviolable observation.

Hobbes himself had experienced this truth in the terrible times of civil war, because then all legitimate and normative illusions with which men like to deceive themselves regarding political realities in periods of untroubled security vanish. If within the state there are organized parties capable of according their members more protection than the state, then the latter becomes at best an annex of such parties, and the individual citizen knows whom he has to obey. As has been shown (under Section 4 above), a pluralistic theory of state can justify this. The fundamental correctness of the protection-obedience axiom comes to the fore even more clearly in foreign policy and interstate relations: the simplest expression of this axiom is found in the protectorate under international law, the

federal state, the confederation of states dominated by one of them, and the various kinds of treaties offering protection and guarantees.

It would be ludicrous to believe that a defenseless people has nothing but friends, and it would be a deranged calculation to suppose that the enemy could perhaps be touched by the absence of a resistance. No one thinks it possible that the world could, for example, be transformed into a condition of pure morality by the renunciation of every aesthetic or economic productivity. Even less can a people hope to bring about a purely moral or purely economic condition of humanity by evading every political decision. If a people no longer possesses the energy or the will to maintain itself in the sphere of politics, the latter will not thereby vanish from the world. Only a weak people will disappear.

## 6

The political entity presupposes the real existence of an enemy and therefore coexistence with another political entity. As long as a state exists, there will thus always be in the world more than just one state. A world state which embraces the entire globe and all of humanity cannot exist. The political world is a pluriverse, not a universe. In this sense every theory of state is pluralistic, even though in a different way from the domestic theory of pluralism discussed in Section 4. The political entity cannot by its very nature be universal in the sense of embracing all of humanity and the entire world. If the different states, religions, classes, and other human groupings on earth should be so unified that a conflict among them is impossible and even inconceivable and if civil war should forever be foreclosed in a realm which embraces the globe, then the distinction of friend and enemy would also cease. What remains is neither politics nor state, but culture, civilization, economics, morality, law, art, entertainment, etc. If and when this

condition will appear, I do not know. At the moment, this is not the case. And it is self-deluding to believe that the termination of a modern war would lead to world peace—thus setting forth the idyllic goal of complete and final depoliticalization—simply because a war between the great powers today may easily turn into a world war.

Humanity as such cannot wage war because it has no enemy, at least not on this planet. The concept of humanity excludes the concept of the enemy, because the enemy does not cease to be a human being—and hence there is no specific differentiation in that concept. That wars are waged in the name of humanity is not a contradiction of this simple truth; quite the contrary, it has an especially intensive political meaning. When a state fights its political enemy in the name of humanity, it is not a war for the sake of humanity, but a war wherein a particular state seeks to usurp a universal concept against its military opponent. At the expense of its opponent, it tries to identify itself with humanity in the same way as one can misuse peace, justice, progress, and civilization in order to claim these as one's own and to deny the same to the enemy.

The concept of humanity is an especially useful ideological instrument of imperialist expansion, and in its ethical-humanitarian form it is a specific vehicle of economic imperialism. Here one is reminded of a somewhat modified expression of Proudhon's: whoever invokes humanity wants to cheat. To confiscate the word humanity, to invoke and monopolize such a term probably has certain incalculable effects, such as denying the enemy the quality of being human and declaring him to be an outlaw of humanity; and a war can thereby be driven to the most extreme inhumanity.<sup>23</sup>

<sup>23</sup> On outlawing war, see above, Section 5. Pufendorf (*De iure naturae et gentium*, VIII, 6, #5) quotes approvingly Bacon's comment that specific peoples are "proscribed by nature itself," e.g., the Indians, because they eat human flesh. And in fact the Indians of North America were then exterminated. As civilization progresses and morality rises, even less harmless things

But besides this highly political utilization of the nonpolitical term humanity, there are no wars of humanity as such. Humanity is not a political concept, and no political entity or society and no status corresponds to it. The eighteenth-century humanitarian concept of humanity was a polemical denial of the then existing aristocratic-feudal system and the privileges accompanying it. Humanity according to natural law and liberal-individualistic doctrines is a universal, i.e., all-embracing, social ideal, a system of relations between individuals. This materializes only when the real possibility of war is precluded and every friend and enemy grouping becomes impossible. In this universal society there would no longer be nations in the form of political entities, no class struggles, and no enemy groupings.

The League of Nations idea was clear and precise as long as such a body could be construed as a polemical antithesis of a league of monarchs. It was in this context that the German word *Völkerbund* originated in the eighteenth century. But this polemical meaning disappeared with the political significance of monarchy. A *Völkerbund* could moreover serve as an ideological instrument of the imperialism of a state or a coalition of states against other states. This would then confirm all that has been said previously concerning the political use of the term humanity. For many people the ideal of a global organization means nothing else than the utopian idea of total depoliticalization. Demands are therefore made, almost always indiscriminately, that all states on earth become members as soon as possible and that it be universal. Universality at any price would necessarily have to mean total depoliticalization and with it, particularly, the nonexistence of states.

As a result of the 1919 Paris peace treaties an incongruous organization came into existence—the Geneva establishment, which is called in German *Völkerbund* (in French, *Société des Nations*, than devouring human flesh could perhaps qualify as deserving to be outlawed in such a manner. Maybe one day it will be enough if a people were unable to pay its debts.

and English, the League of Nations) but should properly be called a society of nations. This body is an organization which presupposes the existence of states, regulates some of their mutual relations, and even guarantees their political existence. It is neither universal nor even an international organization. If the German word for international is used correctly and honestly it must be distinguished from interstate and applied instead to international movements which transcend the borders of states and ignore the territorial integrity, impenetrability, and impermeability of existing states as, for example, the Third International. Immediately exposed here are the elementary antitheses of international and interstate, of a depoliticalized universal society and interstate guarantees of the *status quo* of existing frontiers. It is hard to comprehend how a scholarly treatment of the League of Nations could skirt this and even lend support to this confusion. The Geneva League of Nations does not eliminate the possibility of wars, just as it does not abolish states. It introduces new possibilities for wars, permits wars to take place, sanctions coalition wars, and by legitimizing and sanctioning certain wars it sweeps away many obstacles to war. As it has existed so far, it is under specific circumstances a very useful meeting place, a system of diplomatic conferences which meet under the name of the League of Nations Council and the Assembly of the League of Nations. These bodies are linked to a technical bureau, that of the Secretariat. As I have already shown elsewhere,<sup>24</sup> this establishment is not a league, but possibly an alliance. The genuine concept of humanity is expressed in it only insofar as its actual activities reside in the humanitarian and not in the political field, and only as an interstate administrative community does it at least have a tendency toward a meaningful universality. But in view of the League's true constitution and because this so-called League still enables wars to be fought, even this tendency is an ideal postulate only. A league of nations which is not universal can only be political.

<sup>24</sup> *Die Kernfrage des Völkerbundes* (Berlin: Ferd. Dümmler, 1936).

ically significant when it represents a potential or actual alliance, i.e., a coalition. The *jus belli* would not thereby be abolished but, more or less, totally or partially, transferred to the alliance. A league of nations as a concrete existing universal human organization would, on the contrary, have to accomplish the difficult task of, first, effectively taking away the *jus belli* from all the still existing human groupings, and, second, simultaneously not assuming the *jus belli* itself. Otherwise, universality, humanity, depoliticalized society—in short, all essential characteristics—would again be eliminated.

Were a world state to embrace the entire globe and humanity, then it would be no political entity and could only be loosely called a state. If, in fact, all humanity and the entire world were to become a unified entity based exclusively on economics and on technically regulating traffic, then it still would not be more of a social entity than a social entity of tenants in a tenement house, customers purchasing gas from the same utility company, or passengers traveling on the same bus. An interest group concerned exclusively with economics or traffic cannot become more than that, in the absence of an adversary. Should that interest group also want to become cultural, ideological, or otherwise more ambitious, and yet remain strictly nonpolitical, then it would be a neutral consumer or producer co-operative moving between the poles of ethics and economics. It would know neither state nor kingdom nor empire, neither republic nor monarchy, neither aristocracy nor democracy, neither protection nor obedience, and would altogether lose its political character.

The acute question to pose is upon whom will fall the frightening power implied in a world-embracing economic and technical organization. This question can by no means be dismissed in the belief that everything would then function automatically, that things would administer themselves, and that a government by people over people would be superfluous because human beings would then be absolutely free. For what would they be free? This can be

answered by optimistic or pessimistic conjectures, all of which finally lead to an anthropological profession of faith.

## 7

One could test all theories of state and political ideas according to their anthropology and thereby classify these as to whether they consciously or unconsciously presuppose man to be by nature evil or by nature good. The distinction is to be taken here in a rather summary fashion and not in any specifically moral or ethical sense. The problematic or unproblematic conception of man is decisive for the presupposition of every further political consideration, the answer to the question whether man is a dangerous being or not, a risky or a harmless creature.

## [Schmitt's Note]

The numerous modifications and variations of this anthropological distinction of good and evil are not reviewed here in detail. Evil may appear as corruption, weakness, cowardice, stupidity, or also as brutality, sensuality, vitality, irrationality, and so on. Goodness may appear in corresponding variations as reasonableness, perfectibility, the capacity of being manipulated, of being taught, peaceful, and so forth. Striking in this context is the political significance of animal fables. Almost all can be applied to a real political situation: the problem of aggression in the fable of the wolf and the lamb; the question of guilt for the plague in La Fontaine's fable, a guilt which of course falls upon the donkey; justice between states in the fables of animal assemblies; disarmament in Churchill's election speech of October 1928, which depicts how every animal believes that its teeth, claws, horns are only instruments for maintaining peace; the large fish which devour the small ones, etc. This curious analogy can be explained by the direct connection of political anthropology with what the political philosophers of the seventeenth

century (Hobbes, Spinoza, Pufendorf) called the state of nature. In it, states exist among themselves in a condition of continual danger, and their acting subjects are evil for precisely the same reasons as animals who are stirred by their drives (hunger, greediness, fear, jealousy). It is unnecessary to differ with Wilhelm Dilthey: "Man according to Machiavelli is not by nature evil. Some places seem to indicate this. . . . But what Machiavelli wants to express everywhere is that man, if not checked, has an irresistible inclination to slide from passion to evil: animality, drives, passions are the kernels of human nature—above all love and fear. Machiavelli is inexhaustible in his psychological observations of the play of passions. . . . From this principal feature of human nature he derives the fundamental law of all political life."<sup>25</sup> In the chapter "Der Macht mensch" in *Lebensformen*<sup>26</sup> Eduard Spranger says: "For the politician the science of man is naturally of prime interest." It appears to me, however, that Spranger takes too technical a view of this interest, as interest in the tactical manipulation of instinctive drives. In the further elaboration of this chapter, which is crammed full of ideas and observations, there can be recognized time and again the specifically political phenomena and the entire existentiality of the political. For example, the sentence "the dignity of power appears to grow with its sphere of influence" relates to a phenomenon which is rooted in the sphere of the political and can therefore be understood only politically. It is, to be sure, applicable to the following thesis: the weight of the political is determined by the intensity of alignments according to which the decisive associations and dissociations adjust themselves. Also Hegel's proposition concerning the dialectical change of quantity into quality is comprehensible in the context of political thought only (see the note on Hegel, pp. 62–63). Helmuth Plessner, who as the first modern

<sup>25</sup> *Gesammelte Schriften*, 3rd ed. (Berlin: Verlag von B. G. Teubner, 1923), II, 31.

<sup>26</sup> 6th ed. (Halle: Max Niemeyer, 1927).

philosopher in his book *Macht und menschliche Natur* <sup>27</sup> dared to advance a political anthropology of a grand style, correctly says that there exists no philosophy and no anthropology which is not politically relevant, just as there is no philosophically irrelevant politics. He has recognized in particular that philosophy and anthropology, as specifically applicable to the totality of knowledge, cannot, like any specialized discipline, be neutralized against irrational life decisions. Man, for Plessner, is "primarily a being capable of creating distance" who in his essence is undetermined, unfathomable, and remains an "open question." If one bears in mind the anthropological distinction of evil and good and combines Plessner's "remaining open" with his positive reference to danger, Plessner's theory is closer to evil than to goodness. This thesis coincides with the fact that Hegel and Nietzsche too belong on the side of evil, and finally power itself (according to Burckhardt's well-known and by no means unambiguous expression) is also something evil.

I have pointed out several times <sup>28</sup> that the antagonism between the so-called authoritarian and anarchist theories can be traced to these formulas. A part of the theories and postulates which presuppose man to be good is liberal. Without being actually anarchist they are polemically directed against the intervention of the state. Ingenious anarchism reveals that the belief in the natural goodness of man is closely tied to the radical denial of state and government. One follows from the other, and both foment each other. For the liberals, on the other hand, the goodness of man signifies nothing more than an argument with whose aid the state is made to serve society. This means that society determines its own order and that state and government are subordinate and must be distrustfully

<sup>27</sup> (Berlin: Junker & Dünhaupt, 1931).

<sup>28</sup> *Politische Theologie*, pp. 50 ff.; *Die Diktatur: Von den Anfängen des modernen Souveränitätsgedankens bis zum proletarischen Klassenkampf* (Munich: Duncker & Humblot, 1921, 1928; Berlin, 1964), pp. 9, 109, 112 ff., 123, 148.

controlled and bound to precise limits. The classical formulation by Thomas Paine says: society is the result of our reasonably regulated needs, government is the result of our wickedness. <sup>29</sup> The radicalism vis-à-vis state and government grows in proportion to the radical belief in the goodness of man's nature. Bourgeois liberalism was never radical in a political sense. Yet it remains self-evident that liberalism's negation of state and the political, its neutralizations, depoliticizations, and declarations of freedom have likewise a certain political meaning, and in a concrete situation these are polemically directed against a specific state and its political power. But this is neither a political theory nor a political idea. Although liberalism has not radically denied the state, it has, on the other hand, neither advanced a positive theory of state nor on its own discovered how to reform the state, but has attempted only to tie the political to the ethical and to subjugate it to economics. It has produced a doctrine of the separation and balance of powers, i.e., a system of checks and controls of state and government. This cannot be characterized as either a theory of state or a basic political principle.

What remains is the remarkable and, for many, certainly disquieting diagnosis that all genuine political theories presuppose man to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being. This can be easily documented in the works of every specific political thinker. Insofar as they reveal themselves as such they all agree on the idea of a problematic human nature, no matter how distinct they are in rank and prominent in history. It suffices here to cite Machiavelli, Hobbes, Bossuet, Fichte (as soon as he forgets his humanitarian idealism), de Maistre, Donoso Cortés, H. Taine, and Hegel, who, to be sure, at times also shows his double face.

<sup>29</sup> See *Die Diktatur*, p. 114. The formulation by Babeuf in the *Tribun du Peuple*: any institution which does not presuppose the people to be good and the officials corruptible . . . (is reprehensible) is not liberal but meant in the sense of the democratic identity of ruler and ruled.

## [Schmitt's Note]

Hegel, nevertheless, remains everywhere political in the decisive sense. Those of his writings which concern the actual problems of his time, particularly the highly gifted work of his youth, *Die Verfassung Deutschlands*, are enduring documentations of the philosophical truth that all spirit is present spirit. This remains visible also through the correctness or incorrectness of Hegel's ephemeral position on historical events of his time. The historical spirit does not reside in baroque representations or even in romantic alibis. That is Hegel's *Hic Rhodus* and the genuineness of a philosophy which does not permit the fabrication of intellectual traps under the pretext of apolitical purity and pure nonpolitics. Of a specifically political nature also is his dialectic of concrete thinking. The often quoted sentence of quantity transforming into quality has a thoroughly political meaning. It is an expression of the recognition that from every domain the point of the political is reached and with it a qualitative new intensity of human groupings. The actual application of this sentence refers to the economic domain and becomes virulent in the nineteenth century. The process of such a transformation executes itself continuously in the autonomous, so-called politically neutral economic domain. The hitherto nonpolitical or pure matter of fact now turns political. When it reaches a certain quantity, economic property, for example, becomes obviously social (or more correctly, political) power, *propriété* turns into *pouvoir*, and what is at first only an economically motivated class antagonism turns into a class struggle of hostile groups.

Hegel also offers the first polemically political definition of the bourgeois. The bourgeois is an individual who does not want to leave the apolitical riskless private sphere. He rests in the possession of his private property, and under the justification of his possessive individualism he acts as an individual against the totality. He is a man who finds his compensation for his political nullity in the fruits of freedom and enrichment and above all in the total security

of its use. Consequently he wants to be spared bravery and exempted from the danger of a violent death.<sup>30</sup>

Hegel has also advanced a definition of the enemy which in general has been evaded by modern philosophers. The enemy is a negated otherness. But this negation is mutual and this mutuality of negations has its own concrete existence, as a relation between enemies; this relation of two nothingnesses on both sides bears the danger of war. "This war is not a war of families against families, but between peoples, and hatred becomes thereby undifferentiated and freed from all particular personality." \*

The question is how long the spirit of Hegel has actually resided in Berlin. In any event, the new political tendency which dominated Prussia after 1840 preferred to avail itself of a conservative philosophy of state, especially one furnished by Friedrich Julius Stahl, whereas Hegel wandered to Moscow via Karl Marx and Lenin. His dialectical method became established there and found its concrete expression in a new concrete-enemy concept, namely that of the international class enemy, and transformed itself, the dialectical method, as well as everything else, legality and illegality, the state, even the compromise with the enemy, into a weapon of this battle. The actuality of Hegel is very much alive in Georg Lukács.<sup>31</sup> He cites an expression by Lenin which Hegel would have made with reference to the political entity of a warring people instead of a class: "Persons, says Lenin, who think of politics as small tricks which at times border on deceit must be decisively refuted. Classes cannot be deceived."

The question is not settled by psychological comments on optimism or pessimism. It follows according to the anarchist method

<sup>30</sup> "Wissenschaftliche Behandlungsarten des Naturrechts," *Sämtliche Werke* (Glockner edition; Stuttgart: Frommanns Verlag, 1927), I, 499.

\* The translator divided Hegel's intricate phrases which Schmitt quotes. The critical reader may contrive a better translation.

<sup>31</sup> *Geschichte und Klassenbewusstsein* (Berlin: Luchterhand, 1968), *Lenin* (Berlin: Luchterhand, 1968).

that only individuals who consider man to be evil are evil. Those who consider him to be good, namely the anarchists, are then entitled to some sort of superiority or control over the evil ones. The problem thus begins anew. One must pay more attention to how very different the anthropological presuppositions are in the various domains of human thought. With methodological necessity an educator will consider man capable of being educated. A jurist of private law starts with the sentence "one who is presumed to be good."<sup>32</sup> A theologian ceases to be a theologian when he no longer considers man to be sinful or in need of redemption and no longer distinguishes between the chosen and the nonchosen. The moralist presupposes a freedom of choice between good and evil.<sup>33</sup> Because the sphere of the political is in the final analysis determined by the real possibility of enmity, political conceptions and ideas cannot very well start with an anthropological optimism. This would dissolve the possibility of enmity and, thereby, every specific political consequence.

The connection of political theories with theological dogmas of sin which appear prominently in Bossuet, Maistre, Bonald,

<sup>32</sup> The liberal J. K. Bluntschli in his *Lehre vom modernen Staat*, Part III, *Politik als Wissenschaft* (Aalen: Scientia Verlag, 1965, p. 550) asserts against Stahl's doctrine of parties that jurisprudence (which incidentally has nothing to do with this doctrine of parties) does not start from the evilness of man but from the "golden rule of jurists: whoever is presumed to be good," whereas Stahl, in accordance with theology, puts at the top of his thoughts the sinfulness of man. Jurisprudence for Bluntschli is naturally civil law (see above, note 1). The golden rule of jurists derives its meaning from a regulation of the burden of proof. Moreover, it presupposes that a state exists which has created the external conditions of morality by producing a normal situation within which man can be good.

<sup>33</sup> To the extent to which theology becomes moral theology, this freedom-of-choice aspect prevails and weakens the doctrine of the radical evilness of man. "Men are free and endowed with the opportunity to choose [between good and evil]; therefore it is not true that some [men] are good by nature and others evil by nature." Irenaeus, *Contra haereses* (Bk. IV, Ch. 37, Migne, *Patrologia Graeca* VII, col. 1099).

Donoso Cortés, and Friedrich Julius Stahl, among others, is explained by the relationship of these necessary presuppositions. The fundamental theological dogma of the evilness of the world and man leads, just as does the distinction of friend and enemy, to a categorization of men and makes impossible the undifferentiated optimism of a universal conception of man. In a good world among good people, only peace, security, and harmony prevail. Priests and theologians are here just as superfluous as politicians and statesmen. What the denial of original sin means socially and from the viewpoint of individual psychology has been shown by Ernst Troeltsch in his *Soziallehren der christlichen Kirchen und Gruppen* and Seillière (in many publications about romanticism and romantics) in the examples of numerous sects, heretics, romantics, and anarchists. The methodical connection of theological and political presuppositions is clear. But theological interference generally confuses political concepts because it shifts the distinction usually into moral theology. Political thinkers such as Machiavelli, Hobbes, and often Fichte presuppose with their pessimism only the reality or possibility of the distinction of friend and enemy. For Hobbes, truly a powerful and systematic political thinker, the pessimistic conception of man is the elementary presupposition of a specific system of political thought. He also recognized correctly that the conviction of each side that it possesses the truth, the good, and the just bring about the worst enmities, finally the war of all against all. This fact is not the product of a frightful and disquieting fantasy nor of a philosophy based on free competition by a bourgeois society in its first stage (Tönnies), but is the fundamental presupposition of a specific political philosophy.

These political thinkers are always aware of the concrete possibility of an enemy. Their realism can frighten men in need of security. Without wanting to decide the question of the nature of man one may say in general that as long as man is well off or willing to put up with things, he prefers the illusion of an undisturbed calm and does not endure pessimists. The political adversaries of a



clear political theory will, therefore, easily refute political phenomena and truths in the name of some autonomous discipline as amoral, uneconomical, unscientific and above all declare this—and this is politically relevant—a devility worthy of being combated.

[Schmitt's Note]

This misfortune occurred to Machiavelli, who, had he been a Machiavellian, would sooner have written an edifying book than his ill-reputed *Prince*. In actuality, Machiavelli was on the defensive as was also his country, Italy, which in the sixteenth century had been invaded by Germans, Frenchmen, Spaniards, and Turks. At the beginning of the nineteenth century the situation of the ideological defensive was repeated in Germany—during the revolutionary and Napoleonic invasions of the French. When it became important for the German people to defend themselves against an expanding enemy armed with a humanitarian ideology, Machiavelli was rehabilitated by Fichte and Hegel.

The worst confusion arises when concepts such as justice and freedom are used to legitimize one's own political ambitions and to disqualify or demoralize the enemy. In the shadow of an embracing political decision and in the security of a stable political state organization, law, whether private or public, has its own relatively independent domain. As with every domain of human endeavor and thought, it can be utilized to support or refute other domains. But it is necessary to pay attention to the political meaning of such utilizations of law and morality, and above all of the word rule or sovereignty of law.

First, law can signify here the existing positive laws and law-giving methods which should continue to be valid. In this case the rule of law means nothing else than the legitimization of a specific *status quo*, the preservation of which interests particularly those whose political power or economic advantage would stabilize itself in this law. Second, appealing to law can signify that a higher or

better law, a so-called natural law or law of reason, is set against the law of the *status quo*. In this case it is clear to a politician that the rule or sovereignty of this type of law signifies the rule and sovereignty of men or groups who can appeal to this higher law and thereby decide its content and how and by whom it should be applied. Hobbes has drawn these simple consequences of political thought without confusion and more clearly than anyone else. He has emphasized time and again that the sovereignty of law means only the sovereignty of men who draw up and administer this law. The rule of a higher order, according to Hobbes, is an empty phrase if it does not signify politically that certain men of this higher order rule over men of a lower order. The independence and completeness of political thought is here irrefutable. There always are concrete human groupings which fight other concrete human groupings in the name of justice, humanity, order, or peace. When being reproached for immorality and cynicism, the spectator of political phenomena can always recognize in such reproaches a political weapon used in actual combat.

Political thought and political instinct prove themselves theoretically and practically in the ability to distinguish friend and enemy. The high points of politics are simultaneously the moments in which the enemy is, in concrete clarity, recognized as the enemy.

[Schmitt's Note]

With regard to modern times, there are many powerful outbreaks of such enmity: there is the by no means harmless *écrasez l'infame* of the eighteenth century; the fanatical hatred of Napoleon felt by the German barons Stein and Kleist ("Exterminate them [the French], the Last Judgment will not ask you for your reasons"); Lenin's annihilating sentences against bourgeois and western capitalism. All these are surpassed by Cromwell's enmity towards papist Spain. He says in his speech of September 17, 1656: "The first thing, therefore, that I shall speak to is *That* that is the first lesson of Nature: Being and Preservation. . . . The conservation of

that, 'namely of our National Being,' is first to be viewed with respect to those who seek to undo it, and so make it *not to be*." Let us thus consider our enemies, "the Enemies to the very Being of these Nations" (he always repeats this "very Being" or "National Being" and then proceeds): "Why, truly, your great Enemy is the Spaniard. He is a natural enemy. He is naturally so; he is naturally so throughout,—by reason of that enmity that is in him against whatsoever is of God. 'Whatsoever is of God' which is in *you*, or which may be in *you*." Then he repeats: "The Spaniard is your enemy," his "enmity is put into him by God." He is "the natural enemy, the providential enemy," and he who considers him to be an "accidental enemy" is "not well acquainted with Scripture and the things of God," who says: "I will put enmity between your seed and her seed" (Gen. III: 15). With France one can make peace, not with Spain because it is a papist state, and the pope maintains peace only as long as he wishes.<sup>34</sup>

But also vice versa: everywhere in political history, in foreign as well as in domestic politics, the incapacity or the unwillingness to make this distinction is a symptom of the political end. In Russia, before the Revolution, the doomed classes romanticized the Russian peasant as good, brave, and Christian muzhik. A relativistic bourgeoisie in a confused Europe searched all sorts of exotic cultures for the purpose of making them an object of its aesthetic consumption. The aristocratic society in France before the Revolution of 1789 sentimentalized "man who is by nature good" and the virtue of the masses. Tocqueville recounts this situation<sup>35</sup> in words whose shuddering tension arises in him from a specific political pathos: nobody scented the revolution; it is incredible to see the security and unsuspectingness with which these privileged spoke of the goodness, mildness, and innocence of the people when 1793 was already upon them—*spectacle ridicule et terrible*.

<sup>34</sup> Oliver Cromwell's *Letters and Speeches* (Carlyle edition; New York: E. P. Dutton & Co., 1907), III, pp. 149, 150, 151, 153.

<sup>35</sup> *L'Ancien Régime et la révolution*, p. 228.

## 8

Liberalism\* has changed all political conceptions in a peculiar and systematic fashion. Like any other significant human movement liberalism too, as a historical force, has failed to elude the political. Its neutralizations and depoliticizations (of education, the economy, etc.) are, to be sure, of political significance. Liberals of all countries have engaged in politics just as other parties and have in the most different ways coalesced with nonliberal elements and ideas. There are national liberals, social liberals, free conservatives, liberal Catholics, and so on.<sup>36</sup> In particular they have tied themselves to very illiberal, essentially political, and even democratic movements leading to the total state.<sup>37</sup> But the question is whether a

\* This section rests on Schmitt's clear-cut distinction between liberalism and democracy, which he had already developed in 1923 (*Die geistesgeschichtliche Lage des heutigen Parlamentarismus* (Munich: Duncker & Humblot, 1923, 1926; Berlin, 1961, 1969). It is his assertion that liberalism destroys democracy and democracy liberalism.

<sup>36</sup> The combinations could easily be multiplied. German romanticism from 1800 until 1830 is a traditional and feudal liberalism. Sociologically speaking, it is a modern bourgeois movement in which the citizenry was not sufficiently powerful to do away with the then existing political power bathed in feudal tradition. Liberalism therefore wanted to coalesce with tradition as, later on, with the essentially democratic nationalism and socialism. No specific political theory can be derived from consequent bourgeois liberalism. That is the final reason why romanticism cannot possess a political theory but always accommodates itself to contemporaneous political energies.† Historians, such as G. von Below, who always want to see only a conservative romanticism must ignore the palpable historical associations. The three great literary heralds of typical liberal parliamentarianism are typical romantics: Burke, Chateaubriand, and Benjamin Constant.

<sup>37</sup> On the contrast of liberalism and democracy see Carl Schmitt, *Die geistesgeschichtliche Lage*, 2nd ed. (1926), pp. 13 ff.; furthermore, the article

† This topic has been exhaustively treated by Schmitt in his *Politische Romantik*, 2nd ed. (Munich: Duncker & Humblot, 1925; Berlin, 1968). See particularly the preface.

specific political idea can be derived from the pure and consequential concept of individualistic liberalism. This is to be denied.

The negation of the political, which is inherent in every consistent individualism, leads necessarily to a political practice of distrust toward all conceivable political forces and forms of state and government, but never produces on its own a positive theory of state, government, and politics. As a result, there exists a liberal policy in the form of a polemical antithesis against state, church, or other institutions which restrict individual freedom. There exists a liberal policy of trade, church, and education, but absolutely no liberal politics, only a liberal critique of politics. The systematic theory of liberalism concerns almost solely the internal struggle against the power of the state. For the purpose of protecting individual freedom and private property, liberalism provides a series of methods for hindering and controlling the state's and government's power. It makes of the state a compromise and of its institutions a ventilating system and, moreover, balances monarchy against democracy and vice versa. In critical times—particularly 1848—this led to such a contradictory position that all good observers, such as Lorenz von Stein, Karl Marx, Friedrich Julius Stahl, Donoso Cortés, despaired of trying to find here a political principle or an intellectually consistent idea.

In a very systematic fashion liberal thought evades or ignores state and politics and moves instead in a typical always recurring polarity of two heterogeneous spheres, namely ethics and economics, intellect and trade, education and property. The critical distrust of state and politics is easily explained by the principles of a system whereby the individual must remain *terminus a quo* and *terminus*

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by F. Tönnies, "Demokratie und Parlamentarismus," *Schmollers Jahrbuch*, Vol. 51, No. 2 (1927), pp. 1-44. He recognizes the sharp division between liberalism and democracy. See also the very interesting article by H. Hefele, "Demokratie und Liberalismus," *Hochland* I (October 1924), 34-43. On the connection of democracy and the total state see above, pp. 22-25.

*ad quem*. In case of need, the political entity must demand the sacrifice of life. Such a demand is in no way justifiable by the individualism of liberal thought. No consistent individualism can entrust to someone other than to the individual himself the right to dispose of the physical life of the individual. An individualism in which anyone other than the free individual himself were to decide upon the substance and dimension of his freedom would be only an empty phrase. For the individual as such there is no enemy with whom he must enter into a life-and-death struggle if he personally does not want to do so. To compel him to fight against his will is, from the viewpoint of the private individual, lack of freedom and repression. All liberal pathos turns against repression and lack of freedom. Every encroachment, every threat to individual freedom and private property and free competition is called repression and is *eo ipso* something evil. What this liberalism still admits of state, government, and politics is confined to securing the conditions for liberty and eliminating infringements on freedom.

We thus arrive at an entire system of demilitarized and depoliticalized concepts. A few may here be enumerated in order to show the incredibly coherent systematics of liberal thought, which, despite all reversals, has still not been replaced in Europe today [1932]. These liberal concepts typically move between ethics (intellectuality) and economics (trade). From this polarity they attempt to annihilate the political as a domain of conquering power and repression. The concept of private law serves as a lever and the notion of private property forms the center of the globe, whose poles—ethics and economics—are only the contrasting emissions from this central point.

Ethical or moral pathos and materialist economic reality combine in every typical liberal manifestation and give every political concept a double face. Thus the political concept of battle in liberal thought becomes competition in the domain of economics and discussion in the intellectual realm. Instead of a clear distinction between the two different states, that of war and that of peace, there

appears the dynamic of perpetual competition and perpetual discussion. The state turns into society: on the ethical-intellectual side into an ideological humanitarian conception of humanity, and on the other into an economic-technical system of production and traffic. The self-understood will to repel the enemy in a given battle situation turns into a rationally constructed social ideal or program, a tendency or an economic calculation. A politically united people becomes, on the one hand, a culturally interested public, and, on the other, partially an industrial concern and its employers, partially a mass of consumers. At the intellectual pole, government and power turns into propaganda and mass manipulation, and at the economic pole, control.

These dissolutions aim with great precision at subjugating state and politics, partially into an individualistic domain of private law and morality, partially into economic notions. In doing so they deprive state and politics of their specific meaning. Outside of the political, liberalism not only recognizes with self-evident logic the autonomy of different human realms but drives them toward specialization and even toward complete isolation. That art is a daughter of freedom, that aesthetic value judgment is absolutely autonomous, that artistic genius is sovereign—all this is axiomatic of liberalism. In some countries a genuine liberal pathos came to the fore only when this autonomous freedom of art was endangered by moralistic apostles of tradition. Morality became autonomous vis-à-vis metaphysics and religion, science vis-à-vis religion, art, and morality, etc. The most important example of such an autonomy is the validity of norms and laws of economics. That production and consumption, price formation and market have their own sphere and can be directed neither by ethics nor aesthetics, nor by religion, nor, least of all, by politics was considered one of the few truly unquestionable dogmas of this liberal age. With great passion political viewpoints were deprived of every validity and subjugated to the norms and orders of morality, law, and economics. In the concrete reality of the political, no abstract orders or norms but always real

human groupings and associations rule over the other human groupings and associations. Politically, the rule of morality, law, and economics always assumes a concrete political meaning.

[Schmitt's Note]

Note (unchanged from the year 1927): The ideological structure of the Peace of Versailles corresponds precisely to this polarity of ethical pathos and economic calculation. Article 231 forces the German Reich to recognize its responsibility for all war damages and losses. This establishes a foundation for a juridic and moral value judgment. Avoided are such political concepts as annexation. The cession of Alsace-Lorraine is a *désannexion*, in other words a restitution of an injustice. The cession of Polish and Danish territories serves the ideal claim of the nationality principle. The seizure of the colonies is even proclaimed (Article 22) to be an act of selfless humanity. The economic counterpole of this idealism is reparations, i.e., a continuous and unlimited economic exploitation of the vanquished. The result is that such a treaty could not realize a political concept such as freedom, and therefore it became necessary to initiate new "true" peace treaties: the London Protocol of August 1924 (Dawes Plan), Locarno of October 1925, entry into the League of Nations in September 1926—the series is not at an end yet.

The word repression is utilized in liberal theory as a reproach against state and politics. This would have been nothing more than a powerless curse word of political debate if it had not been integrated into a large metaphysical and historical system. It gained thereby a broader horizon and a stronger moral conviction. The enlightened eighteenth century believed in a clear and simple upward line of human progress. Progress should above all result in the intellectual and moral perfection of humanity. The line moved between two points: from religious fanaticism to intellectual liberty, from dogma to criticism, from superstition to enlightenment, from darkness to light. In the first half of the nineteenth century, two

symptomatic triple-structured constructions appear: Hegel's dialectical succession (family—civil society—state) and Comte's three stages (from theology via metaphysics to positive science). The triple structure weakens the polemical punch of the double-structured antithesis. Therefore, soon after a period of order, exhaustion, and attempts at restoration, when the battle began again, the simple double-structured antithesis prevailed immediately. Even in Germany, where it was not meant to be warlike, Hegel's triple-structured scheme was pushed aside in the second part of the nineteenth century in favor of the dual one, domination and association (in Gierke), or community and society (in Tönnies).

The most conspicuous and historically the most effective example is the antithesis formulated by Karl Marx: bourgeoisie and proletariat. This antithesis concentrates all antagonisms of world history into one single final battle against the last enemy of humanity. It does so by integrating the many bourgeois parties on earth into a single order, on the one hand, and likewise the proletariat, on the other. By so doing a mighty friend-enemy grouping is forged. Its power of conviction during the nineteenth century resided above all in the fact that it followed its liberal bourgeois enemy into its own domain, the economic, and challenged it, so to speak, in its home territory with its own weapons. This was necessary because the turning toward economics was decided by the victory of industrial society. The year of this victory, 1814, was the year in which England had triumphed over the military imperialism of Napoleon. The most simple and transparent theory of this historical development is advanced by H. Spencer. He sees human history as a development from the military-feudal to the industrial-commercial society. But the first already systematic expression, the treatise *De l'esprit de conquête*, had been published in 1814 by Benjamin Constant, the initiator of the whole liberal spirit of the nineteenth century.

In the eighteenth century the idea of progress was primarily humanitarian-moral and intellectual, it was a spiritual progress; in

the nineteenth it became economic-industrial-technological. This mutation is decisive. It was believed that the economy is the vehicle of this very complex development. Economy, trade and industry, technological perfection, freedom, and rationalization were considered allies. Despite its offensive thrust against feudalism, reaction, and the police state, it was judged as essentially peaceful, in contrast to warlike force and repression. The characteristic nineteenth-century scheme is thereby formed:

Freedom, progress and reason	against	{feudalism, reaction and force
in alliance with		in alliance with
economy, industry and technology	against	{state, war and politics
as		as
parliamentarianism	against	dictatorship.

The complete inventory of this system of antitheses and their possible combinations is contained in the 1814 treatise by Benjamin Constant. He maintains that we are in an age which must necessarily replace the age of wars, just as the age of wars had necessarily to precede it. Then follows the characterization of both ages: the one aims at winning the goods of life by peaceful exchange (*obtenir de gré à gré*), the other by war and repression. This is the *impulsion sauvage*, the other, on the contrary, *le calcul civilisé*. Since war and conquest are not procuring amenities and comforts, wars are thereby no longer useful, and the victorious war is also bad business for the victor. Moreover, the enormous development of modern war technology (Constant cites particularly the artillery upon which the technological superiority of the Napoleonic armies rested primarily) made senseless everything which had previously been considered in war heroic, glorious, personal courage, and delight in fighting. According to Constant's conclusion, war has lost every usefulness as

well as every attraction; *l'homme n'est plus entraîné à s'y livrer, ni par intérêt, ni par passion*. In the past, the warring nations had subjugated the trading peoples; today it is the other way round.

The extraordinarily intricate coalition of economy, freedom, technology, ethics, and parliamentarianism has long ago finished off its old enemy: the residues of the absolute state and a feudal aristocracy; and with the disappearance of the enemy it has lost its original meaning. Now new groupings and coalitions appear. Economy is no longer *eo ipso* freedom; technology does not serve comforts only, but just as much the production of dangerous weapons and instruments. Progress no longer produces *eo ipso* the humanitarian and moral perfection which was considered progress in the eighteenth century. A technological rationalization can be the opposite of an economic rationalization. Nevertheless, Europe's spiritual atmosphere continues to remain until this very day under the spell of this nineteenth-century historical interpretation. Until recently its formulas and concepts retained a force which appeared to survive the death of its old adversary.

#### [Schmitt's Note]

The best example of this polarity of state and society is contained in the theses of Franz Oppenheimer. He declares his aim to be the destruction of the state. His liberalism is so radical that he no longer permits the state to be even an armed office guard. The destruction is effected by advancing a value- and passion-ridden definition. The concept of state should be determined by political means, the concept of society (in essence nonpolitical) by economic means. But the qualifications by which political and economic means are then defined are nothing more than typical expressions of that pathos against politics and state. They swing in the polarity of ethics and economics and unveil polemical antitheses in which is mirrored the nineteenth-century German polemical tension of state and society, politics and economy. The economic way is declared to be reciprocity of production and consumption, therefore mutuality,

equality, justice, and freedom, and finally nothing less than the spiritual union of fellowship, brotherliness, and justice.<sup>38</sup> The political way appears on the other hand as a conquering power outside the domain of economics, namely, thievery, conquest, and crimes of all sorts. A hierarchical value system of the relation of state and society is maintained. But whereas Hegel's systematized conception of the German state in the nineteenth century considered it to be a realm of morality and objective reason high above the appetitive domain of egoistic society, the value judgment is now turned around. Society as a sphere of peaceful justice now stands infinitely higher than the state, which is degraded to a region of brutal immorality. The roles are changed, the apotheosis remains.

But this in actuality is not permissible and neither moral nor psychological, least of all scientific, to simply define by moral disqualifications, by confronting the good, the just, and the peaceful with filthy, evil, rapacious, and criminal politics. With such methods one could just as well the other way around define politics as the sphere of honest rivalry and economics as a world of deception. The connection of politics with thievery, force, and repression is, in the final analysis, no more precise than is the connection of economics with cunning and deception. Exchange and deception are often not far apart. A domination of men based upon pure economics must appear a terrible deception if, by remaining nonpolitical, it thereby evades political responsibility and visibility. Exchange by no means precludes the possibility that one of the contractors experiences a disadvantage and that a system of mutual contracts finally deteriorates into a system of the worst exploitation and repression. When the exploited and the repressed attempt to defend themselves in such a situation, they cannot do so by economic means. Evidently, the possessor of economic power would consider every attempt to change its power position by extra-economic means as violence and

<sup>38</sup> See the compilation by Fritz Sander, "Gesellschaft und Staat, Studie zur Gesellschaftslehre von Franz Oppenheimer," *Archiv für Sozialwissenschaft*, 56 (1926), 384-385.

crime, and will seek methods to hinder this. That ideal construction of a society based on exchange and mutual contracts and, *eo ipso*, peaceful and just is thereby eliminated. Unfortunately, also, usurers and extortioners appeal to the inviolability of contracts and to the sentence *pacta sunt servanda*. The domain of exchange has its narrow limits and its specific categories, and not all things possess an exchange value. No matter how large the financial bribe may be, there is no money equivalent for political freedom and political independence.

State and politics cannot be exterminated. The world will not become depoliticized with the aid of definitions and constructions, all of which circle the polarity of ethics and economics. Economic antagonisms can become political, and the fact that an economic power position could arise proves that the point of the political may be reached from the economic as well as from any other domain. The often quoted phrase by Walter Rathenau, namely that the destiny today is not politics but economics, originated in this context. It would be more exact to say that politics continues to remain the destiny, but what has occurred is that economics has become political and thereby the destiny.

It is also erroneous to believe that a political position founded on economic superiority is "essentially unwarlike," as Joseph Schumpeter says in his *Zur Soziologie der Imperialismen*.<sup>39</sup> Essentially unwarlike is the terminology based on the essence of liberal ideology. An imperialism based on pure economic power will naturally attempt to sustain a worldwide condition which enables it to apply and manage, unmolested, its economic means, e.g., terminating credit, embargoing raw materials, destroying the currencies of others, and so on. Every attempt of a people to withdraw itself from the effects of such "peaceful" methods is considered by this imperialism as extra-economic power. Pure economic imperialism will also apply

<sup>39</sup> (Tübingen: J. C. Mohr [Paul Siebeck], 1919).

a stronger, but still economic, and therefore (according to this terminology) nonpolitical, essentially peaceful means of force. A 1921 League of Nations resolution<sup>40</sup> enumerates as examples: economic sanctions and severance of the food supply from the civilian population. Finally, it has sufficient technical means to bring about violent death. Modern means of annihilation have been produced by enormous investments of capital and intelligence, surely to be used if necessary.

For the application of such means, a new and essentially pacifist vocabulary has been created. War is condemned but executions, sanctions, punitive expeditions, pacifications, protection of treaties, international police, and measures to assure peace remain. The adversary is thus no longer called an enemy but a disturber of peace and is thereby designated to be an outlaw of humanity. A war waged to protect or expand economic power must, with the aid of propaganda, turn into a crusade and into the last war of humanity. This is implicit in the polarity of ethics and economics, a polarity astonishingly systematic and consistent. But this allegedly nonpolitical and apparently even antipolitical system serves existing or newly emerging friend-and-enemy groupings and cannot escape the logic of the political.

<sup>40</sup> Number 14 of the second gathering, "guidelines" to carrying out Article 16 of the Covenant.