

THE INFLUENCE OF CARL SCHMITT'S THEORY OF JUST WAR ON GEORGE W. BUSH'S WAR POLITICS

SILVIYA SERAFIMOVA*

Abstract: *The aim of this paper is to examine how the intellectual heritage of the contentious German political theorist and jurist Carl Schmitt affected the discussions about the War on Terror in the US. Despite George W. Bush's attempts to define the latter as a just war driven by a just cause, the contradictions it raised in the discourse of international relations can be clarified by exploring the reception of two of Schmitt's key concepts, namely, those of just war (bellum justum) and internal war (bellum intestinum). Investigating the arguments of both critical cosmopolitan theorists and post-structuralists, I will analyze to what extent the influence of Schmitt's theory of the political on George W. Bush's conception of the War on Terror is overrated at the expense of the ontological implications of Schmitt's theory as such.*

Key words: *War on Terror; just war; friend-enemy distinction, Carl Schmitt, George W. Bush.*

Some Implications of Schmitt's Theory of Just War for the Contemporary Theatre of War

One of the concerns regarding Schmitt's reception in the US is whether it can consistently be identified as a starting point for the debates on the political and ethical aspects of the War on Terror. According to Benno Teschke, the concept of the political (that Schmitt constructs to defend Germany against America's imperialism) is now adopted "by neo-conservatives to illustrate the existentialist ethics of a post-warfare, patriotic and heroic community of American values".¹ The neo-conservatives go beyond state dualism by adding "an ideologically super-charged discourse of democracy and freedom promotion," which transcends the articulation of geopolitical differences². Since the dualism in question

* Assistant Professor, PhD, Department of Ethical Studies, Institute for the Study of Societies and Knowledge (BAS), silvija_serafimova@yahoo.com.

¹ Benno Teschke, "Decisions and Indecisions. Political and Intellectual Receptions of Carl Schmitt," *New Left Review* 67, January/February, 2011, p. 93.

² *Ibidem*.

legitimizes the theatrical management of the permanent state of exception, they justify the relevance of a war without end. Furthermore, Teschke claims that the influence of Schmitt's reception within George W. Bush's doctrine includes the theory of so-called pre-emptive war, the abrogation of basic civil liberties, the use of torture and war crimes, etc.³.

In this context, I refer to the analysis by David Chandler, in order to trace the interconnectedness of the different methodological perspectives in discussing Schmitt's heritage within the framework of international relations. Another important argument in favor of adopting Chandler's theory is that it shows how Schmitt's fundamental distinction (namely, the friend-enemy distinction) is not directly implemented in Bush Jr.'s military politics, but rather derives from underrating the ontological grounding of Schmitt's political theory.

Schmitt himself raises relevant concerns about the consequences of the just wars. He argues that the concept of the political implies some limits on the intensity of the conflict through preserving the friend-enemy distinction that cannot be modified into one of friend-foe. Regarding the entity of war, it would ensure the transformation of limited war into total war – one that does not presume any possibility whatsoever for negotiations, resulting in the distortion of the political and the elimination the enemy as such. Schmitt is against such a just war doctrine, in seeing it as the biggest threat to the political, realized on a macro-methodological level as a threat against the sovereign and thus as a threat against sovereignty as such. He foresees that the demonization of the enemy leads not only to the justification of the struggles in provoking terrible levels of destruction⁴, but also contributes to the absolutization of the limited conflict between good and evil as a conflict of good versus evil, determining how many unjust causes can be interpreted as just ones.

Judging by the aforementioned investigations, I refer Schmitt's critique of the just war doctrine to what Chandler defined as Schmitt's ontological critique⁵. The latter is grounded in Schmitt's statement that it is difficult to say who decides what is just in a divided world. According to the German philosopher, it is not a critique of the concept of justice, "but a way of understanding how law could either operate to maintain order or to undermine it"⁶. Analyzing the origin of Schmitt's criticism, Chandler aims at outlining the role of the bigger picture insofar as according to him, Schmitt was mainly concerned about the fragile "emergence of an imperial balance of power"⁷.

In this context, I suggest questioning Chandler's statement that Schmitt encourages the exertion of ungrounded force or arbitrary acts of violence⁸.

³ *Ibidem*.

⁴ Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, Telos Press Publishing, 2006, p. 321.

⁵ David Chandler, "The Revival of Carl Schmitt in International Relations: The Last Refuge of Critical Theorists?," In: *Millennium: Journal of International Studies*, Vol. 37, N^o 1, 2008, p. 46.

⁶ *Ibidem*.

⁷ *Ibidem*, p. 47.

⁸ *Ibidem*.

Schmitt himself emphasizes that “it would be senseless to wage a war for purely religious, purely moral, purely juristic, or purely economic motives”⁹. Extrapolating his statement, however, I draw the conclusion that avoiding the reduction of the political to ideals or norms does not lead to justifying a certain type of amorality in political discourse, but rather warns against depriving the political of its complex performative potential. Otherwise, such a reduction would have led to turning politics into propaganda, adopting a vain rhetoric of moral clichés.

The ‘Small Battles’ between Critical Cosmopolitan Theorists and Post-structuralists

Investigating Schmitt’s reception on the side of the ‘critical’ international relations theorists, Chandler specifies as ‘critical’ those theorists who want to distance themselves from liberal internationalism, “associated with the broad neo-conservative project seen to drive US foreign policy”¹⁰. He provides a relevant distinction regarding the multilateral interpretation of Schmitt’s ideas, talking about so-called critical cosmopolitans and critical post-structuralists. The critical cosmopolitans are the ones who criticize the state-based UN Chapter norms of equal sovereignty and non-intervention favoring, to some extent, a liberal nationalism. At the same time, critical cosmopolitans argue that they differ from those adopting US policy regarding the War on Terror, claiming that the policy in question is “an attempt to reimpose divisive, exclusivist, ‘statist’ frameworks legitimized by the idea of ‘friend’ and ‘enemy’”¹¹.

Examining the theories of Richard Devetak and Chris Brown, Chandler illustrates how the critical cosmopolitans accuse neo-conservatives of using liberal ethics to prevent the discussions about politics and thus stigmatize Schmitt as completely ignoring the importance of autonomy in the field of the political¹². Devetak’s and Brown’s main objection to Schmitt’s theory is that he denies waging wars for economic, religious and other reasons. Justifying such a point, however, would bring us back to the observation that state violence (as recognized by the American neo-conservatives in the name of protecting human rights) cannot be directly derived from Schmitt’s theory unless we simplify the role of his ontological critique, as I showed above.

In turn, in her interview, *Politics Isn’t About Friends and Enemies* (2011), Mary Kaldor calls Schmitt’s arguments essentialist, since he describes all the spheres using binary distinctions ‘good-bad,’ ‘beautiful-ugly,’ ‘friend-enemy’¹³. She accuses the German philosopher of methodological simplicity, arguing that

⁹ Carl Schmitt, *The Concept of the Political*, Chicago: The University of Chicago Press, 1996, p. 36. See also David Chandler, “The Revival of Carl Schmitt in International Relations: The Last Refuge of Critical Theorists?,” In: *Millennium: Journal of International Studies*, Vol. 37, N° 1, 2008, p. 47.

¹⁰ David Chandler, *op.cit.*, p. 29.

¹¹ *Ibidem*.

¹² *Ibidem*, pp. 33-36.

¹³ Mary Kaldor, *Politics Isn’t about Friends and Enemies*, 2011 (online).

it is not the war that follows the friend-enemy distinction, but vice versa, namely, that the distinction in question comes after war. Kaldor's thesis raises some new issues as well. She claims that the real possibility of killing is an essential element of the friend-enemy distinction, emphasizing that such an argument is a totalitarian one¹⁴. However, her interpretation does not fully take into consideration the complex ontological groundings of Schmitt's theory. Schmitt specifies the role of non-combatant immunity¹⁵, as well as clearly outlining that he is against the demonization of the enemy and his destruction, something which will call into question the political itself. He also discusses the "real possibility of physical killing"¹⁶ as a political possibility; as a possibility that keeps the necessary tension of the political itself. Judging by the aforementioned arguments, I reach the conclusion that the possibility of physical killing can be interpreted within the complex framework of so-called collateral (unintended) damages, since *Jus Publicum Europaeum* distinguishes between combatants and civilians. It is Schmitt who elaborates on the risks of an expanding industry that produces more and more effective means of annihilation, such as that of mass destruction, which may be used uncontrollably against civilians.

On the other hand, by 'critical post-structuralists' Chandler understands those who interpret the War on Terror as a global and unlimited war "in pursuit of the interests of the global liberal order"¹⁷. The critical post-structuralists are described as "suspicious of any universal claims for the cosmopolitan enforcement of human rights"¹⁸. Critical post-structuralists as such, however, face some other difficulties in differentiating their positions on the "Westphalian order, founded on sovereign rights, from that of neo-conservative thinkers"¹⁹. The reference to Schmitt is considered to be a tool for revealing that the US project on global hegemony is an apocalyptic project insofar as the liberal practices of power inevitably lead to the dehumanization of the practices themselves. In this context, the War on Terror is defined as a new global war against a dehumanized foe, namely, as "a deterritorialized war without end"²⁰. The latter is conceptualized as a war, which is provoked by the fact that international law and civil liberties are sacrificed by establishing a permanent state of exception in Schmitt's sense²¹.

Regarding post-structuralist criticism, Chantal Mouffe argues that the unchallenged hegemony of the US is justified in a unipolar world. She analyses the role of the misunderstanding that underlies the conflation of Schmitt's approach and the one adopted by Bush Jr., emphasizing that the German political

¹⁴ Mary Kaldor, *Human Security: Reflections on Globalization and Intervention*, Cambridge: Polity Press, 2007, p. 28.

¹⁵ Especially in his book *The Theory of the Partisan. Intermediate Commentary on the Concept of the Political* (1963).

¹⁶ Carl Schmitt, *The Concept of the Political*, Chicago: The University of Chicago Press, 1996, p. 33.

¹⁷ *Ibidem*.

¹⁸ *Ibidem*.

¹⁹ *Ibidem*, p. 36.

²⁰ *Ibidem*.

²¹ *Ibidem*.

theorist depicts the enemy as a political enemy. According to her, the friend-enemy distinction is not equivalent to that of good and evil as adopted by Bush Jr.²². Furthermore, she explores why Bush Jr.'s political discourse is what Schmitt finds contradictory in liberal universalism – “Indeed, Schmitt was a keen critic of liberal universalism with its pretention of offering the true and only legitimate political system”²³. Mouffe continues that after 9/11, Schmitt's investigations of the status of “post-statist politics”, as well as the dangers of the unipolar world have become extremely relevant in exploring the nature of terrorism²⁴.

Referring to Schmitt's concept of humanity as represented in *The Concept of the Political*, she claims that it is an ideological weapon that supports the justification of the imperialist explosion. In this context, Mouffe examines why Schmitt's friend-enemy distinction can be displayed as an apolitical distinction, which illustrates “an avatar of the liberal rhetoric”²⁵.

On a macro-methodological level, she argues that nowadays it is the political played out in the *moral register*²⁶ that makes the ‘post-political’ view so challenging while specifying the definition of ‘we-they’ discrimination by adopting moral rather than political categories²⁷. That is why Mouffe points out that the genealogy of “this blindness to antagonism”²⁸ can be revealed if we reconsider the role of Schmitt's theory of the political.

Undoubtedly, her interpretation is a well-grounded analysis of the ontologically determined consequences of extrapolating Schmitt's theory of friend-enemy to the paradoxes, which are provoked by the democracy as such. That is why I argue that conflating the category of people with the one of people recognized as political actors alone is possible only if we accept the ambiguous presumption that the field of morality entirely subsumes the one of politics.

However, I suggest reconsidering Chandler's evaluation of Mouffe's theory as well. To the extent that Mouffe not only analytically explores the ontological grounding of Schmitt's conception, she also successfully extrapolates his understanding of the boundaries of citizenship and the nature of liberal democratic consensus. Moreover, Mouffe does this as a starting point in rethinking the model of deliberative democracy represented in the works of Habermas and his followers. This being the case, I argue that some contradictions in her theory derive from the way Mouffe revisits the problematic aspects of Schmitt's conception. Indeed, preserving the opposition between politics and morality does not give us any clues as to how to reevaluate Schmitt's paradoxes, especially if we do not specify what the political articulation should specifically entail.

²² Chantal Mouffe, “Carl Schmitt's Warning on the Dangers of a Unipolar World,” *The International Political Thought of Carl Schmitt. Terror, Liberal War and the Crisis of Global Order*, L. Odysseos and F. Petito (eds.), Routledge, 2007, p. 148.

²³ *Ibidem*.

²³ *Ibidem*.

²⁴ *Ibidem*, p. 151.

²⁵ *Ibidem*, p. 148.

²⁶ Chantal Mouffe, *On the Political. Thinking in Action*, Routledge, 2005, p. 5.

²⁷ *Ibidem*, p. 1.

²⁸ *Ibidem*, p. 2.

*To Wage, or Not to Wage a War:
Some Methodological Specifications
of the Concepts Jus ad Bellum and Jus in Bello*

Before examining the indirect implications of Schmitt's theory as regards the War on Terror, both the role and methodological interconnectedness between the concepts of *jus ad bellum* and *jus in bello* should be specified. According to Mark Rigstad, those concepts are an unavoidable part of the methodology of the just-war theorists, since they clarify different types of problems, namely, "questions about ethical grounds for going to war" (*jus ad bellum*) and questions about "ethical conduct in the course of battle" (*jus in bello*)²⁹.

Focusing mainly on how *jus ad bellum* principles of just cause, discrimination, and proportionality apply to the idea of the War on Terror as a just war³⁰, Rigstad explores the differences between so-called conventional and revisionist interpretations of *jus ad bellum* requirements. He argues that the conventionalists favor sovereign immunity against foreign aggression by claiming that the punishment of an aggressor is a "purely derivative auxiliary just cause"³¹. The conventionalists also accept that the subsidiary just causes are very important for warfare itself. Those causes include "adjuvant defense on behalf of others," which is concerned with the idea of "preemptive self-defense against imminent aggression"³². Furthermore, they are recognized as legitimate exceptions, which are "ultimately grounded in a global legal order of non-aggression among sovereign states"³³.

In turn, revisionists are described as seeking to expand just causes for the deployment of military forces "beyond mere self-defense against ongoing or imminent attacks" by stressing the role of the humanitarian right to override conventional immunities of state sovereignty; a right to wage preventive wars against the threat of the "rogue states" and a liberal right to engage in interstate wars, guided by the idea of changing undemocratic regime³⁴. Regarding the role of discrimination and proportionality, Rigstad makes a very important comment, namely, that in the list of conventional just war principles, the one concerning proportionality refers to *jus ad bellum* while the principle of discrimination is not ascribed to the latter³⁵. He explains that the distinction between the two principles (*jus ad bellum* and *jus in bello*) is understood as coinciding with the distinction between two levels – the level of national war planning and that of concrete military actions. The significance of his statement affects the understanding of the issue of discrimination as arising independently from the question of the just cause on the level of *jus ad bellum*³⁶.

Going back to Schmitt's analysis, I argue, on the one hand, that it is the discrimination on the *jus in bello* level that can contribute to preventing the

²⁹ Mark Rigstad, *Jus ad Bellum after 9/11: A State of the Art Report*, 2007, p. 2 (online).

³⁰ *Ibidem*.

³¹ *Ibidem*, p. 3.

³² *Ibidem*.

³³ *Ibidem*, pp. 3- 4.

³⁴ *Ibidem*.

³⁵ *Ibidem*, p. 5.

³⁶ *Ibidem*, p. 6.

absolutization of the enemy as enemy per se. On the other hand, referring to Bush Jr.'s platform of the War on Terror³⁷, I claim that determining the discrimination of the *jus ad bellum* phase as the only possible discrimination, Bush Jr. actually defines subsidiary just causes (such as pre-emptive self-defense) among primary causes. Some arguments in favor of this hypothesis can be found in Rigstad's writings too, insofar as he quotes the 'founder' of international relations, Hugo Grotius, in saying that to identify legitimate enemies/targets is "analytically distinct from having just cause for armed self-defense"³⁸.

If we leave the question of *jus ad bellum* discrimination open (by neglecting some aspects of the principle of discrimination on the level of *jus in bello*) at the expense of formally keeping the principle of proportionality only on the level of *jus ad bellum*, we can recognize the War on Terror as *bellum intestinum* in Schmitt's sense. Regarding the contemporary political circumstances, the characteristics of the internal war are generalized as corresponding to the new type of wars, which are not so strictly defined by the territory where they take place. Some arguments in favor of that theory can be found in Michael Hardt and Antonio Negri's conception of so-called global civil wars, although we may question their understanding of the separation between war and politics in Clausewitz's and Schmitt's writings. Going back to Schmitt's statement on the sovereign, who is the only one who decides on a state of exception, I argue that just because the sovereign in modernity justifies war outside of the civil terrain, it does not follow that he presumes its separation from the field of politics.

Undoubtedly, in order to show that the War on Terror belongs to the so-called new wars, we should examine how, as well as to what extent, the 'genuine decision' of announcing a War on Terror is driven by a state of exception in Schmitt's sense. On a macro-methodological level, the latter is grounded in the lack of a preset rule-fixed definition of the sovereign, who is the only one able (e.g., the only one possessing the political power) to make the genuine decision when a state has to be considered as a state of exception. The decision is always a genuine one, because there are no rule-fixed definitions for it either. If it were a matter of making a rule governed decision, it would have put in question the status of the sovereign as such (his power would be a derivative one) and vice versa. If the latter was not the only one having the political power to define a state as a state of exception, it would have been one of the many decisions that have no political value.

³⁷ Discussing the impact of War on Terror's platform, we should outline the contradictory role of one of the most prominent followers of Schmitt in the US, namely the role of Leo Strauss. His name was more and more evoked in recent years due to the rumors of how some of his students shaped a small elite group that guided Bush Jr.'s administration in making some of the most catastrophic decisions on the War on Terror. The Washington branch of 'Straussians' consisted of more than 60 members some of which were described in *Spiegel* as a "part of the avant-garde of the conservative revolution that essentially despises the idea of a liberal democracy" (Gerhard Spurl, *The Leo-conservatives*, 2003 (online)). However, judging by some of Strauss's lectures (such as *What Can We Learn from Political Theory?* (1942), as displayed in Tarcov's archive), I argue that he cannot be entirely blamed for the neo-conservative military politics since he gives preference to political philosophy over political theory (Nathan Tarcov, *Will the Real Leo Strauss Please Stand Up?*, 2006 (online)). On the other hand, we should keep in mind that Strauss provided a critical reception of some arguments displayed by Schmitt (see *Notes on Carl Schmitt: The Concept of the Political* (1932)), which in turn made Schmitt revise his own theory by grounding the concept of the political in the friend-enemy distinction.

³⁸ Mark Rigstad, *Jus ad Bellum after 9/11: A State of the Art Report*, 2007, p. 6 (online).

Schmitt draws another very important conclusion that can be reconsidered as an argument in favor of justifying Bush Jr.'s authoritative actions. According to the German philosopher, today we do not have to define politics in terms of the state, but the state has to be determined by the political, based on the friend-enemy distinction. Rejecting so-called liberal normativism grounded in the premise that the state has to rest on mutually agreed upon procedures and principles, Schmitt focuses on the aforementioned distinction as a methodological presupposition of the political³⁹. Relying on the genealogy of theological concepts helps him to disregard liberal constitutional attempts to subsume the state of exception. That is why while discussing the situation of the War on Terror, I claim that Bush Jr. gives himself the right to start this war 'equipped' with the strong support of conservative ideology, because the state of exception provides the sovereign with the political power to do his best to restore stability.

Examining the revisionist speculations of the case in which a war can be considered as just by both sides (when it is waged by unjust means), Rigstad explains that even in this case, the actions of al-Qaeda still lack proper legitimization of the cause. In other words, even if the latter had a "discriminating just cause for proportional war"⁴⁰ against the US, "the *jus in bello* indiscriminate nature of the 9/11 attacks may still have sufficed for a revisionist claim of just cause for US war efforts in response"⁴¹. Hence, one of the most important arguments for waging the War on Terror as a just war can be found in reference to the conventional just cause for a war of self-defense.

*Conclusion. Can We Apply Both Jus ad Bellum and Jus in Bello
to the War on Terror as a New Type of War?*

Judging by the aforementioned investigations, I reach the conclusion that leaving the question of *jus ad bellum* discrimination open (e.g., justifying that the principle of proportionality can diminish the problems regarding the discrimination on the level of *jus in bello*) leads to the transformation of the War on Terror into *bellum intestinum* in Schmitt's sense, regardless that the latter is considered by default as a war waged between state and sub-state political actors within one and the same state. It is a war in which the enemy is no longer definable as *justis hostis*⁴². On the other hand, the introduction of so-called new wars (an introduction supported by Michael Walzer, Mary Kaldor, and Rupert Smith) provides arguments in favor of the thesis that a new war, since it is waged between state and sub-state actors, can meet the requirements of *bellum intestinum* even if it is not an internal war in the sense of traditional warfare.

³⁹ Tracy Strong, "The Sovereign and the Exception: Carl Schmitt, Politics, Theology, and Leadership", *Political Theology. Four Chapters on the Concept of Sovereignty. Carl Schmitt*. George Schwab (tr.). Chicago: The University of Chicago Press, 2005, p. XVI.

⁴⁰ *Ibidem*, p. 11.

⁴¹ *Ibidem*.

⁴² Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, Telos Press Publishing, 2006, pp. 320-321.

We have a few reasons to adopt the revisionist versions of warfare, insofar as the war, intended as being driven by a just cause from both sides, is waged by unjust means that exclude proportionality and discrimination on the phases of *jus ad bellum* and *jus in bellum*, respectively. For the terrorists, guided by the maxima 'the end justifies the means,' the principle of anti-discrimination on the level of *jus in bello* is considered as a prototype characteristic of the success of the cause. On a micro-methodological level, it means that we have to talk, not about non-combatant immunity, but rather about the lack of non-combatant immunity. In turn, the principle of proportionality, concerning the justification of morally permissible force in warfare, raises many important questions. Extrapolating the aforementioned investigations, I argue that when unjust means are the only ones adopted, we cannot talk about just cause at all.

On the other hand, the problems of proportionality and discrimination regarding the War on Terror are not so obvious, but provoke serious concerns, too. Bush Jr. justifies proportionality on the level of *jus ad bellum*, which, in turn, is tightly concerned with the announcement of the principle of discrimination during the same phase⁴³. Since discrimination in the *jus in bello* is determined through relying on the principle of collateral damage as an 'excuse,' it puts in question both the validity of non-combatant immunity on the *jus ad bellum* level and the principle of proportionality.

On a macro methodological level, it would mean that the War on Terror turns into a war against a foe in Schmitt's sense, which raises the question whether and under what circumstances we can treat enemies as criminals. In turn, exploring this issue makes us reconsider the idea of the War on Terror as a just war in favor of redefining it as a total war. That is why I draw the conclusion that the way Bush Jr. 'juggles' with the concepts of enemy and foe is grounded in justifying politically flexible rhetoric. Having claimed that he has started the War on Terror as a war against an evil enemy supported by the common efforts of all friends, Bush Jr. referred to the common efforts as a guarantee of how unquestionably just that war is⁴⁴. In this context, I conclude that the later change of name, namely, replacing the word of war with the one of struggle was supposed to make the concerns about the framework of the war less apparent. In other words, the new name pretended to bring a different performative force of war to light by extrapolating the idea of political benefits to the one of political correctness.

Revealing the important role of Schmitt's theory of the state of exception, I draw the conclusion that it is the ontological grounding of Schmitt's conception of sovereignty that distinguished the latter from Bush Jr's one of the sovereign. Elaborating such an interpretation would contribute to revealing why promoting a state of exception in Bush Jr.'s sense served as a moral excuse for imposing a new political order by ambiguously specifying how the state of exception can become a rule.

An illuminating illustration of why the War on Terror fits the definition of so-called new wars can be seen in the works of the British general Rupert Smith, a

⁴³ Silviya Serafimova, *How Just Is the War on Terror, or Is There Any Hope for the Culture of Despair?*, Faber, 2012, pp. 32, 46-51.

⁴⁴ *Ibidem*, pp. 124, 15-153.

commander of the First British Armored Division in the Persian Gulf War. Like Schmitt, he also argues that legitimacy depends on the political actors, but in his conception, it is understood rather in a pluralistic sense. Smith claims that “legitimacy in the eye of the beholder”⁴⁵ is very important, because it gives us the opportunity to reassess what is lawful in a given situation. This can be done in such a way as neither to operate outside the law, nor to put legitimacy itself into question. The pluralistic implications of that conception consist in operating within a law that has to be established very quickly. However, it does not mean that pluralism is equivalent to the imposition of immorality, but rather concerns the moral and legal grounds of a flexible relativism.

In contrast to Schmitt’s conception of legitimacy, Smith poses arguments in favor of the thesis about recognizing mutual respect as a prototype characteristic of the policy in the state of war. According to Smith, the state of exception cannot be considered as a reason for operating outside the law, which is usually interpreted in warfare only on the side of friends for their sake. It is the aforementioned presupposition that leads to the justification of the new wars as ‘wars amongst the people.’

In turn, some distant methodological similarities regarding the connection between war and politics can be found in both Smith’s and Schmitt’s works. Smith pleads for reducing the difficulties of identifying the enemy through keeping military acts close to their political reasons⁴⁶. Otherwise, the enemy will be able to conceal himself among the people, thereby winning their will over to his side. On the other hand, it would be too much to claim that the specification of the image of the enemy, as Smith represents it, can be referred to Schmitt’s conception about the real enemy.

The main reason for avoiding such a comparison is the role Smith plays in clarifying the impact of the new wars on the theater of war. He says that “war amongst the people” can be reconsidered through so-called learning operations (operations that depend on our ability to learn how quickly we should establish the borders of legitimacy)⁴⁷. Furthermore, Smith draws another significant conclusion, namely, whereas the currency of the old wars is firepower, the currency of the new ones is information – “what you put out is what you get in”⁴⁸.

Judging by the aforementioned arguments, which show that the philosophical grounds of the War on Terror cannot be directly referred to the reception of Carl Schmitt’s theory in US politics, we can draw the following conclusion. Examining how and why the War on Terror becomes a political phenomenon in changing the rules of the international order for good, insofar as the concepts of just and unjust war acquire completely new implications, we should think about international politics in the 21st century in a new way; namely, as torn between two main scenarios, between the politics of fear and the politics of hope as recognized in striving after a new, universal *Jus Publicum*.

⁴⁵ Rupert Smith, *The Utility of Force: The Art of War in the Modern World*, 2007 (online).

⁴⁶ *Ibidem*.

⁴⁷ *Ibidem*.

⁴⁸ *Ibidem*.

BIBLIOGRAPHY

- Chandler, David, "The Revival of Carl Schmitt in International Relations: The Last Refuge of Critical Theorists?", *Millennium: Journal of International Studies*, Vol. 37, No. 1, 2008, pp. 27-48;
- Kaldor, Mary, *Human Security: Reflections on Globalization and Intervention*, Cambridge: Polity Press, 2007;
- Kaldor, Mary, *Politics Isn't about Friends and Enemies*, 2011, <https://www.theguardian.com/commentisfree/video/2011/sep/05/mary-kaldor-video>;
- Mouffe, Chantal, *On the Political. Thinking in Action*, Routledge, 2005;
- Mouffe, Chantal, "Carl Schmitt's Warning on the Dangers of a Unipolar World," *The International Political Thought of Carl Schmitt. Terror, Liberal War and the Crisis of Global Order*, L. Odysseos and F. Petit (eds.), Routledge, 2007, pp. 147-153;
- Rigstad, Mark, "Jus ad Bellum after 9/11: A State of the Art Report", *The IPT Beacon: Issue 3*, June, 2007, p. 1-30. <http://international-political-teory.net/3/rigstad.pdf>;
- Schmitt, Carl, *The Concept of the Political*, Chicago: The University of Chicago Press, 1996;
- Schmitt, Carl, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, Telos Press Publishing, 2006;
- Serafimova, Silviya, *How Just Is the War on Terror, or Is There Any Hope for the Culture of Despair?*, Faber, 2012;
- Smith, Rupert, *The Utility of Force: The Art of War in the Modern World*, 2007, <http://www.carnegiacouncil.org/resources/transcripts/5414.html>;
- Spurl, Gerhard, *The Leo-conservatives*, 2003, <http://www.spiegel.de/international/Spiegel/0,1518,259860,00.html>;
- Strong, Tracy, "The Sovereign and the Exception: Carl Schmitt, Politics, Theology, and Leadership". In: *Political Theology. Four Chapters on the Concept of Sovereignty. Carl Schmitt*, George Schwab (tr.), Chicago: The University of Chicago Press, 2005, pp. VII-XXXVII;
- Tarcov, Nathan, *Will the Real Leo Strauss Please Stand Up?*, 2006, <http://www.the-american-interest.com/article.cfm?piece=166>;
- Teschke, Benno, "Decisions and Indecisions. Political and Intellectual Receptions of Carl Schmitt". In: *New Left Review* 67, January/February, 2011, pp. 61-95.