

War, Violence, and the Displacement of the Political

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1. Introduction

The motivation for this paper stems from a certain sense of intellectual disappointment about the recent fondness of many academics for associating the work of Carl Schmitt in general, and his concept of the Political in particular, with the excesses of the current US administration's foreign policy. For example, Lon Troyer argues that Schmitt's friend-enemy distinction is the inspiration for President Bush's 'bi-furcation' of the international system:

The friend-enemy distinction in the sphere of international relations is ordered, in Bush's words, according to the "great divide in our time ... not between religions or cultures, but between civilisation and barbarism".¹

And in another example, German historian Hans August Winkler sees the machinations of Schmitt mediated through the influence of Leo Strauss at work in the neo-conservative policy elite in Washington, D.C.:

Among the most well-known Straussians today are deputy secretary of defence Paul D. Wolfowitz, the founder of the neo-conservative central organ *Weekly Standard*, William Kristol, and Gary Schmitt from the *Project for the New American Century*, one of the neo-conservative think-tanks. They follow the path

¹ Lon Troyer, 'Counterterrorism. Sovereignty, Law, Subjectivity', *Critical Asian Studies*, Volume 35, No. 2, 2003, p. 262.

shown to them by Strauss: the fulfilment (Vollendung) of Carl Schmitt's critique of Liberalism (Liberalismuskritik).²

Both arguments suffer from some severe problems. While Troyer at least gets the distinction between friend and enemy right, his observation of certain hallmarks of the Bush administration's foreign policy mistakes Schmitt's acerbic criticism of Liberalism and its universalist rhetoric for an endorsement of these policies. As for Winkler's assertion, it seems overly simplified to reduce Leo Strauss to a mere 'conduit' for Schmitt's ideas. More significantly, though, it is utterly ironic and paradoxical to refer to one of the great *Liberalenfresser* in Political Theory as the conspiratory source of the current 'Imperial Liberalism' that constitutes the basis of the Bush administration's foreign policy.³

We do agree with the above scholars about the relevance of Schmitt's Political and Legal Theory for our understanding of current international affairs. But his true role, *pace* Troyer, Winkler and others, is as a continually relevant critic of the Liberal project; that is, the attempts of Liberalism to displace Politics and the Political from international affairs and to replace them with a discourse of Morals and Virtue.⁴ The purpose of this paper, then, is twofold: to salvage Schmitt's critique of Liberalism, and to 'unlock' the concepts of the Political and of Politics, displaced in favour of a Liberal moralist

² Heinrich August Winkler, 'Wenn die Macht Recht spricht', DIE ZEIT, No. 26, 18 June 2003, p. 1 of pdf.version; accessed on the Internet at http://hermes.zeit.de/pdf/index.php?doc=/2003/26/Essay_Winkler; all translations from German to English in this paper by A.B.

³ Edward Rhodes, 'The Imperial Logic of Bush's Liberal Agenda', *Survival*, Vol. 45, No. 1 (Spring 2003), pp. 131-154.

⁴ This paper owes a lot of inspiration to Bonnie Honig's excellent book on Political Theory and the Displacement of Politics, Ithaca and London: Cornell University Press 1993.

discourse that refuses to recognise the conditions of its own impossibility.⁵ The next section discusses Schmitt's peculiar contemplation about the justifiability of war, in particular how Schmitt's ideas about war deny any easy appropriation by the Liberal project. The purpose of this section is to develop a particular "Realist" conception of war and violence that emphasises the need to restrain and limit (einhegen) it.

Parts 3 and 4 present a pathology of Liberal thinking in IR Theory and International Law. Critics of the Democratic Peace Theory (DPT) have so far paid little attention to the second prong of the Liberal project, i.e., the re-constitution of international law according to the Liberal *Weltbild*. As we will try to argue in this paper, these two aspects of the Liberal project DPT and the Liberal re-constitution of International Law - are internally related and mutually re-enforcing. A final section will summarise the findings of the previous parts into a critique of the Liberal Project in international affairs.

2. Enmity as a Limitation of Violence

The central argument in Schmitt's Political Theory is that all social realms are based on particular distinctions, and that the realm of the Political is based on the distinction between friend and enemy.⁶ This 'bellicose' formulation is often misunderstood as an argument for the intensification of conflict, as an apology and legitimation for aggressive, war-prone foreign policies.⁷ This interpretation can also be found in the two examples

⁵ The use of Schmitt in this context is perhaps best defended as a *pharmakon*, both poison and remedy, ambivalent in itself, and used to tease out the ambiguities and antinomies of Liberalism. See Jonathan Culler, *Theory and Criticism after Structuralism*, Ithaca, NY: Cornell University Press, 1982, pp. 142-4.

⁶ Carl Schmitt, *The Concept of the Political*. Translated and with an Introduction by George Schwab. With a New Foreword by Tracy B. Strong, Chicago and London: University of Chicago Press 1996, p. 26.

⁷ See for instance Jürgen Habermas' discussion of Schmitt in his 'Kant's Idea of Perpetual Peace, with the Benefit of Two Hundred Year's Hindsight' in James Bohman and Matthias Lutz-Beckmann (eds.),

discussed above. Yet the popularity of this reading does not warrant its correctness. For Schmitt, the central problem of the realm of the Political is the possibility of order and the limitation (Einhegung) of violence in the absence of a central authority.

For Schmitt, as for the Realists, conflict is what characterises the human condition and one of the primary tasks of politics is to make conflict endure, rather than to abolish it. Difference as an ontological condition of political life makes the attempt to eradicate its expressions in favour of Identity the ultimate act of violence in a sense. But for conflict to endure, it must be made enduring. Limits on its scope and intensity have to be imposed to keep it from deteriorating into a war of all against all, with the sole aim of mutual annihilation.

To misunderstand Schmitt as an apologist for violence and aggression is arguably a reflection of the contrary Liberal world-view with its preference for identity, unity and universality. Within the Liberal world, conflict is primarily an expression of a dysfunction, of a breakdown of an order that always ontologically precedes that conflict. Conflict is at best a temporary state of affairs to be overcome through Tolerance, *Herrschaftsfreien Diskurs*, or other means to settle scores rationally.⁸

For Schmitt, on the other hand, conflict itself is infinite, as is the principle of Difference underlying it. We can always differentiate social groups into sub-groups, and these subgroups again into even smaller groups. At some point, then, we need to bundle differences into social, more or less cohesive units that can partake in politics. The

Perpetual Peace. Essays on Kant's Cosmopolitan Ideal, Cambridge, MA: MIT Press 1997, pp. 141 ff. For a critical review of Habermas' position on Schmitt see Andreas Behnke, '9/11 und die Grenzen des Politischen', Zeitschrift für Internationale Politik, Vol. 12, No. 1, 2005.

⁸ For a critical review of these Liberal strategies see Andreas Behnke, '9/11 und die Grenzen des Politischen', Zeitschrift für Internationale Politik, Vol. 12, No. 1, 2005.

requirement for this admission is the sublation of difference on the inside, and its externalisation into the outside realm of the Political.

Conflict is possible as a structure of difference, and such a structure is only possible as a differentiation of unities, a differentiation, that is, of bundled differences. Thus, the specific nature of politics is determined by the specific constitution of opposed unities, making the origins of politics already political, already a battle about what constitutes a politically legitimate unity.⁹

At some level, then, conflict has to be suspended in order for it to be possible. That is, social collectives have to suspend conflict and create a space of relative internal order and identity. For the last 300 years or so, the State has been the level at which political conflict has to be conducted and which therefore defines the line between unity and plurality, cohesion and conflict, order and anarchy. As such, the State is secondary to the Political, it instantiates a particular historical and contingent decision about where to transcend and externalise Difference and to start the realm of politics between these entities.¹⁰

More precisely, the State is based on a *political* decision between Friend and Enemy. It is political in the sense that the decision decides the undecidable.¹¹ There are no grounds for the decision other than the need for the decision itself. Political decision cannot refer to

⁹ William Rasch, 'Conflict as Vocation. Carl Schmitt and the Possibility of Politics', *Theory, Culture & Society*, Volume 17, No. 6, 2000, p. 2.

¹⁰ But see also Schmitt's discussion of a pluralistic state in his 'Ethics of State and Pluralistic State' in Chantal Mouffe (ed.), *The Challenge of Carl Schmitt*. London: Verso 1999, pp. 195-208.

¹¹ Jacques Derrida, 'Force of Law: The "Mythical Foundation of Authority"' in: Drucilla Cornell, Michel Rosenfeld, David Gray Carlson (eds.), *Deconstruction and the Possibility of Justice*, New York and London: Routledge 1992, p. 24-5.

the logic of another realm, be it economy, aesthetics, or morals, to find such foundation.

Political order, in Schmitt's view, defines and justifies itself.

Amongst Friends, unity and cohesion have to be maintained; amongst enemies, limited conflict becomes a political reality. The sovereign State becomes the condition of possibility of identity, norms and rules that are to be effective within a social collective. Sovereignty, however, should not be understood to be a predicate of a pre-existing entity. Sovereignty instead is the designation of a position from which the decision about Friend and Enemy is taken. Sovereign, according to Schmitt, is he who decides on the exception, both in terms of norms and space.¹² In what Derrida calls a 'coup de force', the Sovereign sets himself as the authority that makes decisions about the moment of the validity of norms as well as the spatial scope of their validity. Within such spaces, a consensus about (national) identity and basic norms has to be enforced. In other words, the decision about these conditions of community has to be de-politicised via ideological constructs, such as nationalism and other systems of signification through which socially and politically constituted identities become naturalised.

But the limits on conflict that the State imposes are not only effective in terms of a bundling and transcending of difference into solidarity. As Carl Schmitt emphasised, the concept of the Political also implies a limit on the intensity of conflict, as it contains a normative preference for the distinction between Friend and *Enemy*, not Friend and *Foe*. While the latter differentiation tends towards total war and annihilation, the former rests on a modicum of mutual respect and restraint.¹³ Between states, conflict takes on the form

¹² Carl Schmitt, *Politische Theologie. Vier Kapitel zur Lehre von der Souveränität* (Berlin: Duncker & Humblot, 1996), 13.

¹³ Carl Schmitt, 'Hinweise', in *Der Begriff des Politischen*. Text von 1932 mit einem Vorwort und drei Corollarien, Berlin: Duncker & Humblot, 1991, p. 119; George Schwab, 'Enemy or Foe: A Conflict of

of a duel among equals, not a campaign of extermination. Moreover, this external limitation on the intensity of conflict must be understood as the outcome of the former limitation on the scope of conflict. For every State rests upon and enforces what we might call a 'regime of truth' under its sovereign gaze. Truth, as Foucault suggests, is 'a thing of this world: it is produced only by virtue of multiple forms of constraint. [...] Each society has its régime of truth, its "general" politics of truth: that is, the types of discourse which it accepts and makes function as true'.¹⁴ Truth is never outside power, it depends on it for its own production, as well as it produces and reproduces power. Truth exists within a 'geography of knowledge', and once 'knowledge can be analysed in terms of region, domain, implantation, displacement, transposition, one is able to capture the process by which knowledge functions as a form of power and disseminates the effects of power'.¹⁵ Within the context of the international system, truth therefore is pluralised, and any universalist or globalist arrogation of truth runs up against the anarchical economy of knowledge in the international system.¹⁶ The agonism of international politics is paired, or should be paired, with an 'agnosticism' in terms of universal and metaphysical claims to truth. The political space of the international system is therefore best characterised as universal pluralism, with sovereignty as the nodal point in this paradoxical structure. In Rob Walker's words,

Modern Politics', *Telos*, No. 72, Summer 1987; G.L. Ulmen, 'Return of the Foe', *Telos*, No. 72, Summer 1987.

¹⁴ Michel Foucault, 'Truth and Power', in *Power/Knowledge: Selected Interviews & Other Writings 1972-1977* by Michel Foucault, ed. Colin Gordon (New York: Pantheon Books 1980), 109-133.

¹⁵ Michel Foucault, 'Questions on Geography', in *Power/Knowledge*, ed. Colin Gordon, 69.

¹⁶ International Law itself does not contradict this description, as it is based on the general consensus of sovereign states. However, the domain of 'cosmopolitan law', i.e., 'those elements of law ... which create powers and constraints, and rights and duties, which transcend the claims of nation states' such as human rights, humanitarian law, etc, should be considered part of this Globalisation process. The relationship between states and cosmopolitan law and the role of the latter is one of the lacunae yet to be properly addressed. See David Held et al., *Global Transformations. Politics, Economics and Culture* (Cambridge: Polity Press, 1999), 70ff. for a first cut.

all claims to universality within states [depend] upon the explicit but often silent recognition that such claims to universality are in fact particularistic, are made on behalf of a particular group of citizens, rather than of people as members of a common community.¹⁷

Universalist claims are therefore themselves political, as they ‘project’ and de-limit particularistic truth claims beyond their recognised realm. Consequently,

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 civilisation in order to claim these as one’s own and to deny the same to the enemy.¹⁸

In the case of humanity, the ‘confiscation’ of this concept becomes particularly noxious, as it denies the Other the quality of being human, turning him instead into an outcast of humanity, a monster. Against such incarnations of Evil, violence must strive towards eradication, warfare towards pre-emption. As William Rasch has elaborated, ‘If humanity is both the horizon and the positive pole of the distinction that that horizon enables, then the negative pole can only be something that lies *beyond* that horizon, can only be something completely antithetical to horizon and positive pole alike – can only, in other

¹⁷ R.B.J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993), p. 63.

¹⁸ Carl Schmitt, *The Concept of the Political*. Translated and with an Introduction by George Schwab. With a New Foreword by Tracy B. Strong, Chicago and London: University of Chicago Press 1996, p. 54.

words, be *inhuman*'.¹⁹ The Foe, in other words, has no humanity left in him, he cannot claim even a modicum of respect and recognition.²⁰ War against this Foe cannot accept any limits, morally charged with a decision on good and evil, it therefore tends towards 'total war'.²¹

It is worthwhile to contrast this moralist notion of war with Schmitt's own:

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.²²

War, in other words, only has a political justification as the defence of a social community against its enemies, but it cannot muster any moral justification in the sense of it becoming an instrument of the imposition of a universal Good. Three factors militate

¹⁹ William Rasch, 'Human Rights as Geopolitics. Carl Schmitt and the Legal Form of American Supremacy', *Cultural Critique* 54, Spring 2003, p. 136.

²⁰ As Susan Sontag has pointed out, this process of de-humanisation has become an integral part of the American 'war on terror' and finds its most blatant expression in the treatment of the prisoners at Abu Ghraib and Guantanamo. See Susan Sontag, 'Regarding the Torture of Others', *New York Times*, 23 May, 2004; accessed on the Internet at <http://www.nytimes.com/2004/05/23/magazine/23PRISONS.html>.

²¹ Carl Schmitt, *Die Wendung zum diskriminierenden Kriegsbegriff*, Berlin: Duncker & Humblot 1988, p. 33.

²² Carl Schmitt, *The Concept of the Political*. Translated and with an Introduction by George Schwab. With a New Foreword by Tracy B. Strong, Chicago and London: University of Chicago Press 1996, p. 48-9.

against such a moralisation of warfare. First, there is the argument that no Good can justify the killing of men. For Schmitt, the very logic of war, the killing of other men, works against its instrumentalisation beyond self-defence. Secondly, to link war with morals and Virtue in such fashion, is to remove the central constraint on warfare. War as the enforcement of universal (humanitarian) values tends towards its total, unrestrained form. War against Evil cannot recognise the dignity of the Other, it cannot stop short of the annihilation of the Foe. And third, as the world is a 'pluriverse' rather than a universe for Schmitt, no norm can provide a universally accepted rationale for war.²³

Schmitt's interpretation of the international system therefore focuses on the principle of Difference and makes it the basis of his understanding of the Political. It is important to emphasise the radical nature of his conceptualisation of Difference, which exceeds the Liberal understanding of it. Certainly, no Liberal would question the *ontic* plurality of the international system with its different cultures, regimes, and identities. Yet to the Liberal mind, these differences never become an *ontological* issue, as they are cognisable and mapable from a single universalist vantage point. Against the ontological difference of international politics, the Liberal mind brings into play the epistemic and normative universalism of a 'view from nowhere' that maps the world according to its own standards. Hence the Liberal appreciation of difference is always modified by, and contingent upon, its ability to contain this difference within an un-political, or rather de-politicised epistemology. For Liberalism, difference is universal.

²³ Carl Schmitt, *The Concept of the Political*. Translated and with an Introduction by George Schwab. With a New Foreword by Tracy B. Strong, Chicago and London: University of Chicago Press 1996, p. 5 Carl Schmitt, *The Concept of the Political*. Translated and with an Introduction by George Schwab. With a New Foreword by Tracy B. Strong, Chicago and London: University of Chicago Press 1996, p. 53.

For Schmitt, however, Difference is pluriversal, or more precisely, heterologous in itself. Difference is different in itself, there is no one site from which to assess, surveille and map it. Difference extends to the epistemic realm itself, undermining any attempt to constrain its effects by universalising the categories of difference. The world appears different from different perspectives.

For the Liberal imaginary, this pluralisation of truth is a scandal for it denies the possibility to map, surveille and administer global political space. It questions and undermines any pretence to an un-political, transcendental knowledge about the world that can provide the legitimacy for Liberal interventions and applications of violence. In essence then, Schmitt's contribution to the current debate over American Foreign Policy, Empire, and Liberal Imperialism is a critical reflection on the particular rendition of the relationship between Truth, Politics, and Violence that underlies the Liberal Project. What unites the different aspects of this project is an understanding that places Truth outside and before Politics, and considers Violence to be either justified in the realisation of the former, or the result of a blatant denial of it. What Liberalism is concerned with is, in other words, to turn the pluriverse of international politics into a universe, in which the effects of difference are controlled from a "meta-sovereign" site that provides the Truth about those different regimes of truth in global politics. In the following sections we will trace this general pathology of Liberalism through its symptoms in DPT and International Law.

3. The Liberal Project I: Democratic Peace Theory

Democratic Peace Theory (DPT) starts with the observation that liberal democratic states do not go to war with each other. Democratic states, it appears, are exempt from the logic of anarchy that dooms other states to live in a state of war. This, its proponents proudly proclaim, ‘comes as close as anything we have to an empirical law in international relations’.²⁴ Much of the literature and debate within DPT is about the proper explanation of this phenomenon. Some scholars explain it by reference to cultural and normative factors, arguing that ‘decision-makers in democracies follow norms of peaceful conflict resolution that reflect domestic experiences and values’. Other students of DPT focus on the structural and institutional characteristics of democracies, arguing that mechanisms such as checks and balances, separation of power, and the need for public debate constrain the options to go to war.²⁵

What unites these variations on the theme of Democratic Peace is the shared commitment to treat ‘democracy’ as an epistemologically unproblematic predicate of certain states. As Lynn-Jones explains, the debate over Democratic Peace is in effect a debate with the Realists over the relevance of ‘unit-level characteristics’ for the explanation of states’ behaviour.²⁶ What is routinely missing from this explanation is a consideration of the conditions of possibility for coding ‘democracy’ as a unit-level variable in the first place. What appears to be a mere methodological problem in fact contains an epistemological and philosophical intervention, the radicalness of which DPT must hide in order not to

²⁴ Jack S. Levy, ‘Domestic Politics and War’, cited in Sean M. Lynn-Jones, ‘Preface’ in Michael E. Brown, Sean M. Lynn-Jones and Steven E. Miller (eds.), *Debating the Democratic Peace*, Cambridge, MA: MIT Press, 1996, p. ix.

²⁵ Sean M. Lynn-Jones, ‘Preface’ in Michael E. Brown, Sean M. Lynn-Jones and Steven E. Miller (eds.), *Debating the Democratic Peace*, Cambridge, MA: MIT Press, 1996, p. xviii. For an excellent critical overview over the different variations of DPT see Anna Geis, ‘Diagnose: Doppelbefund – Ursache: ungeklärt – Die Kontroversen um den “demokratischen Frieden”’, *Politische Vierteljahresschrift*, Vol. 42, Nr. 2, 2001, pp. 282-298.

²⁶ Sean M. Lynn-Jones, ‘Preface’ in Michael E. Brown, Sean M. Lynn-Jones and Steven E. Miller (eds.), *Debating the Democratic Peace*, Cambridge, MA: MIT Press, 1996, p. x.

undermine its own logic. Through this ‘methodological’ move, the Political is ostracised and the ground prepared for its replacement with a moralist discourse.

Perhaps the best way to problematise this move in terms of its political as well as philosophical implications is to remember that ‘democracy’ is an ‘essentially contested concept’, a concept, in other words, that defies a closure through fixed definition. In W. B. Gallie’s words, ‘When we examine the different uses of these terms and the characteristic arguments in which they figure we soon see that there is no one clearly definable general use of any of them which can be set up as the correct or standard use’.²⁷ These concepts defy any such fixation, as they are an essential part of the political contestations that they on the surface seem to only describe or analyse. ‘Democracy’ in fact is used by Gallie himself as one of the primary examples of such concepts.²⁸ The uses of this concept in political discourse are therefore always political themselves, as they privilege one particular instantiation of it over others, thus legitimising one form over its alternatives. For Gallie, the Liberal definition of democracy cannot claim any universal applicability. At best, claims about this particular definition ‘reflect our grasp of a particular historical truth ... as to how democracy has taken root and flourished in the west. But if they are put forward as universal political truths expressing the necessary conditions of any genuinely democratic aspirations or achievements, then they are surely open to question’.²⁹

²⁷ W.B. Gallie, ‘Essentially Contested Concepts’, *Proceedings of the Aristotelian Society*, London, New Series, Volume LVI, 195-56, p. 168.

²⁸ W.B. Gallie, ‘Essentially Contested Concepts’, *Proceedings of the Aristotelian Society*, London, New Series, Volume LVI, 195-56, pp. 183-7.

²⁹ W.B. Gallie, ‘Essentially Contested Concepts’, *Proceedings of the Aristotelian Society*, London, New Series, Volume LVI, 195-56, p. 182 [fn. 3).

The consequences of the identification of ‘democracy’ as an essentially contested concept are also relevant for our assessment of DPT. Firstly, it is logically impossible to adjudicate between contending claims of what democracy *really* is. More specifically, democracy becomes a purely formal concept, exactly because its contested nature defies any substantive definition. Secondly, the assumption of a ‘scientific perspective’ also offers only another reordered structure of complexity. ‘To the extent that the investigator stakes out a position on these conceptual contests and we know about it, he can be said to participate in our politics itself. For these contests over the correct use of partly shared appraisal concepts are themselves an intrinsic part of politics’.³⁰ DPT, in other words, deconstructs itself. Its self-understanding as a scientifically detached and objectified stance outside the political processes through which the meaning of ‘democracy’ is established becomes itself as political a move as the distinction between democracy and its others.

Within states, a temporal adjudication of the contest on the meaning of democracy is possible, and even necessary. Here, constitutions usually decide about the structure of democracy and the reading of new developments as democratic or undemocratic. Yet in the realm of international politics there is no such institutionalised position from which to adjudicate conceptual contests.³¹ Within the international system, no Voice is present to declare one form of political organisation more democratic than the other. ‘Democracy’ can therefore become a free-floating signifier, applicable to, and applied to, a number of different political structures. If there is any ‘democratic-ness’ in the international system,

³⁰ William E. Connolly, *The Terms of Political Discourse*, Blackwell: Oxford, UK, 1994, p. 39.

³¹ Interestingly, Gallie’s construction of an ‘artificial example’ to highlight the inherent logic of essentially contested concepts in which different ‘teams’ vie for ‘championship’ in a setting without any judges or referees in a sense emulates the anarchical structure of the international system.

it resides exactly within the contestability and the actual contest of different political and social designs.

The task DPT faces is therefore a formidable one. It has to extract 'democracy' from the very contest that defines its possibility in the international system and fashion a purely descriptive and analytical concept out of an essentially contested one.

DPT, in other words, works with a fixed and stabilised meaning of democracy that does not show much regard for the historically and culturally contingent articulations of this term within political discourse.

Based on this reification of democracy, the term becomes available for the differentiation between types of states. More specifically, different types of states can now be hierarchically ordered according to their democratic-ness or lack thereof. Democracy becomes a fixed and objectified set of values and norms that sets states apart not only in terms of being different, but also in terms of being better.

DPT, in other words, takes sides. As Ido Oren's study on the 'Changing U.S. Perceptions of Imperial Germany' demonstrates, 'democracy' [in the U.S. foreign policy discourse] is usually coded in terms of current American normative and empirical structures.³² Any constestability of this particular ordering of democracy's complex internal structure is disregarded. Consequently, 'democracy' should be read as 'of our kind' or 'America-like'. As the author demonstrates, this normative structure between the American self and foreign other is indeed an important feature in the formulation and execution of America's foreign relations.

³² Ido Oren, 'The Subjectivity of the "Democratic Peace". Changing Perceptions of Imperial Germany' in Michael E. Brown, Sean M. Lynn-Jones and Steven E. Miller (eds.), *Debating the Democratic Peace*, Cambridge, MA: MIT Press, 1996, pp. 263-300.

DPT is therefore an active intervention into the anarchical logic of international politics. ‘Anarchy’, as Alex Wendt has put it so succinctly ‘is what states make of it’ and part of what they make of it and each other is the designation of identities as friends or enemies. The uses and abuses of ‘democracy’ are part and parcel of these processes and should be considered part of the subject matter of our critical studies, rather than serving our methodological assumptions.³³

The fact that we can identify DPT as an expression of a political move itself, however, does not yet tell us how and to what effect it intervenes in the logic of international politics. For Schmitt, conflict was made endurable by creating an agonistic structure of mutual restraint between equal sovereigns. Conflict, to repeat the point, is inherent in politics, and not something imported into an otherwise harmonious system by ‘pathological’ actors. Moreover, there is an economy of truth in the international system, (more or less) isomorphic with its anarchical structure. As truth is always involved with power, it hardly exceeds the boundaries of the latter, tying it intimately to the geographics of sovereignty and anarchy.

DPT goes up against all of these features. For Liberalism, anarchy understood this way is a scandal that needs to be resolved. First of all, truth becomes centralised, as it now becomes possible to give Voice to the proper identification of democracy and the universal validity of the values associated with it. Consequently, the agonistic respect that characterises the relationship between states in Schmitt’s Realism is now replaced with a hierarchical relation, in which Tolerance defines the benevolent, and Intervention the

³³ This is in a sense a move similar to Foucault’s rejection of ‘human nature’ as a relevant explanatory factor for the social sciences. In its stead, Foucault was interested in the function the concept of ‘human nature’ played in our societies. See Paul Rabinow, ‘Introduction’ in *The Foucault Reader. An Introduction to Foucault’s Thought*, Paul Rabinow ed., London, Penguin Books, 1991. In a similar fashion, we are not interested in the explanatory value of ‘democracy’ but instead in its function within Liberal IR theory.

belligerent extremes.³⁴ Liberalism therefore creates a hierarchy of states in which some are virtually *a priori* suspicious, dangerous, and threatening. As such, they are the object of constant strategic surveillance, concern and, if need be intervention by democratic states.

DPT therefore produces a particular ontology of the international system, in which the meaning of anarchy is virtually voided of any content. The dispersion of power, truth, and identities into a 'system of difference' is now overcome and resolved into an inside/outside distinction, with a binary and logocentric definition of identities in terms of democracy and its other, supported by an exceedingly heroic epistemic commitment that vouches for the veracity of this reality. Convinced of the universality of its own civilisational standards and understanding difference as potential danger, DPT opens again the possibility of a 'discriminatory concept of war'.³⁵ War now becomes either the use of force for a greater, indeed universal good, or it is considered a perpetration, a rebellion against the order, or a crime.³⁶ The introduction of a discriminatory concept of war therefore ultimately abolishes war. What it does not abolish is violence amongst states. In fact, to the extent that this new law of war extinguishes the limitations and inhibitions that were founded on the mutual recognition of states as equals, it opens the floodgates of 'total war'. For a perpetrator, a 'rogue state' does not deserve the equal respect of the world community. It has to be punished, its crime eradicated, its leadership removed. War turns from instrumental to righteous, from justifiable to just.³⁷

³⁴ John Rawls, *The Law of Peoples*, Cambridge, MA and London: Harvard University Press, 1999.

³⁵ Carl Schmitt, *Die Wendung zum diskriminierenden Kriegsbegriff*, Berlin: Duncker & Humblot, 1988.

³⁶ Carl Schmitt, *Die Wendung zum diskriminierenden Kriegsbegriff*, Berlin: Duncker & Humblot, 1988, pp. 42-3.

³⁷ Peter Schneider, 'Die falsche Gewissheit', *Der Spiegel*, No. 35, 26 August 2002, p. 168.

There remains one problem for the Liberal project in its desire to overcome the scandal of anarchy. International Law traditionally insists on the sovereign equality of states and does not acknowledge the existence of a priori categories of states. Even the UN Charter, while outlawing ‘the threat or use of force’ in the international relations of states, only disciplines states that violate this proscription after the fact, and includes non-intervention among its fundamental tenets. The normative assumptions of International Law thus far refuse to bow to the ‘facts’ of DPT.

It is therefore only logical that the Liberal project involves a second track, attempting to re-define the basic assumptions of International Law in order to make them ‘fit’ the Liberal ontology of global politics.

4. The Liberal Project II: Liberal Re-formulations of International Law

“The ... behavioural distinctions between liberal democracies and other kinds of States, or more generally between liberal and non-liberal States, cannot be accommodated within the framework of classical international law’.³⁸ Hence, the Liberal logic goes,

International Law needs to be revolutionised. Its idealised assumption about the sovereign equality of all states has to be modified to allow for the special status of liberal democracies, and therefore logically for the inferior status of non-democracies.

International Law as practice and academic discipline has to overcome its ‘reality deficit’ and ‘suspicions of its own irrelevance’ by acknowledging the ‘facts’ of international life.

³⁸ Anne-Marie Slaughter, ‘International Law in a World of Liberal States’, *European Journal of International Law*, Vol. 6, 1995, p. 504-5.

Only this way will law be effective and relevant in terms of producing desirable political outcomes. Law, in other words, now focuses on its regulatory aspects, leaving the constitutive element, its ability to define and establish agency and identity in international politics, to the empirical facts of DPT. As the latter has demonstrated that democracies constitute a different class of states, and as this goes against the constitutive legal fiction of sovereign equality upon which traditional International Law insists, the Liberal re-formulation must dispense with this traditional aspect of Law.

There are a number of problems associated with this particular move. First of all, it remains unclear why 'reality' should replace 'fiction' in International Law. All legal and political systems are based on fictions. No democracy itself ever lives up fully to its assumptions about the identity of its citizens, the openness of its processes, and the rationality of its decision-making. Nonetheless, these fictions serve a particular purpose, as they reduce the complexity of 'real life' and allow the formal political processes to function relatively smoothly. To play legal fiction off against the facts of reality in order to salvage a purportedly lost 'relevance' is therefore disingenuous and unnecessary.³⁹

Secondly, it is not immediately clear that International Law should let such a functionalist approach define its disciplinary identity. As Martti Koskenniemi has pointed out, at the heart of the legal discipline is 'the question about (valid) law'. 'Answers to the question about (valid) law are conditioned upon the criteria for validity that a legal system uses to define its substance. ... [D]oing away with it has definite social consequences. Not least of these is the liberation of the executive from whatever constraints (valid) legal rules

³⁹ We would like to thank Pål Wrange for bringing this point to our attention.

might exert over them'.⁴⁰ Koskenniemi's observation about the domestic effects of a functional instrumentalisation of law takes on even more urgency in the international realm with its much weaker institutionalisation of law. And it points to the danger that such an approach to law could lead to a de-limitation of violence in the conduct of states. If the question of the general validity of law that regulates the behaviour of states is replaced by a concern with the most effective realisation of political outcomes, the question about the relationship between means and ends becomes problematic again. For Liberals such as Slaughter, Reisman, and Fox, 'liberal democracy' defines a class of states that is *a priori* privileged in terms of its contribution to, and behaviour within, the international system. Thus the question of the extent to which the compliance with international law itself help[s] *constitute the identity* of a state as a law-abiding state and hence as a 'liberal' state' can never be addressed.⁴¹ Given the essentialised identity of liberal democratic states, this identity itself warrants faith in their behaviour. Accordingly, the limits on the use of force that are imposed indiscriminately on democracies and non-democracies alike by traditional International Law need to be relaxed in favour of the former so as to better control and contain the behaviour of the latter. At a minimum, the general rules of International Law should be defined and set by democratic states, even when they apply to non-democratic states as well.⁴² More significantly though, all non-democratic states are inherently more dangerous than democracies. They are 'viewed *prima facie* as unreasonable, unpredictable, and

⁴⁰ Martti Koskenniemi, 'Carl Schmitt, Hans Morgenthau, and the Image of Law in International Relations' in Michael Byers (ed.), *The Role of Law in International Politics. Essays in International Relations and International Law*, Oxford: Oxford University Press, 2000, pp. 31-2.

⁴¹ Harold Koh, 'Why Do Nations Obey International Law?', *Yale Law Journal*, Vol. 106, No. 8, June 1997, p. 2650.

⁴² Anne-Marie Slaughter, 'International Law in a World of Liberal States', *European Journal of International Law*, Vol. 6, 1995, p. 515.

potentially dangerous. ... Illiberal States may seek ends such as conquest, intolerance, or impoverishment of others'.⁴³ Instability and violence are thus caused by the residual presence of non-democratic regimes 'in a world of liberal states'. In its most extreme form, the argument comes to the conclusion that 'a government founded on any principle other than some form of self-government should no longer qualify for recognition as an independent state'.⁴⁴ As Byers and Chesterman have pointed out, this would 'deprive about one-third of the world's States of the protection of Article 2(7)' of the UN Charter.⁴⁵ This, however, is hardly a problem for the Liberal project. In fact, it is part and parcel of their attempt to eradicate the sources of conflict and violence in the international system. For these countries are the exclusive sources of 'human catastrophes' and 'massive human suffering' in global politics and as such the object of democracies' 'duty to prevent'. In order to enable democracies to do this, traditional International Law's prohibition of intervention and protection of state sovereignty 'will not do'.⁴⁶ According to the Liberal theory, danger and insecurity are not systemic conditions of political life, rather, they are imported into the system via the working of particular regimes.

Accordingly, the presence of WMD itself does not constitute a problem as such. They do

⁴³ John M. Owen, IV, 'International law and the "liberal peace"' in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, p. 354.

⁴⁴ Anne-Marie Slaughter, 'International Law and International Relations Theory: A Dual Agenda', *The American Journal of International Law*, Vol. 87, No. 205, 1993, p. 236.

⁴⁵ Michael Byers and Simon Chesterman, "'You, the People": pro-democratic intervention in international law' in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, p. 283.

⁴⁶ Lee Feinstein and Anne-Marie Slaughter, 'A Duty to Prevent', *Foreign Affairs*, Vol. 83, No. 1, January/February 2004, p. 136. But see the somewhat more moderate position of John M. Owen, who identifies sovereignty as an 'objective other than peace' that the UN continues to uphold and which needs to be balanced with the spread of liberal peace via intervention. However, it is unclear from his presentation what function or objective sovereignty is actually fulfilling in the international system and why the UN continues to 'take state sovereignty seriously'. Ultimately, it is an obstacle on the path towards making the world a more peaceful place by intervening against non-liberal/non-democratic states. See John M. Owen, IV, 'International law and the "liberal peace"' in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, pp. 384-5.

turn noxious, however, as soon as they are in the hands of ‘rulers without internal checks on their power’, ‘rulers who menace their own citizens as much as they do their neighbours and potential adversaries’ or ‘individuals who seek absolute power at home or sponsor terrorism abroad’.⁴⁷

These rulers and their regimes can be identified by evaluating their behaviour according to the criteria already documented in the UN system: the rule of law and human rights; rights of association and organization; freedom of expression and belief; and personal autonomy and economic rights.⁴⁸

The Liberal Project thus establishes an epistemic hegemony over its Other. Self-determination and the notion inherent in democracy that the people within a society are the proper point of reference for any such assessment of the political performance of its leadership are eliminated in favour of an apparently objectified, yet clearly Liberal gaze. And in order to prevent the ‘problem cases’ from exercising their potential for violence, liberal states are empowered to exercise their potential for violence in

the form of diplomatic pressure or incentives, economic measures, or coercive action, often in combination. It can also incorporate new strategies such as indicting individual leaders ... [or] support for non-violent resistance movements that are dedicated to democratising their governments.⁴⁹

⁴⁷ Lee Feinstein and Anne-Marie Slaughter, ‘A Duty to Prevent’, *Foreign Affairs*, Vol. 83, No. 1, January/February 2004, pp. 137, 140.

⁴⁸ Lee Feinstein and Anne-Marie Slaughter, ‘A Duty to Prevent’, *Foreign Affairs*, Vol. 83, No. 1, January/February 2004, p. 140.

⁴⁹ Lee Feinstein and Anne-Marie Slaughter, ‘A Duty to Prevent’, *Foreign Affairs*, Vol. 83, No. 1, January/February 2004, p. 145.

Now most of these tactics are also legitimate under traditional international law. The significant change lies in the observation that for Liberal International Lawyers, ‘the duty to prevent’ can and should be exercised *pre-emptively*. The fact that Saddam Hussein did in fact not possess WMD did not take him off the list of the Liberal project, as the ‘nature of his regime’ defined his dangerousness, giving reason to ‘prosecute Saddam Hussein for crimes against humanity committed back in the 1980s’⁵⁰. In other words, the prosecution would be a matter of expediency, with the goal not the pursuit of justice, but the elimination of a particular regime. Again, the functionalist and purely regulatory truncation of International Law shows its face.

Finally, given the *duty* to prevent assigned to Liberal states, the UN Security Council is but one of different institutional structures through which to conduct the intervention. It is an expedient choice, rather than the exclusive one, as it still has ‘unmatched legitimacy’. However, given the urgency of the cause, less legitimate alternatives for enforcement, i.e., regional organizations or unilateral actions are acceptable too once the UNSC is ‘paralysed’.⁵¹ In this case, a unilateral intervention might be ‘illegal but legitimate’. Again putting purpose ahead of process, the ends justify the means. As for Iraq, ‘even without such evidence [of weapons of mass destruction] the United States and its allies can justify their intervention if the Iraqi people welcome their coming and if they turn immediately back to the United Nations to rebuild the country’.⁵²

⁵⁰ Lee Feinstein and Anne-Marie Slaughter, ‘A Duty to Prevent’, *Foreign Affairs*, Vol. 83, No. 1, January/February 2004, p. 139.

⁵¹ Lee Feinstein and Anne-Marie Slaughter, ‘A Duty to Prevent’, *Foreign Affairs*, Vol. 83, No. 1, January/February 2004, p. 148.

⁵² Anne Marie Slaughter, ‘Good Reasons for Going Around the U.N.’, *New York Times*, 18 March 2003, p. A33.

Leaving aside the problem whether a ‘return back’ to the institution that was shunned in the decision-making process about the intervention in the first place can really establish the *post hoc* legitimacy of the intervention, and how to establish the response of the ‘Iraqi people’ in an unambiguous fashion, what becomes clear in these formulations is that Liberal war is ultimately an ontological war, a war against a different form of being, rather than a war against a strategic enemy. Its most consistent formulation defines the Foe simply in terms of its adherence to allegedly universal definitions of ‘popular sovereignty’ and dispense with any kind of consideration of the extent to which such a country produces a manifest strategic threat. At stake is now whether a state is based on ‘popular sovereignty’ rather than the ‘anachronistic’ rule of

some home-grown specialist in violence who seizes and purports to wield the authority of the government against the wishes of the people, by naked power, by putsch or by coup, by the usurpation of an election or by those systematic corruptions of the electoral process in which almost 100 percent of the electorate purportedly votes for the incumbent’s list.⁵³

What counts in ‘modern International Law instead is ‘the sovereignty of the people and not a metaphysical abstraction called the State’.⁵⁴ This argument however, is problematic in so far as it stipulates a possible distinction between the State as ‘a metaphysical

⁵³ W. Michael Reisman, ‘Sovereignty and human rights in contemporary international law’ in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, p. 243.

⁵⁴ W. Michael Reisman, ‘Sovereignty and human rights in contemporary international law’ in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, p. 252.

abstraction' and the People as the real and primary referent of sovereignty.⁵⁵ Reisman further muddles the water by bringing back the traditional sovereign in the very movement that is supposed to de-throne him by offering the paradoxical observation that that 'international law still protects sovereignty, but ... it is the people's sovereignty rather than the sovereign's sovereignty [sic!].⁵⁶ At a minimum, these formulations further obscure the relationship between state, people, and sovereignty. Firstly, it remains unclear to what extent a "people" can have a claim to political status in the absence of the institutional structure of the State. Secondly, what exactly happens to the sovereign, when his sovereignty is no longer recognised. Reisman seems to suggest that sovereignty is both essence (the sovereign) and attribute (his 'recognisable' sovereignty). Finally, the reality of the 'people' themselves is dubious. Reisman begins to acknowledge this issue, if in a marginalised fashion, when he discusses the nitty-gritty of restoring democracy, a process he admits can be 'messy, unpleasant, costly and susceptible to abuse'. We might observe the 'absence of a consensus on who should govern', have doubts about the 'integrity of the elections', see 'diverse groups vying for power' and so on. Hence 'no one can be sure that the unilateral intervener from the outside is implementing popular wishes. To varying extents, *the intervener will be shaping them*'⁵⁷ In other words, the people in question are not necessarily sovereign at all, if sovereignty entails the autonomous decision on their own political order. An intervention can therefore only

⁵⁵ W. Michael Reisman, 'Sovereignty and human rights in contemporary international law' in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, p. 252.

⁵⁶ W. Michael Reisman, 'Sovereignty and human rights in contemporary international law' in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, p. 243.

⁵⁷ W. Michael Reisman, 'Sovereignty and human rights in contemporary international law' in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, p.254; emphasis added.

base its claim to legitimacy on the construction of a metaphysical abstraction of ‘the people’. Empirically however, the outside intervention begins to reproduce the very logic that justified and led to the intervention in the first place: the ‘usurpation’ or ‘corruption’ of an election and the free will of the people. To invoke ‘popular sovereignty’ as a legal ground for outside intervention thus deconstructs itself, revealing itself as a political act, or in Derrida’s terms, a *coup de force*, creating what it purports to merely represent.⁵⁸

5. Un-locking the Political in the Liberal Project

It might appear somewhat paradoxical to find a political ideology usually concerned with the possibility of order in the face of a plurality and incompatibility of world-views engaged in the theoretical and political exorcising of the Other. What this peculiar articulation of Liberalism within the international context therefore reveals are the boundaries of Liberalism itself, the limits it imposes on plurality and difference, and the outline of the ‘fundamental unity’, the ‘common trunk’ out of which diversity may ‘branch out’.⁵⁹ Faced with the heterologous plurality of the anarchical society beyond the nation-state, Liberalism’s philosophical assumptions become cast in a clearer relief. Underlying the Liberal project to re-articulate the logic of international politics and to overcome the effects of anarchy are two central assumptions about the identity of its referent subjects and about the logic of History. Both assumptions impose severe limits on the expressions of plurality that Liberalism can tolerate. Firstly, ‘Liberal ideology

⁵⁸ Jacques Derrida, ‘Force of Law: The “Mystical Foundation of Authority”’ in Drucilla Cornell, Michel Rosenfeld, and David Gray Carlson (eds.), *Deconstruction and the Possibility of Justice*, New York and London: Routledge, 1992.

⁵⁹ William E. Connolly, *The Ethos of Pluralization*, Minneapolis and London: University of Minnesota Press, 1995, p. 93.

holds that individuals everywhere are fundamentally the same, and are best off pursuing self-preservation and material well-being. ... Thus all individuals share an interest in peace, and should want war only as an instrument to bring about peace'. And further, 'Liberal States are believed to be reasonable, predictable, and trustworthy, because they are governed by their citizens' true interests, which harmonize with all individuals' true interests around the world'.⁶⁰ Difference, in other words, is but an appearance that hides a deeper, underlying harmony and identity of 'mankind'. Politics is therefore first and foremost a matter of bringing this harmony about. Any mechanism preventing this from happening, the anarchical structure of the international system, international law and institutions, are by definition illegitimate. It is this assumption of metaphysical identity, that warrants the claims by Liberal states to speak for 'You, the People',⁶¹ to suspend their right to self-determination, as circumstances do not permit it to be exercised by the people themselves. Concomitantly, this harmony provides a *telos* for the Liberal project, a goal that is currently within reach. The story told by Liberals like Fox, Reisman, and Slaughter is one of an approaching 'world of liberal states'. International institutions are paying increasing attention to standards of human rights and democracy in countries, even authorising interventions by force to re-establish democratic regimes. 'History may not be over yet, but the United Nations and other international organizations are doing

⁶⁰ John M. Owen, IV, 'International law and the "liberal peace"' in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, pp. 344, 353-4.

⁶¹ Michael Byers and Simon Chesterman, "'You, the People": pro-democratic intervention in international law' in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000. Byers and Chesterman indeed provide a poignant critique of this Liberal arrogation of Voice.

their best to end it'.⁶² As the democratisation of the international system is therefore no longer an ideal far removed from the realities of international politics, it becomes unacceptable not to realise this final epiphany of the Liberal subject.

Based on these two mutually re-enforcing assumptions, the Liberal project can displace the Political and articulate in its stead a discourse of moral obligation for the liberation of the oppressed individuals in non-democratic states. Suspending the international (legal) system between mutually reinforcing notions of individualism and universalism, the Political and its concern with the limits of community and violence is displaced. Instead we find a boundless, and therefore empty, identity of political subjectivity, and a notion of war that assumes its metaphysical justness – and thereby knows no inherent limits.

'Intervention becomes the normal and central legal institution in this system'.⁶³

A third assumption of Liberalism connects this arrogation of Voice to speak for other people with the DPT. While democracy within Liberal societies is supposed to provide the conditions of possibility for political plurality, its articulation in the theoretical context of the international society resists its own pluralisation. As argued above, DPT is based on the problematic assumption that in the international realm, democracy defines identity rather than plurality. Its essentially contested nature is displaced in favour of an essentialised version of democracy that defies the free play of the concept. In the Liberal

⁶² John M. Owen, IV, 'International law and the "liberal peace"' in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, p. 343.

⁶³ Carl Schmitt, *Die Wendung zum Diskriminierenden Kriegsbegriff*, Berlin: Duncker & Humblot, 1988, p. 17. Whatever limits on the exercise of violence still exist are a matter of expediency and potentially counterproductive consequences; see for instance, W. Michael Reisman, 'Sovereignty and human rights in contemporary international law' in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, p. 249; John M. Owen, IV, 'International law and the "liberal peace"' in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, 2000, p. 382-5.

mind, democracy becomes homologous; the heterologous conditions of the anarchical system are too much for it to bear.

Conclusion: Re-instating the Political

From a Schmittian perspective, nothing of this should come as a surprise. One can try to deny, suppress, or displace the Political, yet one can never abolish it. The problem is in what fashion the Political emerges in different ideologies.

As Gary Ulmen has pointed out, for Schmitt, the ‘key to the concept of the political is ... not enmity but the *distinction* itself’.⁶⁴ The Political is therefore based on the reality of difference and of plurality in the international society. One should not exaggerate this point and romanticise this reality too much. Neither identity nor difference can claim ontological or ethical priority as such. Hence, no moral privilege can be assigned to the Other, as some ‘postmodern’ ethics have tried to do. Nor is difference *a priori* to be preferred to identity. The main concern for Realists like Schmitt instead is to limit the inherent violence in a system of difference that has no recourse to a higher political, judicial, or moral authority. Irreconcilable differences abound, and violence is thus a systemic condition, implicated actually in the decisions between self and other, friend and enemy, and always a potentiality in the relations between these entities. For Schmitt then, the distinction between friend and enemy establishes a limit for conflict by creating a pacified inside of ‘friends’ and by mediating the relationship between different entities through the notion of enemy. The important facet of this concept - and the one Liberals

⁶⁴ G.L. Ulmen, ‘Return of the Foe’, *Telos*, No. 72, Summer 1987, p. 189.

(and some mistaken anti-Liberals) often miss – is its association with what William Connolly has called ‘agonistic respect’. In Schmitt’s terms, ‘according to traditional international law, war finds its right, its honour and its dignity in the fact that the enemy is no pirate and no gangster, but a “State” and a “subject of international law”’.⁶⁵ The recognition of sovereign equality, and the concomitant recognition that the only universally acceptable norm is the absence of universal norms, imposes a modicum of restraint upon the exercise of violence, as it divests States of Morality and Truth as legitimising resources. Again, if ‘agonistic respect’ sounds too romantic in this context, one might justify the restraint imposed upon the exercise of force against other States by the prudent recognition that ‘our’ ideas, values, and principles may not be the solution to the problems in other places. Moreover, and in regard to the Liberal fondness for liberating ‘oppressed’ people, ‘the right of self-determination that is at the heart of the democratic entitlement vests in none other than the people, and ... it is they – not some foreign power that they have similarly *not* elected – who must determine their own destiny’.⁶⁶

Against this, Liberalism identifies violence as the by-product of the continued presence of Otherness in the international system. Consequently, instead of limitation, its goal is elimination. Or more precisely, perhaps, violence is to be ‘channelled’ so as to abolish itself, by reserving the legitimate right to exercise it to Liberal Democracies. Violence becomes justified and legitimate when it is used by these States to eradicate its own sources, i.e., the presence of Otherness. At best, non-democratic regimes can hope for

⁶⁵ Carl Schmitt, *Die Wendung zum diskriminierenden Kriegsbegriff*. Berlin: Duncker & Humblot, 1988, p. 48-9.

⁶⁶ Michael Byers and Simon Chesterman, “‘You, the People’: pro-democratic intervention in international law’ in Gregory H. Fox and Brad R. Roth (eds.), *Democratic Governance and International Law*, Cambridge: Cambridge University Press 2000, p. 291.

toleration – itself a form of ontological violence⁶⁷ – by democratic States, ultimately, however, their presence, which keeps History from fulfilling itself, needs to be terminated. Accordingly, war takes on a different notion. For Realists, it is the extension of the Political, an expression of a systemic condition in which irreconcilable differences might have to be settled by force. In the absence of an authority to decide the justness of such causes, war is purely instrumental in settling the score. For Liberals, war becomes discriminatory, as it is legitimate when exercised by the ‘right’ agents for the sake of Democracy and Peace. War on the other hand deteriorates into pure aggression and criminality, when conducted by the Other. Given that the Other is the source of residual conflict and violence in the international system, war cannot be simply strategic. It is ultimately about the eradication of Otherness, not about the settling of scores between different entities. As long as this is not accomplished, war is but suspended. The distinction between war and peace therefore becomes blurred, as the presence of the Other constitutes a permanent threat. Peace and peaceful means of diplomacy and statecraft become the extension of war, as the immanent end of history and the coming of a ‘world of liberal states’ can afford no lasting peace and recognition of the Other. If the Realists have it right, we can expect the world to continue to offer resistance to this Liberal eschatology. The problem with this is that it will most likely simply make Liberalism double its efforts and raise the level of violence further. As long as war is exercised for the sake of the ascetic ideal of its own abolition, it will continue to eliminate its limits.

⁶⁷ William E. Connolly, *Identity\Difference*. Democratic Negotiations of Political Paradox, Ithaca and London: Cornell University Press, 1994, p. 43.